

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

Board of Directors Meeting  
Wednesday, May 13, 2026

### **APPROVED MINUTES**

*This meeting was webcast, and a video recording is available on the website of the Bay Area Air District at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, Lynda Hopkins, called the meeting to order at 10:00 a.m.

#### **Roll Call:**

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, CA, 94105): Chairperson Lynda Hopkins; Vice Chairperson Vicki Veenker; and Directors Ken Carlson, Chris Clark, Noelia Corzo, Tyrone Jue, Mark Salinas, Linda Sell, and Steve Young.

Present, In-Person Satellite Location: (Solano County Administration Building, 675 N. Texas St. Room A168, Fairfield, CA 94533): Director Monica Brown.

Present, In-Person Satellite Location: (Office of Santa Clara County, 70 W. Hedding St, 1st Floor Conference Room, San Jose, CA 95110): Director Otto Lee.

Present, In-Person Satellite Location: (Napa County Administration Building, 1195 Third Street, Suite 310, County Executive's Office, Napa, CA 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location: (San Mateo County Board of Supervisors' Office, 5th Floor, 500 County Center, Redwood City, CA 94063): Director Ray Mueller.

Present, In-Person Satellite Location: (City of San Bruno, 567 El Camino Real, Room 138, San Bruno, CA 94066): Director Rico E. Medina.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Directors John Gioia and Gabe Quinto.

Present, In-Person Satellite Location: (Office of Alameda County Supervisor David Haubert, Scott Haggerty House, 4501 Pleasanton Avenue, Pleasanton, CA 94566): Director David Haubert.

Present, In-Person Satellite Location: (Pittsburg City Hall, 65 Civic Ave., Room, 301A, Pittsburg, CA 94565): Director Dionne Adams.

Present, In-Person Satellite Location: (Alameda County Board of Supervisors District 3, 101 Callan Ave., Suite 103, San Leandro, CA 94577): Director Lena Tam.

Absent: Directors Brian Barnacle, Brian Colbert, Juan González III, Bilal Mahmood, and Shamann Walton.

## 2. PLEDGE OF ALLEGIANCE

### DISCUSSION ITEM

## 3. RULE 9-6 REGULATORY OVERVIEW AND DISCUSSION OF FLEXIBILITY AND AFFORDABILITY AMENDMENTS FOR ZERO NOX WATER HEATERS (CONTINUED ITEM 27 FROM MAY 6, 2026 MEETING)

This item was continued from the May 6, 2026, meeting (agenda Item 27). Public comment was completed for this item at the May 6 meeting. The continuation of this item (from the May 6 Board meeting) was for the purpose of completing the Board's discussion of the item only. The Board of Directors discussed potential flexibility and affordability amendments to Rule 9-6 for small water heaters. The Regulatory Overview for Rule 9-6, released publicly on April 13, was intended to provide additional context on Air District staff's process to date and current recommendations.

NOTED PRESENT: Vice Chair Veenker was noted at 10:03 a.m.; Director Salinas was noted at 10:11 a.m.; Director Clark was noted present at 10:17 a.m.; and Director Corzo was noted at 10:30 a.m.

Greg Nudd, Deputy Executive Officer for Policy, gave the staff presentation *Rule 9-6: Flexibility and Affordability Amendments for Zero NOx Water Heaters*, including: summary of key recommendations; and low-income definitions.

### Board Comments

The Board and staff discussed whether the staff recommendation of providing a nine-month delay to develop exemption process and conduct outreach applies to new or existing construction; what the new implementation date would be for Rule 9-6 if the Board approved a nine-month delay to the implementation schedule; how many Community Choice Aggregation (CCA) organizations in the Bay Area offer rebate programs that are applicable to Rules 9-6 and 9-4; the belief that now is not the appropriate time to impose an additional mandate with significant associated costs, given current affordability challenges; the belief that advocating for lower costs in other areas, while simultaneously imposing additional cost burdens through the Air District, sends mixed messages to the public; the belief that gas-

emitting appliances in the home may represent a relatively smaller concern than other pollution sources; concerns regarding power outages impacting the reliability of electric appliances; concerns that access to rebates may vary by location, potentially creating disparities among communities; the belief that assessing household-level cost burdens may fall outside the Air District's core expertise and jurisdiction; concerns regarding impacts that may result due to issues with appliance space and technology constraints; concerns about having to do without hot water while waiting for replacement units; the belief that many are not aware of the Air District's gas appliance rules, and the desire for the members of the Air District's Community Advisory Council and Assembly Bill 617 Community Steering Communities to educate their communities about these gas appliance rules; the suggestion of making these appliance changes a voluntary program, rather than mandated rules; concerns that the current low-income exemptions may need greater flexibility, including a more graduated structure that provides increased support for lower-income households; the belief that project exemptions should not be contingent upon the ability to hire a contractor, and that clear criteria are needed to define the scope and limits of such exemptions; home electrification projects completed in the Cities of Palo Alto and San Francisco's (which resulted in no observed impacts on the electrical grid), and the observation that what worked in one case may not be applicable across all situations; the way in which the Air District would connect households that do not meet the requirements for exemptions with rebate and other support programs; the suggestion of postponing the implementation of Rule 9-6 until January 2029, to combine the implementation start dates of Rules 9-6 and 9-4, or at least postponing Rule 9-6's implementation (various increments of delay time were suggested); the belief that an increased understanding of the health benefits could make electric appliances more appealing to many households; the belief that tenant health considerations are not always uniformly prioritized across all property owners; the belief that it falls to the current generation to confront and remedy unintended impacts of past actions, regardless of the political challenges involved; whether multi-family units apply for exemptions individually or as one building; the belief that the current rule raises equity concerns, particularly if the resulting cost burden is felt most acutely by low-income families; whether the Air District may use its funds on changing behavior rather than requiring changes that not everyone can afford; concerns about the misinformation about the Air District's gas appliance rules and zero NOx appliance technology; the belief that zero NOx technology is being driven/shaped by discussion of rules like this; the suggestion of adding a new recommendation of a model permit streamlining ordinance to be used by jurisdictions; the request for an updated socioeconomic impacts report; the request that staff clarify the definitions of the terms "emergency," "temporary," and "high heat demand"; the request that these rulemakings provide language access for Limited English Proficient individuals; the request that staff conducts a scientific, randomized sampling study of problematic housing stock (in the nine Bay Area counties) and identify their associated costs and impacts; whether this would be the first time that the Air District would impose regulations on equipment in homes with an associated cost burden; and concerns regarding the anticipated cost burden impacts on the middle-income class.

The Chair noted that there was a majority support from the Board members present to move forward with bringing staff recommendations back to the Board for consideration in October 2026. Ten Board members supported moving ahead with staff's recommendations as presented, along with additional direction that was provided. Eight Board members supported a pause or a voluntary program instead of staff recommendations. The Chair added that, between May and October 2026, there may be a future Stationary Source Committee meeting

pertaining to the gas appliance rules, focusing on a model ordinance, a possible report on community engagement, and potential subsidies, but not on the rulemaking process itself.

**OTHER BUSINESS**

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

Public comments were given by Fernando Gaytan, Earthjustice; and Dawn, Campbell resident.

*At 12:17 p.m., during Item 4, a quorum of Board members (in any location) was lost, and the meeting was forced to adjourn. Items 5 through 7 did not occur.*

**5. BOARD MEMBER COMMENTS**

**6. REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER (APCO)**

**7. CHAIRPERSON'S REPORT**

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

Wednesday, June 3, 2026, at 10:00 a.m. The meeting will be held in-person at the Bay Area Metro Center. Members of the Board of Directors must attend in person at the Bay Area Metro Center; members of the public will be able to attend in person or virtually via webcast.

**9. ADJOURNMENT**

The meeting was adjourned at 12:17 p.m.

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