

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 16, 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 9:31 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 Spring, Brad Wagenknecht, Shamann Walton, Lori Wilson, and Shirlee Zane.

Absent: Director Nate Miley.

COMMENDATIONS/PROCLAMATIONS/AWARDS

2. The Board of Directors recognized Willie Robinson, Linda Whitmore, Nain Lopez, Randy Joseph, and Dr. Naama Raz-Yaseef for their work on the Assembly Bill (AB) 617 Path to Clean Air in Richmond/San Pablo's Community Air Monitoring Plan. Those being recognized gave individual statements regarding their experiences as Co-Leads and collaboration with the Air District to improve air quality in their community.

Public Comments

Public comments were given by Matt Holmes, Groundwork Richmond; Ladonna Williams, All Positives Possible; and Dr. Raymond Tompkins, Clean Air Health Alliance.

Board Comments

Board members thanked the awardees for their time and feedback about the program thus far.

COMMITTEE REPORTS

3. Report of the Ad Hoc Committee on Equity, Access, and Inclusion Meeting of September 10, 2020 (OUT OF ORDER, ITEM 16A)

A) Resolution Reaffirming the Bay Area Air Quality Management District's (Air District) Commitment to Diversity, Equity, Access, and Inclusion

- 1) The Ad Hoc Committee on Equity, Access, and Inclusion will consider recommending that the Board of Directors adopt the resolution reaffirming the Air District's commitment to Diversity, Equity, Access, and Inclusion.*

Chair Sinks requested that Item 16A be considered at the beginning of the meeting. Ad Hoc Committee on Equity, Access, and Inclusion Chair, Davina Hurt, explained that the Committee, at its September 10, 2020 meeting, voted to recommend proposed Resolution No. 2020-10 to the Board. This resolution includes a formal apology from the Air District to Dr. Henry Clark, who was subjected to disrespectful and unacceptable treatment some years ago while exercising his right to provide public testimony at a Board meeting. Air District staff has requested that action on this item be deferred to a future board meeting to allow time to work with Dr. Clark to revise the language to accurately capture his experience.

Public Comments

Public comments were given by Ladonna Williams, All Positives Possible; Janet Johnson, Sunflower Alliance; and Andres Soto, Communities for a Better Environment (CBE).

Board Comments

The Board and staff discussed Dr. Clark's wish to accurately reflect his experience, per a Board member who was in direct correspondence with him, and the request that Air District staff reach out to Dr. Clark directly; the suggestion of inviting Dr. Clark to speak at a future Committee meeting without the constraint of the public comment timer to clarify the language of the resolution; and the appreciation for Chair Hurt's leadership in addressing this matter.

Board Action

None, as the recommendation for this item will be deferred to the October 7, 2020, Board of Directors meeting.

CONSENT CALENDAR (ITEMS 3 - 12)

4. Minutes of the Board of Directors Meeting of July 15, 2020
5. Board Communications Received from July 15, 2020 through September 15, 2020
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of July 2020
7. Air District Personnel on Out-of-State Business Travel

8. Quarterly Report of the Executive Office and Division Activities for the Months of April 2020
June 2020
9. Authorization to Execute Contract for Microsoft Software Licensing
10. Notice of Proposed Amendments to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4: Purchasing Procedures, Section 4.6: Contracts, Section 4.6(d): Bid Award
11. Authorization to Execute Contracts for Agricultural Waste and Wildfire Prevention Chipping
12. Authorization to Execute Contract Amendments for Production System Office
13. Authorization to Execute Expansion of Existing Cylogy and Avant Contracts

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Wagenknecht, to **approve** the Consent Calendar Items 3 through 12, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Groom, Haggerty, Hurt, Jue, Kniss, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, Walton, Wilson, Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Hudson, Miley.

COMMITTEE REPORTS

14. Report of the Stationary Source Committee Meeting of June 29, 2020 (ITEM 13)

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

The Stationary Source Committee met on Wednesday, July 29, 2020, and approved the minutes of June 17, 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 presentations Update on the Development of Amendments to Rule 6-5 and Fine Particulate Matter Concentration Impacts from a Bay Area Petroleum Refinery.

The next meeting of the Stationary Source Committee will be held on Thursday, October 1, 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 Andres Soto, CBE; Todd Osterberg, Chevron; Kevin Olson, Chevron; Stephen Rosenblum, Palo Alto resident.

Board Comments

The Board and staff discussed the ways to improve the protocol for responding to letters sent to the Air District by stakeholders regarding rule development.

Board Action

None; receive and file.

15. Report of the Executive Committee Meeting of July 29, 2020 (ITEM 14)

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

The Executive Committee met on Wednesday, July 29, 2020, and approved the minutes of April 1, 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 received the presentation Hearing Board Quarterly Reports: January – March 2020 and April – June 2020, given by Hearing Board Chairperson, Valerie Armento.

The Committee then received the guest presentation Bay Area Regional Collaborative Work Plan Update, given by Program Coordinator, Lucian Go.

The Committee then reviewed and discussed the staff presentation Air District Efforts to Encourage Remote Work Update.

The Committee then reviewed and discussed the staff presentation Wildfire Program Update.

Finally, the Committee reviewed and discussed the staff presentation Climate Tech Finance Program Update.

The next meeting of the Executive Committee will be held at the Call of the Chair. This concludes the Chair Report of the Executive Committee.

Public Comments

No requests received.

Board Comments

None.

Board Action

None; receive and file.

16. Report of the Advisory Council Meeting of July 31, 2020 (ITEM 15)

Chair Sinks, Board Liaison to the Advisory Council, read the following report:

The Advisory Council met on Friday, July 31, 2020, and approved the minutes of May 12, 2010. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Council participated by teleconference.

The Council then received presentations from regulated industry representatives to help inform discussion on particulate matter reduction strategies. Presentations were given by Frances Keeler, Vice President of the California Council for Environmental and Economic Balance, and Dr. Julie E. Goodman, Principal at Gradient.

The Council then received the staff presentation Bay Area Particulate Matter: Modeling-Based Assessments and Next Steps.

Finally, the Council continued its deliberations on reducing fine Particulate Matter in the Bay Area and potential recommended measures to further protect public health. Cognizant of the Particulate Matter Symposium timeline, which began in October 2019, and the Council's meeting schedule for the remainder of 2020, Council Chairperson, Stan Hayes, displayed a chart of potential strategies to reduce Particulate Matter that will be presented to the Air District's Board of Directors at the end of the year. Deliberations will continue at the upcoming Council meeting.

The next meeting of the Council will be held on Friday, October 9, 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 Frances Keeler, California Council for Environmental and Economic Balance; Andres Soto, CBE; Jed Holtzman, 350 Bay Area.

Board Comments

Director Zane expressed her feelings about the oil industry and Chair Sinks acknowledged the Advisory Council for its foundation work on PM.

Board Action

None; receive and file.

At this time, the Board revisited Item 16, specifically 16B-E: Report of the Ad Hoc Committee on Equity, Access, and Inclusion Meeting of September 10, 2020

B) Review of the Advisory Council Recruitment Process

1) *None; receive and file.*

C) Update on Assembly Bill (AB) 617 Richmond/San Pablo Path to Clean Air

1) *None; receive and file.*

D) Community Storytelling

1) *None; receive and file.*

E) Update on Office of Diversity, Equity & Inclusion | Internal and External Efforts to Advance Equity

1) *None; receive and file.*

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

The Committee met on Thursday, September 10, 2020, and approved the minutes of July 1, 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 Resolution Reaffirming the Air District's Commitment to Diversity, Equity, Access, and Inclusion. The Committee recommends the Board:

1. *Adopt Board Resolution 2020-10, "Reaffirming the Air District's Commitment to Diversity, Equity, Access, and Inclusion", which includes a formal apology from the Air District to Dr. Henry Clark, who was subjected to disrespectful and unacceptable treatment some years ago while Dr. Clark was exercising his right to provide public testimony at a Board meeting. However, after further discussion, regarding the content of this resolution, the recommendation for this item will be deferred to the October 7, 2020, Board of Directors meeting.*

The Committee then reviewed and discussed the staff presentation Discussion of Advisory Council Recruitment Process. This item induced a robust discussion of how to best bring voices of people living in communities inequitably burdened by air pollution into Air District decision-making. Air District staff will bring this item back to the Committee for further discussion so that the Committee can provide feedback on the recruitment process to the Personnel Committee. Staff will also bring an update on the progress toward developing a Community Advisory Committee made up of Bay Area environmental justice advocates.

The Committee then reviewed and discussed the presentation Assembly Bill 617 – Richmond/San Pablo Path to Clean Air.

The Committee then welcomed several members of the Co-Lead Team that helps lead AB 617 efforts in the Richmond/San Pablo area to share their experiences regarding air monitoring plan development in that community and the development of the Richmond/San Pablo Monitoring Plan Steering Committee.

Finally, the Committee reviewed and discussed the staff presentation Air District’s Approach to Assessment of Diversity, Equity, and Inclusion, Employee Engagement and Culture.

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

(No report was provided at this time on the proposed resolution, as that item had been discussed earlier in the meeting following Agenda Item 2.)

Public Comments

Public comments were given by Andres Soto, CBE; and Dr. Naama Raz-Yaseef, Richmond resident.

Board Comments

The Board and staff discussed the suggestion of conducting the recruitment for the Advisory Council in early 2021; the request that Air District staff brings forward diverse group of candidates for Board selection as part of this recruitment; the desire to have members of impacted communities represented on the Advisory Council; the suggestion to enhance Advisory Council publications by having community members review them before publication; and the desire of the Ad Hoc Committee on Equity, Access, and Inclusion to work with the Personnel Committee on developing a transparent process for the Advisory Council recruitment.

Board Action

None; receive and file.

PRESENTATIONS

17. Update on Wildfires and Air Quality

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced Wayne Kino, Deputy APCO of Operations, and Kristine Roselius, Acting Communications Officer, who gave the staff presentation *Update on Wildfire and Air Quality*, including: overview; outline; current meteorology report; key wildfire events; air quality impact due to wildfires; PM_{2.5} from current wildfires; communications; and Air District actions and next steps.

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area; Janet Johnson, Sunflower Alliance; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Bruce Naegel, Sustainable Silicon Valley; Andres Soto, CBE; Jared Johnson, Acterra; and Dr. Claire Broome, Berkeley resident.

Board Comments

The Board and staff discussed the accuracy and reliability of the air quality data offered by PurpleAir and Clarity Movement Co., and concerns that those types of sources are becoming the public's preferred authority on air quality, rather than the Air District monitors; appreciation to the Air District for posting "Air Quality Data Frequently Asked Questions" on the homepage of its website; the suggestion that all air quality sensors in California that are funded by the California Air Resources Board be included on www.fire.airnow.gov; the request for enhanced messaging regarding wildfire smoke protection for all people, and not just for sensitive groups; appreciation for the Air District's monitoring of the burning areas in Solano, Sonoma, and Napa Counties; the status of the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program; and appreciation for the Bay Area Regional Air Quality Messaging Toolkit.

Board Action

None; receive and file.

18. Overview of Petroleum Refining Market in California

Mr. Broadbent introduced Gordon Schremp, Senior Fuels Specialist with the California Energy Commission, who gave the presentation *Transportation Fuels Trends, Refinery and Market Changes, and Expanded Use of Renewables*.

Following this presentation, Damian Breen, Deputy APCO of Technology, introduced Tom Lu, General Manager of the Marathon refinery in Martinez, who gave the presentation *Pivoting from Fossil to Renewable Energy*.

Following this presentation, Mr. Breen introduced Richard Harbison, Plant Manager of the Phillips 66 Rodeo refinery, who gave the presentation *Rodeo Renewed*.

Following this presentation, Mr. Breen introduced Greg Karras of Community Energy resource, who gave the presentation *Climate and Health Paths in an Oil State*.

Public Comments

Public comments were given by Stephen Rosenblum, Palo Alto resident; Jed Holtzman, 350 Bay Area; Richard Gray, 350 Bay Area; Dr. Claire Broome, Berkeley resident; Andres Soto, CBE; Charles Davidson, Hercules resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Greg Feere; Chè Timmons, Local 342 Plumbers and Steamfitters; Mike Miller, United Steel Workers Local 326; Tom Hansen, International Brotherhood of Electrical Workers Local Union 302; Tyson Bagley, Phillips 66; Bill Whitney, Contra Costa County Building and Construction Trades Council; Glen Loveall, Iron Workers Union Local 378; Tim Jefferies, Boilermakers Local 549; Anthony

Viscuso, Heat and Frost Insulators Local 16; Mark Plubell, Heat and Frost Insulators Local 16; Chris Greaney, Heat and Frost Insulators Local 16; and Gary Hughes, Biofuelwatch.

Board Comments

The Board and staff discussed the difference between Low Carbon Fuels Standard credits for conventional versus renewable sources, and how much California subsidizes for renewable diesel; whether renewable jet fuel and gasoline are anticipated to experience a similar growth trajectory; how the presence of supersonic aircraft technology in California may affect fuel trends and market changes; the potential emissions profiles at the Marathon Martinez and Rodeo refineries after they transition to renewable energy production; the feedstock of the transition fuel; the status of Phillips 66's Marine Terminal (Wharf) Expansion project; the anticipated global carbon footprint if the demand for the renewable fuels remains the same; and the benefits that the City of San Francisco is analyzing since its fleet transitioned to 100% renewable diesel six years ago.

Committee Action

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments received via electronic mail, and read aloud by Ms. Buenaflor, were submitted by Rhoda Fry, Cupertino resident; Leah Louis-Prescott, Rocky Mountain Institute; and Diane Bailey, Menlo Spark.

BOARD MEMBERS' COMMENTS

20. Board Members' Comments (ITEM 21)

None.

OTHER BUSINESS

21. Report of the Executive Officer/APCO (ITEM 22)

Mr. Broadbent announced that the Board will receive an update on the Air District's "Cut the Commute" pledge at the October 7, 2020 Board meeting.

22. Chairperson's Report (ITEM 23)

Chair Sinks had nothing to report.

CLOSED SESSION (2:47 p.m.)

23. **CONFERENCE WITH LEGAL COUNSEL (ITEM 19)**

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 case:

- A. **Associated Industries Insurance Company v. Bay Area AQMD**, U.S. District Court, N.D. Cal. No. 4:19-cv-05277-DMR

REPORTABLE ACTION: Chair Sinks said that there was no reportable action.

OPEN SESSION (3:12 p.m.)

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

Wednesday, October 7, 2020, at 9:30 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 3:13 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards