

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

Board of Directors Regular Meeting
Wednesday, July 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 9:32 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, Nate Miley, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, Lori Wilson, and Shirlee Zane.

Absent: Director Jim Spering.

CONSENT CALENDAR (ITEMS 2 - 8)

2. Minutes of the Board of Directors Special Meetings of June 3, 2020 and June 17, 2020
3. Board Communications Received from June 3, 2020 through July 14, 2020
4. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of May 2020
5. Air District Personnel on Out-of-State Business Travel
6. Authorization to Amend a Contract with Bentley Systems, Inc., for Roadway Elevations Data for Nine Counties in the Bay Area
7. Projects with Proposed Grant Awards Over \$100,000
8. Public Meeting to Consider Adoption of the Bay Area Air Quality Management District's Emissions Statement Certification for the 1997, 2008, and 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS)

NOTED PRESENT: Vice Chair Chavez and Directors Cutter, Haggerty, and Rice were noted present at 9:37 a.m.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Hudson made a motion, seconded by Director Wagenknecht, to **approve** the Consent Calendar Items 2 through 8, inclusive; 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, Mitchoff, Ross, Sinks, Wagenknecht, Walton, Wilson, Zane.
NOES: None.
ABSTAIN: Rice.
ABSENT: Kniss, Miley, Spering.

COMMITTEE REPORTS

9. Report of the Stationary Source Committee Meeting of June 17, 2020

Stationary Source Committee Chair, John Bauters, read the following Committee report:

The Committee met on Wednesday, June 17, 2020, under procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of April 22, 2020.

The Committee reviewed and discussed the staff presentation Update on the Development of Amendments to Rule 6-5.

The Committee then reviewed and discussed the staff presentation Regulation 11-18 Implementation Update.

Finally, the Committee reviewed and discussed the staff presentation Update the Odor Attribution Study in the South Bay.

The next meeting of the Stationary Source Committee will be held on Wednesday, July 29, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair report of the Stationary Source Committee.

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area; Tyler Earl, Communities for a Better Environment (CBE); Richard Gray, 350 Bay Area; Dan Sakaguchi, CBE; Stephen Rosenblum; and Ernesto Alevaro, CBE.

Board Comments

The Board and staff discussed the difference between Best Available Control Technology (BACT) and Best Available Retrofit Control Technology (BARCT) and the Air District's implementation of BARCT standards toward its rule development process; the desire to see the Air District's original rulemaking schedules remain on course; the manner in which rulemaking data is collected; the suggestion of increasing the number of surprise inspections at permitted facilities; and the monitoring and testing methods at refineries, which parties conduct such activities, and the accuracy of their results.

Board Action

None; receive and file.

NOTED PRESENT: Director Miley was noted present at 10:08 a.m.

10. Report of the Mobile Source Committee Meeting of June 18, 2020

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

The Committee met on Thursday, June 18, 2020, under procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of May 20, 2020.

The Committee reviewed and discussed the staff presentation Projects and Contracts with Proposed 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 (APCO) to enter into all necessary agreements with applicants for the recommended projects.*

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

- 1. Approve the proposed increase to the allocation of Transportation Fund for Clean Air in Fiscal Year Ending 2021; and*
- 2. Authorize the proposed change to cost-effectiveness limits for the Air District-sponsored programs and projects.*

The next meeting of the Mobile Source Committee will be held on Thursday, September 24, 2020, at 11:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. 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 Wagenknecht, 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, Groom, Haggerty, Hudson, Hurt, Jue, Miley, Mitchoff, Rice, Ross, Sinks, Wagenknecht, Wilson, Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Kniss, Spering, Walton.

11. **Report of the Climate Protection Committee Meeting of June 18, 2020**

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

The Committee met on Thursday, June 18, 2020, under procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of April 22, 2020.

The Committee received and discussed the presentation Update on Heat Pump Water Heater Grants.

The next meeting of the Climate Protection Committee will be held on Wednesday, September 30, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair report of the Climate Protection Committee.

Public Comments

No requests received.

Board Comments

Chair Sinks expressed his appreciation for the guest presentations on the heat pump water heater projects that were funded through the Climate Protection Grant Program.

Board Action

None; receive and file.

12. **Report of the Legislative Committee Meeting of June 25, 2020**

Legislative Committee Chair, Margaret Abe-Koga, read the following Committee report:

The Committee met on Thursday, June 25, 2020, under procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of May 27, 2020.

The Committee reviewed and discussed the staff presentation Sacramento Legislative/Budget Update, capturing various appropriations that are of interest to the Air District under Senate Bill 74, which was passed by the Legislature on June 15, 2020, and balances the State's Fiscal Year 2020-2021 Budget.

The Committee then reviewed and discussed the staff presentation Air District-Sponsored Bills, which provided updates on Assembly Bill 2882, which requires that private schools and charter schools meet the same siting requirements as public schools.

Finally, the Committee reviewed and discussed the staff presentation State Legislation Update. Among other bills of interest, Assemblymember Shirley Weber's Assembly Constitutional Amendment 5 was mentioned, proposing to repeal Proposition 209, a citizens' initiative approved in 1996, regarding prohibition against discrimination. The Committee requested that Air District staff bring this bill back to the Committee for further consideration, as this bill will be on the November ballot.

The next meeting of the Legislative Committee will be held on Wednesday, September 30, 2020, at 11:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair's Report of the Legislative Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

NOTED PRESENT: Director Kniss was noted present at 10:15 a.m.

13. Report of the Ad Hoc Committee on Equity, Access, and Inclusion Meeting of July 1, 2020

Ad Hoc Committee on Equity, Access, and Inclusion Chair, Davina Hurt, read the following Committee report:

The Committee met on Wednesday, July 1, 2020, under procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference. The Committee approved the minutes of March 25, 2020.

Chair Hurt reported on the meeting that she, Board Chair Sinks, and Air District staff hosted for Bay Area environmental justice advocates on May 26, 2020. Communities represented included Vallejo,

Bayview/Hunters Point, Richmond, and East and West Oakland. This meeting was held to foster a partnership between the Air District's Board of Directors' Ad Hoc Committee on Equity, Access, and Inclusion and representatives from impacted Bay Area communities who wish to share their experiences, struggles, priorities, and concerns.

The Committee then reviewed and discussed the staff presentation Consideration of Revised Ad Hoc Committee on Equity, Access, and Inclusion Charter. The Committee was presented with revised draft charter language since the Committee's first meeting in March 2020, and proposed one change. The Committee recommends the Board:

- 1. Approve the revised charter language, based on Committee comments at its March 25 and July 1, 2020 meetings.*

The Committee then reviewed and discussed the staff presentation Discussion of Key Deliverables of the Ad Hoc Committee on Equity, Access, and Inclusion. The key deliverables, once finalized, would be incorporated into a workplan for the Committee and Air District. Proposed Key Deliverables included the following: Development of a Community Advisory Committee, development of a Community Benefits Program, changes to the Permitting program to address communities with inequitable burden from air pollution, and a review of the process to select members of the Advisory Council.

The Committee then reviewed and discussed the presentation Environmental Justice, presented by Veronica Eady, Assistant Executive Officer for Environmental Justice at the California Air Resources Board, and incoming Deputy Executive Officer for Policy and Equity at the Air District, beginning in August.

Finally, the Committee reviewed and discussed the staff presentation Update on Office of Diversity, Equity, & Inclusion on Internal Efforts to Advance Racial Equity.

The next meeting of this committee will be held on Thursday, September 17, 2020, at 10:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. I move that the Board approve the Committee's recommendation. This concludes this committee's report.

Public Comments

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

Board Comments

The Board and staff discussed whether the Ad Hoc Committee should become a permanent/standing committee; by which process and when the newly-proposed Community Advisory Council is to be formed, and the prospective foci and representation of this body; the composition of other air districts' governing boards, some of which have a designated seat for a community member, and the legislative action that the Air District would need to take; the suggestion of researching how other public agencies are enhancing their social justice efforts; the need to target outreach to smaller or overlooked communities; the Sonoma County Board of Supervisors' approval of the creation of an Office of Equity to immediately focus on issues related to the disproportionate impact of COVID-19 on the Latinx and

indigenous communities in the region; and the suggestion that the Board members share their local resources with the Air District, regarding community-based organizations.

Proposed Ad Hoc Committee on Equity, Access, and Inclusion Charter (based on revisions that Committee members made on March 25 and July 1, 2020):

“The Ad Hoc Committee on Equity, Access, and Inclusion will advise the Board of Directors regarding equitable and inclusive actions the Air District takes to create a healthy breathing environment for all people of the Bay Area, regardless of race, ethnicity, age, gender identity, national origin, immigration status, or sexual orientation. The Ad Hoc Committee will oversee staff efforts in developing policies for both internal and external operations, which impact the Bay Area.

Internal operations include applying an equity lens to programs, policies, practices and procedures related to staffing, recruitment, promotions, inclusive practices in the workplace, contracting for capital projects and services, and continuous racial equity training. External operations include addressing disparities by applying an equity lens to Air District programs, policies, practices, and procedures. The Committee will prioritize traditionally marginalized and disinvested communities for investment opportunities to ensure communities highly impacted by air pollution receive program and policy prioritization.”

Board Action

Director Hurt made a motion, seconded by Director Hudson, to **approve** the Revised Ad Hoc Committee on Equity, Access, and Inclusion Charter; 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, Miley, Mitchoff, Rice, Ross, Sinks, Wagenknecht, Wilson, Zane.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Spering, Walton.

14. **Report of the Advisory Council Meeting of May 12, 2020**

Chair Sinks, who also serves as the Board Liaison to the Advisory Council, invited Advisory Council Chair, Stan Hayes, to give the presentation *Particulate Matter (PM) Symposium Status Report*, including: symposium context and overview; panelists; work products; Questions and Answers of the “Health Effects” and “Exposure and Risk” Panels; possible findings; evaluation of potential actions; and next steps. Chair Sinks then gave the following report:

The Council met on Tuesday, May 12, 2020, under procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. Members of the Council participated by teleconference. The Council approved the minutes of December 9, 2019.

The Council then received the staff presentation PM Symposium Overview. During this item, the Council reviewed answers to discussion questions that had been asked of the Health Effects Panel.

The Council then received the presentation Community Reflections from the February 27, 2020 Community Summit on PM. This presentation was given by Jed Holtzman of 350 Bay Area, and LaDonna Williams of All Positives Possible.

Finally, the Council discussed the staff presentation Update on Air District PM Potential Policy Strategies.

The next meeting of the Council will be held on Friday, July 31, 2020, at 9:00 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair Report of the Advisory Council.

Public Comments

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

Board Comments

The Board and staff discussed the Air District's disappointment with the United States Environmental Protection Agency's proposal to keep NAAQS for PM at their current levels, rather than make them more stringent, and how the Air District plans to move forward, despite this decision; whether new technologies or strategies exist that can increase PM reduction; and whether the Council plans to review supersonic transport and associated aircraft greenhouse gas emission reductions.

Board Action

None; receive and file.

PRESENTATIONS

15. Spare the Air (STA) Advertising Campaign Video and Update

Kristine Roselius, Acting Communications Officer, gave the staff presentation *Spare the Air Advertising Campaign Video and Update*, featuring a video (English and Spanish versions) that promotes the benefits of working remotely.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the intended target audience of the videos that were produced, the concern that not all demographics and situations were equally represented, and the suggestion of collecting feedback on the videos from members of varying communities in the Bay Area; the request for incentives for active transportation (human-powered methods of travel) and discounted transit fares under the STA program; the suggestion of including a link to the STA pledge for online versions of the videos; the need to connect policy to the STA messaging; the suggestion of identifying a quantifiable goal (number of vehicles off the road) associated with the STA program; the suggestion of utilizing an

altruistic approach to encourage residents to take part in the STA program; the need to work with other regional agencies to reduce single-occupancy vehicles, and the suggestion of creating model policies for jurisdictions to adopt; and the suggestion of telling employers about the benefits of working remotely (for their employees and others).

Board Action

None; receive and file.

16. **COVID-19 Shelter-in-Place and Changes in Particulate Matter_{2.5} (PM_{2.5}) Concentrations in the Bay Area**

Wayne Kino, Deputy Air Pollution Control Officer of Operations, introduced Michael Flagg, Principal Air Quality Specialist, who gave the staff presentation *Air Quality During Shelter-In-Place*, including: overview; factors affecting air quality; estimates of emission reductions; PM_{2.5} Fixed Site Network; 2020 Daily PM_{2.5} timeseries; historical variation in daily PM_{2.5} and monthly averages; comparison to previous spring months; summary of observations; and challenges.

Public Comments

No requests received.

Committee Comments

Chair Sinks remarked that 69 Air District staff members presented at the Air & Waste Management Association's 113th Annual Conference (which was virtual for the first time this year) and this was one of the presentations given.

Committee 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, received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by Jovita Mendoza, Brentwood resident.

BOARD MEMBERS' COMMENTS

18. **Board Members' Comments**

Vice Chair Chavez acknowledged Chair Sinks and Air District staff for launching the "Cut the Commute" pledge on July 13, 2020. This pledge asks Bay Area employers to extend remote work options for employees and maintain air quality progress, even after shelter-in-place orders are eased.

OTHER BUSINESS

19. Report of the Executive Officer/APCO

Mr. Broadbent announced the following:

- The Bay Area has not yet experienced any ozone exceedances in 2020, based on the NAAQS.
- The “Cut the Commute” press conference on July 13, 2020, was a great event and the Board will consider passing a resolution at the September 16, 2020 Board meeting.
- The Stationary Source Committee has requested a presentation on source testing and the Board might find this interesting as well.
- The Air District will donate 25 High-Efficiency Particulate Air filters to the American Red Cross in preparation for the approaching wildfire season.
- A reimbursement rate for Board members who bike to Air District meetings is under development and will be brought before the Board in the fall.
- Air District staff will work remotely through the remainder of 2020.

20. Chairperson’s Report

Chair Sinks announced that no Board, nor committee meetings will occur in August.

21. Time and Place of Next Meeting

Wednesday, September 16, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

22. Adjournment

The meeting adjourned at 12:29 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards