

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

Board of Directors Regular Meeting
Wednesday, November 3, 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*

This meeting was conducted under procedures in accordance with Assembly Bill 361. 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, Rich Constantine, Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Davina Hurt, Tyrone Jue, Myrna Melgar, Nate Miley, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, Lori Wilson.

Absent: Directors Lynda Hopkins, David Hudson, Rob Rennie.

CONSENT CALENDAR (ITEMS 2 – 14)

2. Continuation of Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
3. Minutes of the Board of Directors Special Meeting of October 20, 2021
4. Board Communications Received from October 20, 2021, through November 2, 2021
5. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of September 2021
6. Authorization to Approve Grant Awards for Fiscal Years (FY) 2021/2022, James Cary Smith Community Grant Program
7. Authorization to Execute a Contract Amendment with Kearns & West, Inc.
8. Authorization to Execute a Contract Amendment with Van Dermeyden Makus Law Corporation
9. Authorization to Execute a Contract Amendment with West Oakland Environmental Indicators Project
10. Authorization to Execute Contracts with RBA Creative LLC and Beth Altshuler Munoz Consulting

- 11. Stationary Source and Climate Impacts Committee Meeting
 - 11.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of October 18, 2021
 - 11.2 Report of the Stationary Source and Climate Impacts Committee Meeting of October 18, 2021
- 12. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting
 - 12.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of October 18, 2021
 - 12.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of October 18, 2021
- 13. Administration Committee Meeting
 - 13.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of October 20, 2021
 - 13.2 Report of the Administration Committee Meeting of October 20, 2021
- 14. Advisory Council Meeting
 - 14.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of October 25, 2021
 - 14.2 Report of the Advisory Council Meeting of October 25, 2021

The Board of Directors approved the following:

A) ACTION REQUESTED: Election of Officers

- 1) *Elect Drs. Linda Rudolph and Gina Solomon to serve as Co-Chairpersons and Professor Michael Kleinman to serve as Vice Chairperson.*

Public Comments

Public comments were given by David Moller; and Bruce Nagel, Sustainable Silicon Valley.

Board Comments

Director Ross requested copies of written public comments regarding the Air District’s proposed nitrogen oxide emissions limit within Regulation 9-4.

Board Action

Director Cutter made a motion, seconded by Director Wagenknecht, to **approve** the Consent Calendar Items 2 through 14, inclusive; and the motion **carried** by the following vote of the Board:

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

PUBLIC HEARING

15. Public Hearing to Consider Adoption of Proposed Amendments to Refinery Rules Definition

Damian Breen, Senior Deputy Executive Officer of Operations, introduced Chris Crowley, Principal Air Quality Specialist, who gave the staff presentation *Public Hearing to Consider Adoption of Proposed Amendments to Refinery Rules Definitions*, including: outcome; outline; requested action; background; issue and goals; proposed rule amendments; rule development process; no expected impacts; and final recommendations.

Chair Chavez opened the required public hearing to consider adoption of proposed amendments to refinery rules definitions.

Public Comments

Public comments were given by Andres Soto, Communities for a Better Environment (CBE); and Jed Holtzman, San Francisco resident.

NOTED PRESENT: Director Rice was noted present at 10:02 a.m.

Board Comments

The Board and staff discussed the desire to see Air District regulations that are currently applicable to petroleum refineries applied to the same facilities after operations are modified to produce products from alternative feedstocks (including those not derived from petroleum); and the desire for science-based definitions for terms such as “renewable” and “sustainable”.

Chair Chavez closed the Public Hearing.

Board Action

Secretary Bauters made a motion, seconded by Director Constantine, to **adopt** proposed amendments pertaining to the following Air District regulations:

Regulation	Rule (21 Affected)
Reg. 3: Fees	--
Reg. 6: Particulate Matter	6-5
Reg. 8: Organic Compounds	8-1, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-18, 8-28, 8-33, 8-39, 8-44, 8-53
Reg. 9: Inorganic Compounds	9-1, 9-10
Reg. 11: Hazardous Pollutants	11-10
Reg. 12: Misc. Standards of Performance	12-11, 12-12, 12-15

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

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

PRESENTATION

16. Assembly Bill 617 Community Emissions Reduction Plan Recommendation for East Oakland

Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, gave the staff presentation *Assembly Bill 617 Community Emissions Reduction Plan Recommendation for East Oakland*, including: outcome; outline; requested action; background on selection process; recommendation – East Oakland; preliminary East Oakland boundary; East Oakland air pollution; sources of air pollution; disparate health outcomes; community workshop highlights; community feedback; selection timeline; guest speakers; and feedback requested.

Following Ms. Eady’s presentation, Ernesto Arevalo of CBE and Marquita Price of East Oakland Collective were invited to share their desire to see East Oakland become the next Bay Area AB 617 community.

Public Comments

Public comments were given by Jessica Tovar, New Voices are Rising; Robin Freeman, Brower Dellums Institute for Sustainable Policy Studies; Jill Ratner, New Voices are Rising; Jed Holtzman, San Francisco resident; Ms. Margaret Gordon, West Oakland Environmental Indicators Project; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Maria Dominquez, Alameda County Public Health Department; Jasmine Gonzalez, East Oakland resident; Gabrielle Sloane-Law, East Oakland resident; Margie Lewis, East Oakland resident; Adele Watts, East Oakland resident; Beth Teper; and Andres Soto, CBE.

Board Comments

The Board and staff discussed whether a section of the City of San Leandro, which borders the proposed area to be selected, may be included in this proposal; and the request for a status update of high-priority communities being considered as potential AB 617 communities.

Board Action

Director Miley made a motion, seconded by Director Cutter, to **approve** a recommendation to California Air Resources Board for the selection of East Oakland for an AB 617 Community Emissions Reduction Plan; and the motion **carried** by the following vote of the Board:

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

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Andres Soto, CBE; Kevin Buchan, Western States Petroleum Association; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Marquita Price, East Oakland Collective.

BOARD MEMBERS' COMMENTS

18. Board Members' Comments

None.

OTHER BUSINESS

19. Report of the Executive Officer/APCO

On behalf of Jack P. Broadbent, Executive Officer/APCO, Mr. Breen reported ozone and PM exceedances in the Bay Area to date, and announced that the Air District's Winter Spare the Air season began on November 1.

20. Chairperson's Report

Chair Chavez reported that there will be two Board meetings in both November and December 2021, so that the Board may complete its equity training.

21. Time and Place of Next Meeting

Wednesday, November 17, 2021, at 9:00 a.m., via webcast, pursuant to procedures in accordance with Assembly Bill 361.

22. Adjournment

The meeting adjourned at 11:15 a.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards