

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

Board of Directors Regular Meeting  
Wednesday, December 4, 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 9:35 a.m.

#### **Roll Call:**

Present: Chairperson Katie Rice; Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors Teresa Barrett, John J. Bauters, David J. Canepa, Pauline Russo Cutter, John Gioia, Scott Haggerty, David Hudson, Davina Hurt, Tyrone Jue, Liz Kniss, Gordon Mar, Mark Ross, Jim Spring, Brad Wagenknecht, and Shamann Walton.

Absent: Directors Margaret Abe-Koga, Carole Groom, Nate Miley, Karen Mitchoff, Lori Wilson, 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.

NOTED PRESENT: Secretary Chavez was noted present at 9:38 a.m.

#### **CONSENT CALENDAR (OUT OF ORDER, ITEMS 4 -10)**

3. Minutes of the Board of Directors Regular Meeting of November 20, 2019
4. Board Communications Received from November 20, 2019 through December 3, 2019
5. Notices of Violations Issued and Settlements in Excess of \$10,000 in October 2019
6. Proposed Regulatory Agenda for 2020
7. Authorization to Amend a Contract with Mark Kadesh and Associates
8. Authorization to Execute a Contract for Organizational Development and Employee Engagement Services
9. Acceptance and Award of Grant Funding

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 10, inclusive; and the motion **carried** by the following vote of the Board:

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

**COMMITTEE REPORTS**

**10. Report of the Budget and Finance Committee Meeting of November 25, 2019 (ITEM 11)**

Budget and Finance Committee Vice Chair, John J. Bauters, read the following Committee report:

*The Committee met on Monday, November 25, 2019, and approved the minutes of April 22, 2019.*

*The Committee reviewed and discussed the staff presentation Fourth Quarter Financial Report – Fiscal Year Ending June 2019.*

*The Committee reviewed and discussed the staff presentation First Quarter Financial Report – Fiscal Year Ending 2020.*

*Finally, the Committee reviewed and discussed the staff presentation California Employers' Pension Prefunding Trust Participation and Consideration to Recommend Adoption. Air District staff presented three potential strategies on how to pay down long-term liabilities for its California Public Employees' Retirement System Pension, with a possible recommendation for use of the California Employers' Pension Prefunding Trust Program administered by the California Public Employees Retirement System to Pre-fund Pension Obligations. The Committee chose to delay action on that recommendation so that staff can hold additional meetings with representatives from several Section 115 Trust options and present more details of those programs.*

*The next meeting of the Budget and Finance Committee will be held on Wednesday, February 26, 2020, 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

None; receive and file.

**11. Report of the Legislative Committee Meeting of November 25, 2019 (ITEM 12)**

Legislative Committee Vice Chair, John J. Bauters, read the following Committee report:

*The Legislative Committee met on Monday, November 25, 2019, and approved the minutes of October 9, 2019.*

*The Committee then discussed the Air District's 2019 Budget priorities, including potential bond ballot measures for 2020; Assembly Bill 617 funding for implementation and incentives (Community Air Protection Program); reductions in the California's Cap-and-Trade's Greenhouse Gas (GHG) Reduction Fund; and Assembly Bill 836 funding (Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program.)*

*Finally, the Committee received an update on the Air District's legislative priorities for 2020, including the possible legislation to provide additional indirect source authority over mobile sources, and the pursuit of ways to address a current lack of oversight of private and charter school construction.*

*The next meeting of the Legislative Committee will be at the Call of the Chair. This concludes the Chair's report of the Legislative Committee.*

NOTED PRESENT: Director Canepa was noted present at 9:39 a.m.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

12. **Report of the Climate Protection Committee Meeting of December 2, 2019 (ITEM 13)**

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

*The Climate Protection Committee met on Monday, December 2, 2019, and approved the minutes of June 10, 2019, and of September 19, 2019.*

*The Committee received and discussed the staff presentation Air District Building Decarbonization Program.*

*The Committee then received and discussed the presentation Marin County Low-Carbon Concrete Ordinance, presented by Alice Zanmiller, from the County of Marin's Community Development Agency.*

*Finally, the Committee received and discussed the presentation Building Electrification Trends and Opportunities, presented by Panama Bartholomy, Director of the Building Decarbonization Coalition.*

*The next meeting of the Climate Protection Committee will be held Thursday, February 20, 2020, at 9:30 a.m. This concludes the Chair report of the Climate Protection Committee.*

NOTED PRESENT: Director Walton was noted present at 9:41 a.m.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the difference between carbon emission levels from the act of constructing buildings and those from buildings that aim to be carbon-neutral, and the request that this topic be discussed at a future Committee meeting; and the funding awarded to Marin County through the Air District's Climate Protection Grant Program to help establish the County's Low-Carbon Concrete Ordinance, the status of this ordinance, and the feasibility of low-carbon concrete in Bay Area pilot projects.

Board Action

None; receive and file.

NOTED PRESENT: Director Ross was noted present at 9:45 a.m.

## **COMMENDATION/PROCLAMATION/AWARD**

### **13. Recognition of Assemblymember Buffy Wicks (ITEM 3)**

The Board and Air District staff recognized Assemblymember Buffy Wicks for her service, leadership, and dedication in sponsoring AB 836 (Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program), noting that Assemblymember Wicks was brand new to the Assembly, and did not even have her staffing confirmed, when she committed to champion this bill.

#### **Public Comments**

No requests received.

#### **Board Comments**

Various Board members expressed their gratitude towards Assemblymember Wicks.

#### **Board Action**

None; receive and file.

NOTED PRESENT: Director Cutter arrived at 9:55 a.m.

## **PUBLIC HEARING**

### **14. Public Hearing 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)**

Damian Breen, Deputy Air Pollution Control Officer of Technology, introduced Mark Gage, Air Quality Engineer, who gave the staff presentation *Public Hearing 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)*, including: current annual emissions inventories; basis for change; proposed emissions reporting requirements; rule development; Air District impact; California Environmental Quality Act; and recommended actions.

#### **Public Comments**

Public comments were given by Bob Brown, Western States Petroleum Association (WSPA); and Jed Holtzman, 350 Bay Area.

#### **Board Comments**

The Board and staff discussed the Air District's Stationary Source Committee's support of the recommendation that Air District emissions reporting deadlines coordinate with those of state-level

regulations; WSPA's request to modify the proposed regulation to delay implementation by one year, and the Air District's response to that request; which party serves as the arbiter regarding inventory discrepancies submitted by facilities regulated under the Cap and Trade program; existing penalties for facilities' non-compliance with submission deadlines; and varying Air District staff-proposed reporting deadlines for Criteria Pollutants and Toxic Air Contaminants and the consideration of anticipated burden on facilities.

#### Board Action

Vice Chair Sinks made a motion, seconded by Director Gioia, to **adopt** the proposed amendments to Regulation 12: Miscellaneous Standards of Performance, Rule 15: Petroleum Refining Emissions Tracking that would become effective immediately; and **approve** the filing of a Notice of Exemption from the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

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

#### PRESENTATION

##### 15. **Climate Protection Update**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, introduced Abby Young, Climate Protection Manager, who gave the staff presentation *Climate Protection Update*, including: recent climate studies; impacts in the Bay Area; California's response; meeting the 2020 target; getting to 2050; strategic approach; methane rule development; key initiatives; and moving forward.

#### Public Comments

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

#### Board Comments

The Board and staff discussed factors that have caused fluctuations in levels of GHG emissions over decades; the need for smaller cities to receive technical assistance in targeting pollutants; the extent to which the Air District should be able to regulate commercial and residential use of backup diesel generators; the anticipated demand for electric vehicle (EV) charging stations and battery storage; the request that the Board receives regular updates about the progress of the Air District's Diesel Free by '33 initiative; Bay Area GHG emissions versus statewide GHG emissions; the suggestion that the Air District collects data on the impact that telecommuting has on vehicle miles traveled and best travel-demand-management practices for employers; the suggestion that the Air District makes available financial incentives for schools to get students to walk, rather than be transported in motor vehicles; the suggestion that the Air District collaborates with the Metropolitan Transportation Commission to create subsidies for more frequent bus availability to increase ridership; the need to increase the number of EV

supercharging stations in the Bay Area to reduce range anxiety; the suggestion that the Air District officially prioritizes climate protection activities and racial equity in disadvantaged communities; the request that Air District staff prioritize the targets established in the Air District's *2017 Clean Air Plan*, and assigns dates to those programs and projects that currently lack target dates; the suggestion that providing matching funds for bicycle and transit improvement projects may incentivize jurisdictions; a request for a status update on the Air District's Clean Cars for All program; the request that the Board and Air District staff discuss preventative actions that can be taken to reduce emissions (i.e., clearing brush, improved distribution of jobs and housing, identify deficiencies in public transit systems and subsequent low ridership, identify factors that force people to drive, staggering operational hours of various industries to relieve traffic congestion, and charging grids for heavy-duty vehicles); finding a balance between positive and negative perspectives regarding the future of air quality and climate change; the need for stronger regional collaboration; the suggestion that more stringent penalties be imposed on Spare the Air days; persisting challenges in improving first/last mile connections to transit; the suggestion that healthy lifestyles and methods of active transportation be rewarded, versus incentivizing new technologies that require changes in behavior; and the Air District's Commuter Benefits program, an update on which Air District staff plan to bring to the Board at a future meeting.

#### 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**

No requests received.

#### **BOARD MEMBERS' COMMENTS**

##### **17. Board Members' Comments**

Director Sperring, in his capacity as Personnel Committee Chair, requested that Board members submit their Air District Executive evaluations to him as soon as possible, or otherwise communicate that they did not plan to submit one.

Director Hudson asked when the Port of Oakland's equipment and fleet will become electrified.

Director Hudson asked how the Air District is educating the public about grant opportunities for various electrification improvement projects.

Vice Chair Sinks reported that the Air District is one of several plaintiffs that have taken legal action against the Lehigh Cement Company, LLC, at the request of the U.S Environmental Protection Agency. The Plaintiffs seek an injunction ordering Lehigh to substantially reduce, and mitigate past excess emissions of, their emissions of sulfur dioxide and nitrogen oxides at their Portland cement manufacturing plants in the United States, one of which is located in Cupertino.

## **OTHER BUSINESS**

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

Mr. Broadbent discussed the following:

- Vanessa Johnson, Manager of Executive Operations, initiated the extension of the Board member compensation program, making it possible for Board members to be reimbursed for using active transportation methods to get to and from Air District meetings subject to the Ralph M. Brown Act.
- A summary of ozone seasons and current winter Particulate Matter<sub>2.5</sub> (Spare the Air) seasons was displayed.
- Brian Bunker, District Counsel, was elected President-Elect of the Air and Waste Management Association for 2020 and will be President in 2021.
- The retirement of Eric Stevenson, former Director of Meteorology and Measurement, was announced. Mr. Stevenson was recognized for his many years of service.
- Greg Nudd, Deputy Air Pollution Control Officer gave additional comments about the lawsuit against Lehigh Cement Company, LLC, noting that the development of this litigation began in 2015.

### **19. Chairperson's Report**

Chair Rice announced that the next Board meeting will be the annual Board of Directors Retreat in Cupertino. Mr. Broadbent added that although the retreat was originally scheduled for January 15, 2020, Air District staff requested that it instead be held on January 29, 2020. He added that, prior to January 29, 2020, the Legislative Committee will conduct a meeting in Sacramento.

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

Wednesday, January 29, 2020, Residence Inn by Marriott, 19429 Stevens Creek Blvd. Montebello Room, Cupertino, CA 95014, at 10:00 a.m.

### **21. Adjournment**

The meeting adjourned at 12:01 p.m.

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