

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 5, 2018

## **APPROVED MINUTES**

*Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at [www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, David Hudson, called the meeting to order at 9:32 a.m.

#### **Roll Call:**

Present: Chairperson David Hudson; Vice Chair Katie Rice; Secretary Rod Sinks; and Directors Margaret Abe-Koga, Teresa Barrett, David Canepa, Cindy Chavez, Pauline Russo Cutter, John Gioia, Carole Groom, Doug Kim, Nate Miley, Karen Mitchoff, Hillary Ronen, Mark Ross, Pete Sanchez, Jim Sperring, and Shirlee Zane.

Absent: Directors John J. Bauters, Scott Haggerty, Tyrone Jue, Liz Kniss, and Brad Wagenknecht.

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

NOTED PRESENT: Director Chavez was noted present at 9:35 a.m.; Director Canepa was noted present at 9:43 a.m.; and Director Ross was noted present at 10:12 a.m.

Public comments were given by: Jed Holtzman, 350 Bay Area; Isabella Zizi, Idle No More; Nadja Goldberg, Youth vs. Apocalypse; Nancy Reiser, Crockett-Rodeo United to Defend the Environment; Andres Soto, Communities for a Better Environment (CBE); Stephen Rosenblum, Palo Alto resident; Kathy Kerridge, Benicians for a Safe and Healthy Community; Ladona Williams, All Positives Possible; Hon. Jovanka Beckles, City of Richmond/Richmond Progressive Alliance; Janet Stromberg, 350 Bay Area; Ken Jones, Greenbrae resident; Charles Davidson, Sunflower Alliance; Mike Miller, United Steel Workers; Tyson Bagley, Philipps 66; Maria Dorsey, Idle No More; Toby Blomé, Women for Peace; Amanda Bloom, Idle No More; Paul Ehara, Idle No More; Ros Paul, Nectary; Steve Nadel, Sunflower Alliance; Pat Tothe-Smith, Benicia Industrial Safety Ordinance Committee; Wileen Ellen Sweet, 350 Marin; Maureen Brennan, Rodeo resident; Pat Dodson, All Things Positive; Ruscay Cayangyang, Vallejo resident; Amy Hutto, Idle No More; Tyler Earl, CBE; Carolyn Norr, Youth vs. Apocalypse; Ernesto Arevalo, CBE; Colin Miller, Oakland Climate Action Coalition; Lu Aya, Peace Poets; Niria Alicia, Greenaction for Health and Environmental Justice; Joanne Fanucchi, Pittsburg resident; Martin Mackerel, San Francisco resident; Bill Pinkham, Sunflower Alliance; Felecia Phillips, San Anselmo resident; Greg Karras, CBE; and Steve Randall, San Francisco resident.

**CONSENT CALENDAR (ITEMS 3 – 13)**

3. Minutes of the Regular Board of Directors Meeting of August 1, 2018
4. Board Communications Received from August 1, 2018 through September 4, 2018
5. Notices of Violations Issued and Settlements in Excess of \$10,000 during the month of July 2018
6. Quarterly Report of California Air Resources Board Representative – Honorable John Gioia
7. Quarterly Report of the Executive Office and Division Activities for the Months of April 2018 – June 2018
8. Notice of Proposed Amendments to the Administrative Code, Division 1, Operating Policies and Procedures, Section 1, Board of Directors Meetings, Division I: New Section 1.6, Adoption of Resolutions.
9. Authorization to Execute Contracts and Accept Funding to Conduct Aircraft-Based Wind Measurements in a Cooperative Project to Assess Methane Emissions from Sources within Bay Area Facilities
10. Authorization to Execute Contract Amendments for Production System Office
11. Authorization to Enter into a Supplemental Environmental Project (SEP) Agreement and Accept \$2 million in New SEP Funds
12. Consider Establishing New Job Classifications
13. Consider Authorizing the Executive Officer/APCO to Issue a Purchase Order for \$1,238,000 for Technical and Business (T&B) Systems to Continue Operation and Maintenance of the BioWatch Monitoring Network through June 30, 2019 as Outlined in a Grant from the Department of Homeland Security.

**Public Comments:**

Public comments were given by Andres Soto, CBE; and Janet Stromberg, 350 Bay Area.

**Board Comments:**

The Board and staff discussed the request from the Board members and public that hyperlinks to relevant documents referenced in Board meeting agendas be embedded in future Board meeting agendas, perhaps replacing the staff email addresses that currently accompany each item on the agendas, and that issues preventing this improvement be addressed at a future Board meeting; and how the proposed amendments to the Air District's (District's) Administrative Code to clarify the process for proposal of resolutions and amendments came about, and the clarification that Item 8 requires the noticing of proposed amendments at a preceding meeting of the Board of Directors before adoption can take place.

Chair Hudson pulled Item 8 from the Consent Calendar for separate discussion.

**Board Action:**

Director Mitchoff made a motion, seconded by Director Ross, to **approve** the Consent Calendar Items 3 through 7, and 9 through 13; and the motion **carried** by the following vote of the Board:

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

NOTED PRESENT: Director Miley was noted present at 11:04 a.m.

Director Mitchoff made a motion, seconded by Director Chavez, to **approve** the Consent Calendar Item 8; and the motion **carried** by the following vote of the Board:

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

## **PRESENTATIONS**

### **14. UPDATE ON EVALUATION OF BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY (BARCT) FOR CAP-AND-TRADE INDUSTRIAL SOURCES, AND IDENTIFICATION OF POTENTIAL RULE DEVELOPMENT PROJECTS**

Jack Broadbent, Executive Officer/Air Pollution Control Officer, introduced Victor Douglas, Rule Development Manager, who gave the staff presentation *Assembly Bill (AB) 617, Industrial Cap and Trade Sources, Best Available Retrofit Control Technology (BARCT), and Expedited Implementation Schedule*, including: outline; BARCT schedule requirements and development; prioritization of projects; potential rule development projects; organic liquid storage tanks; refinery fluid catalytic crackers and carbon monoxide boilers; and next steps.

#### **Public Comments**

Public comments were given by: Jed Holtzman, 350 Bay Area; Steve Nadel, Sunflower Alliance; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Tyler Earl, CBE; Bill Quinn, California Council for Environmental and Economic Balance; and Charles Davison, Sunflower Alliance.

#### **Board Comments**

The Board and staff discussed the Board's request for the AB 617 BARCT implementation adoption schedule; the suggestion that the District considers developing BARCT regulations that have localized (versus regional) benefits on nitrogen dioxide and particulates (versus ozone precursors); the request for a work plan that will provide the Board members with details on this item to supplement the one-page memorandum in the packet; whether any of the Board's committees are reviewing implications of AB 617 in its entirety, and not just the section of AB 617 that affects the District; the concern that companies that are making modifications to technology will be discouraged by District New Source Review compliance requirements; whether any future District regulations will address condensable particulate matter (PM) from refineries, quarries, and fluid catalytic cracking units; previous and future changes to District Regulation 6, Rule 5 (Particulate Emissions from Refinery Fluidized Catalytic Cracking Units); cost effectiveness and tradeoffs of wet and dry scrubbing technology; the Board's request for a workflow chart of all the potential regulations and projects staff is working on, including timelines, expectations, and realistic resources and capacity; and the concern that the District's public outreach process lacks transparency.

#### **Board Action**

None; receive and file.

## 15. THE LEGAL FRAMEWORK FOR THE AIR DISTRICT

Mr. Broadbent introduced Brian Bunger, District Counsel, who gave the staff presentation *What is the Legal Framework for Air District Operations*, including: air quality problems; regulatory framework; District authority; roles of Board and staff; roles of Board-appointed bodies; criteria pollutant control - planning and regulations; District regulations; criteria pollutant control - permits; air toxics control; greenhouse gases; and other topics.

### Public Comments

Public comments were made by Janet Stromberg and Jed Holtzman, 350 Bay Area; Ann Harvey, Oakland resident; and Martin Mackerel, San Francisco resident.

### Board Comments

The Board and staff discussed the ways in which the District can affect and partner with motor vehicle industries and consumers, as the District lacks regulatory authority over air pollution from motor vehicles; the request that the District addresses cumulative effects on air pollution based on mobile sources; whether the air pollution from motor vehicles owned by refineries can be regulated by the District; acknowledgement from the presentation author of a typo on slide 8 called “Criteria Pollutant Control – Planning” in which the “2005” in the first bullet should be “2001”; the District’s definition of “Community (monitoring)”; the suggestion that the District utilizes city or community profiles that may have been published by county or regional planning agencies, and the California Air Resources Board’s (CARB) intention that community steering committees for first-year AB 617 communities utilize stakeholders and residents from the communities; the Board’s appreciation for information of things outside of the District’s purview, and the Board’s appreciation of the staff; the amount of autonomy the District and CARB may exercise independently from the United States Environmental Protection Agency; the District’s process for issuing a Permit to Operate; the disconnect between the District’s vision to reduce emissions and its obligation to issue permits for equipment that releases emissions; the ways in which a lack of land-use authority impacts the District’s ability to monitor facilities and impose California Environmental Quality Act (CEQA) mitigation; the request that the District’s permitting system becomes more consistent with the macro-vision stated in the District’s 2017 Clean Air Plan; emission offsets for pre-construction permits for major sources and the District’s “no net increase” requirement; and the suggestion that staff improve its methodology of analyzing adverse impacts of disadvantaged communities.

### Board Action

None; receive and file.

## **PUBLIC COMMENT ON NON-AGENDA MATTERS**

### 16. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

Public comments were given by Tony Fisher, Coalition for Clean Air.

## **BOARD MEMBER COMMENTS**

### 17. Board Member Comments

- Directors Zane and Gioia, and Secretary Sinks summarized their trip to the Athabasca tar sands in Fort McMurray, Alberta, Canada in mid-August and provided their thoughts on the experience. In response, Mr. Broadbent announced that representatives from First Nation and Alberta government will be invited to present to the Board before the end of 2018.

## **OTHER BUSINESS**

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

Mr. Broadbent announced the following:

- Thus far in 2018, there were three days on which the Bay Area exceeded Federal Ambient Air Quality Standards, and three days on which the Bay Area exceeded national ozone exceedances, although the PM is aloft, and not at ground level.
- The District will send reminders to the Board members of the Global Climate Action Summit affiliate events that the District is hosting on September 12 and 13, 2018. Board members are encouraged to RSVP and sign the online “Diesel-Free by ‘33” pledge.
- Thomas Addison, former Legislative Analyst, has retired after 26 years at the District.
- Beba Sanchez has been hired as a Senior Executive Assistant in the District’s Executive Office.

### **19. Chairperson’s Report**

Chair Hudson gave remarks about the tour of the Athabasca tar sands that he attended in mid-August in Fort McMurray, Alberta, Canada, and the poor air quality there, due to the British Columbia wildfires.

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

Wednesday, September 19, 2018, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

### **21. Adjournment**

The meeting adjourned at 2:00 p.m.

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