

Waterfront Hotel
10 Washington Street, Spinnaker Room
Oakland, CA 94607

Board of Directors Special Meeting
Wednesday, October 2, 2019

APPROVED MINUTES

Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Katie Rice, called the meeting to order at 10:33 a.m.

Roll Call:

Present: Chairperson Katie Rice; Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors Teresa Barrett, John J. Bauters, David J. Canepa, Pauline Russo Cutter, John Gioia, David Hudson, Tyrone Jue, Liz Kniss, Nate Miley, Karen Mitchoff, Mark Ross, Jim Spring, Brad Wagenknecht, and Shirlee Zane.

Absent: Directors Margaret Abe-Koga, Carole Groom, Scott Haggerty, Doug Kim, Gordon Mar, Shamann Walton, and Lori Wilson.

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

Public comments were given by Veronica Pardo, California Refuse Recycling Council.

CONSENT CALENDAR (ITEMS 3 – 7)

3. Minutes of the Board of Directors Meeting of September 18, 2019
4. Board Communications Received from September 18, 2019 through October 1, 2019
5. Set a Public Hearing for November 6, 2019 to Consider Adoption of Proposed Amendments to Regulation 5: Open Burning, Adoption of Proposed Amendments to Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood Burning Devices; and Approval of Filing a Notice of Exemption from the California Environmental Quality Act (CEQA)
6. Authorization of a One-Year Intergovernmental Personnel Act Agreement with U.S. Environmental Protection Agency (EPA) Region 9
7. Authorization for Air District Payment to Hilltop Commercial Condominium Association (HOA) for Security Fencing and Gates at Richmond Headquarters East

Public Comments

Public comments were given by Tony Fisher, Coalition for Clean Air.

Board Comments

The Board and staff discussed the request that Air District staff informs the Board of procurement methods used when awarding Air District contracts; why the Air District plans to recommend proposed amendments to Regulation 5: Open Burning and Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood Burning Devices in a single public hearing; and the Air District's revision of organic recovery rule schedules to accommodate further engagement with industry stakeholders.

Board Action:

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

AYES:	Barrett, Bauters, Chavez, Gioia, Hudson, Jue, Kniss, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, Zane.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Abe-Koga, Canepa, Cutter, Groom, Haggerty, Kim, Mar, Miley, Walton, Wilson.

NOTED PRESENT: Director Canepa was noted present at 10:41 a.m.

COMMITTEE REPORTS

8. **Report of the Climate Protection Committee Meeting of September 19, 2019**

Climate Protection Committee Chair, Teresa Barrett, read the following Committee report:

The Climate Protection Committee met on Thursday, September 19, 2019, and due to a lack of a quorum, did not approve the minutes of June 10, 2019.

The Committee received and discussed the presentation Berkeley's Gas Prohibition Ordinance, presented by the Office of Berkeley Councilmember, Kate Harrison.

Finally, the Committee received and discussed the staff presentation Update on Region-Wide Fluorinated-Gases (F-Gas Strategy.)

The next meeting of the Climate Protection Committee will be held at the Call of the Chair. This concludes the Chair report of the Climate Protection Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

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

9. **Report of the Mobile Source Committee Meeting of September 26, 2019**

Mobile Source Committee Chair, David J. Canepa, read the following Committee report:

The Committee met on Thursday, September 26, 2019, and approved the minutes of July 25, 2019.

The Committee reviewed and discussed the staff presentation Projects and Contracts with Proposed Grant Awards Over \$100,000. The Committee recommends the Board:

- 1. Approve recommended projects with proposed grant awards over \$100,000;*
- 2. Approve a recommended update to Fiscal Year Ending 2020 Transportation Fund for Clean Air Regional Fund Policies to clarify the requirement regarding vehicle weight classification; and*
- 3. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.*

The Committee then reviewed and discussed the staff presentation Charge! Program Projects and Contracts with Proposed Grant Awards Over \$100,000. The Committee recommends the Board:

- 1. Approve recommended Charge! Program projects with proposed grant awards over \$100,000; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.*

The Committee then reviewed and discussed the staff presentation Update on Volkswagen Environmental Mitigation Trust Grant Program. The Committee recommends the Board:

- 1. Authorize the Executive Officer/Air Pollution Control Officer to enter into agreements with eligible applicants for all projects approved by the California Air Resources Board and funded by the Volkswagen Environmental Mitigation Trust.*

Finally, the Committee reviewed and discussed the staff presentation Update on National Highway Traffic Safety Administration / Environmental Protection Agency Proposed Safer Affordable Fuel-Efficient Vehicles Rule.

The next meeting of the Mobile Source Committee will be on Thursday, October 24, 2019, at 9:30 a.m. I move that the Board approve the Mobile Source Committee's recommendations. This concludes the Chair Report of the Mobile Source Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Canepa made a motion, seconded by Director Kniss, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Hudson, Jue, Kniss, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Groom, Haggerty, Kim, Mar, Miley, Walton, Wilson.

PUBLIC HEARING

10. Public Hearing to Consider Certification of Final Environmental Impact Report and Adoption of Proposed Plan “Owning Our Air: The West Oakland Community Action Plan”

Gregory Nudd, Deputy Air Pollution Control Officer of Policy, introduced Henry Hilken, Director of Planning and Climate Protection, who gave the staff presentation *Owing Our Air – West Oakland Community Action Plan (Plan)*, including: Assembly Bill (AB) 617 communities; health indicator rates in West Oakland and Alameda County 2016-2017; Air District and West Oakland Environmental Indicators Project (WOEIP) partnership; the Steering Committee’s plan; air quality measurements inform the plan; air pollution block-by-block; neighborhood sources and targets; neighborhood pollution contributors; high standards for air quality and health; West Oakland strategies; Draft Plan; town hall; public comments on the Draft Plan; Proposed Final Plan; comments regarding Howard Terminal; compliance with CEQA; next steps; and recommended actions.

Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators Project gave their perspective on AB 617 development with the Air District in West Oakland.

Chair Rice opened the Public Hearing.

Public Comments

Public comments were given by Bill Aboudi, AB Trucking; Richard Grow, US EPA; Alexandria McBride, City of Oakland; Bradley Cleveland, The Public Works; Taj Tashombe, Oakland Athletics; Jed Holtzman, 350 Bay Area; Roman Berenshteyn, Bay Planning Coalition; Richard Sinkoff, Port of Oakland; Hon. Rebecca Kaplan, City of Oakland; and Danny Wan, Port of Oakland.

Committee Comments

The Board and staff discussed whether the Air District is aware of Alameda County Transportation Commission’s San Pablo Avenue Multimodal Corridor Project, and the suggestion that the two agencies become aware of each other’s efforts in overlapping project territory; whether the health of residents that live south of Interstate 880 will be improved by the Plan; the need to be mindful of opportunities for job creation during the implementation of the Plan; how the Air District plans to measure the Plan’s implementation progress and make data available to the public; the suggestion that Board members engage with regional/local agencies that have land use authority to advocate for AB 617 efforts; how AB 617 implementation in West Oakland will be executed and what the Air District’s role will be; whether the dual tasks of implementing and planning will eventually put a strain on Air District staff resources, as more Bay Area communities are approved for AB 617 funding; the request that the Plan’s strategies that were designed to reduce emissions and exposure, and the Plan’s quantified emission reduction targets and benefits, be distributed to the Board members; the need to prioritize the reduction of emissions in disadvantaged communities; the need for younger generations to acknowledge and continue this work; appreciation for the clarity of the “Authority” column of the Plan’s strategies chart; the concern that AB 617 implementation in an area may lead to subsequent gentrification of that area, potentially pricing out the low-income residents who originally advocated for the improvements to the area; appreciation of Air District staff for holding public meetings in communities in which issues are occurring; the need for legislative advocacy to ensure long-term AB 617 funding; the importance of forming partnerships with communities and listening to their suggestions; whether it can be expected that regional local contributions to cancer risk will be reduced after the implementation of Air District Rule 11-18: Hazardous Pollutants, Reduction of Risk from Air Toxic Emissions at Existing Facilities; whether air filtration systems can be required in facilities of impacted communities, and whether the Air District can offer special incentives there; and the suggestion that the Bay Area Regional Collaborative brings the Plan before its Governing Board (composed of Commissioners and Board members of the Association of Bay Area Governments, the Air District, Metropolitan Transportation Commission, and Bay Conservation and Development Commission) to encourage other Bay Area jurisdictions to adopt the Plan and share stewardship and resources.

NOTED PRESENT: Director Miley was noted present at 11:37 a.m.

Chair Rice closed the Public Hearing.

Board Action

Director Bauters made a motion, seconded by Director Hudson, to **certify** the Final Environmental Impact Report (EIR) and **adopt** the findings set forth in the Final EIR for proposed plan *Owning Our Air: The West Oakland Community Action Plan*; and the motion **carried** by the following vote of the Board:

- AYES: Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Hudson, Jue, Kniss, Miley, Rice, Ross, Sinks, Spering, Wagenknecht, Zane.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Abe-Koga, Groom, Haggerty, Kim, Mar, Mitchoff, Walton, Wilson.

Director Bauters made a motion, seconded by Director Hudson, to **adopt** the proposed plan *Owning Our Air: The West Oakland Community Action Plan*; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Hudson, Jue, Kniss, Miley, Rice, Ross, Sinks, Spering, Wagenknecht, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Abe-Koga, Groom, Haggerty, Kim, Mar, Mitchoff, Walton, Wilson.

CLOSED SESSION (12:27 p.m.)

11. CONFERENCE WITH LEGAL COUNSEL

A. 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:

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565

Reportable Action: Brian Bunger, Air District Counsel, reported that the Board gave direction to Air District staff in terms of settlement of the aforementioned case.

OPEN SESSION (1:10 p.m.)

PUBLIC COMMENT ON NON-AGENDA MATTERS

12. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

No requests received.

BOARD MEMBERS' COMMENTS

13. Board Members' Comments

Director Bauters acknowledged Air District staff for including active transit options to the "Travel Reimbursement" form that Board members fill out at each public meeting they attend.

OTHER BUSINESS

14. Report of the Executive Officer/Air Pollution Control Officer

Mr. Broadbent reported the following:

- Governor Brown signed AB 836, the Air District-sponsored bill introduced by Assemblymember Buffy Wicks, regarding the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program, on October 2, 2019.
- Annie Hargrove, formerly with the California Air Pollution Control Officers Association, has been hired as a Staff Specialist in the Air District's Legislative office.

- Thus far in 2019, Bay Area ozone levels have exceeded the National Ambient Air Quality Standards nine times, and the Air District anticipates that this trend will continue, due to climate change.
- Based on feedback from affected industry, municipal partners, and organic recovery advocates, the Air District is revising its approach to developing rules addressing emissions of methane and volatile organic compounds from organic recovery operations. Air District staff is making appropriate adjustments to the development of draft Rules 13-2: Organic Material Handling Operations, and 13-3: Composting Operations. The Air District's Revised Organic Recovery Rule Tentative Schedule will be posted on the Air District's website.
- The next meeting of the Air District's Advisory Council will be held on Monday, October 28, 2019, at 9:00 a.m. This meeting will also serve as the first of four Particulate Matter symposia to be facilitated by the Advisory Council. Gina McCarthy, former EPA Administrator, will give the keynote address at this meeting.

15. Chairperson's Report

Chair Rice reported the following:

- Board members will receive an e-mail from Air District staff requesting Board Officer nominations for the calendar year of 2020.
- Board members will receive an e-mail from Air District staff requesting interest in Board committee assignments for the calendar year of 2020.

16. Time and Place of Next Meeting

Wednesday, November 20, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

17. Adjournment

The meeting adjourned at 1:18 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards