



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS SPECIAL MEETING

May 15, 2019

A special meeting of the Bay Area Air Quality Management District Board of Directors will be held at 10:00 a.m. in the 1st Floor Board Room at the Air District Headquarters, 375 Beale Street, San Francisco, California 94105.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 10:00 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions, and are not certified for their content or form.

Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3 Speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed up to three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

Public Comment on Agenda Items The public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Speakers may speak for up to three minutes on each item on the Agenda. However, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

BOARD OF DIRECTORS SPECIAL MEETING AGENDA

WEDNESDAY
MAY 15, 2019
10:00 A.M.

BOARD ROOM
1ST FLOOR

CALL TO ORDER

Chairperson, Katie Rice

1. **Opening Comments**
Roll Call
Pledge of Allegiance

The Chair shall call the meeting to order and make opening comments. The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**
For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have two minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.

CLOSED SESSION

3. **CONFERENCE WITH LEGAL COUNSEL**

- A. **EXISTING LITIGATION (Government Code § 549569(a))**

Pursuant to Government Code § 549569(a), a need exists to meet in closed session with legal counsel to consider the following case:

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565

- B. **CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6(a))**

Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO
Rex Sanders, Director of Executive and Administrative Resources

Employee Organizations: Management and Confidential Employee Groups
Bay Area Air Quality Employee's Association, Inc.

OPEN SESSION

CONSENT CALENDAR (ITEMS 4-7)

Staff/Phone (415) 749-

4. Minutes of the Regular Board of Directors Regular Meeting of May 1, 2019
Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Board of Directors Regular Meeting of May 1, 2019.

5. Board Communications Received from May 1, 2019 through May 14, 2019
J. Broadbent/5052
jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from May 1, 2019 through May 14, 2019, if any, will be at each Board Member's place.

6. Air District Personnel on Out-of-State Business Travel
J. Broadbent/5052
jbroadbent@baaqmd.gov

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding month.

7. Renewal of Contract for Spare the Air Advertising and Messaging Campaigns
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to amend existing contract with Prozio Communications for the Fiscal Year Ending 2020 Spare the Air Campaigns' Advertising, Communications & Evaluation Services in an amount not to exceed \$1,950,000.

PRESENTATION

8. Update on the Port of Oakland's Seaport Air Quality Plan
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will receive an update on the Port of Oakland's Seaport Air Quality Plan.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed two minutes each to address the Board on non-agenda matters.

BOARD MEMBERS' COMMENTS

10. *Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

OTHER BUSINESS

11. Report of the Executive Officer/APCO

12. Chairperson's Report

13. Time and Place of Next Meeting:

Wednesday, June 5, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

14. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Board of Directors” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District’s offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District’s policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District’s Non-Discrimination Coordinator, Rex Sanders, at (415) 749-4951 or by email at rsanders@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT ANTICIPATED MEETINGS

MAY 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting Budget Hearing	Wednesday	15	9:30 a.m.	1 st Floor Board Room
Board of Directors Special Meeting	Wednesday	15	10:00 a.m.	1 st Floor Board Room
Board of Directors Community and Public Health Committee	Monday	20	9:30 a.m.	1 st Floor, Board Room
Board of Directors Legislative Committee	Wednesday	22	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	23	9:30 a.m.	1 st Floor Board Room

JUNE 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting	Wednesday	5	9:30 a.m.	1 st Floor Board Room
Board of Directors Climate Protection Committee	Monday	10	9:30 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting (CANCELLED)	Wednesday	19	9:30 a.m.	1 st Floor Board Room
Board of Directors Community and Public Health Committee	Thursday	20	9:30 a.m.	1 st Floor Board Room
Board of Directors Budget and Finance Committee (CANCELLED)	Wednesday	26	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee (CANCELLED)	Thursday	27	9:30 a.m.	1 st Floor Board Room

JULY 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (CANCELLED)	Wednesday	3	9:30 a.m.	1 st Floor Board Room
Board of Directors Stationary Source	Monday	15	9:30 a.m.	1 st Floor Board Room
Board of Directors Personnel Committee (CANCELLED)	Wednesday	17	9:30 a.m.	1 st Floor Board Room
Board of Directors Legislative Committee (CANCELLED)	Wednesday	24	9:30 a.m.	1 st Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	25	9:30 a.m.	1 st Floor Board Room
Advisory Council Meeting	Monday	29	10:00 a.m.	1 st Floor Board Room
Board of Directors Special Meeting	Wednesday	31	9:30 a.m.	1 st Floor Board Room

AD – 5/6/2019 – 8:45 a.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Katie Rice and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 9, 2019

Re: Minutes of the Board of Directors Regular Meeting of May 1, 2019

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Regular Meeting of May 1, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of May 1, 2019.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflo
Reviewed by: Vanessa Johnson

Attachment 4A: Draft Minutes of the Board of Directors Regular Meeting of May 1, 2019

AGENDA 4A – ATTACHMENT

Draft Minutes - Board of Directors Regular Meeting of May 1, 2019

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

Board of Directors Regular Meeting
Wednesday, May 1, 2019

DRAFT 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*

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Katie Rice, called the meeting to order at 9:37 a.m.

Roll Call:

Present: Chairperson Katie Rice; Vice Chair Rod Sinks; Secretary Cindy Chavez; and Directors Teresa Barrett, David J. Canepa, John Gioia, Carole Groom, David Hudson, Tyrone Jue, Doug Kim, Liz Kniss, Gordon Mar, Karen Mitchoff, Mark Ross, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Margaret Abe-Koga, John J. Bauters, Pauline Russo Cutter, Scott Haggerty, Nate Miley, Jim Spering, and Shirlee Zane.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

No requests received.

CLOSED SESSION (9:39 a.m.)

NOTED PRESENT: Director Kim was noted present at 9:43 a.m.

3. **CONFERENCE WITH LEGAL COUNSEL**

A. **EXISTING LITIGATION (Government Code Section 54956.9(a))**

Pursuant to Government Code Section 54945.9(a), a need exists to meet in closed session with legal counsel to consider the following case:

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565

REPORT OUT: Brian Bunger, Air District Counsel, reported that there was no reportable action for Item 3A.

B. **ANTICIPATED LITIGATION Government Code Section 54956.9 (c))**

Pursuant to Government Code Section 54956.9 (c), a need exists to meet in closed session with legal counsel to consider the initiation of litigation for one potential case.

REPORT OUT: Mr. Bunger reported that the Board authorized Air District staff to file a petition in the District of Columbia Court of Appeals, when and if the United States Environmental Protection Agency finalizes its proposed rule on vehicle emissions standards, assuming the proposed language does not significantly change.

OPEN SESSION (9:58 a.m.)

CONSENT CALENDAR (ITEMS 4 – 13)

4. **Minutes of the Regular Board of Directors Regular Meeting of April 3, 2019**
5. **Board Communications Received from April 3, 2019 through April 30, 2019**
6. **Air District Personnel on Out-of-State Business Travel**
7. **Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of March 2019**
8. **Consider Authorization to Execute Contract Amendment with West Oakland Environmental Indicators Project**
9. **Quarterly Report of California Air Resources Board Representative – Honorable John Gioia**
10. **Quarterly Report of the Executive Office and Division Activities for the Months of January 2019 – March 2019**
11. **Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2019**
12. **Consider Authorization of a Contract Extension and Execution of a Purchase Order in Excess of \$100,000 to Technical and Business Systems Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations, for Continued Operation of the BioWatch Monitoring Network**
13. **Consider Authorization to Add a Limited Time and Cost Extension to a Contract to Fund Aircraft-Based Wind Measurements in a Cooperative Project to Assess Methane Emissions from Sources with Bay Area Facilities**

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Hudson, to **approve** the Consent Calendar Items 4 through 13, inclusive; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

14. Report of the Climate Protection Committee Meeting of April 22, 2019

Climate Protection Committee Chair, Teresa Barrett, read the following Committee report:

The Climate Protection Committee met on Monday, April 22, 2019, and approved the minutes of September 20, 2018.

The Committee received and discussed the staff presentation Update on Methane Strategy Rule Development Efforts.

The Committee then received and discussed the staff presentation Update on Region-Wide Carbon Dioxide Reduction Strategy.

In the interest of time, Air District staff suggested that the staff presentation Update on Community Choice Energy Study be tabled. The Committee members that were present agreed.

The next meeting of the Climate Protection Committee will be held at the Call of the Chair. This concludes the Chair report of the Climate Protection Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

15. Report of the Budget and Finance Committee Meeting of April 22, 2019

Budget and Finance Committee Chair, Carole Groom, read the following Committee report:
The Committee met on Monday, April 22, 2019, and approved the minutes of March 22, 2019.

The Committee reviewed and discussed the staff presentation Continued Discussion of Fiscal Year Ending 2020 Proposed Air District Budget and Consideration to Recommend Adoption. The Committee recommends the Board:

- 1. Conduct Public Hearings on the Fiscal Year Ending 2020 Proposed Budget; and*
- 2. Adopt the Fiscal Year Ending 2020 Proposed Budget*

Finally, the Committee reviewed and discussed the staff presentation Third Quarter Financial Report – Fiscal Year Ending June 2019.

The next meeting of the Budget and Finance Committee will be held on Wednesday, September 25, 2019, at 9:30 a.m. This concludes the Chair Report of the Budget and Finance Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Groom made a motion, seconded by Director Hudson, to **approve** the recommendations of the Budget and Finance Committee; and the motion **carried** by the following vote of the Board:

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

16. Report of the Legislative Committee Meeting of April 24, 2019

Legislative Committee Chair, Doug Kim, read the following Committee report:

The Legislative Committee met on Wednesday, April 24, 2019, and approved the minutes of March 27, 2019.

The Committee considered new bills introduced as part of this California Legislative Session and position recommendations by staff. The Committee recommends that the Board of Directors adopts the following position:

- **Assembly Bill 661 (McCarty)** – *Requires the Sacramento Metropolitan Air Quality Management District to prepare a wildfire smoke air pollution emergency plan and conduct public education, with respect to wildfire smoke impact control measures. While the Air District’s Board of Directors had adopted a position of **OPPOSE UNLESS AMENDED** at the Legislative Committee’s recommendation on April 3, 2019, the Legislative Committee now recommends that the Board of Directors adopt a **WATCH** position, as the bill’s language has since been amended.*
- **Senate Bill 732 (Allen)** – *Authorizes the South Coast Air Quality Management District Board to impose a transaction and use tax within the boundaries of the South Coast District, with the moneys generated to be used for air quality programs. Air District staff recommended that the Committee refrains from taking a position on this bill at this time.*

The Committee then received a staff update on the status of Assembly Bill 836, an Air District-sponsored bill introduced by Assemblymember Buffy Wicks, to increase the number of publicly-accessible clean air spaces during emergency events, such as wildfires.

Finally, the Committee received an update on recent events of significance in Sacramento.

The next meeting of the Legislative Committee will be held on Wednesday, May 27, 2019. I move that the Board approve the Committee’s recommendation. This concludes the Chair’s report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Kim made a motion, seconded by Director Wagenknecht, to **approve** the recommendation of the Legislative Committee; and the motion **carried** by the following vote of the Board:

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

17. Report of the Mobile Source Committee Meeting of April 25, 2019

Mobile Source Committee Member, David Hudson, read the following Committee report:

The Committee met on Thursday, April 25, 2019, and approved the minutes of March 28, 2019.

The Committee reviewed and discussed the staff presentation, Projects and Contracts with Proposed Grant Awards Over \$100,000. The Committee recommends the Board:

- 1. Approve recommended projects with proposed grant awards over \$100,000;*
- 2. Approve a change to Fiscal Year Ending 2019 Transportation Fund for Clean Air Regional Fund Policies and Fiscal Year Ending 2020 Transportation Fund for Clean Air County Program Manager Fund Policies to increase the cost-effectiveness limit for Pilot Trip Reduction projects;*
- 3. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.*

The Committee then reviewed and discussed the staff presentation Transportation Fund for Clean Air Funding for Shuttle and Ridesharing Projects. The Committee recommends the Board:

- 1. Approve a total award of up to \$3,000,000 in Transportation Fund for Clean Air funding for a three-year ridesharing project sponsored by the Metropolitan Transportation Commission; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with the Metropolitan Transportation Commission for the recommended project.*

The Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2020 Transportation Fund for Clean Air County Program Manager Expenditure Plans & Alameda County Transportation Commission Policy Waiver Request. The Committee recommends the Board:

- 1. Approve the allocation of new Fiscal Year Ending 2020 Transportation for Clean Air County Program Manager funds proposed in the Expenditure Plans;*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to enter into funding agreements with the County Program Managers for the total funds to be programmed in Fiscal Year Ending 2020; and*
- 3. Approve a policy waiver to allow the Alameda County Transportation Commission to use Transportation for Clean Air County Program Manager funds for a shuttle project.*

Finally, the Committee reviewed and discussed the staff presentation Electric Vehicle Ecosystem Update: Electric Vehicle Programs: Incentives and Awareness. The Committee recommends the Board:

- 1. Authorize the Executive Officer/Air Pollution Control Officer to execute a contract with the Center for Sustainable Energy in an amount not to exceed \$115,000 for services performed in Fiscal Year Ending 2019 and Fiscal Year Ending 2020 for electric vehicle market research services; and*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to execute a contract with Kearns and West in an amount not to exceed \$36,000 for services performed in Fiscal*

Year Ending 2019 and Fiscal Year Ending 2020 for meeting and stakeholder facilitation for the Bay Area Electric Vehicle Coordinating Council.

The next meeting of the Mobile Source Committee will be held on Thursday, May 23, 2019, at 9:30 a.m. I move that the Board approve the Mobile Source Committee's recommendations. This concludes the Chair Report of the Mobile Source Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Hudson made a motion, seconded by Director Mitchoff, to **approve** the recommendation of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

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

18. Report of the Stationary Source Committee Meeting of April 29, 2019

Stationary Source Committee Chair, Rod Sinks, read the following Committee report:

The Committee met on Monday, April 29, 2019, and approved the minutes of March 18, 2019.

The Committee reviewed and discussed the staff presentation Update on Monitoring Activities at Refineries and in Nearby Communities.

Finally, the Committee reviewed and discussed the staff presentation Update on the Implementation of Refinery Regulations Regulation 12, Rule 15: Petroleum Refinery Emissions Tracking and Regulation 6, Rule 5: Particulate Emissions from Fluidized Catalytic Cracking Units.

The next meeting of the Committee will be held on Monday, July 15, 2019, at 9:30 a.m. This concludes the Chair report of the Stationary Source Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

PUBLIC HEARING

19. Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees for Fiscal Year Ending (FYE) 2020

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, stated that this is the first of two Public Hearings, the final public hearing and consideration of adoption of the proposed amendments being scheduled for June 5, 2019. Mr. Broadbent then introduced Pamela Leong, Director of Engineering, who gave the staff presentation *Proposed Amendments to Regulation 3: Fees*, including: agenda; revenue sources - FYE 2018; cost recovery background; trends in expenditures and cost recovery; proposed changes to fee schedules; other proposed amendments; impact on large facilities - power plants and petroleum refineries; impact on small businesses; Western States Petroleum Association (WSPA) and California Council for Environmental and Economic Balance (CCEEB) comments received; timekeeping improvements; and 2019 rule development schedule.

Chair Rice opened the Public Hearing.

Public Comments

Public comments were given by Bob Brown, WSPA.

Board Comments

The Board and staff discussed whether the Air District has ambitions to reach a 100% cost recovery policy, rather than remain at 85%; how frequently the Air District analyzes increases to the Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers; why some fee schedules generate revenue less than 50% of costs and whether those fees will be increased; how the (Bay Area) Air District's cost recovery policy and rates compare with those of other California air districts; facilities' concern of increasing fees over time; cost recovery cycle trends of refineries; whether future unfunded liabilities' costs are covered under present-day codes; the Air District's reaction to the American Lung Association's *2019 State of the Air* report, released on April 24, 2019; the types of facilities that are issued Permits to Operate by the Air District; whether the Air District has considered implementing a higher cost recovery goal for the larger permitted facilities; the request for a figure of overall refinery cost recovery (across all five Bay Area refineries and all applicable Air District fees); the distinction between (the Air District imposing) fees, versus taxes; and the request that the Board members received copies of the Air District's letter in response to comments from WSPA and CCEEB.

Chair Rice closed the Public Hearing.

Board Action

None; receive and file.

PRESENTATION

20. Update on Mobile Source Emissions Reductions Measures

Gregory Nudd, Deputy Air Pollution Control Officer of Policy, introduced this item by first presenting slides on local residential cancer risk from marine vessels, rail, and truck emissions. Mr. Nudd then introduced Cynthia Marvin, Chief of the California Air Resources Board's (CARB) Transportation and Toxic Division, who gave the presentation *Reducing Diesel Particulate Matter (DPM) from Freight to Protect Communities*, including: CARB milestones for DPM; CARB freight strategies implemented; 85% reduction in freight DPM from 2000-2020 in Bay Area; freight DPM will decline another 40% from 2000-2020 in Bay Area; expansion of California's strategies to reduce freight impacts; heavy-duty, on-road electric market today; zero-emission, heavy-duty passenger vehicles; new CARB freight actions; truck concepts for new models; programs to assess emissions; ships at berth concepts; transport refrigeration unit concepts; rail yard concepts; harbor craft concepts and contracts; state grants and rebates; freight handbook; and CARB's path forward on freight.

Public Comments

No requests received.

Board Comments

The Board and staff discussed how long it will take the port and rail industries to reach significantly lower levels of emissions and ideally zero emissions; the request for PM levels in West Oakland several decades ago; whether CARB has regulations monitoring emissions when petroleum is transported from one directly from one vessel to another; the locations of the storage warehouses that contain transport refrigeration units; whether CARB is working with other vehicle manufacturers to procure incentive monies for clean diesel technology for passenger vehicles, resulting from violations, other than Volkswagen; how local air districts can best utilize indirect source authority, the example of South Coast Air Quality Management District's current involvement with indirect source authority, and how the California Environmental Quality Act relates to indirect source authority.

Board Action

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

21. 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

22. Board Members' Comments

- Director Kniss said that it would be helpful to receive a presentation on CARB's functions, authority, and organizational structure. Director Gioia added that he appreciates that the Board receives periodic presentations from CARB so that Board members can become familiar with the very things Director Kniss mentioned.

OTHER BUSINESS

23. Report of the Executive Officer/Air Pollution Control Officer

Mr. Broadbent stated the following:

- He just returned from air-quality-related matters in Qatar and India and will provide the Board with a full report at the May 15, 2019 Board meeting.
- The Air District's 2019 Summer Spare the Air Program commenced today (May 1, 2019.)
- The Air District's 2018 Annual Report has been released. Secretary Chavez praised the Air District's decision to include "Estimated lifetime emissions reduction for projects funded (in tons)" under the "Grant and Incentive Programs" page.
- The American Lung Association's *2019 State of the Air* report was released on April 24, 2019, and minimizes the improvements seen in the Bay Area, focusing instead on the Bay Area's levels of particle and ozone pollution.

24. Chairperson's Report

Chair Rice made the following announcements:

- Welcome to new Board member, San Francisco County Supervisor, Gordon Mar
- The Air District will be hosting several public events to raise awareness about its new program, Clean Cars for All, which offers incentives for low-income Bay Area residents in communities disproportionately burdened by sources of pollution to replace their old vehicles with electric vehicles.
- Several of the Board's standing committees (Budget and Finance, Mobile Source, and Climate Protection) currently have vacancies. Interested Board members are to contact Vanessa Johnson.
- Board members attending the Air and Waste Management's 112th Annual Conference and Exhibition in Quebec City in June need to finalize their trip details with the Vanessa Johnson.
- On April 25, Marin Clean Energy (MCE) launched MCE Solar Charge - an 80kW Solar Photovoltaic system powering 10 publicly-available EV charging stations at MCE's San Rafael Office.

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

Wednesday, May 15, 2019, at 375 Beale Street, San Francisco, CA 94105 at **10:00 a.m.**, following the Air District's second Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees for Fiscal Year Ending 2020, which begins at 9:30 a.m.

26. **Adjournment**

The meeting adjourned at 11:44 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Katie Rice and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 9, 2019

Re: Board Communications Received from May 1, 2019 through May 14, 2019

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from May 1, 2019, through May 14, 2019, if any, will be at each Board Member's place at the May 15, 2019, Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Katie Rice and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 9, 2019

Re: Air District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board of Directors is hereby notified of Air District personnel who have traveled on out-of-state business.

The report covers the out-of-state business travel for the month of April 2019. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the month of April 2019:

- Sarah Zahedi, Public Information Officer I, attended Government Social Media and Digital Communications Conference, Nashville, Tennessee, April 1, 2019 - April 4, 2019.
- Jack P. Broadbent, Executive Officer/APCO, attended US State Department Speaker Program, Qatar, India, Mumbai, April 5, 2019 - April 27, 2019.
- Elaine Ko, Supervising Air Quality Engineer, and Marco A. Hernandez, Principal Air Quality Engineer, attended 43rd Annual Stationary Source Sampling & Analysis for Air Pollutants Conference, Point Clear, Alabama, April 14, 2019 - April 19, 2019.
- Mary Ann Okpalaugo, Manager, Katherine Hoag, Assistant Manager, and Kristen Law, Staff Specialist II, attended Government Alliance on Race & Equity Annual Membership Meeting, Albuquerque, New Mexico, April 15, 2019 - April 18, 2019.

- Jack P. Broadbent, Executive Officer/APCO, Wayne Kino, DAPCO, and Jeff McKay, Chief Financial Officer, attended National Association of Clean Air Agencies Spring Meeting, Kansas City, Missouri, April 28, 2019 - April 30, 2019.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Katie Rice and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 9, 2019

Re: Renewal of Contract for Spare the Air Advertising and Messaging Campaigns

RECOMMENDED ACTION

The Board of Directors (Board) will consider authorizing the Executive Officer/APCO to amend existing contract with Pro시오 Communications for the Fiscal Year Ending (FYE) 2020 Spare the Air Campaigns’ Advertising, Communications & Evaluation Services in an amount not to exceed \$1,950,000.

BACKGROUND

The Air District’s Communications Office relies on contractors to assist with various aspects of its advertising and outreach programs. The Communications Office completed a Request for Proposal (RFP) process in March 2018 to solicit responses for the following services: Advertising, Media Relations, Social Media, Public Opinion Surveys and Employer Outreach services. Pro시오 Communications was the selected contractor.

A three-year contract was approved by the Board in April 2018 for Pro시오 Communications with funding not to exceed \$1,950,000 per contract year during FYE 2019 and FYE 2020, and \$2,019,000 for FYE 2021. The breakdown for the FYE 2020 contracts as follows:

- Spare the Air Every Day Campaign
 - Advertising \$600,000
 - Media Relations \$200,000
 - Social Media \$75,000
 - Employer Program \$200,000
 - Public Opinion Surveys \$50,000

- Winter Spare the Air Campaign
 - Advertising \$600,000
 - Media Relations \$100,000
 - Social Media \$75,000
 - Public Opinion Surveys \$50,000

DISCUSSION

In the previous year, the contractor has satisfied Air District requirements. Contractor and subcontractors participate in weekly status meetings to highlight ongoing and new work. Recommended messaging projects are well conceived, and results are provided to staff. Contractor is thorough and timely executing projects, making recommendations and performing required tasks. Staff is recommending the Board approves.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this contract for FYE 2020 comes from the following sources:

- Spare the Air Every Day
 - Congestion Mitigation Air Quality (CMAQ) - \$925,000
 - Transportation Fund for Clean Air (TFCA) - \$200,000

- Winter Spare the Air
 - General Revenue - \$825,000

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristine Roselius
Reviewed by: Lisa Fasano

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Katie Rice and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 9, 2019

Re: Update on the Port of Oakland's Seaport Air Quality Plan

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

A decade ago the Port of Oakland (Port) adopted the Maritime Air Quality Improvement Plan (MAQIP) to guide their response to community concerns over existing exposure to pollution and proposed development at the Port, rulemaking by the California Air Resources Board (CARB) to control emissions from marine vessels, drayage trucks and other port-based engines – rules likely to have significant costs and impacts on Port operations and the publication of a health risk assessment of the West Oakland area by CARB and the Air District showing very high cancer risk levels due to exposure to diesel particulate matter (PM).

The Port convened a large task force to assist in developing the air quality plan for the Seaport – 35 representatives of local community groups, businesses, advocacy groups and government agencies. The Task Force was chaired by the Port, the Air District, the West Oakland Environmental Indicators Project (WOEIP) and Mr. Andy Garcia, representing the businesses operating at the Port. The initial task force meeting was held on April 10, 2007. The final Plan was adopted by the Port Commission on April 9, 2009.

The MAQIP committed the Port and its tenants to an 85% reduction in diesel PM emissions by 2020. Last year, recognizing the need to identify additional strategies to achieve the 85% reduction goal and to incorporate the Bay Area's and State of California's climate goals, the Port reconvened the Task Force to assist in updating the air quality plan for the Seaport. The Air District, WOEIP and Mr. Garcia have continued acting as Co-Chairs. The Task Force met six times over the past year to provide input to and review of two draft Plans. The final proposed Plan is scheduled for public release on May 10, 2019, with consideration by the Port Commission at their May 23, 2019 meeting.

DISCUSSION

The updated Seaport air quality plan - now entitled "2020 and Beyond" - is expected to include measures that puts the Port and its tenants on the path towards zero emission landside operations and measures to continue reducing diesel PM from the ships, tugs and trains operating at the Port. At the Board meeting, staff will provide a summary of the emission reduction measures proposed in the Port's "2020 and Beyond" Seaport Air Quality plan, describe how these measures will benefit the residents of West Oakland, the overlap with the West Oakland Community Action Plan (AB 617), and how recent studies on exposure in West Oakland are suggesting further action may be needed by the Port and its tenants.

The Port of Oakland staff, Ms. Margaret Gordon and Mr. Brian Beveridge from WOEIP and Mr. Garcia have been invited to participate in the presentation on the Seaport Air Quality Plan.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. Funding for staff participation in the Port of Oakland's air quality improvement efforts are included in the current year's budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Michael Murphy
Reviewed by: Henry Hilken and Greg Nudd