

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

Board of Directors Regular Meeting
Wednesday, November 20, 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

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Katie Rice, called the meeting to order at 9:34 a.m. Chair Rice introduced new Board member, Davina Hurt, current Mayor of the City of Belmont.

Roll Call:

Present: Chairperson Katie Rice; Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors David J. Canepa, John Gioia, Carole Groom, Scott Haggerty, David Hudson, Davina Hurt, Tyrone Jue, Liz Kniss, Karen Mitchoff, Mark Ross, Jim Spering, Brad Wagenknecht, Shamann Walton, and Shirlee Zane.

Absent: Directors Margaret Abe-Koga, Teresa Barrett, John J. Bauters, Pauline Russo Cutter, Nate Miley, Gordon Mar, and Lori Wilson.

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 Katherine Funes and Mykela Patton, Rose Foundation.

NOTED PRESENT: Vice Chair Sinks, Secretary Chavez, and Director Kniss were noted present at 9:38 a.m.

COMMENDATIONS/PROCLAMATIONS/AWARDS

3. The Board of Directors recognized Bay Area Air Quality Management District Supervising Air Quality Specialist, Linda Duca, as the recipient of the 2019 Rodney Swartzendruber Outstanding Inspector Award, which is issued by the California Air Pollution Control Officers Association (CAPCOA). The award is given each year by CAPCOA's Enforcement Managers' Committee to three inspectors who work for the state's 35 air quality management districts. It recognizes inspectors who consistently demonstrate outstanding performance and

who make significant contributions that benefit air pollution control efforts in an exemplary way. Duca is one of three Bay Area Air Quality Management District recipients of this award.

4. The Board of Directors recognized Air District Staff who have been working on the Assembly Bill (AB) 617 West Oakland Community Action Plan. This recognition occurred during Item 25 (see below).

CONSENT CALENDAR (ITEMS 5-14)

5. Minutes of the Board of Directors Special Meeting of October 2, 2019
6. Board Communications Received from October 2, 2019 through November 19, 2019
7. Notices of Violations Issued and Settlements in Excess of \$10,000 from September 2019
8. Air District Personnel on Out-of-State Business Travel
9. Quarterly Report of California Air Resources Board (CARB) Representative – Honorable John Gioia
10. Quarterly Report of the Executive Office and Division Activities for the Months of July 2019 – September 2019
11. Authorization to Execute a Contract for Odor Attribution Study in the South Bay
12. Set a Public Hearing for December 4, 2019 to Consider Adoption of Proposed Amendments to Regulation 12: Miscellaneous Standards of Performance, Rule 15: Petroleum Refining Emissions Tracking; and Approval of Filing a Notice of Exemption from the California Environmental Quality Act (CEQA)
13. Acceptance and Award of Grant Funding
14. Delegate Authority to Metropolitan Transportation Commission (MTC) to Conduct a Public Hearing on Proposed Amendments to Bay Area Transportation Conformity and Interagency Consultation Procedures in the State Implementation Plan (SIP)

Public Comments

No requests received.

Board Comments

None.

Board Action:

Director Wagenknecht made a motion, seconded by Director Haggerty, to **approve** the Consent Calendar Items 5 through 14, inclusive; and the motion **carried** by the following vote of the Board:

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

COMMITTEE REPORTS

15. Report of the Technology Implementation Office Steering Committee Meeting of October 4, 2019

Technology Implementation Office Steering Committee Chair, Cindy Chavez, read the following Committee report:

The Committee met on Friday, October 4, 2019, and approved the minutes of March 25, 2019.

The Committee reviewed and discussed the staff presentation Climate Tech Finance: Accelerating Adoption of Lower-Carbon Technology.

The Committee then reviewed and discussed the staff presentation Programs to Accelerate Electric Vehicle Adoption.

Finally, the Committee reviewed and discussed the staff presentation Technology Implementation Office Overview.

The next meeting of the Technology Implementation Office Steering Committee will be held at the call of the Chair. This concludes the Chair Report of the Technology Implementation Office Steering Committee.

Public Comments

No requests received.

Board Comments

Secretary Chavez encouraged the Board members to attend these meetings when possible.

Board Action

None; receive and file.

16. Report of the Legislative Committee Meeting of October 9, 2019

Legislative Committee member, Brad Wagenknecht, read the following Committee report:

The Legislative Committee met on Wednesday, October 9, 2019, and approved the minutes of May 22, 2019.

The Committee then discussed the 2019 legislative year, focusing on measures with Air District-adopted positions of interest to the Air District.

The Committee then received an update on Assembly Bill 836, the Air District-sponsored bill introduced by Assemblymember Buffy Wicks regarding the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program, which was signed by the Governor on October 2, 2019.

Finally, the Committee received an update on the Air District's legislative priorities for 2020.

*The next meeting of the Legislative Committee will be on Monday, November 25, 2019, at **10:45 a.m.** This concludes the Chair's report of the Legislative Committee.*

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

17. Report of the Personnel Committee Meeting of October 16, 2019

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

The Committee met on Wednesday, October 16, 2019, and due to a lack of a quorum, did not approve the minutes of September 6, 2019.

The Committee then met in Closed Session to discuss contract negotiations with the Bay Area Air Quality Management District Employee's Association and conduct a performance evaluation for the Executive Officer and General Counsel. There is no reportable action for either item.

The Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2020 Staffing Augmentation: Request to Amend the Fiscal Year Ending 2020 Budget to Increase Staffing. Although a quorum of Committee members was not present, the consensus of the Committee was to recommend that the Board amends the Fiscal Year Ending 2020 Budget to authorize the creation of ten additional full-time regular positions that will support Assembly Bill 617, and backfill staffing resources previously diverted to support Assembly Bill 617 from the Air District's Engineering and Enforcement Divisions. The Committee requested that Air District staff give a brief presentation on this item as part of this report.

The next meeting of the Personnel Committee will be held at the call of the Chair.

Based upon the concensus of the Committee on October 16, 2019, I move that the Board amends the Fiscal Year Ending 2020 Budget to authorize the creation of ten additional full-time regular positions that will support Assembly Bill 617, and backfill staffing resources previously diverted to support Assembly Bill 617 from the Air District's Engineering and Enforcement Divisions.

This concludes the Chair Report of the Personnel Committee.

Although it had been anticipated that the Board would consider this staff request during Item 21, Chair Rice requested that the Board received the staff presentation and take action during Item 17. Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, gave the staff presentation *Fiscal Year Ending (FYE) 2020 Staffing Augmentation*, explaining the need for ten additional full-time employees, and describing each requested position's proposed division, impact to the FYE 2020 Budget, and funding source. The presentation also included the comparison of the Bay Area Air Quality Management District's proposed staff augmentation to that of four other large air districts in California.

Public Comments

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

Board Comments

The Board and staff discussed the request for a status of the Air District's progress on promoting racial equity; the probability of securing funds from CARB to cover the costs of four of the applicable ten requested positions, and the concern about hiring new staff without being guaranteed long-term funding to support their positions; and the status of the Air District's organizational audit/salary survey.

Board Action

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

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

18. **Report of the Mobile Source Committee Meeting of October 24, 2019**

Mobile Source Committee Chair, David J. Canepa, read the following Committee report:

The Committee met on Thursday, October 24, 2019, and approved the minutes of September 26, 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; and*
2. *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 Proposed Updates to the Transportation Fund for Clean Air County Program Manager Fund Policies and Fiscal Year Ending 2021. The Committee recommends the Board:

- 1. Approve the proposed updates to the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2021.*

Finally, the Committee then reviewed and discussed the staff presentation Diesel Free by '33: Update on Zero-Emission Medium – and Heavy-Duty Mobile Source Technologies.

The next meeting of the Mobile Source Committee will be on Wednesday, December 18, 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 Canepa made a motion, seconded by Director Hudson, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

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

19. **Report of the Advisory Council Meeting of October 28, 2019**

Advisory Council (Council) Board Liaison, Rod Sinks, read the following Committee report:

The Council met on Monday, October 28, 2019, and approved the minutes of July 29, 2019.

The Council then held the first of its Particulate Matter Symposia series. Designed to identify effective measures to further protect public health, and facilitate discussion among nationally recognized scientists, stakeholders and the Air District, this symposium featured two panels that addressed the topics of "Particulate Matter Health Effects", and "Particulate Matter Exposure and Risk". The full-day symposium was a well-attended and successful event. Advisory Council Chair, Stan Hayes, will give a brief presentation on this event and its outcomes. The remainder of this symposia series is scheduled to continue in February and tentatively July of 2020.

The next meeting of the Council will be on Monday, December 9, 2019, at 10:00 a.m. This concludes the Chair Report of the Advisory Council.

Advisory Council Chairperson, Stan Hayes, gave the presentation *Particulate Matter (PM) Protection Symposium (Advisory Council Meeting of October 28, 2019)*, including: PM focus; PM symposia – key points, format, speaker profiles, panels, sample panel and discussion questions, Council initial deliberation; and PM symposia series.

Public Comments

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

Board Comments

The Board and staff discussed the suggestion that the language “standards should be lowered” be changed to “standards should be strengthened” so as not to confuse members of the public who may not be familiar with scientific terminology; the suggestion that the Council engages with the Centers for Disease Control and Prevention as PM impacts can be long-term effects; London’s “Great Smog of 1952” and the resulting mortality; what the Council means by “needing more science”; increases of heart attack and stroke due to exposure to wildfire-PM_{2.5}; and the need to differentiate between wildfire smoke and prescribed- burn smoke.

Board Action

None; receive and file.

20. Report of the Community and Public Health Committee Meeting of October 30, 2019

Community and Public Health Committee Vice Chair, Mark Ross, read the following Committee report:

The Community and Public Health Committee met on Wednesday, October 30, 2019 and approved the minutes of September 12, 2019.

The Committee reviewed and discussed the staff presentation 2020 Youth for the Environment and Sustainability Conference.

The Committee then reviewed and discussed the staff presentation Assembly Bill 617 Implementation: Update and Next Steps.

Finally, the Committee reviewed and discussed the staff presentation Report on NuStar Terminal Incident and Wildfire Status Report.

The next meeting of the Community and Public Health Committee will be held at the Call of the Chair. This concludes the Chair Report of the Community and Public Health Committee.

Public Comments

No requests received.

Board Comments

The Board and staff discussed details about the Kincadee Fire in Sonoma County, including evacuation, lack of gas and electricity, the work of the firefighters, the importance of being prepared for wildfires, Sonoma County's alert system, a lack of mortality and less home damage than in previous years, a decrease in the use of respirators, the evacuation of two hospitals, the need for clean air shelters, and the suggestion that the Council collect data from the Santa Rosa Memorial Hospital Trauma Center; and the new episode of *Frontline*, a journalism program of the Public Broadcasting Service, called "Fire In Paradise," about the Camp Fire of 2018 in Paradise, California.

Board Action

None; receive and file.

21. **Report of the Executive Committee Meeting of November 6, 2019**

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

The Executive Committee met on Wednesday, November 6, 2019, and approved the minutes of September 5, 2019.

The Committee received the presentation Hearing Board Quarterly Reports: July – September 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 presentation Particulate Matter Health Protection Symposium, given by Advisory Council Chairperson, Stan Hayes.

The Committee then reviewed and discussed the staff presentation Assembly Bill 617 Implementation: Update and Next Steps.

The Committee then reviewed and discussed the staff presentation Report on Recent Incident Response Events.

Finally, the Committee reviewed and discussed the staff presentation Fiscal Year Ending 2020 Staffing Augmentation. The Committee recommends that the Board:

- 1. Amend the Fiscal Year Ending 2020 budget to authorize the creation of ten additional full-time regular positions.*

The Committee requested that staff give a brief presentation to the Board on this item.

The next meeting of the Executive Committee will be held at the Call of the Chair. I move that the Board approves the Executive Committee's recommendation. This concludes the Chair report of the Executive Committee.

Although it had been anticipated that the Board would consider this staff request and take action during Item 21, this was previously done during Item 17.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

22. **Report of the Nominating Committee Meeting of November 20, 2019**

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

The Committee met on Wednesday, November 20, 2019, and approved the minutes of November 7, 2018.

The Committee considered nomination of Board Officers for the 2020 Term of Office and recommends Rod Sinks as Chairperson, Cindy Chavez as Vice-Chairperson, and Karen Mitchoff as Secretary.

I move that the Board of Directors approve recommendations of the Nominating Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

Chair Rice made a motion, seconded by Director Gioia, to **approve** the recommendations of the Nominating Committee; and the motion **carried** by the following vote of the Board:

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

PUBLIC HEARING

23. **Public Hearing to Consider Adoption of Proposed Amendments to Regulation 5: Open Burning and Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood Burning Devices; and Approval of Filing a Notice of Exemption/Determination Pursuant to the California Environmental Quality Act**

Wayne Kino, Deputy Air Pollution Control Officer of Operations, explained that the proposed amendments to Air District Regulations 5 and 6-3 are part of the Air District's Wildfire Air Quality Response Program intended to prepare for, prevent, and respond to future wildfires and ensure health-protective measures and strategies are in place. Mr. Kino then introduced Patrick Wenzinger, Supervising Air Quality Specialist, who gave the staff presentation *Public Hearing on Proposed Amendments – Regulation 5: Open Burning; and Regulation 6-3: Wood-Burning Devices*, including: Bay Area wildfire review; Sonoma/Napa, Camp, and Kincade Fires; Cal Fire data: top 20 most destructive wildfires in California; Wildfire Air Quality Response Program strategy; overview; California wildfires; local and regional PM_{2.5} impacts; wildfire smoke impacts from Camp Fire; impacts on daily 24-hour average Air Quality Index; Bay Area PM_{2.5} trend from 2005-2018; wildfire smoke composition; health effects of PM_{2.5}; goals of proposed rule amendments; Regulation 5: Open Burning (current rule, 2017 open burning PM_{2.5} emissions, plans and acreage burned from 2008-2018, proposed amendments, and PM_{2.5} emissions reductions estimates); Rule 6-3: Wood-Burning Devices (current rule, proposed amendments, PM_{2.5} exceedances from 2015-2019, and PM_{2.5} emissions reductions estimates); rule development process; summary of 30-day public comments; socioeconomic analyses; CEQA analyses; and recommended actions.

Chair Rice opened the Public Hearing.

Public Comments

Public comments were given by Coty Sifuentes-Winter, Midpeninsula Regional Open Space District; Tara Cahn, Tara Cahn Architecture; Dr. Mary Williams, Bay Area Chapter of Physicians for Social Responsibility; Jenny Bard, American Lung Association; Dennis Rein, Moraga-Orinda Fire District; Sarah Collamer, California Department of Forestry and Fire Protection; Jared Childress, Audubon Canyon Ranch's Fire Forward; and Jed Holtzman, 350 Bay Area.

Committee Comments

The Board and staff discussed whether prescribed burns are exempt during days on which Spare the Air alerts are issued; whether prescribed burning is limited to certain times during the year, and if so, whether that time can be expanded; the estimated number of households that currently make use of the Air District's "sole source of heat exemption" from the Air District's woodsmoke rule; whether the Air District has template language for potential homeowners, renters, and realtors about the Air District's woodsmoke regulations; whether the Air District recommends a safety threshold for PM_{2.5} exposure; whether the Air District is considering regulation that requires electric fire places or heat pumps for new construction; the City of Palo Alto's request for a draft ordinance that bans gas appliances, beginning in April and in new office buildings by the end of 2020; communities that have protested the Air District's woodsmoke regulations, due to a reliance on wood-burning devices; whether the proposed amendments pertain to federal lands; and how vineyards have served as firebreaks in Sonoma County.

Chair Rice closed the Public Hearing.

Board Action

Director Hudson made a motion, seconded by Director Groom, to **adopt** proposed amendments to Regulation 5: Open Burning; **adopt** proposed amendments to Regulation 6: Particulate Matter and Visible Emissions, Rule 3: Wood Burning Devices; and **approve** filing a Notice of Exemption/Determination pursuant to CEQA; and the motion **carried** by the following vote of the Board:

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

PRESENTATIONS

24. **Report on the Air District Incident Response Role and Recent Incident Response Events**

Mr. Kino gave the staff presentation *Air District Incident Response: Role and Report on Recent Incident Response Events*, including: overview; Air District role; discovery and notification; response objectives; NuStar Energy LP; California map of fires.

Public Comments

No requests received.

Committee Comments

The Board and staff discussed the request for additional monitors in Santa Rosa; the need for the Air District to publicize accurate, real-time air quality information to the public during smoke incidents; whether the Air District has designated a central-point person during smoke incidents; why smaller, less significant fires that may or may not have less media attention are not captured in Air District presentations; and the suggestion that the community of Crockett be designated as a shelter-in-place area.

25. **Assembly Bill 617 Implementation into 2020**

Gregory Nudd, Deputy Air Pollution Control Officer of Policy, gave the staff presentation *AB 617 Implementation: Update and Next Steps*, including: 2019 accomplishments; AB 617 2020: regional and community levels; and next steps in program management.

Mr. Nudd then acknowledged those Air District employees that have been working on AB 617 that were in the audience.

Public Comments

Public comments were given by Jill Ratner, Rose Foundation; and Jed Holtzman, 350 Bay Area.

Committee Comments

The Board and staff discussed the current year's work in AB 617 and proposed work for 2020, and the fact that the Air District was not asking CARB to designate new AB 617 communities in the Bay Area in 2020; how the Air District will address the needs of potential AB 617 communities while a lack of long-term funding persists, and whether it is feasible to consider new potential communities until funding is secured; the idea of communities implementing measures used in previous AB 617 implementation plans, despite a lack of AB 617 funding from the CARB; how to address disadvantaged communities that face high levels of exposure to air pollution but lack the presence of an environmental justice or advocacy community; how the Air District defines "Central Contra Costa County"; and appreciation for the Air District's source apportionment work.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

No requests received.

BOARD MEMBERS' COMMENTS

27. Board Members' Comments

Vice Chair Sinks remarked that he looks forward to the Air District's Odor Attribution Study in the South Bay.

Director Haggerty acknowledged the work of Wayne Kino and his staff.

OTHER BUSINESS

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

Mr. Broadbent discussed the following:

- The current winter PM_{2.5} (Spare the Air) season, and how, after today's amendment to Rule 6 - 3 (allowing the Air District to announce a Spare the Air Alert on any day throughout the year to notify the public when particulate matter is forecast to exceed the national ambient air quality standard) Air District staff will display combined ozone data to the Board.
- The anticipated rulemaking schedule for six Best Available Retrofit Control Technology (BARCT) rules and five climate and organics rules.
- Karen Schkolnick, Director of Strategic Incentives, presented the Air District's new Wood Smoke Reduction Incentive Program, which would provide funding for replacements with electrical heat pumps only and include options for low-income residents. After Air District staff expressed its request for the Board's direction on the development of this revised program, the Board and staff discussed the request that this be brought to the appropriate committees; the request that the Air

District provide workshops for contractors and electricians who will be replacing the equipment; what determines “low-income” applicants, and whether utility companies and community choice aggregation agencies can help cover 100% of the project costs for low income applicants; and the suggestion to ask the utility companies and community choice aggregation agencies about the Air District’s scale solutions.

- Brian Bunger, District Counsel, reported that the Air District, along with the South Coast and Sacramento Metro Air Quality Management Districts, filed two pieces of litigation to challenge aspects of the Trump Administration’s Proposed Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule.

Public Comments

Public comments were given by Tony Fisher, Clean Air Coalition; and Jed Holtzman, 350 Bay Area.

29. **Chairperson’s Report**

Chair Rice requested that the Board considers the adoption of a vehicle-purchasing policy that opposes vehicle manufacturers that joined the Coalition for Sustainable Automotive Regulation, which weakens existing auto emission and mileage standards.

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

Wednesday, December 4, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

31. **Adjournment**

The meeting adjourned at 1:03 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards