



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
MEETING
AUGUST 4, 2021**

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
EXECUTIVE ORDER N-29-20 ISSUED BY
GOVERNOR GAVIN NEWSOM**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY
CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA
WEBPAGE AT**

www.baaqmd.gov/bodagendas

- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE
FOLLOWING LINK OR BY PHONE**

<https://bayareametro.zoom.us/j/81472982318>

(408) 638-0968 or (669) 900-6833

WEBINAR ID: 814 7298 2318

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A
COMMENT CAN USE THE "RAISE HAND" FEATURE BY DIALING "*9". IN
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YOUR APPLICATION IS UP TO DATE**

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY
AUGUST 4, 2021
9:30 A.M.

Chairperson, Cindy Chavez

1. **CALL TO ORDER - ROLL CALL**

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***Public Comment on Agenda Items** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Board. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CLOSED SESSION

2. **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND EMPLOYMENT Pursuant to Government Code Section 54957 (b)(1)**

Title: Chief Executive Officer/Air Pollution Control Officer

B. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

Agency designated representatives: Cindy Chavez, John Chiladakis, Charles Sakai, Sloan Sakai Yeung & Wong LLP

Unrepresented employees: Chief Executive Officer/Air Pollution Control Officer

OPEN SESSION

CONSENT CALENDAR (ITEMS 3-9)

Staff/Phone (415) 749-

3. Minutes of the Board of Directors Regular Meeting of July 7, 2021, and the Board of Directors Special Meeting of July 21, 2021 **Clerk of the Boards/5073**

The Board of Directors will consider approving the draft minutes of the Board of Directors Regular Meeting of July 7, 2021, and the Board of Directors Special Meeting of July 21, 2021.

4. Board Communications Received from July 7, 2021, through August 3, 2021 **J. Broadbent/5052**
jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from July 7, 2021, through August 3, 2021, if any, will be distributed to the Board Members by way of email.

5. Air District Personnel on Out-of-State Business Travel **J. Broadbent/5052**
jbroadbent@baaqmd.gov

In accordance with Section (b) of the Air District Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding months.

6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of June 2021 **J. Broadbent/5052**
jbroadbent@baaqmd.gov

In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of June 2021.

7. Authorization to Accept Clean Cars for All Funding **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider adopting a resolution authorizing the Executive Officer/APCO to accept, obligate, and expend an amount not to exceed \$8.4 million from the California Air Resources Board for the Bay Area Clean Cars for All Program; and authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

8. Stationary Source and Climate Impacts Committee Meeting **J. Broadbent/5052**
CO-CHAIRS: J. Bauters and K. Mitchoff jbroadbent@baaqmd.gov

- 8.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 19, 2021

For the full Committee agenda packet and materials, click on the link below:

www.baaqmd.gov/bodagendas

- 8.2 Report of the Stationary Source and Climate Impacts Committee Meeting of July 19, 2021
9. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting
CO-CHAIRS: Alfredo Angulo and Y'Anad Burrell V. Eady/4646
veady@baaqmd.gov
- 9.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 19, 2021
- For the full Committee agenda packet and materials, click on the link below:
<https://www.baaqmd.gov/community-health/community-health-protection-program>
- 9.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of July 19, 2021

END OF CONSENT CALENDAR

CONTRACT AMENDMENT CONSIDERATION

10. **ACTION REQUESTED:** Consider Approving an Amendment to the Executive Officer's Employment Agreement and Authorizing the Chair to Execute the Amendment
Chairperson, Cindy Chavez

The Board of Directors will consider the Executive Officer's employment contract and authorize labor negotiations in closed session. In the event there is a recommended amendment to the Executive Officer's employment agreement, it will be considered and approved by the Board pursuant to this agenda item and the Board of Directors will authorize the Chair to execute this amendment.

END OF CONTRACT AMENDMENT CONSIDERATION

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Board.

BOARD MEMBERS' COMMENTS

12. *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)*

OTHER BUSINESS

13. Report of the Executive Officer/APCO

14. Chairperson's Report

15. Time and Place of Next Meeting:

Wednesday, September 1, 2021, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

16. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
yjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Terri Levels, at (415) 749-4667 or by email at tlevels@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

AUGUST 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	4	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community Equity, Health and Justice Committee - CANCELLED	Thursday	5	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Monday	16	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee - CANCELLED	Wednesday	18	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	26	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

SEPTEMBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	1	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Meeting	Wednesday	1	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community Equity, Health and Justice Committee	Thursday	2	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Advisory Council Meeting	Monday	13	8:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee	Wednesday	15	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	15	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Technology Implementation Office (TIO) Steering Committee	Friday	17	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20

SEPTEMBER 2021

TYPE OF MEETING	DAY	DATE	TIME	ROOM
Board of Directors Stationary Source and Climate Impacts Committee – CANCELLED & RESCHEDULED TO MONDAY, SEPTMBER 27, 2021 at 9:00 A.M.	Thursday	20	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	23	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source and Climate Impacts Committee	Monday	27	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20

HL – 7/28/2021 – 2:10 P.M.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Minutes of the Board of Directors Regular Meeting of July 7, 2021, and the Board of
Directors Special Meeting of July 21, 2021

RECOMMENDED ACTIONS

Approve the attached draft minutes of Board of Directors Regular Meeting of July 7, 2021, and the Board of Directors Special Meeting of July 21, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of July 7, 2021, and the Board of Directors Special Meeting of July 21, 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Board of Directors Regular Meeting of July 7, 2021
Attachment 3B: Draft Minutes of the Board of Directors Special Meeting of July 21, 2021

AGENDA: 3A– ATTACHMENT

Draft Minutes - Board of Directors Regular Meeting of July 7, 2021

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

Board of Directors Regular Meeting
Wednesday, July 7, 2021

DRAFT 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

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 9:30 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, Teresa Barrett, David Canepa, Pauline Russo Cutter, John Gioia, Erin Hannigan, David Haubert, David Hudson, Davina Hurt, Myrna Melgar, Nate Miley, Rob Rennie, Mark Ross, Brad Wagenknecht, Shamann Walton, and Lori Wilson.

Absent: Directors Rich Constantine, Carole Groom, Lynda Hopkins, Tyrone Jue, Katie Rice.

CONSENT CALENDAR (ITEMS 2 – 11)

2. Minutes of the Board of Directors Regular Meeting of June 16, 2021, and Board of Directors Special Meeting of June 25, 2021
3. Board Communications Received from June 16, 2021, through July 6, 2021
4. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of May 2021
5. Authorization to Execute Contract with the University of Washington to Estimate Sources of Fine Particulate Matter Health Burdens and Exposure Inequities in all Bay Area Communities
6. Projects and Contracts with Proposed Grant Awards Over \$100,000

7. Adoption of Proposed Amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees
8. Stationary Source and Climate Impacts Committee Meeting
- 8.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of June 21, 2021
- 8.2 Report of the Stationary Source and Climate Impacts Committee Meeting of June 21, 2021
9. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting
- 9.1 **ACTION REQUESTED:** Receive Committee Chair Summary Reports of April 19, 2021, May 17, 2021, and June 21, 2021
- 9.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meetings of April 19, 2021, May 17, 2021, and June 21, 2021
10. Mobile Source and Climate Impacts Committee Meeting
- 10.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of June 24, 2021
- 10.2 Report of the Mobile Source and Climate Impacts Committee Meeting of June 24, 2021

The Board of Directors approved the following:

A) ACTION REQUESTED: Projects and Contracts with Proposed Grant Awards Over \$100,000

- 1) *Approve recommended projects with proposed grant awards over \$100,000, including a policy waiver to allow the Transportation Fund for Clean Air Regional Fund to be used as match for two recommended school bus projects;*
- 2) *Waive Policy #2, regarding Cost-Effectiveness, of the Transportation Fund for Clean Air Regional Fund to allow the replacement of diesel buses with electric zero-emission buses to be fully reimbursable with Air District grant funding; and*
- 3) *Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into all necessary agreements with applicants for the recommended projects.*

B) ACTION REQUESTED: Light-duty Electric Vehicle Charging Programs and Charge! Projects

- 1) *Approve the Charge! Program rank list and recommended projects with proposed grant awards; and*
- 2) *Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.*

11. Community Equity, Health and Justice Committee Meeting

11.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 1, 2021

11.2 Report of the Community Equity, Health and Justice Committee Meeting of July 1, 2021

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wilson made a motion, seconded by Director Wagenknecht, to **approve** Consent Calendar Items 2 through 11, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Cutter, Haubert, Hudson, Hurt, Melgar, Miley, Mitchoff, Rennie, Ross, Wagenknecht, Walton, Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Constantine, Gioia, Groom, Hannigan, Hopkins, Jue, Rice.

END OF CONSENT CALENDAR

PRESENTATIONS

12. **Consider Recommendation of Advisory Council Interview Panel to Reappoint Three Incumbents and Approve Appointment of Four Candidates to the Advisory Council**

Jack P. Broadbent, Executive Officer, APCO, introduced Terri Levels, Director of People and Engagement, who gave the staff presentation *Advisory Council Selection*, including: outcome; outline; requested action; review of California Health and Safety Code; background on recruitment; review of qualified candidates; Board of Directors selection of candidates; and next steps.

NOTED PRESENT: Director Hannigan was noted 9:50 a.m.

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

Board Comments

The Board and staff discussed the interview panel's effort to reflect diversity in the proposed slate; whether there were incumbents who were not reappointed; the composition of the interview panel; and the request for an evaluation of the Advisory Council interview process (should there have been more people on the interview panel and could have outreach been improved.)

Board Action

Director Hurt made a motion, seconded by Director Cutter, to **reappoint** three incumbents (Gina Solomon, Michael Kleinman, and Linda Rudolph) and **approve** appointment of four candidates (Garima Raheja, Adrienne Hollis, Danny Cullenward, and Pallavi Phartiyal) to the Air District’s Advisory Council; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Cutter, Hannigan, Haubert, Hudson, Hurt, Melgar, Miley, Mitchoff, Rennie, Ross, Wagenknecht, Walton, Wilson.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Constantine, Gioia, Groom, Hopkins, Jue, Rice.

13. **Update of Wildfire Programs and Messaging**

A. Update on Wildfire Program, Request to Accept State Funding and to Move Funding from Current Reserves into the Fiscal Year Ending (FYE) 2022 Budget

Damian Breen, Senior Deputy Executive Officer of Operations, introduced Tracy Lee, Manager of Compliance & Enforcement, who gave the staff presentation *Update on Wildfire Program*, including: outcome; outline; requested action; 2021 fire season outlook; 2021 fire season likely to start earlier; Assembly Bill (AB) 836 – clean air centers; funding and California Air Resources Board engagement; Wildfire Preparedness Program; partnerships with counties and Red Cross; and requested action.

NOTED PRESENT: Director Gioia was noted present at 10:15 a.m.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the reason that the monies allocated for air filtration improvements in the Bay Area (under AB 836: Wildfire Smoke Clean Air Center Incentive Program for Vulnerable Populations) might not arrive in time to make a difference for the 2021 wildfire season; the number of wildfire programs at the Air District; whether the Air District plans to address ways to regulate fires started by utility companies; concerns about redesignating the \$1 million (M) reserve for “Woodsmoke” in the Air District’s FYE 2022 Budget, and from which program or fund the \$1M might be replaced later; the need for cities (not only counties) to become recipients of the Air District’s Wildfire Preparedness Program, especially cities that act as emergency centers during wildfire activity; the concern that wildfire prevention is an important element missing from the report; the request that the Air District forms partnerships and engages with the Bay Area counties’ Emergency Operations Centers prior to working with the red cross; the request for status updates on the Air District’s Wood Smoke Reduction Incentive Program at upcoming Administration Committee and Stationary Source & Climate Impacts Committee meetings; and the request that the Administration Committee considers adding an additional \$1 million to the Wood Smoke Reduction Incentive Program from current reserves.

Board Action

Director Barrett made a motion, seconded by Director Cutter, to:

authorize the Executive Officer/APCO to enter into a contract with the California Air Resources Board to **accept** Cleaner Air Centers – Assembly Bill 836 Funding in an amount not to exceed \$5 million;

authorize that \$1 million reserve for “Woodsmoke” in the Fiscal Year Ending 2022 Budget be redesignated to fund a Wildfire Preparedness Program;

authorize the Executive Officer/APCO to enter into or expand contracts or agreements with Bay Area Counties and the Red Cross to expend aforementioned funding;

form partnerships and **engage** with the Bay Area counties’ Emergency Operations Centers prior to working with the red cross;

request status updates on the Air District’s Wood Smoke Reduction Incentive Program at upcoming Administration Committee and Stationary Source & Climate Impacts Committee meetings; and

request that the Administration Committee considers adding an additional \$1 million to the Wood Smoke Reduction Incentive Program from current reserves.

The motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Cutter, Hannigan, Haubert, Hudson, Hurt, Melgar, Miley, Mitchoff, Rennie, Ross, Wagenknecht, Wilson.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Constantine, Gioia, Groom, Hopkins, Jue, Rice, Walton.

B. Update on Wildfire Smoke Mask Messaging

Mr. Breen introduced Dr. Judith Cutino, Health Officer, who gave the staff presentation *Update on Wildfire Smoke Mask Messaging*, including: outcome; outline; requested action; mask messaging; and feedback requested.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

14. **James Cary Smith Community Grant Program**

Veronica Eady, Senior Deputy Executive Officer of Policy and Equity, gave the staff presentation *James Cary Smith Community Grant Program*, including: outcomes; outline; requested action; background; current community engagement grant programs; 2021 grant program evaluation; presentation to Community Equity, Health, and Justice Committee; proposed path forward; eligible activities; proposed timeline; and action requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed which applicants and projects are eligible to apply for Assembly Bill (AB) 617 grants; the benefits of proposed multi-year grants; the request to build metrics that allow for flexibility (if an approach to a project isn't working) into the James Cary Smith Community Grant Program; and the suggestion that the grant selection panel be more cross sectoral.

Board Action

Director Bauters made a motion, seconded by Director Hudson, to **authorize** the release of Grant Guidelines and Call for Applications for the FY 2021/2022 James Cary Smith Community Grant Program; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Hannigan, Haubert, Hudson, Hurt, Melgar, Miley, Mitchoff, Rennie, Ross, Wagenknecht, Walton, Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Constantine, Groom, Hopkins, Jue, Rice.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

No requests received.

BOARD MEMBERS' COMMENTS

16. Board Members' Comments

Director Hudson thanked Air District staff for participating in a panel at the Air & Waste Management Association's 114th Annual Conference. The panel was held on June 16, 2021, and was entitled "A Path Forward for Particulate Matter Regulation in the Bay Area: Results, Findings, and Recommendations." Director Hudson suggested that the Air District speaks about wildfires at the Air & Waste Management Association's 115th Annual Conference, which will take place in San Francisco.

Director Gioia introduced Brian Sheridan of the Coalition for Clean Air, who gave a brief presentation on California Clean Air Day, which is a project of the Coalition.

OTHER BUSINESS

17. Report of the Executive Officer/APCO

Jack P. Broadbent, Executive Officer/APCO, reported that this time of year is the beginning of "smog season." The Bay Area experienced two exceedances of National Ambient Air Quality Standards for ozone this year, which is anticipated to increase with warmer temperatures. Air District staff also presented a video called "Choose Transit", which will be aired on social media and television, in partnership with the Metropolitan Transportation Commission and Bay Area transit operators.

18. Chairperson's Report

Chair Chavez asked Director Hurt, Co-Chair of the Community, Health, and Justice Committee, to report on the development and seating of the Air District's Community Advisory Committee. Director Hurt reported that on July 1, 2021, the Community, Health, and Justice Committee heard feedback from members of the public on what they wanted to see regarding recruitment for the Community Advisory Committee. The Committee discussed potential composition of the Community Advisory Committee, used CalEnviroScreen to determine most impacted areas by poor air quality, and established a total of 15 seats for the Community Advisory Committee. Recruitment will be opened in mid to late July. Methods by which to review applications, including the participation from Board members, members of the community, and Air District staff, are being determined. Board members who are interested in participating should let Director Hurt know as soon as possible. In September, the Community, Health, and Justice Committee will discuss the applications and in October, plan to recommend a slate of candidates to the Board.

Chair Chavez then made the following announcements:

- The Contra Costa County Board of Directors reappointed Director Gioia to another 4-year term on the Air District's Board of Directors, expiring on June 17, 2025.
- The Board will resume its consideration of amendments to Regulation 6-5 (Particulate Emissions from Refinery Fluidized Catalytic Cracking Units) on Wednesday, July 21, 2021, at 8:30 a.m. Those wishing to provide public comments must not have given public comments on this item at the June 2, 2021, Board meeting, and will have 30 seconds each.

19. **Time and Place of Next Meeting**

Wednesday, July 21, 2021, at 8:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

20. **Adjournment**

The meeting adjourned at 11:07 a.m.

Marcy Hiratzka
Clerk of the Boards

AGENDA: 3B – ATTACHMENT

Draft Minutes - Board of Directors Special Meeting of July 21, 2021

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

Board of Directors Special Meeting
Wednesday, July 21, 2021

DRAFT 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

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 8:30 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, Teresa Barrett, David Canepa, Rich Constantine; Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Myrna Melgar, Nate Miley, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Lori Wilson.

Absent: None.

PUBLIC HEARING

2. Continued Public Hearing to Consider Adoption of Proposed Amendments to Regulation 6: Particulate Matter (PM), Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units (FCCU) (Rule 6-5)

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, introduced Greg Nudd, Deputy Air Pollution Control Officer of Policy, who gave the staff presentation *Continued Public Hearing on Amendments to Rule 6-5: Proposed Amendments*, including: requested action; background; Proposed Amendments to Rule 6-5; emission reductions, cost impacts, and incremental cost analysis; socioeconomic impacts; environmental impacts; health impacts estimates; study area for health impacts; complete continues public hearing; and feedback requested/prompt.

Chair Chavez continued the required public hearing (from the June 2, 2021 Board meeting) for the exclusive purpose of considering testimony on Proposed Amendments to Regulation 6: Particulate Matter, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units (Rule 6-5).

Public Comment

Public comments were given by Mayor Steve Young, City of Benicia; Antonio Marroquin; Chris Snyder; Shauna Hawes; Jennifer Tanguileg; David Moller; Larkspur resident; Lance Hayhurst, Martinez resident; Dr. Jeffrey Mann; Shawn Lee, Chevron; Michael Gomez; Dr. Jeff Ritterman; Martha Hawthorne, SEIU 1021; Danny Woodall, Chevron; Naomi Woodard, Chevron; Leonard Ledesma, Chevron; Cathy Virnig, Chevron; Alyssia, CBE; Denny Khamphanthong, Asian Pacific Environmental Network; Roddrick Williams, PBF Refinery; Jim Arnone, Latham & Watkins LLP; Alan Masinter, Clean Air Task Force; Bruce Potter; PBF Refinery; Kevin Buchan, Western States Petroleum Association; Eric Stern; Richmond resident; Tim Seitz; Anthony Viscuso; Dr. William Pevec, Climate Health Now; Dr. Tara Benesch; Shelby Coyne, San Francisco Baykeeper; Jason Pfeifle, Center for Biological Diversity; Sara Theiss, Fossil Free California; Nicole Kilmurray, PBF; Dr. Janice Kirsch; Ruscal Cayangyang; Ed Evans, Local 217; Linda Olvera; Jonathan Blaine; Lorraine Reyes, Chevron; William Hamman, Local 16; Robert Wilkes; Brandon Sutter, Chevron; Ryan Ruf, BAC Local 3; Scott Manglona; Robert Muller; Dr. Rachel Mohler; Takashi Brown, Martinez Refining Company (MRC); Kevin Taylor, Chevron; Bill Pinkham, Richmond resident; Asedo Wilson, United Teachers of Richmond; Anthony Marlowe; Dwight Harlander, PBF; Eric Hengst, Benicia resident; Michael Carr; Mark Plubell Local 16; Tarnel Abbot, Richmond resident; Mark Brett, Anvil Corporation; Chance Cutrano, Sierra Club; Melissa G, Chevron; Simon Halton, Pleasant Hill resident; George Smith, East Bay Leadership Council; Bill Barish; Justin Ignacio; David Quesada, MRC; Nancy Aguirre; Richmond resident; Alan Tippets; Brian Peacock, Chevron; Cameron Toy, Chevron; Ashley Demcsak, Chevron; Kandice McDonald, Chevron; Matt Regan, Bay Area Council; Marlay'Ja Hackett; Steve G, PCI; Laura Sheckler; John Curtis, Martinez resident; Guy Abel; Roman Berenshteyn; Mike Aiello, PBF; Jeffrey Oliver, PBF; Kevin Ruando Hernandez; Richmond resident; Jason Lindsey, Local 378; Kara McDonnell, PBF; Chris Spinelli; Osvaldo Troche Jr; Jane Courant, Richmond resident; Deborah Bayer; Max Perrey; Redwood Community Health Coalition; Laura Fields, Chevron; Nikolay Baturin, Chevron; Jermaine Coffman, Chevron; Doug LeMoine, Local 324; Joe Wheeler; Emily Hopkins, Walnut Creek resident; Paul Seger, Diablo Water District; Jan Spauschus; Mark Lopez, Local 342; Janelle Edwards, Chevron; Alexandra Rollins; Ken Wohlgeschaffen, Chevron; Amy Dickson, PBF; Emigdio Carranza, PBF; Rev. Will McGarvey; Interfaith Council of Contra Costa County; Pam Reaves; Marin Conservction League; David Simonelli; Austin Oliver, PBF; Ella Marie Kallios; James Ruigomez; San Mateo County Central Labor Council; Robert Mejia; and Ms. Farber.

Chair Chavez closed the public hearing.

39 members of the public submitted public comments via electronic mail during the Board of Directors meeting, regarding this item. They may be viewed at https://www.baaqmd.gov/~media/files/board-of-directors/2021/mailed-public-comments_072121_v2-pdf.pdf?la=en&rev=1cc7ac73f10d49d0bd8669e36c1e98ee

Board Comments

The Board and staff discussed the refinery allegation that the Air District’s 2018 Final Environmental Impact Report for Assembly Bill 617 Expedited Best Available Retrofit Control Technology Implementation Schedule is not sufficient for Regulation 6-5; concerns about the cost-effectiveness of Air District staff’s proposed recommendation and the request for alternative solutions/amendments to Regulation 6-5; anticipated water usage impacts on the refineries as a result of the rule adoption, and whether recycled water could be used in the refineries’ wet gas scrubbers; whether the Air District’s anticipated PM reductions from petroleum refinery FCCUs could be achieved any other way than with wet gas scrubbing technology; legal action refineries may take, should the Board adopt the proposed amendments to Regulation 6-5, and the anticipated timeline for litigation; how quickly the refineries would be required to implement the total PM₁₀ limit of 0.010 gr/dscf; how the Air District plans to respond to threats of litigation from the refineries, should the proposed recommendations be adopted; the need to improve relations and engagement between the Air District and building trades unions related to the refining industry; the projected total percentage reductions of PM₁₀ from FCCUs at Chevron and PBF, per the recommended amendments to Regulation 6-5; the debate between PBF and the Air District regarding whether a wet gas scrubber would fit at the PBF refinery; concerns about anticipated job loss at the refineries, and concerns about the accuracy of those projections; and how race, and the public’s health, especially the health of children dictated some of the Board members’ decisions on this matter.

Board Action

Secretary Bauters made a **motion**, seconded by Director Walton, to **adopt** proposed amendments to Regulation 6, Particulate Matter, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units, which includes new and modified limits on ammonia, sulfur dioxide, and total PM less than 10 microns in diameter (total PM₁₀), which is considered the most stringent level of control identified; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Barrett, Bauters, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Haubert, Hopkins, Hurt, Jue, Melgar, Miley, Rennie, Rice, Walton, Wilson.
- NOES: Canepa, Hudson, Ross.
- ABSTAIN: None.
- ABSENT: Mitchoff, Wagenknecht.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Don Siefkes; Rhoda Fry, Cupertino resident; and LaDonna Williams, All Positives Possible.

BOARD MEMBERS' COMMENTS

4. Board Members' Comments

None.

OTHER BUSINESS

5. Report of the Executive Officer/APCO

Mr. Broadbent had nothing to report.

6. Chairperson's Report

Chair Chavez had nothing to report.

7. Time and Place of Next Meeting

Wednesday, August 4, 2021, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

8. Adjournment

The meeting adjourned at 1:54 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Board Communications Received from July 7, 2021, through August 3, 2021

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from July 7, 2021, through August 3, 2021, if any, will be distributed to the Board Members by way of email.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Aloha de Guzman

Reviewed by: Vanessa Johnson

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Air District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified of Air District personnel who have traveled on out-of-state business.

The report covers the out-of-state business travel for the month of June 2021. The monthly out-of-state business travel report is presented in the months following travel completion.

DISCUSSION

There were no out-of-state business travel activities that occurred in the month of June 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze

Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of June
2021

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this memorandum is a listing of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Adan Schwartz

Attachment 6A: Notices of Violations for the Month of June 2021

AGENDA: 6A - ATTACHMENT

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violations were issued in June 2021:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
AB&I Foundry	A0062	Oakland	A58844A	6/21/2021	1-301	Public Nuisance - multiple confirmed complaints.
Bay Ship & Yacht Co.	A9684	Alameda	A59814A	6/8/2021	2-1-307	Failure to Meet Permit Conditions. No monthly throughput records.
Benchmark Precision Technologies	B2795	Fremont	A57398A	6/30/2021	2-1-307	Exceeded permit condition limit of 36 gallons.
Delphon Holdco, LLC.	B3243	Hayward	A58783A	6/1/2021	2-1-307	Failure to Meet Permit Conditions: A person shall not operate any article, machine, equipment.
Holt Graphic Arts	K0645	Oakland	A59121A	6/15/2021	11-2-401.3	Late Notification.
Portola Food & Liquor	Z9361	Livermore	A59640A	6/3/2021	2-1-307	Missing/Overdue 2019 annual air quality test + Authority to construct start up test.
Simply Gasoline	Z9357	Fremont	A59834A	6/11/2021	2-1-307	Source tests not conducted/submitted since 2016.
Specialized Coating Services	B9501	Fremont	A57026A	6/10/2021	2-1-307	POC emission limits exceeded pc#25422.2.
Tesla, Inc.	E2881	Fremont	A60653A	6/16/2021	2-1-307	Failure to Meet Permit Condition. RCA 07Z78/07Z79 denial (P/C 27273-1,7); late report.
Tesla, Inc.	E2881	Fremont	A60653B	6/16/2021	1-523.3	RCA 07Z78/07Z79 denial (P/C 27273-1,7); late report.

Tri-City Rock, Inc.	A6378	Fremont	A57027A	6/14/2021	2-1-307	Limit exceeded (s-5) (PC# 27079) Records not kept (PC# 27057).
Vasco Road Chevron	Z9360	Livermore	A59639A	6/3/2021	8-7-301.1	Operating uncertified Phase I product dust cap.

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
AND Investments, Inc.	Z9341	Alamo	A59644A	6/28/2021	8-7-308	87 product spill bucket 1" of gasoline present.
Central Contra Costa Sanitary District	A0907	Martinez	A60411A	6/29/2021	10	Bypass event at health furnace Deviation #6441.
Chemtrade West US, LLC.	A0023	Richmond	A59547A	6/8/2021	1-522	Re-certification of CEM analyzers and CEM Sampling.
Chemtrade West US, LLC.	A0023	Richmond	A59547B	6/8/2021	10	Re-certification of CEM analyzers and CEM Sampling.
Chemtrade West US, LLC.	A0023	Richmond	A59548A	6/8/2021	1-522	Daily and quarterly calibration, operation, and management of equipment.
Chemtrade West US, LLC.	A0023	Richmond	A59548B	6/8/2021	10	9-1Daily and quarterly calibration, operation, and management of equipment.
Chemtrade West US, LLC.	A0023	Richmond	A59548C	6/8/2021	10	Daily and quarterly calibration, operation, and management of equipment.
Chemtrade West US, LLC.	A0023	Richmond	A59549A	6/8/2021	2-6-307	Failure to Meet Permit Conditions - Title V Reporting Violations.
Chemtrade West US, LLC.	A0023	Richmond	A59549B	6/8/2021	2-6-502	Title V Reporting Violations.
Chemtrade West US, LLC.	A0023	Richmond	A59549C	6/8/2021		Title V Reporting Violations.

Chevron Products Company	A0010	Richmond	A59245A	6/9/2021	1-301	Public nuisance - flaring and black smoke.
Chevron Products Company	A0010	Richmond	A59896A	6/1/2021	1-522.7	07Q06 Dev 57 15/5719 PC#24136 (84B) SO2 excess and late reporting.
Chevron Products Company	A0010	Richmond	A59896B	6/1/2021	2-1-307	07Q06 Dev 57 15/5719 PC#24136 (84B) SO2 excess and late reporting.
Chevron Products Company	A0010	Richmond	A59897A	6/1/2021	2-1-307	07Q28 dev 5370 pc#24136 (14A) NOX excess.
Chevron Products Company	A0010	Richmond	A59898A	6/1/2021	2-1-307	07M16 Dev 5490 PC#24136 (14A) NOx excess.
Chevron Products Company	A0010	Richmond	A59899A	6/1/2021	2-6-307	07M12 Dev 5477 PC#469 (6B) NOx excess.
Chevron Products Company	A0010	Richmond	A59933A	6/8/2021	CCR	Dev 5503 flaring.
Chevron Products Company	A0010	Richmond	A59934A	6/8/2021	CCR	Dev 5587 flaring.
Chevron Products Company	A0010	Richmond	A60410A	6/9/2021	10	Reg 10Rule 40CFR Section 63.670(e) flare gas BTU < 270 BTU / scf as required.
Chevron Products Company	A0010	Richmond	A59900A	6/1/2021	2-1-307	07Q27 Dev 5625 PC#24136 (14A) NOx excess.
Chevron Products Company	A0010	Richmond	A59928A	6/8/2021	CCR	DEV 5450 flaring.
Chevron Products Company	A0010	Richmond	A59929A	6/8/2021	CCR	DEV 5478 flaring.
Chevron Products Company	A0010	Richmond	A59930A	6/8/2021	CCR	Dev 5470 flaring.
Chevron Products Company	A0010	Richmond	A59931A	6/8/2021	CCR	Dev 5480 flaring.

Chevron Products Company	A0010	Richmond	A59932A	6/8/2021	CCR	Dev 5502 flaring.
Contra Costa Water District	Z9269	Concord	A59664A	6/3/2021	2-1-307	Failure to conduct periodic source testing.
Contra Costa Water District	Z9269	Concord	A59664B	6/3/2021	8-7-301.1	Uncertified equipment in use. Part B violation date 6/3/21.
Five Star Gas & Groceries	Z6260	Martinez	A59665A	6/10/2021	2-1-307	Failure to conduct periodic source test.
Mash Gas & Food Orinda	Z9174	Orinda	A60232A	6/1/2021	2-1-307	Exceeded 12-month gasoline throughput limit (2.26) in 2020.
Moraga Service Center	Z4014	Moraga	A60235A	6/2/2021	8-7-301.6	Failed district source tests on 5/18/21 Drop tube test (ST# 21092).
Moraga Service Center	Z4014	Moraga	A60235B	6/2/2021	8-7-302.5	Failed district source tests on 5/18/21 Static Pressure Performance Test (ST# 21093).
Napier Venture, Inc.	Z9330	San Ramon	A59642A	6/14/2021	8-7-302.1	Uncertified Phase II Breakaway per CARB Adv 398.
San Ramon Valley Fire Department - Station 32	E3595	Alamo	A60234A	6/1/2021	2-1-307	No record of annual static pressure performance test since 2017.
Sandstone Environmental	Z9284	Oakley	A59502A	6/22/2021	11-2-303.6	ASB120445303.6 (No Viewport).
Sims Metal Management	E3822	Richmond	A58724A	6/30/2021	10	reg 6-4-408 Late EMP.
Strauch and Company	Z9289	Brentwood	A59666A	6/17/2021	2-1-307	Failure to conduct source testing per P/O and/or A/C
Tesoro Refining & Marketing Company, LLC.	B2758	Martinez	A59344A	6/4/2021	2-6-307	Liquid-to-gas ratio at no.3 UOP reformer fell below to established limit. RCA ID# 07M80.

Marin						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Petroleum Sales, Inc.	Z1538	San Rafael	A59638A	6/1/2021	2-1-307	Failure to meet permit condition A 100013; throughput exceedance.

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Dept. of Transportation	Z9340	Napa	A59668A	6/24/2021	2-1-307	Failure to conduct periodic source testing.
Dept. of Transportation	Z9340	Napa	A59668B	6/24/2021	8-7-302.5	Torn curb hose at dispenser #4.
The Meadows of Napa Valley	B9670	Napa	A60463A	6/9/2021	2-1-302	Unpermitted generator, application canceled from loss of exemption.

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Double AA Corp.	Z8614	South San Francisco	A59707A	6/28/2021	2-1-307	Failure to conduct/submit annual source test per pc#100037.
Menlo Park Fire Protection District	Z9339	Menlo Park	A59706A	6/24/2021	2-1-307	Failing to conduct annual source test per PC#16516.
San Bruno Kwik Serv	Z9205	San Bruno	A59684A	6/3/2021	8-7-308	Less than 1 inch gasoline in both 87 spill buckets.
San Bruno Kwik Serv	Z9205	San Bruno	A59684B	6/3/2021	8-7-301.2	West 87 fill adapter not installed correctly.
Sims Metal Management	A5152	Redwood City	A59182A	6/15/2021	10	Failure to submit EMP by deadline of 5/31/2021.

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
76 / BP Service Station	Z9247	San Jose	A59835A	6/17/2021	2-1-307	No 2020 annual & Triennial Source Tests conducted / submitted.
Alliance Environmental	Z9282	San Jose	A59501A	6/22/2021	11-2-303.6	ASB120375303.6 (No Viewport).
BELFOR Property Restoration	V6482	San Jose	A59122A	6/29/2021	11-2-401.5	ASB 119998 Failure to Revise Start Date.
Farhad & Parissa Olfat	Z9214	San Jose	A59704A	6/14/2021	8-7-301.1	Uncertified product dust cap (Phase I equipment).
International Disposal Corp of CA	A9013	Milpitas	A55722A	6/14/2021	8-34-301.1	Failure to operate LFGCCS continuously.
Palo Alto Gas & Smog	Z9298	Palo Alto	A59705A	6/23/2021	8-7-301.6	Failure to maintain Phase I system in proper operating condition (TP 201D).
Presentation High School	B6995	San Jose	A60485A	6/11/2021	9-8-503	Facility has not conducted demonstration of compliance on a quarterly basis.
Recology Pacheco Pass	A6370	Gilroy	A57376A	6/22/2021	8-34-301.1	Flare not operated continuously.
Royal Gas Zone, Inc. M&S Santa Clara Gas	Z9307	Santa Clara	A59703A	6/11/2021	2-1-307	Failure to Conduct & submit annual source test requirement within 12-month period.
SFPP, LP	A4020	San Jose	A60211A	6/10/2021	8-5-305.5	Liquid tank content discovered on top of floating roof (E#07Z23).
Terrax Environmental, Inc.	E4570	San Jose	A60486A	6/29/2021	2-1-307	Facility has not been abating emissions with 2 2000 lb activated carbon vessels as per PC# 27146.1.

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Puerta Vallarta Auto Body	Z9309	Vallejo	A60464A	6/15/2021	2-1-302	No permit to operate. Expired 3/1/2019.
Valero Refining Company - California	B2626	Benicia	A59625A	6/2/2021	2-6-307	SO2 CEM is 0-100 ppm range. It is incapable of discerning a violation of the 229 ppm emission standard.
Valero Refining Company - California	B2626	Benicia	A59626A	6/17/2021	10	8-18-309.3 Open ended line with leak greater than 100 ppm measured.
Valero Refining Company - California	B2626	Benicia	A59627A	6/17/2021	8-18-402.1	Connectors, pressure relief devices & valves not identified or inspected quarterly.
Valero Refining Company - California	B2626	Benicia	A59627B	6/17/2021	8-18-401.2	Connectors, pressure relief devices and valves not identified or inspected quarterly.
Vallejo Golf Club, Inc.	Z9301	Vallejo	A59667A	6/23/2021	2-1-307	Failure to conduct periodic source testing per Permit to Operate.

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Oswaldo Garcia	Z9302	Santa Rosa	A59219A	6/23/2021	5-301	Prohibited open burning.
Salkhi Petroleum, Inc.	Z9294	Santa Rosa	A59685A	6/23/2021	8-7-307	No nozzle operation instructions posted on site
Salkhi Petroleum, Inc.	Z9294	Santa Rosa	A59685B	6/23/2021	8-7-301.3	87g & 91g drop tubes > 6" from tank bottom.

Salkhi Petroleum, Inc.	Z9294	Santa Rosa	A59686A	6/23/2021	2-1-307	Failure to meet permit condition.
Salkhi Petroleum, Inc.	Z9294	Santa Rosa	A59686B	6/23/2021	8-7-301.5	Defective 91g vapor dust cap.

District Wide						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
1-888-4-Abatement	Z9231	Rancho Cordova	A60257A	6/17/2021	11-2-401.5	Failure to revise start date.
AFM Environmental, Inc.	F0615	West Sacramento	A59119A	6/3/2021	11-2-401.5	Failure to revise start date.
Coastwide Environmental Technologies, Inc.	F0630	Watsonville	A59120A	6/8/2021	11-2-303.1	ASB120179. No wetting during removal. No viewport.
Coastwide Environmental Technologies, Inc.	F0630	Watsonville	A59120B	6/8/2021	11-2-303.6	ASB120179. No wetting during removal. No viewport.
Gil Moore Oil Company	Z9207	Wilton	A59641A	6/10/2021	2-1-307	Failure to meet AC# 501701 Start-up testing requirement.
Tesoro Refining & Marketing Co, LLC.	Z9304	San Antonio	A59643A	6/25/2021	8-7-308	87g spill bucket > 1" of gasoline present.

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were three (3) settlements for \$10,000 or more completed in June 2021.

- 1) On June 2, 2021, the Air District reached a settlement with TransMontaigne Operating LP for \$55,000, regarding the allegations contained in the following six (6) Notices of Violations:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A58891A	9/16/2019	9/16/2015	8-5-306.2	Pressure vacuum valve not gas tight. >500 ppm.
A58892A	9/30/2019	2/19/2015	2-6-307	Hydrocarbon concentration in headspace above 3000ppm from 2015-2019 intermittent failure to report.
A58892B	9/30/2019	2/19/2015	1-523.1	523.1-523.3.
A60403A	12/22/2020	3/30/2020	2-6-502	Late submission of semi-annual report.
A60404A	12/22/2020	6/1/2020	2-6-307	Tank throughput limit exceedance. >105 million gallons. PC#20060, subpart 1.
A60406A	12/22/2020	4/20/2020	2-6-307	Failure to test benzene conc. every 6 mo. per PC# 20060.3 & failure to report.
A59532A	3/12/2020	3/12/2020	8-5-320	Reg# 8-5-320.4.2Sample port open.

- 2) On June 16, 2021, the Air District reached settlement with Genentech, Inc. for \$13,000, regarding the allegations contained in the following two (2) Notices of Violations:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A58225A	10/8/2019	12/31/2018	9-7-506	Annual testing performed with improper device.
A59360A	3/3/2021	1/1/2021	9-7-506	Failure to conduct periodic testing in 2020.

3) On June 16, 2021, the Air District reached settlement with Coastwide Environmental Technologies, Inc. for \$10,000, regarding the allegations contained in the following one (1) Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A59166A	3/11/2020	3/11/2020	11-2-303.6	Inadequate viewport.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Authorization to Accept Clean Cars for All Funding

RECOMMENDED ACTIONS

Recommend the Board of Directors:

1. Adopt a resolution authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$8.4 million from the California Air Resources Board for the Bay Area Clean Cars for All Program; and
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

BACKGROUND

Through the Clean Cars for All Program (Program or CCFA) the Air District provides incentives for low-income households (up to 400% of the Federal Poverty Level) to retire older, high-polluting vehicles and replace them with a newer, cleaner vehicle or with mobility options (e.g. public transit card or e-bikes). Participants may purchase or lease a new or used hybrid electric vehicle, plug-in electric vehicle (PHEV), battery electric vehicle (BEV) or fuel cell electric vehicle. A rebate to install a home charger or to purchase a portable charger is available for participants that purchase a PHEV or BEV through CCFA. The Program reduces criteria pollutants and greenhouse gas emissions throughout the Bay Area and supports the goal of equitable access to electric vehicles and clean transportation.

The Program was launched in March 2019 through an initial \$5 million grant from the California Air Resources Board (CARB) from the California Climate Investments (CCI) initiative that puts Cap-and-Trade dollars to work reducing greenhouse gas emissions. CARB requirements focused Program funding in disadvantages communities (based on CalEnviroScreen 3.0) which limited program eligibility to 76 zip codes in the Bay Area.

The Program has been supported by a total of \$27 million from a variety of state and local funds and continues to be a popular and beneficial program. On February 6, 2019, the Air District Board of Directors (Board) authorized the acceptance of an additional \$5 million from the Volkswagen settlement fund. In December 2019, the Board authorized the acceptance of an additional \$4 million in CARB CCI funds for the Program. These funds were quickly allocated and in the

absence of new state funding the Air District allocated \$10 million in Transportation Fund for Clean Air (TFCA) funds to continue support and operations for the Program in 2020. The Air District allocates TFCA program funds under the statutory authority and requirements set forth in the California Health and Safety Code Sections 44241 and 44242. In May 2021, the Board authorized the acceptance of an additional \$3 million in CARB Air Quality Improvement Program funds.

The demand for the CCFA incentives has steadily increased since the Program began. As of early August 2021, over 1,920 applications have been awarded in the Bay Area. The Program quickly allocates new funding to qualified low-income residents and is an important tool in achieving our air quality and climate goals.

DISCUSSION

In July 2021, CARB notified the Air District that up to \$8.4 million was available in CCI funds for the Air District's Clean Cars for All Program. This funding is available as part of the contingency provision from the Fiscal Year 2020-21 Funding Plan for Clean Transportation Incentives which allows CARB to allocate up to \$25 million of the total FY 2021-2022 statewide CCFA Program allocation (\$75 million) early. The \$25 million will be split equally among the three air districts that are in need of additional Program funding. CARB requires the Air District Board to adopt a resolution to accept these funds before it will enter into a contract with the Air District for the Program funds.

This funding will allow the Air District to continue providing incentives to low-income residents in disadvantaged communities. Up to 15% of the funds may be used by the Air District to administer the Program, with 10% available to support Air District staff costs to manage applications and cases. The remaining 5% may be used to subcontract with third party entities to help increase participation from low-income consumers in disadvantaged communities. Staff will inform and consult the Mobile Source and Climate Impacts Committee and the Board regarding the funding disbursement and Program progress.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. These funds from CARB are considered "pass-through" funds, which are offered to grantees directly or to reduce the purchase or lease costs for vehicles. Funds from CARB also cover Air District staff and other program costs.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Tin Le
Reviewed by: Anthony Fournier

Attachment 7A: Draft Resolution Accepting Clean Cars for All Program funds from CARB

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2021-_____

**A Resolution Accepting Clean Cars for All Program funds
From the California Air Resources Board**

WHEREAS, the purpose of this Resolution is to authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend up to \$8.4 million in additional funding from the California Air Resources Board (CARB) to administer the Bay Area Clean Cars For All Program and to authorize the Executive Officer/Air Pollution Control Officer to execute all necessary agreements, required documents, and amendments required to expend this funding;

WHEREAS, the California Legislature added item 3900-101-3228 to Section 2.00 of the Budget Act of 2021 which directed at least \$75 million of the Low Carbon Transportation appropriation be allocated for the Clean Cars For All Program (previously named the EFMP and EFMP Plus-up Program), a vehicle retirement and replacement program;

WHEREAS, a contingency provision in the Fiscal Year (FY) 2020-21 Funding Plan for Clean Transportation Incentives allows CARB to allocate up to \$25 million of the FY 2021-2022 allocation early;

WHEREAS, in July 2021, CARB staff notified the Air District that they will award up to \$8.4 million in FY 2021-2022 Low Carbon Transportation Funds to the Air District's Bay Area Clean Cars For All Program as part of the early allocation;

WHEREAS, CARB will authorize a grant of up to \$8.4 million to the Air District to continue to implement the Bay Area Clean Cars For All program, upon approval by the Board of Directors to accept such grant of funds;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the Air District's acceptance of CARB funds and commits the Air District to comply with the CARB Clean Cars For All regulatory requirements.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer to accept, obligate, and execute all agreements, required documents, and any amendments thereto to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director

_____, on the ____ day of _____, 2021 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cindy Chavez
Chair of the Board of Directors

ATTEST:

John J. Bauters
Secretary of the Board of Directors

DRAFT

**COMMITTEE CHAIR SUMMARY REPORT OF THE STATIONARY SOURCE
AND CLIMATE IMPACTS COMMITTEE**

(Co-Chairs: John Bauters and Karen Mitchoff)

The Stationary Source and Climate Impacts Committee met on Monday, July 19, 2021, and approved the minutes of June 21, 2021. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Committee participated by teleconference.

The Committee reviewed and discussed the staff presentation *Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery Hydrogen Plants (Rule 13-5)*.

The Committee then reviewed and discussed the staff presentation *Refinery Rules Amendments*.

The next meeting of this committee will be held on Monday, September 27, 2021 at 9:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the report of the Stationary Source and Climate Impacts Committee.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Report of the Stationary Source and Climate Impacts Committee Meeting of July 19,
2021

RECOMMENDED ACTIONS

The Stationary Source and Climate Impacts Committee (Committee) recommends Board of Directors (Board) approval of the following:

- A) Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery Hydrogen Plants (Rule 13-5); and
 - 1) None; receive and file.
- B) Refinery Definition Amendments.
 - 1) None; receive and file.

BACKGROUND

The Committee met on Monday, July 19, 2021, and received the following reports:

- A) Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery Hydrogen Plants (Rule 13-5); and
- B) Refinery Definition Amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None; and
- B) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

Attachment 8.2A: 07/19/2021 – Stationary Source and Climate Impacts Committee Meeting
Agenda #3

Attachment 8.2B: 07/19/2021 – Stationary Source and Climate Impacts Committee Meeting
Agenda #4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons John Bauters and Karen Mitchoff, and Members
of the Stationary Source and Climate Impacts Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 13, 2021

Re: Revised Draft Regulation 13: Climate Pollutants, Rule 5: Petroleum Refinery
Hydrogen Plants (Rule 13-5)

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District staff is currently developing draft Regulation 13: Climate Pollutants, Rule 5, Petroleum Refinery Hydrogen Plants (Rule 13-5) which would limit vented emissions of “total organic compounds” (methane and volatile organic compounds) from hydrogen production, hydrogen carrying systems, and hydrogen end users such as process units at petroleum refineries. The Air District has a policy goal of reducing Bay Area greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050. Methane is a potent and short-lived climate pollutant with a global warming potential 86 times greater than that of carbon dioxide, when compared on a 20-year time horizon. The intent of draft Rule 13-5 is to minimize both methane and other organic compound emissions, normally vented from atmospheric vents at petroleum refinery hydrogen plants during normal operating conditions, startups, shutdowns, malfunctions, upsets, and emergencies.

DISCUSSION

The Air District initially published a preliminary Staff Report in December of 2019 to explain draft Rule 13-5 to members of the public, affected industry, and other interested parties. Draft regulatory language for Rule 13-5 was developed and was made available for review as well. The Air District held a public workshop at its headquarters in San Francisco in January 2020 to present and discuss draft rule language along with a workshop report. In response to comments received at the workshop, in writing, and during subsequent meetings between Air District staff and hydrogen plant operators, draft Rule 13-5 was revised and renamed *Petroleum Refinery Hydrogen Plants*. The Air District sought further comment on the revised version of draft Rule 13-5 and the associated Preliminary Staff Report, published in September 2020.

The Air District received comments on the September 2020 draft rule addressing potential exemptions, definitions, concerns related to the standards, testing, and monitoring requirements, and overall concerns related to the timeline, scope, and procedural elements of the rule development process. The Air District revised draft Rule 13-5 to accommodate reasonable concerns related to definitions (atmospheric vents, control device vents, effective date, existing facilities relative to new ones), testing methods, monitoring, reporting and compliance timelines. Concerns raised by commenters questioning the cost effectiveness, scope, secondary environmental impacts, and overall rule development process are premature at this time and will be addressed in future supporting documents such as the California Environmental Quality Act (CEQA) Initial Study, draft Environmental Impact Report (DEIR), Socio-economic Analysis, and Staff Report.

During the presentation to the Stationary Source and Climate Impacts Committee, staff will review changes made to the draft rule in response to comments received.

Proposed rulemaking timeline: The Air District published a revised version of draft Rule 13-5 to the Air District website in June 2021 requesting further comments from the public on the most recent revisions. The Air District will conduct a CEQA scoping meeting virtually in July 2021, to discuss and accept oral comments on the scope and content described in a Notice of Preparation and an Initial Study (NOP/IS) prepared in anticipation of a DEIR for the project. These will be released for public comment well before draft Rule 13-5 is presented for consideration by the Air District Board of Directors in the fourth quarter of 2021.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jacob Finkle
Reviewed by: Victor Douglas and Elizabeth Yura

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons John Bauters and Karen Mitchoff, and Members
of the Stationary Source and Climate Impacts Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 13, 2021

Re: Refinery Definition Amendments

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In California and the Bay Area, we are seeing more extreme weather events, longer drought periods, and more intense wildfire seasons. With the increasing effects of climate change, communities, governments, and businesses around the world are feeling the impacts and are taking steps to adapt to the realities of a changing climate. Two refineries within the Air District, Phillips 66 in Rodeo and Marathon Refining in Martinez, have recently announced plans to shift their operations away from carbon intensive petroleum refining and move instead into the renewable fuels production market.

Renewable fuels are produced from renewable resources such as corn oil, soybean oil, animal fats, greases, and cooking oils. It is anticipated that each renewable refinery will be among the world's largest producers of renewable fuels with each expected to produce around 700 million gallons of renewable diesel, renewable gasoline, and renewable jet fuel per year. It is also expected that the switch to renewable fuel refining will have a lower carbon footprint than traditional petroleum-based refining methods; however, the full extent and magnitude of these emissions changes will likely not be completely understood for several years to come.

DISCUSSION

The Air District has begun working on amending regulatory definitions related to petroleum feedstocks and products. As refineries and support facilities transition from petroleum feedstocks and products to renewable feedstocks and products, there is a need to reassess our regulatory definitions to ensure that facilities do not back-slide on regulatory requirements, while also ensuring that any proposed changes to prevent this do not lead to negative, unintended outcomes. Changes to definitions may include anything related to petroleum (e.g. "crude-oil", "fossil fuel", "gasoline"), SIC code, or other such wording that would prohibit applicability of a rule requirement to a renewable feedstock or product but which would apply to a petroleum-based feedstock or product.

A preliminary review has identified 34 rules as candidates for amendments. The identification and technical work to evaluate and draft potential amendments is in progress. Current rule-making schedules anticipate bringing the rule amendments to Board approval by the end of 2021.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Chris Crowley and Art Valla
Reviewed by: Damian Breen

STATIONARY SOURCE AND
CLIMATE IMPACTS COMMITTEE
MEETING OF 07/19/2021

**COMMITTEE SUMMARY REPORT OF THE RICHMOND AREA COMMUNITY EMISSIONS
REDUCTION PLAN STEERING COMMITTEE**

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, July 19, 2021, and approved the minutes of June 21, 2021. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Committee participated by teleconference.

The Committee received the staff presentation *Community Overview and Vision and Principles Activity*, featuring community characteristics and air quality information that the Air District staff had prepared. Members of the Committee were then invited to brainstorm their visions and principles they wished to see in the Community Emission Reduction Plan, using Google Jamboard. During this item, an Ad Hoc Committee for Vision and Principles was established. Five Steering Committee members volunteered to serve on the Ad Hoc Committee, which exists to identify ideas or thoughts must be in the vision, group ideas by theme, and capture the vision through statements.

The Committee then began to develop its charter, which consists of eleven sections. The Committee reviewed and revised the “Statement of Purpose: section and began revising the “Steering Committee Activities” section as well.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, August 16, 2021, at 5:30 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan Steering Committee for meeting of July 19, 2021.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: July 30, 2021

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting of July 19, 2021

RECOMMENDED ACTIONS

The Richmond Area Community Emissions Reduction Plan Steering Committee (Committee) recommends Board of Directors (Board) approval of the following:

- A) Community Overview and Vision and Principles Activity; and
 - 1) None; receive and file.
- B) Charter Development and Adoption Process.
 - 1) The Committee began to develop its charter, which consists of eleven sections.

BACKGROUND

The Committee met on Monday, July 19, 2021, and received the following reports:

- A) Community Overview and Vision and Principles Activity; and
- B) Charter Development and Adoption Process.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None; and
- B) None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Aloha de Guzman
Reviewed by: Vanessa Johnson

Attachment 9.2A: 07/19/2021 – Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting Agenda #3

Attachment 9.2B: 07/19/2021 – Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting Agenda #4

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: July 19, 2021

Re: Community Overview and Vision and Principles Activity

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District staff will present information on some of the community characteristics and air quality information that the Air District has prepared. Air District staff will also introduce the activity planned for the Steering Committee to brainstorm elements of the Committee's Vision and Principles for the Plan, which follows the overview of Vision and Principles presented at the last Committee meeting.

DISCUSSION

None.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Kelly Malinowski
Reviewed by: Veronica Eady

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: July 19, 2021

Re: Charter Development and Adoption Process

RECOMMENDED ACTION

The Committee will vote to adopt the final Path to Clean Air Charter.

BACKGROUND

The Charter is a document that will help the Community Steering Committee deliver and uphold effective and consistent governance. The California Air Resources Board Community Air Protection Blueprint recommends “the air district should work with the steering committee to establish a charter to clearly set out the committee process and structure.”

The Draft Path to Clean Air Community Steering Committee Charter (AGENDA: 4A – ATTACHMENT) is based on the Charter developed by the Community Design Team for the Community Air Monitoring Program, which was adopted in April 2019 and amended in May 2019. Elements of the Charter were clarified when the Air District Board voted in a resolution to form a Community Steering Committee subject to Brown Act regulations in December 2020, and further specifies rules around Committee size, membership, and voting structure in meetings in 2021.

DISCUSSION

The Committee will review, revise, and adopt a charter to govern the Community Steering Committee through the development of the Community Emission Reduction Plan process.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Kevin Olp
Reviewed by: Veronica Eady

Attachment 4A: Draft Path to Clean Air Community Steering Committee Charter

PATH TO CLEAN AIR
COMMUNITY STEERING COMMITTEE
MEETING OF 07/19/2021

**The Path to Clean Air in the Richmond-North Richmond-San Pablo Area
Community Steering Committee Charter and Participation Agreement**

Statement of Purpose

The purpose of The Path to Clean Air Community Steering Committee in the Richmond-San Pablo-North Richmond Area is to remedy persistent air pollution exposures and excessive local health risks to people who live, work, and play in and around the Richmond-San Pablo-North Richmond study area. This objective will be accomplished by identifying community-prioritized goals and implementing strategies to reduce air pollution exposures in this study area.

