



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE

COMMITTEE MEMBERS

JOHN BAUTERS – CO-CHAIR
TERESA BARRETT – VICE CHAIR
JOHN GIOIA
ERIN HANNIGAN
DAVINA HURT
MARK ROSS

KAREN MITCHOFF – CO-CHAIR
RICH CONSTANTINE
CAROLE GROOM
DAVID HAUBERT
TYRONE JUE

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES IN ACCORDANCE
WITH ASSEMBLY BILL 361**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY
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WEBPAGE AT**

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- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE
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<https://bayareametro.zoom.us/j/81053409379>

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

WEBINAR ID: 810 5340 9379

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A
COMMENT CAN USE THE “RAISE HAND” FEATURE BY DIALING “*9”. IN
ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE
YOUR APPLICATION IS UP TO DATE**

**MONDAY
DECEMBER 20, 2021
9:00 A.M.**

AGENDA

1. CALL TO ORDER - ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

The Committee Co-Chair shall call the meeting to order, and the Clerk of the Boards shall take roll of the Committee 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 Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

Staff/Phone (415) 749-

CONSENT CALENDAR (ITEM 2)

2. APPROVAL OF THE MINUTES OF NOVEMBER 15, 2021

Clerk of the Boards/5073

The Committee will consider approving the draft minutes of the Stationary Source and Climate Impacts Committee meeting of November 15, 2021.

END OF CONSENT CALENDAR

REGULAR AGENDA (ITEMS 3-4)

3. BAY AREA REFINERY UPDATE

**D. Breen/5041
dbreen@baaqmd.gov**

The Committee will be updated on regulatory compliance at Bay Area refineries.

4. **REGULATION 8, RULE 18 BACKGROUND**

D. Breen/5041
dbreen@baaqmd.gov

The Committee will receive background on Regulation 8, Rule 18 and the Heavy Liquids Study in preparation for anticipated future amendments to the rule.

END OF REGULAR AGENDA

5. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

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 Committee.

6. **COMMITTEE MEMBER COMMENTS**

Any member of the Committee, 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)

7. **TIME AND PLACE OF NEXT MEETING**

At the Call of the Chair.

8. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Co-Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@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, Suma Peesapati, at (415) 749-4967 or by email at speesapati@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

DECEMBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source and Climate Impacts Committee	Monday	20	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee – CANCELLED AND RESCHEDULED TO MONDAY, DECEMBER 6, 2021, AT 1:00PM	Thursday	23	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

JANUARY 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting – Cancelled	Wednesday	5	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee - Cancelled	Thursday	6	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee - Cancelled	Monday	17	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Special Meeting/Retreat	Wednesday	19	9:30 a.m.	Webcast pursuant to Assembly Bill 361
				and
				<u>PHYSICAL LOCATION:</u> Pleasant Hill Community Center 320 Civic Drive. Pavillion Room Pleasant Hill, CA 94523
Board of Directors Administration Committee – Cancelled	Wednesday	19	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee - Cancelled	Wednesday	19	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - Cancelled	Thursday	27	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

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: December 16, 2021

Re: Approval of the Minutes of November 15, 2021

RECOMMENDED ACTION

Approve the attached draft minutes of the Stationary Source and Climate Impacts Committee (Committee) meeting of November 15, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Stationary Source and Climate Impacts Committee meeting of November 15, 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Stationary Source and Climate Impacts Committee Meeting of November 15, 2021

Draft Minutes - Stationary Source and Climate Impacts Committee Meeting of November 15, 2021

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

Stationary Source and Climate Impacts Committee Meeting
November 15, 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 in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.

Meeting Items

1. Call to Order - Roll Call

Stationary Source and Climate Impacts Committee (Committee) Co-Chairperson Karen Mitchoff called the meeting to order at 9:01 a.m.

Present: Committee Co-Chairpersons John Bauters and Karen Mitchoff; Vice Chairperson Teresa Barrett; and Directors Rich Constantine, John Gioia, Erin Hannigan, David Haubert, Davina Hurt, Tyrone Jue, and Mark Ross.

Absent: Director Carole Groom.

Pledge of Allegiance

Public Meeting Procedure

CONSENT CALENDAR (Items 2)

2. Approval of the Minutes of October 18, 2021

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Co-Chair Bauters made a motion, seconded by Director Hurt, to approve the minutes of September 27, 2021; and the motion passed by the following vote of the Stationary Source and Climate Impacts Committee:

Yes 8, No 0, Abstained 0

AYES: Teresa Barrett, John Bauters, Rich Constantine, John Gioia, Erin Hannigan, Davina Hurt, Tyrone Jue, Karen Mitchoff.

NOES: None.

ABSTAIN: None.

ABSENT: Carole Groom, David Haubert, Mark Ross.

REGULAR AGENDA (Items 3 - 4)

3. Facility Risk Reduction Program Improvements

Carol Allen, Engineering Manager, gave the staff presentation, *Facility Risk Reduction Program Improvements*, including: outcome; outline; requested action; progress on Health Risk Assessments (HRA); tactical program improvements; strategic program improvements; pros and cons; and next steps.

Public Comments

Public comments were given by Christine Wolfe, California Council for Environmental and Economic Balance; Jed Holtzman, San Francisco resident; and Jan Warren Interfaith Climate Action Network of Contra Costa County.

NOTED PRESENT: Director Haubert was noted present at 9:35 a.m.

Committee Comments

The Committee and staff discussed the number of HRAs that have been conducted in Assembly Bill (AB) 617 communities; the members of the Rule 11-18 Implementation Work Group and how they were selected; the request for an update on the status of litigation against the Air District regarding adopted regulations; the number of Air District staff that would be dedicated to this rule's implementation, per the proposed program improvements; the request for a status update and implementation timeline of the Health Risk Assessments and Risk Reduction Plans for Phase I facilities, and how litigation against the Air District has impacted that process and the general implementation of this rule; the request for a side-by-side comparison of what implementation would look like both with and without the proposed program improvements; concerns about reducing HRA

expectations; concerns about moving Air District staff frequently from project to project; and the request for real-time updates as milestones are completed and delayed (Jue) so the Committee can see what individual tasks are behind.

Committee Action

Although this was not an action item, Committee Co-Chairperson Karen Mitchoff asked Committee members how they felt about Air District staff moving forward with proposed program improvements designed to accelerate implementation of risk reduction measures. The consensus of the Committee members present was: Before moving forward with the proposed program improvements, provide the Committee with the following:

1. a status update and implementation timeline of the Health Risk Assessments and Risk Reduction Plans for Phase I facilities;
2. a side-by-side comparison of what implementation would look like both with and without the proposed program improvements, and;
3. real-time updates as milestones are completed and delayed.

4. Draft Amendments to Building Appliance Rules - Regulation 9, Rules 4 and 6

Jennifer Elwell, Senior Air Quality Engineer, gave the staff presentation *Building Appliance Rules: Public Comments and Timelines*, including: outcome; outline; requested action; background; public feedback; path forward; potential timeline updates; and feedback requested/prompt.

Public Comments

Public comments were given by Jared Johnson, Acterra; Tom Kabat; Jed Holtzman, San Francisco resident; Leah Louis-Prescott, Rocky Mountain Institute; Melissa Yu, Sierra Club; Diane Bailey, Campaign for Fossil Fuel Buildings in Silicon Valley; and Laura Feinstein, San Francisco Planning and Urban Research Association.

NOTED PRESENT: Director Ross was noted present at 10:20 a.m.

Committee Comments

The Committee and staff discussed how to dedicate time to address equity considerations that could result from these rules without delaying the proposed timeline of their adoption; the resources (staff and funding) that would be required to play a leadership role regarding mitigating equity factors; and the request for a status of both incentive programs and disincentives for the installation of zero emissions appliances.

Committee Action

None; receive and file.

5. Public Comment on Non-Agenda Matters

No requests received.

6. Committee Member Comments

None.

7. Time and Place of Next Meeting

Monday, December 20, 2021, at 9:00 a.m., via webcast pursuant to procedures in accordance with Assembly Bill 361.

8. Adjournment

The meeting was adjourned at 10:34 a.m.

Marcy Hiratzka
Clerk of the Boards

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: December 16, 2021

Re: Bay Area Refinery Update

RECOMMENDED ACTION

None; informational only.

BACKGROUND

Refineries are the largest stationary source emitter, with hundreds of tons of nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), precursor organic compounds (POC) and particulate matter (PM) emissions from each refinery each year.

Providing oversight, compliance assistance and assurance takes up significant staff time. During these activities staff frequently identifies areas where performance can be improved and this results in recommendations for rule making, legislative and procedural change for Air District operations relative to permitting and enforcement at these facilities.

DISCUSSION

Staff will provide a presentation to update the Stationary Source and Climate Impacts Committee on the overall performance of the five major refineries within the Air District. The presentation is a five-year review. It will review compliance history, summarize flaring events, provide a history of public nuisance violations at each refinery, and discuss future recommendations to improve compliance at these facilities going forward.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Linda Duca and Ed Giacometti
Reviewed by: Damian Breen

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: December 16, 2021

Re: Regulation 8, Rule 18 Background

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In December 2015, the Board of Directors approved a revised Regulation 8, Rule 18 that removed the monitoring exemption for components in heavy liquid service (materials with an initial boiling point greater than 302 degrees Fahrenheit) beginning in January 2018. The Board's adopting resolution (Resolution 2015-12) directed Air District staff to examine emission reduction and cost effectiveness issues related to the inclusion of requirements for monitoring of components in heavy liquid service in Regulation 8, Rule 18. Subsequently, as part of a legal settlement of a legal challenge to the 2015 rule revision, the Air District agreed to: a) complete an ongoing joint study; b) in consultation with affected refineries, produce a report on the results of the study, and c) revisit the cost effectiveness of monitoring components in heavy liquid service.

DISCUSSION

The Air District, five Bay Area petroleum refineries (Chevron Richmond Refinery, Phillips 66 San Francisco Refinery, Shell Martinez Refinery, Tesoro Golden Eagle Refinery, and Valero Benicia Refinery), and the Western States Petroleum Association (WSPA) conducted a study to understand total organic compound emissions from petroleum refinery equipment handling materials with an initial boiling point greater than 302 degrees Fahrenheit. The study was conducted between 2016 and 2021 and included sampling of emissions from equipment leaks at the five petroleum refineries.

On November 2, 2021, a draft report summarizing the findings of the joint study was provided to WSPA and the refineries for technical review and comment with a comment deadline of December 24, 2021.

Results will be finalized after addressing any technical comments submitted by WSPA and the petroleum refineries.

After finalizing the report, the next steps will include an evaluation of potential emissions reductions, a cost effectiveness analysis, and a recommendation of any necessary revisions to the rule.

As part of this agenda item, staff will provide a background on Regulation 8, Rule 18, the study to evaluate emission from components in heavy liquids service (“Heavy Liquids Study”) and the litigation associated with this regulation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Pamela Leong
Reviewed by: Damien Breen