

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

Board of Directors Regular Meeting
Wednesday, September 20, 2017

APPROVED MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
<http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>*

CALL TO ORDER:

1. **Opening Comments:** Chairperson, Liz Kniss, called the meeting to order at 9:46 a.m.

Roll Call:

Present: Chairperson Liz Kniss; Vice Chairperson Dave Hudson; Secretary Katie Rice; and Directors Margaret Abe-Koga, Teresa Barrett, David J. Canepa, Cindy Chavez, John Gioia, Carole Groom, Scott Haggerty, Tyrone Jue, Rebecca Kaplan, Doug Kim, Karen Mitchoff, Hillary Ronen, Pete Sanchez, Rod Sinks, Brad Wagenknecht, and Shirlee Zane.

Absent: Directors Pauline Russo Cutter, Nate Miley, Mark Ross, Jeff Sheehy, Jim Spring,

CLOSED SESSION (commenced at 9:49 a.m.)

2. **CONFERENCE WITH LEGAL COUNSEL**

A. **ANTICIPATED LITIGATION (Government Code Section 54956.9 (d)(2))**

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9.

B. **EXISTING LITIGATION (Government Code Section 54956.9 (d)(2))**

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

1. **Michael Bachmann and Sarah Steele v. Bay Area AQMD, et al.**, Contra Costa County Superior Court, Case No. C17-01565
2. **Western States Petroleum Association, Valero Refining Company – California, Tesoro Refining and Marketing Company, LLC, and Phillips 66 Company v. Bay Area AQMD.** Contra Costa County Superior Court, Case No. N16-0963

Public Comments:

Regarding Item 2-B-1, public comments were made by Andreas Soto, Communities for a Better Environment (CBE).

Board Comments:

None.

Board Action:

Brian Bunger, District Counsel, announced that there was no reportable action from this item.

NOTED PRESENT: Directors Haggerty and Zane arrived at 9:57 a.m., Director Abe-Koga arrived at 10:00 a.m., and Director Wagenknecht arrived at 10:32 a.m.

OPEN SESSION (commenced at 10:58 a.m.)

CONSENT CALENDAR (ITEMS 3 – 10)

3. **Minutes of the Regular Board of Directors Meeting of August 2, 2017**
4. **Board Communications Received from August 2, 2017 through September 19, 2017**
5. **Air District Personnel on Out-of-State Business Travel**
6. **Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of July and August 2017**
7. **Quarterly Reports of California Air Resources Board Representative – Honorable John Gioia**
8. **Quarterly Report of the Executive Office and Division Activities for the Months of April 2017 – June 2017**
9. **Consider Approving the Salary Schedules for Fiscal Year Ending June 30, 2017**
10. **Authorization to Execute a Contract Amendment with Denovo Ventures LLC for Upgrade of the Air District's Financial System (JDE)**

Public Comments:

No requests received.

Board Comments:

Director Sanchez stated for the record that he abstained on Item 3, but approved Items 4 through 10.

Board Action:

Director Groom made a motion, seconded by Vice Chair Hudson, to **approve** the Consent Calendar Items 3 through 10, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Barrett, Canepa, Chavez, Gioia, Groom, Haggerty, Hudson, Jue, Kaplan, Kim, Kniss, Mitchoff, Rice, Ronen, Sanchez (Items 4-10), Sinks, Wagenknecht, and Zane.
- NOES: None.

ABSTAIN: Sanchez (Item 3).
ABSENT: Cutter, Miley, Ross, Sheehy, and Spring.

COMMITTEE REPORTS

11. Report of the Stationary Source Committee Meeting of September 18, 2017

Stationary Source Committee Chair Gioia read:

The Committee met on Monday, September 18, 2017, and approved the minutes of April 17, 2017.

The Committee reviewed and discussed the staff presentation Update on Woodsmoke Program.

The Committee then reviewed and discussed the staff presentation Update on Draft Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities.

The next meeting of the Committee will be held on Monday, November 20, 2017, at 10:30 a.m., at the Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105.

This concludes the Chair report of the Stationary Source Committee.

Public Comments:

Public comments were made by: Tony Fisher, Coalition for Clean Air; Ernesto Arevalo, CBE; Esther Goolsby, CBE; Greg Karras, CBE; Ken Szutu, Vallejo resident; Nathan Stout, Citizen Air Monitoring Network (CAMN); Bob Harlow, Mill Valley Community Action Network (MVCAN); Richard Gray, 350 Bay Area; Steve Young, Benicia resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County (ICANCCC); Andreas Soto, CBE; Nancy Cuellar, CBE; Charles Davidson, Sunflower Alliance; Ladonna Williams, Vallejo resident; and Pat Dodson, Vallejo resident.

Board Comments:

The Board and staff discussed agendizing the proposed crematorium in East Oakland at a future Board or Committee meeting to consider the District's potential involvement and/or authority relating to this facility; and how long it would be before staff gave a presentation on the status of the Phillips 66 Marine Terminal project at the Stationary Source Committee.

Board Action:

None; receive and file.

PRESENTATIONS

12. Protecting Refinery Communities from Air Pollution

Jack Broadbent, Executive Officer/Air Pollution Control Officer, stated that, because the State adopted Assembly Bill 398, staff is recommending the Board not move forward with Draft Rule 12-16. Mr. Broadbent then introduced Greg Nudd, Acting Rules and Strategic Policy Officer, who gave the staff presentation *Protecting Refinery Communities from Air Pollution*, including: overview; direct regulation of criteria pollutants – legal/regulatory background, Best Available Retrofit Control Technology (BARCT) rules impacting refineries, progress toward 20% reductions, and next steps;

capping risk from toxic air contaminants – Bay Area risk levels decline since 1990, Rule 11-18, example timeline for refineries, foundries, and forges, and next steps; monitoring refinery inputs and air pollution – Rule 12-15, crude slate data, and fence line monitoring; recap of the three-pronged approach; and next steps.

Public Comments:

Public comments were made by: Alondra Ramirez, CBE; April Campos, CBE; Adriana Diaz, CBE; Xochilt Sandoval, CBE; Kathy Kerridge, Benicians for a Safe & Healthy Community; Bill Whitney, Contra Costa Building Trades; Shawn Lee, Chevron; Nathan Stout, CAMN; Steven Yang, Chevron; Janet Johnson, Sunflower Alliance; Linda Stout, CAMN; Joanne Fanucci, Idle No More SF; Gary Graham Hughes, Friends of the Earth US; Shamus Thornton, CAMN; Bill Quinn, California Council for Environmental & Economic Balance; Ratha Lai, Asian Pacific Environmental Network; David McCoard, Sierra Club; Bob Harlow, MVCAN; Bob Brown, Western States Petroleum Association; Jed Holtzman, 350 Bay Area; Ken Szutu, Vallejo resident; Greg Karras, CBE; Andreas Soto, CBE; Nancy Rieser, Crockett-Rodeo United to Defend the Environment; Albert Kueffner, Alameda Interfaith Climate Action Network (AICAN); Richard Gray, 350 Bay Area; Melissa Yu, Sierra Club; Charles Davidson, Sunflower Alliance; Mark Altgelt, Citizens Climate Lobby; Glenn Turner, Berkeley resident; Ruscal Cayangyang, Vallejo resident; Jan Warren, ICANCCC; Pat Dodson, Vallejo resident; and Ladonna Williams, Vallejo resident.

Board Comments:

The Board and staff discussed the District's recent creation of its Office of Rules and Strategic Policy, as the Meteorology and Measurement staff need to focus solely on air monitoring efforts; whether permitted or planned refinery expansion projects are accounted for in the projected 21% reduction that is anticipated to occur as a result from the adoption and implementation of 2018 refinery rules; the concern of heavy, dirty crude imports to the Bay Area, and how District Regulation 12-15 would detect changes or additions in crude composition characteristics and emissions; the need to track the probability of heavier, dirtier crude coming to the Bay Area *before* it arrives, so that the District can be proactive about guarding against the impact now; whether Draft Rule 12-16 would be brought back to the Stationary Source Committee for further consideration; the need to address how to reduce Particulate Matter (PM) emissions; request for the toxic air contaminants risk levels decline since 1990 for fence line communities; when the District projects that facilities affected by Draft Rule 11-18 will implement their Risk Reduction Plans; appreciation of District staff's advocacy efforts at the Legislature for greenhouse gas (GHG) caps on refineries, despite the public's personal attacks on staff, and reassurance that early departures and absences do not indicate the Board's lack of interest in the public's concerns; request for an improved District Board meeting structure, to ensure that the full Board is present for a majority of the meeting, and that public comment speakers are heard by a majority of the Board; desire that the public's freedom of speech not be stifled; the status of the Ad Hoc Refinery Committee; several Board members' request for a straightforward discussion about why staff does not legally support Draft Rule 12-16; and the request that staff keeps track of wildfire smoke and how it is impacting the Bay Area.

Board Action:

None; receive and file.

13. **Update on Assembly Bill 617**

Chair Kniss tabled this item until October 4, 2017.

PUBLIC COMMENTS ON NON-AGENDA MATTERS

14. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

Public comments were given by: Steve Nadel, Sunflower Alliance; Shoshana Wechsler, Sunflower Alliance; Greg Karras, CBE; Andreas Soto, CBE; Jennifer Brass, Idle No More SF; Isabella Zizi, Idle No More SF; Gary Graham Hughes, Friends of the Earth US; Glenn Turner, Berkeley resident; Albert Kueffner, AICAN; Jan Warren, ICANCCC; Pat Dodson, Vallejo resident; Ladonna Williams, Vallejo resident; and Ruscal Cayangyang, Vallejo resident.

BOARD MEMBERS' COMMENTS

15. **Board Members' Comments**

None.

OTHER BUSINESS

16. **Report of the Executive Officer/Air Pollution Control Officer**

Mr. Broadbent explained the summary of ozone seasons and thanked the Board members who were still present for remaining until the end of the meeting.

17. **Chairperson's Report**

Chair Kniss had already left, and Vice Chair Hudson had nothing to report.

18. **Time and Place of Next Meeting**

Wednesday, October 4, 2017, at 375 Beale Street, San Francisco, CA 94105 at 9:45 a.m.

19. **Adjournment**

The meeting adjourned at 2:15 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards