



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

ADVISORY COUNCIL MEETING

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
ASSEMBLY BILL 361**

- **MEMBERS OF THE ADVISORY COUNCIL MAY PARTICIPATE BY
TELECONFERENCE**
- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST
BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA
WEBPAGE AVAILABLE AT**

<https://www.baaqmd.gov/about-the-air-district/advisory-council/agendasreports>

- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE
FOLLOWING LINK OR BY PHONE**

<https://bayareametro.zoom.us/j/85268263819>

(669) 900 6833 or (408) 638 0968

WEBINAR ID: 852 6826 3819

- **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
OCTOBER 25, 2021
8:30 A.M.**

AGENDA

1. CALL TO ORDER - ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

The Council Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Council members.

***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 Council. No speaker who has already spoken on that item will be entitled to speak to that item again.*

Staff/Phone (415) 749-

2. APPROVAL OF THE MINUTES OF SEPTEMBER 13, 2021

Clerk of the Boards/5073

The Council will consider approving the draft minutes of the Advisory Council Regular Meeting of September 13, 2021.

3. ELECTION OF OFFICERS

**G. Nudd/4786
gnudd@baaqmd.gov**

The Council will elect officers to serve on the Advisory Council.

4. LEGISLATIVE HISTORY OF THE ADVISORY COUNCIL AND ROLE OF OFFICERS

**G. Nudd/4786
gnudd@baaqmd.gov**

Staff will provide the Council with an overview of the legislative history and the current role of the Advisory Council.

5. AIR DISTRICT CLIMATE PROTECTION PROGRAM UPDATE

**G. Nudd/4786
gnudd@baaqmd.gov**

The Council will receive an overview on the Air District's policies and programs to help address climate change.

6. **REPORT OF THE EXECUTIVE OFFICER/APCO**

7. **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 Council.

8. **COUNCIL MEMBER COMMENTS / OTHER BUSINESS**

Council members may make a brief announcement, provide a reference to staff about factual information, or ask questions about subsequent meetings.

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

Monday, November 8, 2021, at 8:30 a.m., via webcast, pursuant to procedures in accordance with Assembly Bill 361.

10. **ADJOURNMENT**

The Council meeting shall be adjourned by the 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, Terri Levels, at (415) 749-4667 or by email at tlevels@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

OCTOBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Meeting	Monday	25	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	28	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

NOVEMBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	3	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	4	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting	Monday	8	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	15	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Nominating Committee	Wednesday	17	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Special Meeting	Wednesday	17	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	17	11:00 a.m.	Webcast only pursuant to Assembly Bill 361

Board of Directors Legislative Committee - CANCELLED	Wednesday	17	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
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Board of Directors Mobile Source and Climate Impacts Committee – CANCELLED AND RESCHEDULED TO MONDAY, DECEMBER 6, 2021, AT 1:00PM	Thursday	25	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Advisory Council

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 19, 2021

Re: Approval of the Minutes of September 13, 2021

RECOMMENDED ACTION

Approve the attached draft minutes of the Advisory Council meeting of September 13, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Advisory Council meeting of September 13, 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Advisory Council Meeting of September 13, 2021

Draft Minutes – Advisory Council Regular Meeting of September 13, 2021

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

DRAFT MINUTES

Advisory Council Regular Meeting
Monday, September 13, 2021

An audio recording of the meeting is available on the website of the Bay Area Air Quality Management District at
<http://www.baaqmd.gov/about-the-air-district/advisory-council/agendasreports>

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

1. CALL TO ORDER

Greg Nudd, Deputy Air Pollution Control Officer (APCO) of Policy, acting as meeting facilitator, called the meeting to order at 8:33 a.m.

Roll Call:

Present: Members Dr. Danny Cullenward, Dr. Adrienne Hollis, Prof. Michael Kleinman, Dr. Pallavi Phartiyal, Garima Raheja, and Dr. Gina Solomon.

Absent: Dr. Linda Rudolph.

Also Present: None.

2. APPROVAL OF THE MINUTES OF DECEMBER 3, 2020

Public Comments

No requests received.

Council Comments

None.

Council Action

Prof. Kleinman made a motion, seconded by Dr. Solomon, to **approve** the Minutes of December 3, 2020; and the motion carried by the following vote of the Council:

AYES: Cullenward, Hollis, Kleinman, Phartiyal, Raheja, Solomon.
NOES: None.
ABSTAIN: None.
ABSENT: Rudolph.

3. COUNCIL INTRODUCTIONS

This was the first meeting for four new Advisory Council (Council) members (Cullenward, Hollis, Phartiyal, and Raheja); the other three members (Kleinman, Rudolph, and Solomon) had been reappointed from the previous Council configuration. All present Council members gave introductory remarks about their academic backgrounds, careers, and interest in wanting to serve on the Council.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; Charles Davidson, Hercules resident.

Council Comments

The Council and staff discussed the difficulties of the Council members corresponding via group emails without violating the Ralph M. Brown Act’s “Open Meeting” requirement, and what types of situations would warrant group emailing among Council members; the procedure that Council members should use to agendaize particular items at Council meetings; and whether Council members may give Air District staff input on issues discussed at Council meetings *in between* Council meetings.

Council Action

None; receive and file.

4. OVERVIEW OF THE RALPH M. BROWN ACT

Mr. Nudd introduced Joel Freid, Assistant Counsel, who gave the staff presentation *Overview of the Ralph M. Brown Act*, including: Brown Act fundamentals; relationship to parliamentary procedure; legislative bodies under the Brown Act; Brown Act meetings; virtual meetings under the Brown Act; voting; and public comment.

Public Comments

No requests received.

Council Comments

The Council members and staff discussed Assembly Bill (AB) 361 (Rivas), which would, until January 1, 2024, authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided. This bill has been passed by both the Assembly and Senate and is awaiting the Governor’s signature.

Council Action

None; receive and file.

5. INTRODUCTION OF THE AIR DISTRICT

Mr. Nudd gave the staff presentation *Introduction to the Air District*, including: requested action; mission statement; Air District background; overview; Advisory Council defined by California Health and Safety Code; role of the Council; Air District organizational chart; Senior Deputy Executive Officers; Deputy Air Pollution Control Officers; and accessing Council materials.

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether there are typical products (work plans, reports, etc.) that the Council develops over the year.

Council Action

None; receive and file.

6. BAY AREA AIR QUALITY OVERVIEW

Mr. Nudd introduced Dr. Ranyee Chiang, Director of Meteorology and Measurements, who gave the staff presentation *Bay Area Air Quality Overview*, including: presentation goals; air pollutants; climate emissions; climate change impacts; air pollution; emissions; ambient concentrations; air quality impacts; exposure disparities; health impacts; health inequities; and health.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; and Steve Nadel, Sunflower Alliance.

Council Comments

The Council and staff discussed concerns regarding the lack of emissions data during periods of startup, shutdown, and malfunction at facilities within the Air District’s emissions inventories, and the request for a follow up presentation on this issue; area-wide measurement trends of 24-hour Particulate Matter (PM)_{2.5} and annual PM_{2.5}; and the suggestion that the Council analyzes the potential health consequences of suspending air quality regulations that pertain to emergency backup generators.

Council Action

None; receive and file.

7. OVERVIEW OF AIR DISTRICT LEGAL AUTHORITIES

Adan Schwartz, Acting District Counsel, introduced Madeline Stone, Assistant Counsel, as the attorney that will be working with the Council and attending Council meetings. Mr. Schwartz then introduced Alexander Crockett, Acting Senior Assistant Counsel, who gave the staff presentation *Overview of Air District Legal Authorities*, including: conceptual framework; Air District authority; institutional roles within the Air District; regulation of Criteria Air Pollutants, Toxic Air Contaminants, and greenhouse gases; addressing other air quality problems; permit programs; California Environmental Quality Act; environmental justice.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; and Steve Nadel, Sunflower Alliance.

Council Comments

The Council and staff discussed how the role of the Council relates to the three existing quasi governing branches of the Air District (Board, APCO, and Hearing Board); the audience on which the Council should be focused on informing; the desire of members of the Council to be apprised of regulating activities and penalties from the Air District’s Compliance & Enforcement and Engineering (Permitting) Divisions; how AB 398 impacted the Air District’s regulatory authority, specifically the Title V program of the Clean Air Act; and whether the Council should consult the United States Environmental Protection Agency’s Environmental Benefits Mapping and Analysis Program, regarding the manner in which health benefits are currently calculated.

Council Action

None; receive and file.

8. OVERVIEW OF AIR DISTRICT PROGRAMS

Mr. Nudd introduced Henry Hilken, Director of Planning and Climate Protection, who gave the staff presentation *Overview of Air District Programs*, including: overview; focus on communities: collaborative relationships to support Air District mission; plans: 2017 Clean Air Plan and AB 617; AB 617 Bay Area Communities and a community-centered program; toolkit: Rule Development, permits, Compliance & Enforcement, collaborating statewide and regionally, collaborating with cities and counties, Climate Protection Program, incentives for clean air and climate solutions, incentives for electric vehicles, innovative financing for innovative technologies, and communications; and contact the Air District.

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether the Council would want to provide the Board input on amendments to Air District Regulation 2-5 (Toxic New Source Review) and Regulations 9-4 and 9-6 (regarding furnaces and gas-fired water heaters); and whether incentives for clean air and climate solutions grants include replacement programs for small appliances such as leaf blowers and lawn mowers.

Council Action

None; receive and file.

9. REPORT OF THE EXECUTIVE OFFICER/APCO

Jack P. Broadbent, Executive Officer/APCO, introduced himself and said that he looked forward to the Council’s future deliberations.

10. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

11. COUNCIL MEMBER COMMENTS/ OTHER BUSINESS

Dr. Hollis said that she looked forward to working with the other Council members and Air District staff.

12. TIME AND PLACE OF NEXT MEETING

Monday, October 25, 2021, at 8:30 a.m., via webcast, pursuant to procedures in accordance with Government Code Section 54593.

13. **ADJOURNMENT**

The meeting adjourned at 11:52 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Advisory Council

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 19, 2021

Re: Election of Officers

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In 2021, the Advisory Council welcomed four new members and therefore will consider members for leadership positions.

DISCUSSION

The Advisory Council will discuss, recommend, and select a Chair, Vice Chair, and any other officers, as necessary, for 2021.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sonam Shah-Paul
Reviewed by: Greg Nudd

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Advisory Council

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 19, 2021

Re: Legislative History of the Advisory Council and Role of Officers

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Staff will provide an overview on the legislative history and the current role of the Advisory Council.

DISCUSSION

Legislative History of the Advisory Council

The Advisory Council was formed by the California Health and Safety Code in 1955. At the time, the Bay Area Air Quality Management District (Air District) was called the Bay Area Air Pollution Control District. The original statute in former Health and Safety code section 40161 stated that, “The board shall appoint a Bay Area Air Pollution Control Advisory Council to advise and consult with the board and the control officer...” (Stats. 1975, ch. 957, § 40261, p. 2159)

In the original statute the Advisory Council was composed of twenty (20) members who, “preferably are skilled and experienced in the field of air pollution, including at least one representative of colleges or universities in the State, and at least one representative of each of the following groups within the district: health agencies, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor.” (Stats. 1975, ch. 957, § 40262, pp. 2159-2160.)

In 2015, the statute was amended to streamline the Advisory Council; the number of seats was reduced from twenty (20) to (7), “...who shall be skilled and experienced in the fields of air pollution, climate change, or the health impacts of air pollution. Members shall be selected to include a diversity of perspectives, expertise, and backgrounds.” (Health & Saf. Code, § 40262.)

Despite these changes and other amendments to the terminologies used for the Air District and Air Pollution Control Officer, the original language stating that the role of the Advisory Council is to advise and consult with both the Board of Directors and the Air Pollution Control Officer on the work of the Air District has remained unchanged. (See Health & Saf. Code, § 40261.)

Role of the Officers

Historically, the Chair of the Advisory Council has helped determine the cadence of Advisory Council meetings, including if a subcommittee of the Advisory Council needs to meet. Together with Air District staff, the Chair helps develop Advisory Council meeting agendas and materials. During Advisory Council meetings, the Chair will lead the meeting following Robert's Rules of Order. This includes facilitating comments from fellow Advisory Councilmembers and public comment on agenda items. In addition, the Chair regularly provides reports to the Board of Directors on the work of the Advisory Council. Lastly, the Chair has historically guided the Advisory Councilmembers and Air District staff in the development of Advisory Council work products, including reports; providing additional review and consideration to any work products that will be provided to the Board of Directors. The Vice-Chair of the Advisory Council has provided support to the Chair in their work and will act as Chair should the Chair be absent from a meeting.

Going forward, the roles of the Chair and Vice-Chair can be expanded to better suit the needs of the Advisory Council and the Air District.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sonam Shah-Paul
Reviewed by: Madeline Stone/Adan Schwartz

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Advisory Council

From: Jack P. Broadbent
Executive Officer/APCO

Date: October 19, 2021

Re: Air District Climate Protection Program Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In 2015, 196 nations signed the Paris Climate Agreement, making commitments to limit greenhouse gas (GHG) emissions to levels that would contain global warming to 1.5 – 2°C over pre-industrial levels. The Agreement calls on countries to work to achieve a leveling-off of global GHG emissions as soon as possible and to become carbon neutral no later than the second half of this century. Despite these commitments, recent studies by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) find that worldwide greenhouse gas emissions levels continue to rise.

DISCUSSION

In its recently released report, the United Nations' Intergovernmental Panel on Climate Change's (IPCC) Sixth Assessment Report, *Climate Change 2021: The Physical Science Basis* presents a stark analysis of GHG trends. For example, each of the last four decades has been successively warmer than any decade that preceded it since 1850. We now experience temperatures approximately 1.1°C above average global 1850 temperatures. In addition, in June 2021, CO₂ concentrations at Mauna Loa, the location of the longest background data set, reached 420 parts per million (ppm). The earth's atmosphere has not seen such levels for at least 2 million years.

In the face of these challenging findings, the Bay Area and California continue to provide national leadership on the issue of climate change. According to the California Air Resources Board (CARB), California met the 2020 GHG reduction target laid out in the Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32) of reducing statewide emissions to 1990 levels by 2020. This is in large part due to regulatory activity that has taken place at the state level – through the Renewables Portfolio Standard for electricity, the Low Carbon Fuel Standard, the Clean Car Standards and the Cap and Trade program – as well as regulatory, incentive-based and policy initiatives at the regional and local level.

As focus turns to achieving longer-term GHG reduction targets under Senate Bill (SB) 32 (reducing emissions 40% below 1990 levels by 2030) and Executive Order B-55-18 (achieve carbon neutrality by 2045), the role of regional agencies and local governments continues to be a key element of the state's climate protection initiatives. Achieving deep emission reductions in the transportation sector, the building stock, waste management, highly potent GHGs, and other sectors will require policy adoption, behavior changes and technological advances at the regional and local levels. Staff will provide an overview of key climate activities of the Air District moving into 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Henry Hilken
Reviewed by: Greg Nudd