

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

### **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.

#### **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/emailed-public-comments\\_072121\\_v2-pdf.pdf?la=en&rev=1cc7ac73f10d49d0bd8669e36c1e98ee](https://www.baaqmd.gov/~media/files/board-of-directors/2021/emailed-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 PM<sub>10</sub> 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 PM<sub>10</sub> 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 PM<sub>10</sub>), 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.

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