

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 18, 2019

### **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, Katie Rice, called the meeting to order at 9:38 a.m.

#### **Roll Call:**

Present: Chairperson Katie Rice; Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors Margaret Abe-Koga, Teresa Barrett, David J. Canepa, Carole Groom, Scott Haggerty, David Hudson, Tyrone Jue, Liz Kniss, Gordon Mar, Karen Mitchoff, Mark Ross, Jim Spering, Shamann Walton, Lori Wilson, and Shirlee Zane.

Absent: Directors John J. Bauters, Pauline Russo Cutter, John Gioia, Nate Miley, Doug Kim, and Brad Wagenknecht.

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

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

Public comments were given by Robert Bamford, Northern Sonoma County Air Pollution Control District; Clare Valderama-Wallace, California State University at East Bay; Tiara Azubuike, California State University at East Bay; Monica Ascencion, California State University at East Bay; and Abhijit Basu, Milpitas resident.

#### **Board Comments**

The Board and staff discussed the history of the Bay Area Clean Air Foundation's Oakley Generating Station Mitigation project, why the project was cancelled, and the revocation of the project's funding.

NOTED PRESENT: Director Wilson was noted present at 9:53 a.m.

**CLOSED SESSION** – Brian Bunger, District Counsel, said that there was no longer a need for Closed Session on this date.

3. **CONFERENCE WITH LEGAL COUNSEL**

**EXISTING LITIGATION (Government Code § 54956.9(a))**

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

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

**OPEN SESSION**

**CONSENT CALENDAR (ITEMS 4 - 9)**

4. Minutes of the Board of Directors Meeting of September 4, 2019
5. Board Communications Received from September 4, 2019 through September 17, 2019
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of August 2019
7. Air District Personnel on Out-of-State Business Travel
8. Quarterly Report of California Air Resources Board Representative – Honorable John Gioia
9. Quarterly Report of Executive Office and Division Activities for the Months of April 2019 to June 2019

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Hudson made a motion, seconded by Director Zane, to **approve** the Consent Calendar Items 4 through 9, inclusive; and the motion **carried** by the following vote of the Board:

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

NOTED PRESENT: Secretary Chavez and Director Abe-Koga were noted present at 9:55 a.m.

## **COMMITTEE REPORTS**

### **10. Report of the Executive Committee Meeting of September 5, 2019**

Executive Committee Chair, Katie Rice, read the following Committee report:

*The Executive Committee met on Wednesday, September 5, 2019, and approved the minutes of March 20, 2019.*

*The Committee received the presentation Hearing Board Quarterly Reports: January – March 2019 and April – June 2019.*

*The Committee then received the presentation Bay Area Regional Collaborative Executive Director's Update, given by Executive Director, Allison Brooks.*

*The Committee then reviewed and discussed the staff presentation My Air Online Status Update.*

*Finally, the Committee reviewed and discussed the staff presentation 2019 Summer Spare the Air Season Summary and Winter Spare the Air Season Overview.*

*The next meeting of the Executive Committee will be on Wednesday, October 16, 2019 at 9:30 a.m. This concludes the Chair report of the Executive Committee.*

#### **Public Comments**

No requests received.

#### **Board Comments**

None.

#### **Board Action**

None; receive and file.

### **11. Report of the Personnel Committee Meeting of September 6, 2019**

Personnel Committee Chair, Jim Spering, read the following Committee report:

*The Committee met on Friday, September 6, 2019, and approved the minutes of February 20, 2019.*

*The Committee then reviewed and discussed the vacant position of Hearing Board Principal member in the Professional Engineer category. A second vacancy on the Hearing Board, of Alternate member in the medical category, will be considered at a subsequent Committee meeting. The Committee and staff discussed the recruitment process and then interviewed Catherine Fortney and Sakcheat Chet Monh for the Hearing Board Principal position in the Professional Engineer category. The Committee recommends the Board approve:*

1. *The appointment of Catherine Fortney, as Principal Member in Professional Engineer category of the Hearing Board.*

*Although the Committee's recommendation of Ms. Fortney to the Principal position left a vacancy in Ms. Fortney's current role of Alternate member in the Professional Engineer category, and the Committee had the authority to recommend the second candidate for the alternate seat, the consensus of the Committee members present was to re-open the recruitment for the position of Alternate member in the Professional Engineer category of the Hearing Board.*

*The next meeting of the Personnel Committee will be held at the call of the Chair. I move that the Board approve the Personnel Committee's recommendation. This concludes the Chair Report of the Personnel Committee.*

#### Public Comments

No requests received.

#### Board Comments

The Board and staff discussed the request to send Hearing Board recruitment opportunities to the Board members for distribution within their jurisdictions.

#### Board Action

Director Spering made a motion, seconded by Director Hudson, to **approve** the appointment of Catherine Fortney as Principal Member in the Professional Engineer category of the Hearing Board; and the motion **carried** by the following vote of the Board:

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

#### 12. **Report of the Community and Public Health Committee Meeting of September 12, 2019**

Community and Public Health Committee Chair, Shirlee Zane, read the following Committee report:

*The Community and Public Health Committee met on Thursday, September 12, 2019, and approved the minutes of June 20, 2019.*

*The Committee reviewed and discussed the staff presentation Community Grant Updates: School Community Grants, James Cary Smith Community Grants, and Assembly Bill (AB) 617 Community Health Protection Grants.*

*The Committee then reviewed and discussed the presentation from staff and from Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators project regarding the West Oakland Community Action Plan.*

*Finally, the Committee reviewed and discussed a presentation from staff and Richmond co-lead Linda Whitmore regarding Implementing AB 617: Richmond-San Pablo Area.*

*The next meeting of the Community and Public Health Committee will be held on Wednesday, October 30, 2019, at 9:30 a.m. This concludes the Chair Report of the Community and Public Health Committee.*

Public Comments

No requests received.

Board Comments

The Board and staff discussed the fact that the October 2, 2019, Board of Directors meeting will take place in Oakland, at which the Air District staff will reiterate points from the presentation that was given at the September 12, 2019, Committee meeting regarding the West Oakland Community Action Plan, as the Plan will be considered for adoption by the Board.

Board Action

None; receive and file.

**13. Report of the Stationary Source Committee Meeting of September 16, 2019**

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

*The Committee met on Monday, September 16, 2019, at Milpitas City Hall, and approved the minutes of July 8, 2019.*

*The Committee reviewed and discussed the staff presentation South Bay Odor Update and Air District Odor Attribution Study. The Committee requested Air District staff to provide an update on the Odor Mitigation efforts to date.*

*The Committee then reviewed and discussed the staff presentation Particulate Matter Rules Implementation Update.*

*Finally, the Committee reviewed and discussed the staff presentation Update on Organic Material Handling and Composting Rules.*

*The next meeting of the Stationary Source Committee will be held on Monday, November 18, 2019, at 9:30 a.m. This concludes the Chair report of the Stationary Source Committee.*

At this point, Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, introduced Wayne Kino, Deputy Air Pollution Control Officer of Operations, who introduced Tracy Lee, Compliance and Enforcement Manager, who gave the staff presentation *South Bay Odor Improvements*.

NOTED PRESENT: Director Mar was noted present at 10:12 p.m.

## Public Comments

No requests received.

## Board Comments

The Board and staff discussed the prospect of a tour of the three closely-located facilities with similar odor profiles (landfill and associated composting facility, sewage treatment plant and a dry anaerobic food waste digester facility) that are part of the Air District's South Bay Odor Attribution Study, and the request that the tour not be scheduled on a day on which rain is anticipated; the concern that compost emissions controls that may improve one part of the Bay Area may result in negative impacts in other parts of the Bay Area; the status of the Newby Island Material Recovery Facility's permit application to enclose and abate operations, and the request to provide links to permit applications on the Air District's website; the level of aggression of California's current waste diversion goals; the request for an inventory of best practices of successful, local waste-processing facilities and transfer stations; and appreciation of Air District staff for holding offsite meetings in parts of the Bay Area other than San Francisco.

## Board Action

None; receive and file.

### **14. Report of the Ad Hoc Building Oversight Committee Meeting of September 18, 2019**

Ad Hoc Building Oversight Committee Vice Chair, David J. Canepa, read the following Committee report:

*The Ad Hoc Building Oversight Committee met on Wednesday, September 18, 2019, and approved the minutes of April 3, 2019.*

*The Committee received and discussed the staff presentation Contract Extension: Build-Out of a Portion of the Richmond, Lakeside Drive Building. The Committee recommends the Board:*

- 1. Authorize the Executive Officer/Air Pollution Control Officer to obtain bids and execute contracts to build out approximately 7,300 square feet of the Richmond, Lakeside building with cubicles and offices, in an amount not to exceed \$250,000, in addition to the initial \$1,800,000 authorization in April 2019.*
- 2. Authorize the Executive Officer/Air Pollution Control Officer to obtain bids and execute contracts to install video conferencing capabilities at the Richmond Lakeside building, in an amount not to exceed \$235,000.*

*The next meeting of the Ad Hoc Building Oversight Committee will be at the call of the Chair. I move that the Board approve the Ad Hoc Building Oversight Committee's recommendations. This concludes the Chair report of the Ad Hoc Building Oversight Committee.*

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Canepa made a motion, seconded by Director Ross, to approve the recommendations of the Ad Hoc Building Oversight Committee; and the motion **carried** by the following vote of the Board:

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

**PRESENTATION**

**15. Summary of the 2019 Summer Spare the Air Program and an Update of the 2019-20 Winter Spare the Air Campaign**

Mr. Kino introduced Lisa Fasano, Communications Officer, who gave the staff presentation *2019 Summer Spare the Air Season Summary and Winter Spare the Air Season Overview*, including: (2019 summer) advertising; campaign highlights; social media; media relations; (2019 winter) advertising; social media; door-to-door outreach; and Wood Smoke Reduction Grant (WSRG) program results.

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

Board Comments

The Board and staff discussed how Air District staff acknowledged the Committee's request that "Bay Area Air Quality Management District" be connected to Spare the Air advertisements (all media types) but that this change cannot be incorporated until 2020; the need for additional funding for Spare the Air and WSRG programs; the suggestion of making pet jackets with Spare the Air logos available to the public to generate more social media attention to Spare the Air programs; the suggestion of posting content to social media platforms that are used by young people for messaging purposes; which printed publications advertise Air District programs; permit requirements for door-to-door outreach in some jurisdictions; whether the Air District has held competitions for fireplace repurposing among residents; whether the Air District advertises on the Waze (GPS navigation) application; the awareness levels of new regulations and best sustainability practices among different age groups; and the request for Spare the Air apparel for cyclists and runners.

### Board Action

None; receive and file.

#### **16. Update on Assembly Bill (AB) 617 Richmond-San Pablo Area Air Monitoring Plan**

Gregory Nudd, Deputy Air Pollution Control Officer on Policy, introduced Kristen Law, Community Engagement Specialist, and Community Co-Leads, Dr. Naama Raz-Yazeef and Nain Lopez, who gave the joint presentation *Implementing Assembly Bill 617: Richmond-San Pablo Area*, including: AB 617 communities; AB 617 community-driven programs; community-led in Richmond-San Pablo area; discussion of focus areas; Steering Committee focus area discussions; timeline; and what's next.

### Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area; and Abhijit Basu, Milpitas resident.

### Board Comments

The Board and staff discussed when Aclima, the contractor the Air District has conducting air quality mapping of the entire Bay Area, will finish collecting data in Richmond; appreciation of the exemplary AB 617 implementation efforts of West Oakland and Richmond; lessons learned by the Richmond Steering Committee and Co-Leads thus far; claims that the composition of the Richmond Steering Committee does not fairly represent Richmond residents (versus non-residents and industry representatives); the request to include representatives from public schools on the Steering Community; the request for a list of Steering Committee members and their affiliations from both the West Oakland and Richmond communities; and the upcoming Richmond community summit.

### Board Action

None; receive and file.

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

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

Public comments were given by Kim Le, California State University at East Bay.

### **BOARD MEMBERS' COMMENTS**

#### **18. Board Members' Comments**

Director Mitchoff reiterated her request for embedded links to presentations on Board meeting agendas, rather than Air District staff names and contact information next to each agendized item.

Vice Chair Sinks reported that many people attended the Stationary Source Committee meeting that was held on September 16 in Milpitas, and added that, on that same evening, Air District staff addressed the public's complaints about Lehigh Permanente Quarry at a town hall meeting in Cupertino.



Director Kniss expressed her concern about President Trump’s plan to revoke California’s emissions waiver.

Director Walton said that he was looking forward to working with the Board in his new capacity as Board member.

## **OTHER BUSINESS**

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

Mr. Broadbent announced the following:

- To date, the Bay Area has exceeded National Ambient Air Quality Standard levels nine times in 2019.
- The Air District has issued a press release in response to the Trump Administration’s intent to revoke California’s emissions waiver. Mr. Bunger explained the process by which the waiver may be revoked and gave a history of it as well, adding that the Board has authorized Air District staff to take legal action on this matter, and that the State may request a stay.
- The United Nations Secretary General is hosting a Climate Action Summit in New York on September 23, 2019, and the Air District sent a commitment letter to the summit detailing its efforts on air quality and climate change.
- The California Legislature adjourned its session and AB 836 (Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program), the bill championed by the Air District and Assemblymember Buffy Wicks, is on the Governor’s desk. The Air District is also monitoring the status of AB 423 (Composition of San Diego County Air Pollution Control District).
- The Air District’s Advisory Council will host the first of several meetings of its 2019 Particulate Matter Symposia, starting October 28, 2019, with Gina McCarthy, Former Administrator of the United States Environmental Protection Agency to give a keynote address.

### **Board Comments**

Vice Chair Sinks asked if the Air District can focus mobile source grant money on vehicle manufacturers, and whether the California Air Resources Board would allow this.

Directors Groom and Zane stated that the Counties of San Mateo and Sonoma, respectively, declared a state of climate change emergency on September 17, 2019.

Secretary Chavez suggested that the Air District reaches out to hospitals for support and data in response to the Trump Administration’s threat to revoke the California waiver, as quantifiable reparation may be owed to Bay Area residents.

### **20. Chairperson’s Report**

Chair Rice announced that Director Kim resigned from the Board of Directors, effective September 13, 2019, and that Director Abe-Koga, who currently serves as Vice Chair of the Legislative Committee, will become the Chairperson of the Committee.

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

Wednesday, October 2, 2019, at The Waterfront Hotel, Spinnaker Room, 10 Washington Street, Oakland, CA 94607 at 9:30 a.m.

22. **Adjournment**

The meeting adjourned at 11:57 a.m.

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