

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

Board of Directors Regular Meeting
Wednesday, April 15, 2020

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*

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Rod Sinks, called the meeting to order at 9:38 a.m.

Roll Call:

Present: Chairperson Rod Sinks; Vice Chairperson Cindy Chavez; Secretary Karen Mitchoff; and Directors Margaret Abe-Koga, Teresa Barrett, John Bauters, David Canepa, Pauline Russo Cutter, John Gioia, Carole Groom, Scott Haggerty, David Hudson, Davina Hurt, Tyrone Jue, Liz Kniss, Katie Rice, Mark Ross, Jim Sperring, Brad Wagenknecht, Shamann Walton, Lori Wilson, and Shirlee Zane.

Absent: Director Nate Miley.

CONSENT CALENDAR (OUT OF ORDER, ITEMS 2 - 10)

2. Minutes of the Board of Directors Meeting of March 4, 2020
3. Board Communications Received from March 4, 2020 through April 14, 2020
4. Notices of Violations Issued and Settlements in Excess of \$10,000 in the months of February 2020 and March 2020
5. Air District Personnel on Out-of-State Business Travel
6. Extension of Assembly Bill (AB) 617 Community Engagement and Facilitation Services for the Richmond-San Pablo Area
7. Contractor Selection for Community Engagement and Facilitation Services for a Regional Environmental Justice Work Group
8. Authorization to Purchase Particulate Matter_{2.5} (PM_{2.5}) Federal Equivalency Method (FEM) Instrumentation
9. Authorization to Amend a Contract with Bentley Systems, Inc., for Roadway Telematics Data for Nine Counties

10. Implementation of the Clean Mobility and Public Charging Options for the Clean Cars for All Program

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Canepa, to **approve** the Consent Calendar Items 2 through 10, inclusive; and the motion **carried** by the following vote of the Board:

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

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

COMMITTEE REPORTS

11. Report of the Community and Public Health Committee Meeting of March 5, 2020

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

The Community and Public Health Committee met on Thursday, March 5, 2020, and approved the minutes of November 30, 2019.

The Committee reviewed and discussed the staff presentation Bay Area Center: Technical Assistance for Community Air Quality Projects.

The Committee then reviewed and discussed the staff presentation Public Participation Plan Status Update.

Finally, the Committee reviewed and discussed the staff presentation Challenges of Health Data Analysis.

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

None.

Board Action

None; receive and file.

12. Report of the Mobile Source Committee Meeting of March 25, 2020

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

The Committee met on Wednesday, March 25, 2020, and approved the minutes of February 27, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

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.*

Finally, the Committee then reviewed and discussed the staff presentation Fiscal Year Ending 2021 Transportation Fund for Clean Air Program Funding Allocation. The Committee recommends the Board:

- 1. Approve the proposed allocation of the estimated new Transportation Fund for Clean Air monies to the programs and projects;*
- 2. Authorize the proposed cost-effectiveness limits for the Air District -sponsored programs and projects; and*
- 3. Authorize the Executive Officer/Air Pollution Control Officer to enter into funding agreements and contracts up to \$100,000 for projects and programs.*

The next meeting of the Mobile Source Committee will be on Wednesday, April 22, 2020, at 2:00 p.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 Spering, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

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

13. Report of the Budget and Finance Committee Meeting of March 25, 2020

Budget and Finance Committee Vice Chair Bauters verbally recited highlights from the following Committee report:

The Committee met on Wednesday, March 25, 2020, and approved the minutes of February 26, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee reviewed and discussed the presentation Proposed Guiding Principles for Amendments to Air District Regulation 3: Fees.

Finally, the Committee reviewed and discussed the staff presentation Discussion of Proposed Budget for Fiscal Year Ending 2021.

The next meeting of the Budget and Finance Committee will be held on Wednesday, April 22, 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.

14. Report of the Ad Hoc Committee on Equity and Environmental Justice Meeting of March 25, 2020

Ad Hoc Committee on Equity and Environmental Justice Chair, Davina Hurt, read the following Committee report:

The Committee met for the first time on Wednesday, March 25, 2020. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee reviewed and discussed the staff presentation Establishment of Role and Charter of Committee. The Committee was presented with draft charter language, proposed by Air District staff, and proposed various changes. Chair Hurt said that she would consider all Committee members' comments and further develop the language with Air District staff before bringing a final draft of the charter back to the Committee for final consideration.

The Committee then reviewed and discussed the staff presentation Consideration of Committee Responsibilities. The Committee was presented with proposed responsibilities, proposed by Air District staff, and proposed various changes. Chair Hurt said that she would consider all Committee members' comments and further develop the language with Air District staff before bringing a final draft of the Committee's responsibilities back to the Committee for final consideration.

Finally, the Committee reviewed and discussed the staff presentation Consideration of Ad Hoc Committee Title. Upon deliberation, the Committee proposed the new Committee name of "Ad Hoc Committee on Equity, Access, and Inclusion." The Committee recommends the Board:

- 1. Approve the new name of "Ad Hoc Committee on Equity, Access, and Inclusion."*

The next meeting of this committee will be held at the Call of the Chair. I move that the Board approve the Committee's recommendations. This concludes this committee's report.

Public Comments

No requests received.

Board Comments

Chair Sinks said that the Community and Public Health Committee will regularly provide input on items discussed by this committee.

Board Action

Director Hurt made a motion, seconded by Director Wagenknecht, to **approve** the recommendations of this committee, including changing its name to "Ad Hoc Committee on Equity, Access, and Inclusion"; and the motion **carried** by the following vote of the Board:

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

15. Report of the Legislative Committee Meeting of April 15, 2020

Legislative Committee Chair Abe-Koga verbally recited highlights from the following Committee report:

The Legislative Committee met on Wednesday, April 15, 2020.

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 adopt the following positions:

- **Assembly Bills 1972 (Voepel) & 2225 (Grayson) – Smog Check Exemption (**OPPOSE**);*
- *Assembly Bill 2182 (B. Rubio), and Senate Bills 802 (Glazer), 1099 (Dodd), & 1185 (Moorlach) – Backup Generator Exemption (**OPPOSE**);*
- *Assembly Bill 2792 (Quirk) – Mobile Fueling On-Demand Tank Vehicles (**OPPOSE**);*
- *Assembly Bill 2498 (Chu) – Air Quality Activity Recommendations (**SUPPORT**); and*
- *Assembly Bill 3217 (Gloria) – Greenhouse Gases: Crude Oil Emissions (**SUPPORT**).*

*[The Committee also recommends that the Board of Directors consider requests from authors for **SUPPORT** on the following proposed legislation:]*

- **Senate Bill 1122 (Skinner) – Green Electrolytic Hydrogen; and*
- **Senate Bill 858 (Beall) - Thermal Powerplants: exemption: emergency backup and standby generators: data centers.*

The next meeting of the Legislative Committee will be on Wednesday, April 22, 2020, at 10:30 a.m. I move that the Board approve the Legislative Committee's recommendations. This concludes the Chair's Report of the Legislative Committee.

[CLERK'S NOTE: The above Committee report was written prior to April 15, 2020, on which, both the Legislative Committee and Board of Directors held meetings. (The first two and final two) starred bills* indicate recommendations that were changed during the Legislative Committee meeting and differ from the recommendations in the Committee report. See third column of table below.]

Public Comments

No requests received.

Board Comments

The Board and staff discussed why the Air District is opposing AB 1972; when the Legislature will reconvene; why the Air District is opposing the use of backup generators during emergency public safety power shutoffs; the concern about the potential implications from the generator maintenance and testing language in Senate Bill (SB) 802 and SB 1099, and how emissions could increase in already-overburdened communities; the need for the Air District to be thoughtful about how it communicates its opposition to the generator bills; and the concern of smaller business that cannot afford backup generators.

Board Action

Director Abe-Koga made a motion, seconded by Director Bauters, to **approve** the recommendations of the Committee.

Director Haggerty made a SUBSTITUTE MOTION, seconded by Director Hudson, to recommend that the Board of Directors adopt the positions recommended by the Legislative Committee, but change the recommendations for SB 802 and SB 1099 from “Oppose” to “Oppose unless Amended and develop amendments”):

Topic	Bill No.	Committee’s Recommendations to Board	Board’s Action
Smog Check Exemption	AB 1972 (Voepel)	No longer applicable; bill not moving forward	--
	AB 2225 (Grayson)	No longer applicable; bill not moving forward	--
Backup Generator Exemption	AB 2182 (B. Rubio)	Oppose	Oppose
	SB 802 (Glazer)	Oppose	Oppose Unless Amended and develop amendments
	SB 1099 (Dodd)	Oppose	Oppose Unless Amended and develop amendments
	SB 1185 (Moorlach)	Oppose	Oppose
Mobile Fueling On-Demand Tank Vehicles	AB 2792 (Quirk)	Oppose	Oppose
Air Quality Activity Recommendations	AB 2498 (Chu)	Support	Support
Greenhouse Gases: Crude Oil Emissions	AB 3217 (Gloria)	Support	Support
Green Electrolytic Hydrogen	SB 1122 (Skinner)	No longer applicable; bill not moving forward	--
Thermal Powerplants: Exemption: Emergency Backup and Standby Generators: Data Centers	SB 858 (Beall)	Wait to take action and develop bill language with author	Wait to take action and develop bill language with author

The SUBSTITUTE MOTION **carried** by the following vote of the Board:

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

16. Report of the Ad Hoc Building Oversight Committee Meeting of April 15, 2020

Ad Hoc Building Oversight Committee Chair, Mark Ross, read the following Committee report:

The Ad Hoc Building Oversight Committee met on Wednesday, April 15, 2020, and approved the minutes of September 18, 2019.

The Committee received and discussed the staff presentation Lakeside Drive, Richmond – Phase 2. The Committee recommends the Board:

- 1. Authorize the Executive Officer/Air Pollution Control Officer to authorize the Executive Officer/APCO to execute contracts with Brereton Architecture + Interiors and Cushman & Wakefield to plan and design approximately 31,000 square feet of the Richmond, Lakeside building, in an amount not to exceed \$315,000, and to obtain bids to seismically upgrade the Richmond, Lakeside building.*

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 Ross made a motion, seconded by Director Cutter, 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, Bauters, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hudson, Hurt, Jue, Kniss, Mitchoff, Rice, Ross, Sinks, Sperring, Wagenknecht, Walton, Wilson, Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Miley.

17. Report of the Executive Committee Meeting of April 1, 2020

Executive Committee Chair, Rod Sinks, read the following Committee report:

The Executive Committee met on Wednesday, April 1, 2020, and approved the minutes of November 6, 2019. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.

The Committee received the Hearing Board Quarterly Report: October – December 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 Production System Office Status Update. The Committee recommends the Board:

- 1. Authorize the Executive Officer/Air Pollution Control Officer to execute contract amendments with nine vendors in the total amount of \$2,429,258 for the My Air Online program for the 2019-2020 fiscal year.*

The Committee and Air District staff then discussed potential modifications to the Air District's current policy regarding remote meeting protocols in emergency situations, prompted by the public health emergency caused by COVID-19. The Committee requested that staff flesh out the proposed modifications and bring them back to the Committee.

The Committee and Air District staff then discussed the feasibility of a condensed committee and Board meeting schedule (proposed by Air District staff), as well as long and short-term solutions.

Finally, the Committee reviewed and discussed the staff presentation Wildfire Strategies.

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

Public Comments

No requests received.

Board Comments

The Board and staff discussed Air District staff's intention to continue stacking committee (and Board) meetings, and advantages and disadvantages of such a schedule; reasons to limit the maximum number of meetings that are held per day; and the request that Board members inform Air District staff of their schedule capacities.

Board Action

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

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

PUBLIC HEARING

18. Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, said that this is the first of two public hearings regarding proposed amendments to Air District Regulation 3 that would apply in the upcoming Fiscal Year Ending (FYE) 2021. A second public hearing, which has been scheduled for June 3, 2020, is required prior to adoption. Mr. Broadbent said that, given current economic developments, due to the COVID-19 pandemic, the Air District is recommending no fee structure amendments (including no new AB 617 fees, nor fee rates) at this time, despite the fact that Air District staff had already prepared recommended amendments to the Air District's fee regulation as part of the annual budget preparation process. Dr. Jeff McKay, Chief Financial Officer, gave the staff presentation *Proposed Amendments to Regulation 3: Fees*, including: important message; outline; revenue sources FYE 2019; cost recovery background; trends in annual costs; trends in cost recovery; proposed changes to fee schedules; other proposed amendments; Criteria Pollutant and Toxics Emissions Reporting (CTR) regulation fee and draft proposal; AB 617 Community Health Impact fee and draft proposal; accelerated permitting; impact on large facilities (power plants and petroleum refineries) and small businesses; comments received; and rule development schedule.

Chair Sinks opened the Public Hearing to Receive Testimony on Proposed Amendments to Air District Regulation 3: Fees.

Public Comments

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by Frances Keeler, California Council for Environmental and Economic Balance; and Betty Shouse.

Board Comments

The Board and staff discussed the proposed 15 percent increase for fee schedules that are recovering less than 50 percent of costs; whether Air District fee increases may be implemented or adjusted anytime during the fiscal year, and when the Air District may decide to do so later in 2020, if it takes no action at this time; whether the Board may proceed with the approval with some, but not all, of the proposed increased fee schedules; the suggestion of approving proposed Fee Schedules A (Hearing Board Fees), G-3 (Miscellaneous Sources such as metal melting and cracking units), M (Major Stationary Source Fees), N (Toxic Inventory Fees), P (Major Facility Review Fees), and W (Petroleum Refining Emissions Tracking Fees), and reasons to support this suggestion; the types of facilities that are included in Fee Schedule P; the request for detailed information regarding the comparison of current and proposed fee schedules, and for a response to the suggested approval of Fee Schedules A, G-3, M, N, P, and W; the fact that Air District staff consider the implementation of CTR and AB 617 Community Health Impact fees priorities, and the status on state funding for these programs; and the concern that if fee increases are not imposed, the Air District will not be able to maintain its current cost recovery policy.

Chair Sinks closed the Public Hearing.

Board Action

None; receive and file.

PRESENTATION

19. Operational Status of and Economic Impact on Stationary Sources Due to Coronavirus Pandemic

Mr. Broadbent introduced Leonid Bak, Economist, Wayne Kino, Deputy Air Pollution Control Officer of Operations, and Damian Breen, Deputy Air Pollution Control Officer of Technology, who gave the staff presentation *Update on the Impact of COVID-19 on the Economy*, including: COVID-19 impact on the economy; initial projections; current expectations; policy response; early April 2020 estimates; California data; impact on California's labor market; consequences of elevated unemployment; summary; status of Bay Area facility operations; and activity at permitted facilities.

Public Comments

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by Kimberly Ronen, Valero Benicia Refinery.

Committee Comments

The Board and staff discussed how the COVID-19 pandemic may affect America's national debt level and inflation; why stationary emissions would increase during minimal operations; total emissions versus solely stationary source emissions; whether there will be permanent changes to jobs in the future; whether the Air District should promote telecommuting to the county Public Health Officers, as a way to maintain the improved air quality that has occurred since sheltering in place has been imposed, and the suggestion that the Air District incentivizes telecommuting; the need to identify ways to leverage the improved air quality that currently exists, due to decreased transportation; the extent to which reduced production results in job loss, and the status of employment at the refineries; how enhanced carpooling incentives, as well as incentives for electric bikes and other methods of active transportation, may benefit those who may not wish to immediately resume using transit when sheltering in place is lifted; the fact that there are varying degrees of COVID-19 vulnerability within the Bay Area; and the fact that permitting Title V facilities (refineries, chemical and power plants) is not expected to significantly decrease.

Committee Action

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

No requests received.

BOARD MEMBERS' COMMENTS

21. Board Members' Comments

- Director Sperring requested that the Board think about how the Air District can accommodate the needs of Bay Area residents who are being affected by employment decline, job loss, and reduced income. Director Kniss added that V or L-shaped recessions may result.
- Director Zane remarked on the lack of racial diversity of governing Boards of local and regional agencies, about how race and level of income correlate with transit-ridership, and cited the article “Moving to Equity: Addressing Inequitable Effects of Transportation Policies on Minorities” published in 2003, as part of the University of California at Los Angeles’ Civil Rights Project. Director Zane said that minorities, including seniors, need to be especially protected when making policy regarding public health.
- Director Jue said that he would like the Air District to consider policies that would provide additional benefits to help people recover from this economic crisis.
- Director Gioia remarked on the opportunities that may result due to changed behavior that the COVID-19 pandemic is bringing about, emphasizing the fact that not all people have the option to telecommute to their jobs.

OTHER BUSINESS

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

Mr. Broadbent announced the following:

- The U.S. Environmental Protection Agency has proposed to leave the National Ambient Air Quality Standards for Particulate Matter (PM) as they currently are, rather than make them more stringent. The Air District issued a press release, indicating that the Air District will resist any action that will endanger the health of Bay Area residents.
- Due to the COVID-19 pandemic, Bay Area traffic has decreased, and subsequently, emission levels (PM, carbon dioxide, and nitrogen oxide) have been reduced.
- 80% of Air District staff have been working remotely since shelter-in-place was first called, but essential (Compliance & Enforcement and Meteorology & Measurement) staff are still in the field, responding to incidents, complaints, and collecting monitoring data.

23. Chairperson's Report

Chair Sinks announced the following:

- Director Bauters was reappointed for another two-year term to the Air District’s Board of Directors by the Alameda County Mayors’ Conference, ending April 2022.
- The Air & Waste Management Association’s (AMWA) 113th Annual Conference in San Francisco, scheduled for June 29, 2020, has not yet been cancelled. Director Gioia suggested that AWMA staff and the Health Officer of the City & County of San Francisco touch base in case public gatherings are to be banned in San Francisco in the summer.

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

Wednesday, May 6, 2020, at 10:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

25. **Adjournment**

The meeting adjourned at 12:59 p.m.

/s/ Marcy Hiratzka

Marcy Hiratzka
Clerk of the Boards