

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

Board of Directors Special Meeting  
Wednesday, April 7, 2021

### **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](http://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.

#### **CLOSED SESSION** (9:38 a.m.)

#### **Public Comments**

Public comments were given by Andres Soto, Communities for a Better Environment (CBE).

NOTED PRESENT: Director Abe-Koga was noted present at 9:40 a.m. and Directors Jue and Miley were noted present at 8:46 a.m.

2. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)**

*Pursuant to Government Code Section 54957 and 54957.6, the Board of Directors will meet in closed session to conduct a performance evaluation of the Executive Officer.*

**REPORTED ACTION:** None.

**3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION - (Government Code Section 54957 and 54957.6)**

*Pursuant to Government Code Section 54957 and 54957.6, the Board of Directors will meet in closed session to conduct a performance evaluation of the District Counsel.*

**REPORTED ACTION:** None.

**OPEN SESSION** (9:15 a.m.)

**CONSENT CALENDAR (ITEMS 4 – 16)**

4. **Minutes of the Board of Directors Meeting of March 3, 2021**
5. **Board Communications Received from March 3, 2021 through April 6, 2021**
6. **Air District Personnel on Out-of-State Business Travel**
7. **Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of February 2021**
8. **Authorization to Execute Contract with Allison+Partners for Spare the Air Advertising and Messaging Campaigns**
9. **Authorization to Execute Contract with Acterra for Fiscal Year 2021-2022 Climate Action Education Events**
10. **Authorization to Amend the Spare the Air Resource Team Contracts with Contractors Community Focus and Kearns and West**

NOTED PRESENT: Director Ross was noted present at 9:28 a.m.

**11. Report of the Community Equity, Health & Justice Committee Meeting of March 4, 2021**

The Board approved the following:

**A) ACTION REQUESTED Process for Diversifying Community Perspectives**

*1) Consider a process to select community representatives to give perspectives to it on environmental justice work across the Bay Area, with the goal of gaining broad education over time on efforts taking place across the region.*

**B) ACTION REQUESTED Discussion and Review of Draft Community Equity, Health & Justice Committee 2021 Work Plan**

*1) Review and discuss the draft work plan for its 2021 meetings. Based on Committee discussions and feedback, staff will provide a final work plan for 2021 meetings to the Committee at its April meeting.*

12. **Report of the Administration Committee Meeting of March 17, 2021 (OUT OF ORDER, ITEM 13)**

The Board approved the following:

A) **Bay Area Regional Collaborative (BARC) Update**

1) *None; receive and file.*

B) **ACTION REQUESTED Discussion of Proposed Budget for Fiscal Year Ending (FYE) 2022**

1) *Review the Proposed Budget for Fiscal Year Ending (FYE) 2022 and make any recommendations for further discussions at the April 21, 2021 Administration Committee meeting.*

C) **Proposed Amendments to Air District Regulation 3: Fees**

1) *None; receive and file.*

D) **ACTION REQUESTED Authorization to Execute Contract Amendments for Production System Office**

1) *Authorize the Executive Officer/Air Pollution Control Officer (APCO) to execute contract amendments for Production System Office, in an amount not to exceed \$1,991,565.*

E) **Proposed New Commuter Program**

1) *None; receive and file.*

F) **ACTION REQUESTED Air District Community Funding Allocations Report**

1) *Direction on providing a comprehensive response to public inquiry on revenues and expenditures made by the Air District related to local environmental monitoring programs and investments at the May 2021 Administration Committee meeting.*

G) **ACTION REQUESTED Discussion on Administration Committee Workplan for 2021**

1) *Approve the 2021 Workplan for the Committee.*

13. **Report of the Legislative Committee Meeting of March 17, 2021 (ITEM 14)**

The Board approved the following:

A) **Sacramento Legislative Budget Update**

1) *None; receive and file.*

**B) Air District-Sponsored Bills**

*1) None; receive and file.*

**C) ACTION REQUESTED Consideration of New Bills**

*1) Staff recommends oppose positions on the following bills:*

*Assembly Bill (AB) 905 (Quirk) – Mobile fueling on-demand tank vehicles: performance standards*

*2) Staff recommends support positions on the following bills:*

- Senate Bill (SB) 30 (Cortese) – Building decarbonization*
- SB 31 (Cortese) – Building decarbonization*
- SB 32 (Cortese) – Energy: general plan: building decarbonization Requirements*
- SB 68 (Becker) – Building decarbonization*

**D) ACTION REQUESTED 2021 Legislative Platform**

*1) Review and approve the attached revised draft legislative platform for 2021.*

**E) Federal Legislative Update**

*None; receive and file.*

**14. Report of the Mobile Source and Climate Impacts Committee Meeting of March 25, 2021 (ITEM 15)**

The Board approved the following:

**A) ACTION REQUESTED Discussion on Mobile Source and Climate Impacts Committee Mission Statement, Climate Agenda, and Schedule for 2021**

*1) Approve the calendar for its 2021 Meeting Schedule.*

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

*1) Approve projects with proposed grant awards over \$100,000 as shown in Attachment 1; and*

*2) Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.*

C) **ACTION REQUESTED Fiscal Year Ending 2022 Transportation Fund for Clean Air Funding Allocation**

- 1) *Approve the proposed allocation of the estimated new Transportation Fund for Clean Air, or TFCA, monies to the programs and projects listed in Table 1;*
- 2) *Authorize the proposed cost-effectiveness limits for the Air District-sponsored programs and projects listed in Table 2; and*
- 3) *Authorize the Executive Officer/APCO to enter into funding agreements and contracts up to \$100,000 for projects and programs listed in Table 1.*

15. **Report of the Community Equity, Health, & Justice Committee Meeting of April 1, 2021 (ITEM 16)**

The Board approved the following:

A) **Community Perspective**

- 1) *None; receive and file.*

B) **ACTION REQUESTED Discussion on the Community Equity, Health & Justice Committee's Mission Statement and Draft Schedule for 2021**

- 1) *Review and consider approval of the Proposed 2021 Community Equity, Health & Justice Committee calendar for its meeting schedule.*

C) **ACTION REQUESTED Transparent and Equitable Funding Project**

- 1) *Seek feedback from the Board and the public on the purpose, scope, road map and deliverables timeline for the Transparent and Equitable Funding Project.*

D) **ACTION REQUESTED Consideration of AB 617 Richmond- North Richmond-San Pablo Emissions Reduction Plan Steering Committee Proposed Stipend**

- 1) *Consider the proposed stipend for community members appointed to the Richmond-North Richmond-San Pablo (Path to Clean Air) Area Community Emissions Reduction Plan Community Steering Committee for Board of Directors' consideration and approval.*

E) **ACTION REQUESTED Consideration of Appointment of Contra Costa Health Services Representative to AB 617 Richmond-North Richmond-San Pablo Emission Reduction Plan Steering Committee**

- 1) *Consider recommending appointment of a representative from the Contra Costa County Health Services Agency to the Richmond-North Richmond-San Pablo (Path to Clean Air) Area Community Emissions Reduction Plan (CERP) Community Steering Committee for Board of Directors' consideration and approval.*

16. **Report of the Stationary Source and Climate Impacts Committee Meeting of March 15, 2021 (ITEM 12)**

The Board approved Item 12A only:

A) **ACTION REQUESTED Discussion on Stationary Source and Climate Impacts Committee Mission Statement and Schedule for 2021**

1) *Approve the calendar for its 2021 Meeting Schedule.*

B) **Update on the Development of Amendments to Regulation 6, Rule 5 (Rule 6-5): Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units VICE CHAIR MITCHOFF PULLED ITEM 12B FROM CONSENT CALENDAR**

1) *None; receive and file.*

**Public Comments on Consent Calendar Items 4 through 11, 12A, and 13 through 16**

No requests received.

**Board Comments on Consent Calendar Items 4 through 11, 12A, and 13 through 16**

The Board and staff discussed appreciation for the creation of the Air District's Transparent and Equitable Funding Project and for listening to county transportation authorities' requests for funding for ferry terminal infrastructure; the need for messaging that reaches all of the diverse Bay Area communities regarding Spare the Air advertising and messaging campaigns; and the request that Air District staff vets potential Spare the Air campaign messages through the Community Equity, Health & Justice Committee.

**Board Action on Consent Calendar Items 4 through 11, 12A, and 13 through 16**

Vice Chair Mitchoff made a motion, seconded by Director Wagenknecht, to **approve** the Consent Calendar Items 4 through 11, 12A, and 13 through 16; and the motion **carried** by the following vote of the Board:

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

**Public Comments on Consent Calendar Item 12B**

Public comments were given by Brian Nippa, Martinez Refining Company (MRC); Susan Nelson, MRC; Jessica Scheiber, MRC; Heather Slinde, MRC; Chris Palacio, MRC; Kris Keener, MRC; Shawn Lee, Chevron; Kevin Buchan, Western States Petroleum Association; Bruce Potter, MRC; Andrew Solak, MRC; Don Bitterman, MRC; Dave Bleckinger, MRC; Marc Wright, MRC; Michael Whited,

MRC; Jed Holtzman, 350 Bay Area; Gordon Johnson, MRC; Ann Vorderbrueggen, MRC; Nick Plurkowski, MRC; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Stevie Riedmiller, MRC; Andres Soto, CBE; Steve Nadel, Sunflower Alliance; Meredith Lewis, MRC; Russell, Chevron; Rick Shih; MRC; Jennifer Wood; MRC; Dan Beaton, Chevron; Celeste, Chevron; Todd Osterberg, Chevron; Sharon Clark, Chevron; Ken Wohlgeschaffen, Chevron; Suzanne Castalano; Chevron; Kevin Olson, Chevron; Francisco Lopez-Linares; Chevron; Charles Davidson; Gabriel Goffman; Paula Kapfenstein, MRC; Richard Gray; Adrian Covert, Bay Area Council; Bill Whitney, Contra Costa Building and Construction Trades Council; and Jeff Kilbreth, Richmond resident.

#### Board Comments on Consent Calendar Item 12B

The Board and staff discussed the concern that the Board needed to have a full presentation on Item 12B, rather than it being part of a Consent Calendar, and a request that a full presentation on this item be given at the June 2<sup>nd</sup> Board meeting; a request to haul all three paths forward for Regulation 6, Rule 5 to be presented to the Board on June 2<sup>nd</sup>; concerns about the difficulty of tracking what happened at committee meetings; the feasibility of bringing back the committee chair reports that used to be read at Board meetings; and the request for a market analysis or update about the refineries and economic impacts on fossil fuel production.

#### Board Action on Consent Calendar Item 12B

The Board directed Air District staff to bring a presentation on the three paths for Regulation 6-5 back to it, before it considers the regulation at the June 5, 2021 meeting.

### **PUBLIC HEARING**

#### **17. Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees**

Fred Tanaka, Air Quality Engineering Manager, gave the staff presentation *Amendments to Regulation 3, Fees*, including: outcome; outline; requested action; cost recovery background; trends in cost recovery from regulatory fees; Draft Fee Amendments (proposed changes to fee schedules; other proposed amendments; impact on large facilities and small businesses; rule development schedule; and feedback requested/prompt.

Chair Chavez opened the first of two required Public Hearings to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees.

#### Public Comments

Public comments were given by Frances Keeler, California Council for Environmental and Economic Balance; and Jed Holtzman, 350 Bay Area.

Chair Chavez closed the Public Hearing.

### Board Comments

The Board and staff discussed why the Air District has not yet adopted a 100% cost recovery policy, and whether the Air District is intentionally streamlining its processes in order to contain costs; the cost recovery formula that the Air District currently uses; and when the Board is anticipated to resume meeting in person.

### Board Action

None; receive and file.

## **PRESENTATION**

### **18. Update on the Status of the Air District's Rule Development Efforts**

Elizabeth Yura, Rules Division Director, gave the staff presentation *Rulemaking Efforts and Progress*, including: outcome; outline; requested action; rule development schedule; AB 617 Expedited Best Available Retrofit Control Technologies Rules; other rule development efforts; rule development challenges; and feedback requested/prompt.

### Public Comments

Public comments were given by Todd Osterberg, Chevron; Tony Fisher, Coalition for Clean Air; Jed Holtzman, 350 Bay Area; Andres Soto, CBE; Leah Louis Prescott, Rocky Mountain Institute; Diane Bailey, Menlo Spark; and Robert Whitehair, Sustainable San Mateo County.

### Board Comments

The Board and staff discussed concerns about delayed rulemaking timelines, and the need to hold the Board and Air District staff more accountable regarding timelines; the request for another update on the Marathon and Phillips 66 refinery transitions from fossil to renewable energy; the suggestion of adopting a zero Nitrogen Oxide (NO<sub>x</sub>) emissions standard for residential construction; whether proposed Regulations 13-2 (Organic Material Handling Operations) and 13-3 (Composting Operations) are even needed, if their intended emissions reductions can be incorporated into permitting requirements; whether an Annual Report for 2020 was released by the Air District; the request for a public document that lists regulations that have been adopted by the Air District and subsequent litigation of those regulations; and the request that Air District staff arranges regulations currently under development into a Program Evaluation Review Technique (**PERT**) chart format and make it available to the public.

### Board Action

None; receive and file.

## **TRANSPARENCY, PROCESS, ETHICS, AND ACCOUNTABILITY WORKSHOP**

19. **Opening Comments** - In the interest of time, this item was Continued to May 5, 2021.



20. **Brown Act and Best Practices** – In the interest of time, this item was Continued to May 5, 2021.

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

No requests received.

**BOARD MEMBERS' COMMENTS**

22. **Board Members' Comments**

None.

**OTHER BUSINESS**

23. **Report of the Executive Officer/APCO**

Jack P. Broadbent, Executive Officer/APCO, said that Air District staff has produced a video that highlights some of the Air District's accomplishments since working remotely began in 2020, and the video will be sent to the Board members.

24. **Chairperson's Report**

Chair Chavez announced that the Air & Waste Management Association's 114<sup>th</sup> Conference will be virtual yet again in 2021 and that any Board members who wish to attend should inform Vanessa Johnson.

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

The next Board of Directors meeting was originally scheduled for Wednesday, May 5, 2021 at 9:30 a.m. After the meeting concluded, the next meeting was scheduled for Wednesday, May 5, 2021 at **10:00 a.m.** via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

26. **Adjournment**

The meeting adjourned at 12:25 p.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards