

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

Board of Directors Regular Meeting  
Wednesday, December 6, 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 9:48 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, Pauline Russo Cutter, John Gioia, Carole Groom, Scott Haggerty, Rebecca Kaplan, Doug Kim, Nate Miley, Karen Mitchoff, Mark Ross, Pete Sanchez, Jeff Sheehy, Rod Sinks, Jim Spering, Brad Wagenknecht,

Absent: Directors Tyrone Jue, Hillary Ronen, and Shirlee Zane.

Jack Broadbent, Executive Officer/Air Pollution Control Officer, announced the departure of Jaime Williams, Director of Engineering and Information Technology Officer. Mr. Broadbent described Mr. Williams's duties over the course of nine years, and Mr. Williams thanked the Board for its collaboration with staff. The Board members acknowledged Mr. Williams' contributions and thanked him for his service.

#### **COMMENDATIONS/PROCLAMATIONS/AWARDS**

2. Chair Kniss announced that the acknowledgement of outgoing Advisory Council Members, Tam Doduc and Dr. Robert Harley, would be tabled until December 20, 2017.

#### **CONSENT CALENDAR ITEMS (3 - 5)**

3. Minutes of the Regular Board of Directors Meeting of November 15, 2017
4. Board Communications Received from November 15, 2017 through December 5, 2017
5. Consider Authorization for a Contract Extension to Technical and Business Systems and Execution of a Purchase Order in Excess of \$100,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for Continued Operation of BioWatch Monitoring Network

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Wagenknecht made a motion, seconded by Vice Chair Hudson, to **approve** Consent Calendar Items 3 to 5 inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Kaplan, Kim, Kniss, Mitchoff, Rice, Ross, Sheehy, Sinks, Spering, and Wagenknecht.  
NOES: None.  
ABSTAIN: Sanchez.  
ABSENT: Jue, Miley, Ronen, and Zane.

**COMMITTEE REPORTS**

**6. Report of the Climate Protection Committee Meeting of November 16, 2017**

Climate Protection Committee Chair Barrett read:

*The Climate Protection Committee met on Thursday, November 16, 2017, and approved the minutes of September 21, 2017.*

*The Committee received and discussed the staff presentation AB 398 and the Air District 2017 Clean Air Plan.*

*Finally, the Committee received and discussed the staff presentation California Air Resources Board Draft 2017 Climate Change Scoping Plan Update.*

*The next meeting of the Committee will be held on Thursday, January 18, 2018, at 9:30 a.m., at 375 Beale Street, San Francisco, CA 94105. This concludes the Chair report of the Climate Protection Committee.*

Public Comments:

Public comments were given by Greg Karras, Communities for a Better Environment (CBE); Linda Hutchins-Knowles, Mothers Out Front; Richard Gray, 350 Bay Area; Albert Kueffner, Alameda Interfaith Climate Action Network; Joanne Fanucchi, Pittsburg resident; Adriana Diaz-Flores, CBE; and Laura Gracia, CBE.

Board Comments:

The Board and staff discussed the request for a staff presentation on how the District can support community-based mitigation and projects that communities can implement to reduce their vulnerability to air pollution (such as urban greening and improved filtration systems.)

Board Action:

None; receive and file.

**PUBLIC HEARING**

**7. Public Hearing to Consider Adoption of Proposed Technical and Administrative Amendments to the Air District's New Source Review and Title V Permitting Regulations (Regulations 2, Rules 1,2,4, and 6) and associated California Environmental Quality Act (CEQA) Negative Declaration**

Mr. Broadbent introduced Alexander Crockett, Assistant Counsel, who gave the staff presentation *Technical and Administrative Amendments to the Air District's New Source Review and Title V Permitting Regulations*, including: overview; background; District Permitting Programs - New Source Review: Regulation 2, Rule 2 and Title V major facility review; need to amend regulations; proposed amendments – major facility applicability, air quality impact analyses, offsets and emission reduction credits, terminology revisions, staff-identified revisions, Supreme Court Utility Air Regulatory Group versus Environmental Protection Agency case; additional revisions under development; public engagement; California Environmental Quality Act (CEQA) analysis; and staff recommendation.

Upon the conclusion of Mr. Crockett's presentation, Mr. Broadbent introduced possible resolution language providing direction to staff for the Board's consideration.

NOTED PRESENT: Director Miley was noted present at 10:28 a.m., and Director Sheehy was noted present at 10:31 a.m.

Public Comments:

Public comments were given by Jed Holtzman, 350 Bay Area; Melissa Yu, Sierra Club; Minda Berbeco, Sierra Club; Greg Karras, CBE; Ratha Lai, Asian Pacific Environmental Network; Steve Nadel, Sunflower Alliance; Andres Soto, CBE; Paul Kangas, Solar Workers Union; Mary Klein, Palo Alto resident; Jan Warren, Interfaith Climate Action Network of Contra Costa; Jeanne Ewy, Sierra Club; Marilyn Williams, Sierra Club; Linda Hutchins-Knowles, Mothers Out Front; Richard Gray, 350 Bay Area; Susan Vaughan, Sierra Club; Claire Broome, Berkeley resident; Cynthia Mahoney, Citizens Climate Lobby; Stephen Rosenblum, Palo Alto resident; Alyssa Kang, California Nurses Association; Charles Davidson, Sunflower Alliance; Bob Brown, Western States Petroleum Association; Nancy Rieser, Crockett-Rodeo United to Defend the Environment; and Katherine DaSilva Jain, Elders Climate Action.

Board Comments:

The Board and staff discussed various aspects of the proposed resolution language; concerns that language that is not included in the meeting packet ahead of time should, and that it should not be considered until stakeholders have had time to review and comment on it, and the suggestion that a policy be created to prohibit this from happening in the future; whether the proposed resolution language should be incorporated into the Public Hearing and Board's action at the December 6, 2017 meeting, or considered separately at a later date; the suggestion that District regulation be henceforth framed to encourage companies to shift to more modern technologies; and the suggestion that both parties involved in to the permitting process (District and applicant) be required to post the dates of when new technology is implemented for accountability purposes.

Board Action:

Director Gioia made a motion, seconded by Director Mitchoff, to adopt the proposed technical and administrative amendments to the Air District's New Source Review and Title V Permitting Regulation 2, Rule 1,2,4, and 6 and associated California Environmental Quality Act Negative Declaration; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Kaplan, Kim, Kniss, Miley, Mitchoff, Rice, Ross, Sanchez, Sheehy, Sinks, Spering, and Wagenknecht.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Jue, Ronen, and Zane.

Following this action, further deliberation occurred between the Board and staff regarding new rulemaking. The consensus of Board members present was that, the following language was to be recorded in the minutes as direction to staff:

*Direct staff to consider developing rules to incorporate greenhouse gas (GHG) regulation into permit application procedures for new and modified sources, consistent with the requirements of Assembly Bill (AB) 398.*

*Direct staff to include this new rulemaking in the 2018 regulatory calendar and develop the rules as quickly as possible, consistent with the requirements of AB 617, and to report regularly to the Stationary Source Committee on the status of rule development.*

**PUBLIC COMMENTS ON NON-AGENDA MATTERS**

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

Public comments were given by Greg Karras and Andres Soto, CBE, and by Susan Vaughan, Sierra Club.

## **BOARD MEMBERS' COMMENTS**

### **9. Board Members' Comments**

None.

## **OTHER BUSINESS**

### **10. Report of the Executive Officer/Air Pollution Control Officer**

This item was tabled until December 20, 2017. Mr. Broadbent's presentation on ozone seasons has been posted on the District website.

### **11. Chairperson's Report**

Chair Kniss had nothing to report.

### **12. Time and Place of Next Meeting**

Wednesday, December 20, 2017, at 375 Beale Street, San Francisco, CA 94105 at 9:45 a.m.

### **13. Adjournment**

The meeting adjourned at 12:28 p.m.

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