Assembly Bill 617 (Garcia, C., Chapter 136, Statutes of 2017) is a State-mandated program that uses a community-based approach to reduce local air pollution in communities around the State that continue to experience disproportionate impacts from air pollution. The Richmond-North Richmond-San Pablo area's Path to Clean Air is the region's first effort under the AB 617 program to develop a Community Air Monitoring Plan (CAMP) to look for, identify, and understand areas of elevated air pollution exposure in Richmond, North Richmond, and San Pablo communities. The CAMP Community Steering Committee adopted the branding and name, "Path to Clean Air." With the completion of the Community Air Monitoring Plan the Path to Clean Air is beginning the next phase of the AB 617 Program, developing a Community Emissions and Exposure Reduction Plan (CERP). On March 3, 2021, the Air District Board of Directors voted to appoint a 31-member Community Steering Committee to help guide the development of a Community Emissions Reduction Plan for the Richmond-North Richmond-San Pablo area.

1. Steering Committee Activities

Path to Clean Air Richmond-North Richmond-San Pablo Community Steering Committee members will participate in the development of the CERP and will act as liaisons between the community and stakeholders they represent by disseminating information, making decisions and providing input as appropriate. Steering Committee members will also receive regular updates on the implementation of the Community Air Monitoring Plan. The Richmond-North Richmond-San Pablo area CERP will need to be completed by February 2022 with plan implementation beginning in 2022. The CSC will be subject to the California Brown Act (California Government Code sections 54950, et seq.) and in conducting its meetings and deliberations, the CSC shall follow Robert's Rules of Order as nearly as possible.

2. Steering Committee Objectives

The Path to Clean Air Richmond-North Richmond-San Pablo Community Steering Committee will serve as outlined in the Statement of Purpose. The Steering Committee will develop a Community Emissions and Exposure Reduction Plan that identifies and develops strategies to address areas of elevated air pollution exposure in the Richmond-North Richmond-San Pablo area. The Steering Committee will disseminate information and consider input from the broader community. The goal is for the implementation of the CERP to begin in 2022. After the CERP has been developed, the Steering Committee Co-

chairs may elect to change the meeting schedule as needed to best support and provide guidance on implementation and develop progress reports, with the consent of a majority of the CERP Steering Committee.

3. Membership

Community Steering Committee (CSC) members will represent people who live in the Richmond-North Richmond-San Pablo area and other interested stakeholders affiliated with various sectors. These sectors can include community-based organizations, youth organizations, non-profits, faith leaders, education, government, health, and business representatives from the Richmond-North Richmond-San Pablo area. The CSC shall be comprised of an odd number of members between 27 and 31, with a minimum of 70% of members residing within the initial study area, and with two non-voting members representing local businesses and industrial companies (not business associations).

4. Roles and Responsibilities

Community Steering Committee Members: Steering Committee members will be responsible for assisting Air District and Co-chairs in developing the Richmond-North Richmond-San Pablo CERP, in accordance with the California Air Resources Board's Community Air Protection Blueprint. They will identify the scope of issues to be considered; inform technical analyses to understand these issues; co-develop with the Bay Area Air Quality Management District strategies to solve the issues identified; and ensure continued accountability for CERP implementation.

Co-chairs: The voting members of the Community Steering Committee shall select two Co-chairs from among the CSC members, and the voting members of the CSC shall select a Board Liaison from among the CSC members who shall provide informational reports to the Board of Directors. The Co-chair team will be responsible for developing meeting agendas, and for leading Steering Committee meetings.

5. Standard Steering Committee Meeting Procedures

Deliberation and Consensus: Decision-making will not proceed without a quorum of voting members. Steering Committee members are expected to attend a minimum of thirteen (13) of the possible eighteen (18) Steering Committee meetings (in their entirety) throughout the course of the CERP development and implementation. Community summits and townhall meetings may also be scheduled through the development of the plan and implementation, which members should also attend.

Steering Committee members may choose to recuse themselves from decisions at any time. Members **must** recuse themselves from decisions where there is a conflict of interest. The Political Reform Act requires that, "No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest" (Government Code Section 87100 et seq). Steering Committee members who participate in this process are expected to sign the *Path to Clean Air in the Richmond-North Richmond-San Pablo Area Steering Committee Participation Agreement*

(Page 6 of this Charter) which outlines the expected conduct of all Steering Committee members.

Open Meetings: The Community Steering Committee meetings must be open to the public, with materials publicly available in advance. Stakeholder input is welcome and encouraged.

Meeting Schedule and Agendas: Co-chairs and BAAQMD staff will develop meeting agenda. Individual Steering Committee members have the right to submit items for placement on the agenda.

Should the co-chairs or BAAQMD staff deny the member's request, the denial and the reasons for the denial must be submitted in writing to the requesting member and the entire Steering Committee no later than 6 business days in advance of the meeting for which the item has been requested. Failure to do so will cause the request to be automatically on the agenda of the meeting requested.

Steering Committee agendas will be posted on the District's [website](#) at least 72 hours prior to the meeting. Meeting minutes will also be posted on the District's website.

Ad-hoc Committees Members who wish to be further involved may choose to participate in ad-hoc committees.

6. Amendments

Amendments to this charter of the Steering Committee of the Path to Clean Air in the Richmond-San Pablo Area Partnership Agreement require approval by a quorum of voting members present.

7. Accessibility/Accommodation

The Steering Committee meetings and other outreach events associated with the committee must be held at transit accessible facilities that can accommodate members covered by the Americans with Disabilities Act. Language interpretation services will be provided as needed with a minimum 6 business days in advance of the request.

8. Dissemination of Materials

All documents, materials, and correspondences, produced by or submitted to CERP, Steering Committee, Air District staff, or facilitators, will be considered public information records and subject to the California Public Records Act regulations and procedures for disclosure and transparency.

9. Website

BAAQMD website will be updated twice a month, in preparation for the next Steering Committee meeting (uploaded material for discussion) and after each Steering Committee meeting, to include meeting summaries, notes, and optimally meeting recordings.”

10. Participation Principles

The following are principles, goals, and expectations of conduct for Steering Committee members. Steering Committee members will work collectively and cooperatively with all stakeholders within the community—people who live in the study area, businesses and organizations, youth groups, schools, local, regional and State governments, health agencies and faith-based organizations—to ensure all represented parties are heard and can agree on an outcome that protects public health. This will include:

- a. **Providing strategic guidance, vision, and oversight**, such as:
 - Informing the development of the Richmond-North Richmond-San Pablo Area Community Emissions Reduction Plan
 - Tracking progress of the work using agreed-upon indicators at Steering Committee and subcommittee levels.
 - Using data to inform future development of emission and exposure reduction strategies.
 - Identifying effective goals to bring about reduced health risk in the Richmond-North Richmond-San Pablo Area study area.

- b. **Providing leadership and accountability** by:
 - Identifying obstacles to achieving the goal and develop solutions to overcome them.
 - Considering how my own organization or those in my network can align to the common goals and principles of the Steering Committee.
 - Serving as a vocal champion of the collective impact effort in the community.
 - Working towards consensus while recognizing that not everyone will agree on every issue and to resolve conflicts in a positive, swift and constructive manner.

- c. **Play an active role** by:
 - Participating according to Charter. Provision will be made for members to participate electronically.
 - Reviewing materials prior to meetings and coming prepared for engaged discussion, active listening, and respectful dialogue.
 - Committing to scheduled Steering Committee meetings and a few hours of preparation in between. Attending occasional community town hall meetings to share the work of the Steering Committee.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Board of Directors

From: Chairperson, Cindy Chavez

Date: July 30, 2021

Re: Consider Approving an Amendment to the Executive Officer's Employment Agreement and Authorizing the Chair to Execute the Amendment

RECOMMENDED ACTION

The Board of Directors will consider the Executive Officer's employment contract and authorized labor negotiations in closed session. In the event there is a recommended amendment to the Executive Officer's employment agreement, it will be considered and approved by the Board pursuant to this agenda item and the Board of Directors will authorize the Chair to execute this amendment.

DISCUSSION

Bay Area Air District Outside Counsel, Sloan, Sakai, Yeung & Wong, LLP, will prepare any proposed amendment.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully Submitted,

Cindy Chavez
Board Chair

Prepared By: John Chiladakis, Acting Chief Administrative Officer