

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Regular Meeting
Monday, November 17, 2014

APPROVED MINUTES

Note: Audio and video recordings of the meeting are available on the website of the Bay Area Air Quality Management District at <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx>.

1. **CALL TO ORDER:** Chairperson Nate Miley called the meeting to order at 9:47 a.m.

Opening Comments: None.

Roll Call:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors John Avalos, Teresa Barrett, Tom Bates, John Gioia, Scott Haggerty, David Hudson, Ash Kalra, Roger Kim (on behalf of Edwin Lee), Carol L. Klatt, Liz Kniss, Jan Pepper, Mark Ross, Jim Spering, Brad Wagenknecht and Shirlee Zane.

Absent: Directors Susan Adams, Cindy Chavez, Margaret Fujioka and Mary Piepho.

Pledge of Allegiance: Chairperson Miley led the Pledge of Allegiance.

2. **PUBLIC COMMENT ON NON-AGENDA MATTERS:**

Diane Bailey, Natural Resources Defense Council, addressed the Board of Directors (Board) regarding reports of excessive flaring at the Tesoro Golden Eagle Refinery (Tesoro), to note a recent letter from the City of Richmond to Chairperson Miley regarding a permit revocation request and to request that Air District staff provide updates to the Board on progress made relative to the resolution adopted by the Board on October 15, 2014.

Director Gioia requested that an update on the Kinder Morgan permit matter be agendized for discussion during closed session at the next Board meeting and a discussion of the ministerial and discretionary permit processes be agendized for discussion at the next Stationary Source Committee (SSC) meeting.

The Board and staff discussed the timing and scope of the requested update to the SSC; the public comment relating the reports of excessive flaring at Tesoro and the Board request for an update at a future meeting; and the appropriateness of the current discussion under this agenda item.

Tom Griffith, Martinez Environmental Group, addressed the Board to request an investigation of the allegedly excessive flaring at Tesoro.

NOTED PRESENT: Directors Mar and Zane were noted present at 10:00 a.m.

CLOSED SESSION (Out of Order Agenda Item #14)

The Board adjourned to Closed Session at 10:01 a.m.

3. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board met in closed session with legal counsel to consider the following cases:

Friends of Oceano Dunes, Inc. v. San Luis Obispo Air Pollution Control District, San Luis Obispo County Superior Court, Case No. CV120013.

OPEN SESSION

The Board resumed Open Session at 10:09 a.m. with reportable action as follows:

The Board members present unanimously agreed to Air District participation in the case as amicus curiae.

CONSENT CALENDAR (ITEMS 4 – 8) (Agenda Items #3 – 7)

- 4. Minutes of the Regular Board Meeting of October 15, 2014;**
- 5. Board Communications Received from October 15, 2014 through November 16, 2014;**
- 6. Air District Personnel on Out-of-State Business Travel;**
- 7. Quarterly Report of the Executive Office and Division Activities; and**
- 8. Consider Authorizing the Executive Officer/Air Pollution Control Officer (APCO) to Execute a Contract with The Davey Tree Expert Company in an Amount Not to Exceed \$150,000 for the Purpose of Establishing an Agricultural Waste Chipping Program in Lieu of Open Burning.**

Board Comments: None.

Public Comments: No requests received.

Board Action:

Director Hudson made a motion, seconded by Director Wagenknecht, to approve Consent Calendar Items 4 through 8 (agenda items #3 through 7), inclusive; and the motion carried by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross, Spering, Wagenknecht and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Chavez, Fujioka and Piepho.

COMMITTEE REPORTS

9. Report of the Executive Committee (EC) Meeting of October 20, 2014 (Agenda Item #8) Committee Chairperson Miley

The EC met on Monday, October 20, 2014, and approved the minutes of July 21, 2014.

The EC received a staff presentation *Bay Area Commuter Benefits Program Implementation*, including background and overview; applicability; program requirements; the four commuter benefit options; implementation strategy; registration results to date; compliance issues; examples of Option 4 proposals; and next steps.

The EC then discussed with Allison Brooks, Executive Director, Joint Policy Committee (JPC), some of the JPC's recent work, including regional agency collaboration on the use of CalEnviroScreen for the distribution of cap-and-trade revenue; the staff draft of the healthy infill guidelines; an overview of a recent workshop attended by regional collaboratives working to address climate change; and an update on JPC organizational planning.

The EC then received a staff presentation *My Air Online Program Update*, including program goals, structure and roadmap; a status update regarding the public website and publicly accessible data; website design samples; conceptual demo; permitting and compliance systems status; public pilot; and next steps.

Finally, the EC received a staff presentation *Webcasting for Committee Meetings*, including background; options and considerations for webcasting committee meetings; and 375 Beale Street.

The next meeting of the EC is Monday, December 15, 2014, at 9:30 a.m.

This concludes the Chair Report of the EC.

Board Comments:

The Board and staff discussed webcasting practices.

Public Comments:

Bill Vosburg addressed the Board in support of webcasting all Board and committee meetings.

Jane Vosburg, 350 Sonoma County, addressed the Board in support of webcasting all Board and committee meetings.

Board Action:

The Board directed staff to webcast all future Board and committee meetings from the board room and to make arrangements to allow for the remote telephonic participation by Board members.

10. Report of the Public Outreach Committee (POC) Meeting of October 30, 2014 (Agenda Item #9)

Committee Chairperson Ross

The POC met on Thursday, October 30, 2014, and approved the minutes of June 5, 2014.

The POC received the staff presentation *2014 Spare the Air Campaign*, including a summary of traditional and social media advertising; a video example of a television ad; an overview of STACommuteTips.org and additional campaign websites; media relations and social media statistics; employer outreach pilot programs; an update on Commuter Benefits Program outreach; summary of community events; and program survey results.

The POC then received the staff presentation *2014-15 Winter Spare the Air Campaign*, including outreach; advertising; outreach placement; media outreach and social media utilization; and alert notifications.

The POC then received the staff presentation *Renewal of Final Year of Spare the Air Resource Team Contract*, including background; overviews of the Contra Costa, San Francisco, San Mateo County, Santa Clara County, Sonoma County, Southern Alameda County and Tri-Valley Spare the Air Resource Teams, Napa Valley Clean Air Coalition, and San Jose Green Vision Resource Team; a summary of value added by the teams; an overview of the contract; and staff recommendations. The POC recommends the Board approve the contract extension for Spare the Air Resource Team program management through the Tides Center-Community Focus for an amount not to exceed \$151,000.

The POC then received a staff presentation *Spare the Air Youth Program*, including background; overviews of Youth for the Environment and Sustainability Conferences for 2013 and 2015; YES! Conference 2015 planning; and a program timeline.

The next meeting of the POC is at the call of the Chair.

Board Action:

Director Ross made a motion, seconded by Director Haggerty, to approve the recommendations of the POC.

Board Comments: None.

Public Comments: No requests received.

Board Action (continued):

The motion carried by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross, Spering and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Chavez, Fujioka, Piepho and Wagenknecht.

11. Report of the Mobile Source Committee (MSC) Meeting of November 13, 2014 (Agenda Item #10)
Committee Chairperson Haggerty

The MSC met on Thursday, November 13, 2014, and approved the minutes of September 25, 2014.

The MSC reviewed and discussed the staff presentation *Update on the Regional Bicycle Share Pilot Project*, including bicycle sharing and pilot project backgrounds; outreach campaigns and promotions; safety measures; system results from August 2013 through August 2014; and next steps.

The MSC then reviewed Projects and Contracts with proposed awards over \$100,000 and recommends the Board:

1. Approve Carl Moyer Program projects with proposed grant awards over \$100,000 for four tractors, six off-road loaders and four marine engines; and
2. Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for the recommended projects.

The MSC then reviewed the staff presentation *Transportation Fund for Clean Air (TFCA) County Program Manager Fund Policies for Fiscal Year Ending (FYE) 2016*, including background; summary of and process for generating revisions for FYE 2016 policies; and policy change recommendations. The MSC recommends the Board approve the proposed FYE 2016 TFCA County Program Manager Fund Policies as attached to the MSC staff report.

The MSC then reviewed the staff presentation *FYE 2015 TFCA Regional Fund Shuttle and Rideshare Program*, including background; FYE 2015 policies and evaluation criteria; recommended change to policy #2; evaluation results; FYE 2015 projects recommended for award; summary of FYE 2015 projects summary awards by county; FYE 2015 Projects Not Recommended for Award; and recommendations. The MSC recommends the Board:

1. Approve a proposed change to FYE 2015 TFCA Regional Fund Policy #2 to increase the cost-effectiveness limit to \$175,000/ton of emissions reduced for existing shuttle projects, year 2 pilot shuttle projects, and year 3 pilot shuttle projects in Community Air Risk Evaluation and/or Priority Development Area areas;

2. Approve proposed awards for the TFCA Shuttle and Ridesharing projects listed in Attachment A of the MSC staff report at the revised cost-effectiveness limit of \$175,000/ton of emissions reduced; and
3. Authorize the Executive Officer/APCO to enter into agreements for the recommended TFCA projects in Attachment A of the MSC staff report.

The next meeting of the MSC is on Thursday, December 18, 2014, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action:

Director Haggerty made a motion, seconded by Director Hudson, to approve the recommendations of the MSC; and the motion carried by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross, Spering and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Chavez, Fujioka, Piepho and Wagenknecht.

12. Report of the Nominating Committee (NC) Meeting of November 17, 2014 (Agenda Item #11)
Committee Chairperson Miley

The NC met on Monday, November 17, 2014, and approved the minutes of December 18, 2013.

The NC considered nomination of Board Officers for the 2015 Term of Office and recommends Carole Groom as Chairperson, Eric Mar as Vice-Chairperson and Liz Kniss as Secretary.

Board Comments: None.

Public Comments: No requests received.

Board Action:

Chairperson Miley made a motion, seconded by Director Haggerty, to approve the recommendations of the NC; and the motion carried by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Gioia, Groom, Haggerty, Hudson, Kalra, Kim, Klatt, Kniss, Mar, Miley, Pepper, Ross, Spering and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Chavez, Fujioka, Piepho and Wagenknecht.

PRESENTATIONS

13. Health Risk Assessment (HRA) Guidelines Revisions (Agenda Item #12)

Jeff McKay, Deputy APCO, introduced Daphne Chong, Toxicologist, who gave the staff presentation *HRA Guideline Revisions*, including background, history of HRA guideline revisions, impacts of major revisions, potential implications, estimated schedule and next steps.

Board Comments:

The Board and staff discussed how the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) will be dealt with statewide and at the Air District; whether a substantial improvement in air quality is expected after the guidelines are issued; the desire for greater specificity of details in future presentations on this topic; the likely timing of Air District requests to permittees to provide updated HRAs; the importance of incorporating OEHHA changes; and the likely process that will occur statewide and locally, as well as the possible impacts for permittees.

Public Comments:

Janet Whittick, California Council for Environmental and Economic Balance, addressed the Board regarding the importance of this issue; an expectation that the California Air Resources Board and Air District will provide a procedural roadmap to guide permittees; and to request early and frequent stakeholder involvement in the process of considering OEHHA guidance once issued.

Board Action: None; receive and file.

14. Overview of the 2014/2015 Wood Smoke Reduction Program (Agenda Item #13)

Jack Broadbent, Executive Officer/APCO, introduced Eric Stevenson, Director of Technical Services, who gave the initial staff presentation *2014-15 Winter Spare the Air Campaign* through slide 4, *Meteorology & Process*, including fine particulate matter (PM_{2.5}) reduction benefits; winter PM_{2.5} seasons; and meteorology and process.

Mr. Stevenson introduced Lisa Fasano, Communications Officer, who gave the continued staff presentation *2014-15 Winter Spare the Air Campaign* through slide 10, including outreach; advertising; a video example of a television advertisement; outreach placement; social media; and alert notification.

Ms. Fasano introduced Wayne Kino, Director of Compliance and Enforcement, who gave the remainder of the staff presentation *2014-15 Winter Spare the Air Campaign*, including wood smoke enforcement statistics, highlights and practices; and rule development information for an amended Regulation 6, Rule 3.

Board Comments:

The Board and staff discussed whether a correlation exists between areas with high complaint rates and greater numbers of exemptions; whether and how the program will include incentives to encourage upgrades to existing wood burning stoves and fireplaces; whether the information available regarding violations and complaints is specific enough to enable a more targeted campaign than the broad efforts that have long been a component of the program; whether a more aggressive campaign to ban wood smoke altogether is due; and the seeming increase in wood burning related to food preparation, both commercially and residentially.

Public Comments:

Noelle Robbins addressed the Board in support of ending exemptions for wood burning related to food preparation.

Richard Winge addressed the Board regarding the inadequate number of Spare the Air Days in light of the conditions in parts of Napa County and in support of requiring residential landlords to provide residential heating alternatives to wood burning in all rental units.

Leslie Sovish, Citizen, addressed the Board regarding the need for a respirator in her residence due to the incessant wood smoke emanating from her neighbors' residences.

Judy Wirtz addressed the Board regarding the need for a respirator in her residence due to the incessant wood smoke emanating from her neighbors' residences.

Fred Mundy addressed the Board in support of the Air District and Marin County partnership incentive program to encourage upgrades to existing wood burning stoves and fireplaces; to note the availability of flavored fire wood, and whatever harmful additives it might include, for purchase; to confirm the effectiveness of Spare the Air Days based on the markedly improved air quality on those days; to relay the limited options during the winter for residents of the San Geronimo Valley to deal with their persistent air quality issues; and to request improvements by ending the availability of exemptions in areas with air inversion patterns and limited natural gas connectivity, accelerating and expanding the rebate program, and by requiring that residential landlords provide residential heating alternatives to wood burning in all rental units.

Libby Groutt addressed the Board regarding the pervasive wood smoke in and around her residence and local elementary school; the harm being done to her family and neighbors as a result; and in support of a wood smoke ban.

Jenny Bard, American Lung Association in California, addressed the Board in support of wood smoke regulation; to summarize those most at risk from exposure to wood smoke; and in support of additional measures to protect the public.

Board Comments (continued):

The Board and staff discussed whether air monitors are present and properly positioned in the San Geronimo Valley and the resulting monitoring data and Air District plan; the possibility of an expanded upgrade program; the viability of and Air District authority to impose a moratorium on wood burning in the San Geronimo Valley; the advisability of initiating a rule-making process to consider the imposition of a moratorium on wood burning; the timing of current plans for the rule-making process and the viability of an expedited process; the desire to expedite the rule-making process and consider including restrictions on wood burning for food preparation purposes in the regulation, as well as a delayed-effect moratorium with a significant fine for serious repeat-offenders; the effectiveness of the campaign; the adequacy of Air District enforcement, the advisability of partnering with local law enforcement and imposing a significantly increased fine; whether an immediate, emergency moratorium can be imposed in the San Geronimo Valley; encouraging coordination with County staffs, particularly to inquire as to why residential rentals are allowed to have wood ovens/stoves as the sole source of heat; the importance of taking action over continued discussion and to taking a cautious approach to a potential ban that takes into account the economic impact for some, particularly in Bay Area regions that have different air quality issues; whether local governments have the authority to ban wood burning; the advisability of asking a neighborhood resident to join Air District staff in door-to-door canvassing efforts; the value of a targeted program based on good data; and the difficulty of developing a single, nine-county solution that benefits each of the varying regions.

15. PUBLIC COMMENT ON NON-AGENDA MATTERS: No requests received.

16. BOARD MEMBERS' COMMENTS:

Director Groom expressed her gratitude for the Chairperson appointment for the coming year.

OTHER BUSINESS

17. Report of the Executive Officer/APCO:

Mr. Broadbent gave the staff presentation *Summary of Ozone Seasons* and provided an overview of likely meetings during the remainder of 2014.

The Board and staff discussed the viability of convening the next Ad Hoc Building Oversight Committee meeting at 375 Beale Street.

18. Chairperson's Report:

Chairperson Miley congratulated Director Ross on his recent re-appointment to the Board and Director Spering on his recent re-election to the Solano County Board of Supervisors.

19. Time and Place of Next Meeting:

Wednesday, December 3, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

20. **Adjournment:** The Board meeting adjourned at 12:14 p.m.

/S/ Sean Gallagher

Sean Gallagher
Clerk of the Boards