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**Community Emission Reduction Plan (CERP)  
Community Steering Committee Meeting #21**

January 30, 2023

# Welcome

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# Today's Agenda

1. Roll Call
2. Welcome and Timeline Review
3. Approval of November 28, 2022 Meeting Minutes
4. Problems to Solutions Ad Hoc Committee Report Back
5. Review + Vote on Fuel Refining Distribution Storage Scope of Work for Flaring Analysis
6. Review + Vote on Ad Hoc's Request for a Communications and Community Engagement Plan
7. AB2449 Update - Changes to Remote Attendance Rules Under Ralph M. Brown Act's Open Meeting Laws
8. Proposed CERP Timeline and Process for Future CSC Community Governance Structure
9. Environmental Justice Updates
10. Public Comment on Non-agenda Items and Next Steps



# Timeline: Where are We Today?



# Where We've Been

- Formed a CSC, drafted a Charter, and our Vision and Principles
- Formed a Technical Assessment Ad Hoc and received presentations from the technical staff on the technical assessment findings and weight of evidence
- Formed a Community Description Ad Hoc and drafted the Community Description for the CERP
- Created the Social Pinpoint tool, conducted community outreach and held a Town Hall, received a lot of great community feedback that led us to our 6 Community Concerns/Key Issues
- Learned and implemented the Key Issues Approach to center Community Concerns in strategy development
- Heard from staff from different Divisions on examples of strategies they could develop and implement
- Formed a Problems to Solutions (P2S) Ad Hoc, 6 writing teams, and began drafting strategies
- Held three CSC meetings to discuss and receive feedback on the 6 Community Concerns/Key Issues



# Where We're Going

- P2S Ad Hoc with Air District staff assistance and consultant support draft the strategy and key issue chapter
- CSC members with Air District staff assistance draft Chapter 2 (Steering Committee) and Chapter 3 (Vision and Principles)
- Air District staff compile all CERP chapters and appendices (e.g. Ch 5, Air Pollution and Ch 6 Enforcement Findings)
- CSC and Air District staff review and provide feedback on CERP
- Broader community (public) review and feedback on CERP
- CSC adopts CERP
- BAAQMD Committee and Board approves CERP
- CARB reviews and approves CERP



# Approval of November 28, 2022 Meeting Minutes

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# Problems to Solutions Ad Hoc Report

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# Problems to Solutions Ad Hoc Report

- What the Ad Hoc and the writing teams have been working on
- What we will be doing over the next months (including today!)



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# Public Comment

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# Review + Vote on Fuel Refining Distribution Storage Scope of Work for Flaring Analysis

**Presenter:** Marisol Cantu, RSP PTCA CSC Member



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# Why does this matter?

While we have many sources of pollution to review and reduce, our biggest opportunity lies with emissions reduction at Chevron Richmond, the largest refinery on the west coast of North America.

But after 21 months, we still can't answer two fundamental questions.

1. Why does Chevron continue to have such elevated levels of flaring?
2. How damaging are they for public health?



# Deliverables

Support the Committee with independent technical analysis and advice regarding maximum feasible measures to prevent and reduce emission, health, and safety risk associated with refining and related activities in Richmond and West County, targeting potential actions that may be initiated in 2023 and accounting for both the need for prompt implementation and the need for sustained preventive action and implementation for at least a decade amid anticipated fundamental change in the petroleum industry:

- A. The initial focus will be on flare emission incident prevention measures and opportunities for proactive community involvement in such measures;
- B. Facility-wide (refinery, sulfur plant, marine terminal) combustion emission prevention measures will be an additional focus to the extent that time and resources allow;
- C. Facility-wide toxic air contaminant emission 'leak' prevention measures, and other technical questions as directed by the Committee, may also be included, to the extent that time and resources allow.



# Cost Schedule

An hourly amount of 50 hours was negotiated. The total estimated hours for this project is 50 hours.

At a consultant rate of \$150/ HR the total estimated project cost for this service is at \$7,500. An advanced payment of \$1,000 is requested at the beginning of the project and the client will be invoiced monthly on the 5th of every month for work done in the previous month. The advanced payment of \$1,000 will be credited towards the invoice.

# Steering Committee Questions and Discussions

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# Request for Action

Does the PTCA CSC agree to approve the Fuel Refining Distribution Storage Scope of Work for Flaring Analysis?

# Review + Vote on Ad Hoc's Request for a Communications and Community Engagement Plan

**Presenter:** Nancy Peace, RSP PTCA CSC Member



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# Why does this matter?

**Goal:** Develop a strategic community engagement and communications plan for the AB 617 Steering Committee to engage and inform the public regarding the community emission reduction plan with an emphasis on stationary source pollution with a racial, social and environmental justice lens.



# Deliverables

## **Step 1: Gather and analyze community concerns, strategies, work products:**

Develop a survey questionnaire for gathering information from the steering committee to identify the targeted audience, communication competency, and community connections. Contractor will analyze the information and present the findings and analysis to the steering committee and facilitate consensus and receive additional feedback.

## **Step 2: Develop the Communications and Community Engagement Plan:**

Develop a draft communications and community engagement plan for the steering committee to review, provide feedback and approve a final version.

## **Step 3: Develop Outreach and Social Media Materials:**

Develop Graphic and written outreach materials such as flyers, talking scripts, PowerPoint presentations, information packets and a social media toolkit.



# Cost Schedule

An hourly amount of 50 hours was negotiated. The total estimated hours for this project is 50 hours.

At a consultant rate of \$150/ HR the total estimated project cost for this service is at \$7,500. An advanced payment of \$1,000 is requested at the beginning of the project and the client will be invoiced monthly on the 5th of every month for work done in the previous month. The advanced payment of \$1,000 will be credited towards the invoice.

# Steering Committee Questions and Discussions

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# Request for Action

Does the PTCA CSC agree to approve the Ad Hoc's Request for a Communications and Community Engagement Plan ?



# AB2449 Update - Changes to Remote Attendance Rules Under Ralph M. Brown Act's Open Meeting Laws

**Presenter:** Marcia Raymond, Assistant Counsel, Legal Office, Bay Area Air Quality Management District / [mraymond@baaqmd.gov](mailto:mraymond@baaqmd.gov)



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# Overview

- **AB 361** was passed in response to COVID-19 and requires a proclaimed **state of emergency**.
- **AB 361 suspended the following traditional Brown Act requirements** for attending meetings virtually:
  - An **in-person quorum** in one location **within the agency's jurisdiction**,
  - **Posting the address of all remote locations** on the meeting notice and agenda, and
  - **Allowing public access** to all remote locations
- On **February 28, 2023**, the **state of emergency** declared by Governor Newsom in response to COVID-19 **will expire** and **AB 361 provisions will no longer apply**.
- As of **March 1, 2023**, the Brown Act will have **two options for members to attend meetings virtually**:
  - **Traditional Brown Act teleconferencing rules** (as set forth above), or
  - The procedures set forth in **AB 2449**, which became effective January 1, 2023.



# AB 2449

For a member to attend remotely under AB 2449 there must be:

- A **quorum** of members **participating in person** from one location within the District's jurisdiction (same as traditional Brown Act requirement), **AND**
- A **"just cause"** reason or an **"emergency circumstance,"** which must be **stated on the record at the start of the meeting.**

**"Just Cause"** = **childcare or caregiving need, contagious illness, or a need related to a defined physical or mental disability.**

**"Emergency Circumstance"** = a **physical or family medical emergency** "that prevents a member from attending the meeting in person."

A request to attend remotely due to an **"emergency circumstance"** requires approval by a majority vote of the body at the start of the session. **If not approved,** the member may **only attend as a member of the public and may not vote.**



# Three Additional Requirements of AB 2449

- **Before any action is taken** during the meeting, the member attending remotely **must publicly disclose whether any other individuals 18 years of age or older are present in the room**, and the general nature of the **member's relationship with any such individuals**.
- A member participating remotely **must participate through both audio and visual technology** (i.e., the member's **camera must stay on** during the entire meeting).
- For the CSC, a member may not attend **remotely for more than three consecutive months or 20 percent of the regular meetings** within a calendar year.

# Practical Considerations of AB 2449

- **Members must coordinate to ensure that a physical quorum is secured ahead of each meeting** (this applies to traditional Brown Act teleconferencing rules as well).
- **All requirements of AB 2449 (or the traditional Brown Act) MUST be met for any member to attend remotely.**
- **Members attending virtually when all the requirements of AB 2449 (or the traditional Brown Act) have NOT been or when members vote not to accept an “emergency circumstance” reason for remote attendance may only participate as a general member of the public and cannot vote on any action item.**
- **Accurate records** of which members have requested to attend remotely, how many times and for what reason **must be kept.**



# Steering Committee Questions and Discussions

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# Proposed CERP Timeline and Process for Future CSC Governance Structure

**Presenters:** Alfredo Angulo and Y'Anad Burrell, RSP PTCA CSC Co-Chairs



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# Outline

- CERP Timeline
  - Background
  - Updated Timeline
- CSC Governance
  - Background
  - Steps to transition governance structure
- Request for Action
  - Direct Co-chairs to send letter to CARB regarding timeline
  - Call for a Governance Ad Hoc

# CERP Timeline: Background

- On December 10, 2021, the Community Steering Committee (CSC) Co-chairs sent a letter to CARB notifying them there would be a delay in the submission of the CERP until November 2022.
- Although the CSC has made excellent progress, there is more work ahead to complete a draft CERP.
- Additional time is also needed to accommodate a robust community review process before adoption.
- The CSC through the Co-chairs should send an updated letter notifying CARB about the updated timeline to complete and adopt the CERP.

# CERP Timeline: Proposed Updates

- P2S Ad Hoc, Air District staff, technical consultants, and partners continue drafting CERP chapters and appendices through May 2023
- First review draft of CERP completed in June 2023
- CSC, Air District and CARB staff to review individual chapters and appendices as ready between May and July 2023
- CSC, Air District and CARB staff complete first review and revisions by Aug 2023
- Share draft CERP with broader community for input in Sept, Oct, Nov 2023
- CSC complete revisions and adopt CERP in December 2023
- Air District Board of Directors approval Q1 2024 (Jan-March)
- CARB staff review and Board approval Q2 2024 (April-June)

# CSC Governance: Background

- The Community Steering Committee (CSC) was established as a standing committee of the Bay Area Air Quality Management District Board of Directors (Board) on March 3, 2021 (Resolution 2021-02).
- The Board appointed CSC members to a two-year term (April 2021-2023).
- Establishing the CSC as a Board committee was the recommendation of a 10-member Community Design Team.
- As a standing Board committee, the CSC is subject to the California Brown Act, and CSC members are selected and appointed by the Board.
- The CSC's charter states the committee will be subject to the California Brown Act (California Government Code sections 54950, et seq.) and will follow Robert's Rules of Order as nearly as possible.



# CSC Governance: Background (con)

- There is no requirement in AB617 or the CARB Blueprint for CSCs to be appointed by Air District Boards.
- CSC members have expressed that the Brown Act limits creative ways of engaging during meetings and limits community participation.
- The CSC can determine which governance structure they prefer. Options include:
  - a) Transition to community governed committee that continues following Brown Act best practices
  - b) Request the Board extends the appointments and remain a Brown Act committee

# CSC Governance: Steps to transition to a community-governed committee structure

- **Member recruitment, selection and appointment:** committee members would be recruited, selected, and appointed following a process developed by a Governance Ad Hoc and agreed to by the current CSC in February. Current CSC members can be prioritized, and new members recruited. (March)
- **Amended committee charter:** the Governance Ad Hoc would recommend amendments to the current charter to guide the work of a community-governed committee. The charter can include Brown Act best practices and will be adopted by the community-governed committee once convened. (April)
- **Continuity of work:** all prior work will be carried over by the community-governed committee, and CERP development work will continue while the community-governed committee is forming. (February-April)

# CERP Timeline: Updated Timeline

Activity or Milestone	2023												2024	
	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Q1 Jan, Feb, March	Q2 April, May, June
Current planned remote Brown Act Meetings	Jan 30	Feb 27												
Ad hoc proposed governance plan to CSC for a vote		X												
Changes to Brown Act Remote Attendance Rules			X											
CSC Board Appointment Sunsets				April 4										
1st CSC meeting under proposed governance plan				April 17										
Continue writing draft CERP														
Complete CERP first draft chapters and appendices														
CSC, Air District, CARB review first drafts, as available														
Incorporate comments in CERP														
Share CERP with broader community														
Incorporate comments in CERP, re-review as necessary														
CSC Adoption of final CERP														
CERP adopted by BAAQMD Board														
CARB Staff Review & CARB Adoption														



# Discussion Questions

1. Does the CSC agree the Co-chairs should transmit a letter notifying CARB that the CSC plans to complete and adopt the PTCA CERP on or before December 2023? (**Note:** *this is an action item to be voted on after Steering Committee Questions and Discussion and Public Comment*)
2. Does the CSC support the formation of a Governance Ad Hoc to develop a proposal for transitioning to a community-governance structure? (**If yes,** *CSC members interested in joining the Governance Ad Hoc can identify themselves*)

# Steering Committee Questions and Discussions

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# Request for Action

Does the CSC agree that the Co-chairs should draft and transmit a letter notifying CARB that the CSC plans to complete and adopt the PTCA CERP on or before December 2023?

# Standing Environmental Justice Updates

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# Public Comment on Non-Agenda Matters

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# Next Meeting

- Our next Steering Committee meeting will be on Monday, February 27th, from 5:30 p.m. to 8:00 p.m. (to accommodate the President's Day Holiday)

