

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

Board of Directors Regular Meeting
Wednesday, October 6, 2021

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 in accordance with Government Code Section 54593. Members of the Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 9:30 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, Teresa Barrett, Rich Constantine, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Lori Wilson.

Absent: Directors David Canepa, Pauline Russo Cutter, and Myrna Melgar.

RESOLUTION

2. **Assembly Bill (AB) 361 (Rivas) and Air District Remote Teleconferencing Update**

Chair Chavez and Air District staff discussed how the recent expiration of Governor Newsom's Executive Order N-29-20, which authorized local legislative or state bodies to hold public meetings via teleconferencing, and to make public meetings accessible telephonically or otherwise electronically to all members of the public, affects the Air District's ability to continue using teleconferencing during public (Board and committee) meetings. Assembly Bill (AB) 361 (Rivas), which was signed into law on September 16, 2021, allows local legislative bodies to continue teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act, during a declared state of emergency. Until January 1, 2024, or whenever the Governor ceases to declare a state of emergency (whichever occurs first), the Board will be required to make findings and adopt a resolution every thirty days, regarding whether the state of emergency continues to directly impact the ability of the members to meet safely in person, to continue conducting Board and committee meetings remotely.

Public Comments

No requests submitted.

Board Comments

Director Hudson suggested having a standing item on the consent calendar at every Board Meeting in lieu of having to adopt a resolution each month to address this issue.

Board Action

Director Gioia made a motion, seconded by Director Haubert, to **approve** Board Resolution No. 2021-14, proclaiming a Local Emergency, ratifying the Proclamation of a State of Emergency by Governor Newsom on March 20, 2020, and authorizing Remote Teleconference Meetings of the Legislative Bodies of the Bay Area Air Quality Management District for the Period October 6, 2021, to November 5, 2021, Pursuant to Brown Act Provisions; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Barrett, Chavez, Constantine, Gioia, Groom, Hannigan, Haubert, Hopkins, Hudson, Hurt, Jue, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Walton, Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Canepa, Cutter, Melgar.

CONSENT CALENDAR (ITEMS 3 – 16)

3. Minutes of the Board of Directors Regular Meeting of September 15, 2021
4. Board Communications Received from September 15, 2021, through October 5, 2021
5. Air District Personnel on Out-of-State Business Travel
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of August 20
7. Authorization to Execute Contract Amendment for Environmental Audit, Inc.
8. Authorization to Execute Contract with Kadash & Associates, LLC
9. Authorization to Attend United Nations Climate Change Conference (COP26)
10. Authorization for Selection and Award to Bidders for Heavy-Duty Air Filtration Units/Air Scrubbers and Replacement Filters
11. Set a Public Hearing for November 3, 2021, to Consider Adoption of Proposed Amendments to Refinery Rules Definitions
12. Advisory Council Meeting
 - 12.1 Receive Committee Chair Summary Report of September 13, 2021
 - 12.2 Report of the Advisory Council Meeting of September 13, 2021
13. Administration Committee Meeting
 - 13.1 Receive Committee Chair Summary Report of September 15, 2021
 - 13.2 Report of the Administration Committee Meeting of September 15, 2021
14. Technology Implementation Office Steering Committee Meeting
 - 14.1 Receive Committee Chair Summary Report of September 17, 2021
 - 14.2 Report of the Technology Implementation Office Steering Committee Meeting of September 17, 2021
15. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting

- 15.1 Receive Committee Chair Summary Reports of September 20, 2021
- 15.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of September 20, 2021
- 16. Mobile Source and Climate Impacts Committee Meeting
- 16.1 Receive Committee Chair Summary Report of September 23, 2021
- 16.2 Report of the Mobile Source and Climate Impacts Committee Meeting of September 23, 2021

Public Comments

No requests submitted.

Board Comments

The Board and staff discussed Board members’ attendance of the upcoming United Nations Climate Change Conference (COP26); and the request that Air District staff proposes a travel policy to the Board, regarding Board members’ attendance of such conferences.

Board Action

Chair Chavez asked the maker and seconder of the motion approving the proposed Consent Calendar to add to the recommendation of Item 9 that “Air District staff will propose a Board member travel policy to the Board,” and the maker and seconder of the motion agreed.

Director Groom made a motion, seconded by Director Wagenknecht, to **approve** Consent Calendar Items 3 through 16, inclusive, as amended; and the motion **carried** by the following vote of the Board:

- AYES: Abe-Koga, Bauters, Barrett, Chavez, Constantine, Gioia, Groom, Hannigan, Haubert, Hopkins, Hudson, Hurt, Jue, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Walton, Wilson.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Canepa, Cutter, Melgar, Miley.

PRESENTATIONS

17. Measures to Address Lead from General Aviation Fuel

Greg Nudd, Deputy Air Pollution Control Officer (APCO) of Policy, gave the staff presentation *Measures to Address Lead from General Aviation Fuel*, including: outcome; outline; general aviation lead emissions; health impacts of lead exposure; blood lead level studies; unleaded aviation fuel use; United States Environmental Protection Agency (U.S. EPA) and Federal Aviation Administration (FAA) need to act; and proposed next steps.

At this time, Sylvia Gallegos, Deputy County Executive of Santa Clara County, presented several slides regarding similar health risks at the Reid Hillview airport in San Jose.

Public Comments

Public comments were given by Richard Gray, 350 Bay Area; Dr. Stephen Rosenblum, Palo Alto resident; and Jill Ratner, New Voices Are Rising.

Board Comments

The Board and staff discussed concerns that the FAA may oppose unleaded fuel until it is proven that it will not compromise the operations and performance of the aircraft; the legal definition of a “general airport”; acrolein emissions from aircrafts; health impacts of lead in general aviation fuel on children; the desire for additional context regarding risk exposure in the Reid-Hillview Airborne Lead Study conducted by Santa Clara County; concerns of economic impacts to the entire Bay Area if unleaded aviation fuel requirements are implemented, as well as concerns of leakage (an increase of emissions in one place resulting from a strict reduction of emissions in another); whether commercial or general Bay Area airports are considering unleaded aviation fuel in efforts to reduce greenhouse gas (GHG) emissions; whether the Air District should reach out to airports and/or airlines about this issue, and the suggestion of creating clean certification incentives for airports or airlines; the anticipated process of engaging the public and local governments in a transparent manner; whether East Oakland becoming an official “AB 617” community would accelerate these efforts at the Oakland International Airport; whether this issue needs to be presented to the Board’s Legislative, Stationary Sources, or Mobile Sources Committee; and whether emissions from vessel or watercraft fuel cause similar health risks.

Board Action

Director Hurt made a motion, seconded by Director Barrett, to take the following actions:

- a) Petition the United States Environmental Protection Agency (U.S. EPA) to make an endangerment finding under section 231 of the Clean Air Act that leaded aviation gasoline (“avgas”) contributes to air pollution that harms public health and welfare;
- b) Urge the U.S. EPA and Federal Aviation Administration (FAA) to take immediate, feasible measures to reduce lead emissions from avgas;
- c) Urge California Senators and Bay Area Members of Congress to urge U.S. EPA and FAA to take action on this issue;
- d) Urge sister agencies such as the California Air Resources Board, California Air Pollution Control Officers Association, and the National Association of Clean Air Agencies to take similar actions;
- e) Petition the California Department of Public Health to study blood levels at other airports especially those with high expected emissions near residences to provide specific information for local decision makers;
- f) Develop a plan to educate local governments on the issue;

- g) Mobile Source Committee will consider staff’s proposed plan on how to educate local governments on this issue, and there is to be a discussion of the impacts on AB 617 and other committee work that is going forward (added by Chair Chavez);
- h) Mobile Source Committee will consider how to support efforts by local airports to commission their own studies and how the Air District might provide assistance with those efforts (added by Chair Chavez); and
- i) Review the 2008 study on lead emissions near the San Carlos Airport that was conducted by the U.S. EPA (added by Chair Chavez).

The motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Barrett, Chavez, Constantine, Gioia, Groom, Hannigan, Haubert, Hopkins, Hurt, Jue, Miley, Mitchoff, Rennie, Rice, Ross, Wagenknecht, Wilson.

NOES: Hudson.

ABSTAIN: None.

ABSENT: Canepa, Cutter, Melgar, Walton.

18. **Climate Protection Update**

Mr. Nudd introduced Henry Hilken, Director of Planning and Climate Protection, and Abby Young, Climate Protection Manager, who gave the staff presentation *Update on Air District Climate Protection Program*, including: outcome; outline; requested action; growing urgency (impacts and equity); Bay Area greenhouse gas (GHG) emissions (carbon dioxide, methane, and fluorinated GHG); Climate Protection Program; where do we go from here (local government support, rule development, transportation, innovative financing for innovative technologies, climate and equity); and moving forward.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident; Dr. Stephen Rosenblum, Palo Alto resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Richard Gray, 350 Bay Area.

Board Comments

The Board and staff discussed the suggestion of using new power storage technology for backup generators as a mitigation strategy; challenges of promoting used electric vehicles as family vehicles due to a lack of charging infrastructure at multi-family dwellings; the need to educate elected officials who are not exposed to sustainable initiatives that focus on climate change and pollution reduction; the need for a city or county to accept and endure the potential hardship that may be associated with imposing a carbon GHG tax on stationary sources; concerns that the production of hydrogen fuel still requires fossil fuels, and whether that practice ought to be discouraged; the suggestion of creating a chart that identifies which agencies are leading which environmental or sustainable initiatives; the need to look at wildfire risk reduction and resiliency and carbon sequestration; whether the Air District is tracking opportunities to receive federal infrastructure funding for various projects; the need to leverage

partnerships with academic institutions, local authorities and governments; the manner in which the Air District measures the effectiveness of its climate programs; the request for additional context to indicate progress in emission reduction levels; the status of state actions regarding carbon dioxide reduction from stationary sources and how the adoption of AB 398 (E. Garcia) in 2017 prohibits air districts from adopting or implementing emission reduction rules for carbon dioxide from stationary sources that are also subject to a specified market-based compliance mechanism; and methane emissions at landfills.

Board Action

None; receive and file.

CLOSED SESSION (11:46 a.m.)

19. **CONFERENCE WITH LEGAL COUNSEL**

A. EXISTING LITIGATION (Government Code Section 54956.9 (a))

Pursuant to Government Code Section 54945.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:

Chevron U.S.A. Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court, Case No. MSN21-1739; and

Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court, Case No. MSN21-1568.

REPORTABLE ACTION: Adan Schwartz, Acting District Counsel, had nothing to report.

OPEN SESSION (12:03 p.m.)

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Tony Fisher, Coalition for Clean Air.

BOARD MEMBERS' COMMENTS

21. **Board Members' Comments**

None.

OTHER BUSINESS

22. **Report of the Executive Officer/APCO**

Jack P. Broadbent, Executive Officer/APCO, discussed ozone exceedances in the Bay Area, due to weather conditions and wildfire smoke from other parts of California. He then asked Veronica Eady,

Senior Deputy Executive Officer of Policy & Equity, to introduce the Air District's first ever Environmental Justice & Community Engagement Officer, Suma Peesapati.

23. **Chairperson's Report**

Vice Chair Mitchoff read Chair Chavez' report, which included the following:

- On November 17, 2021, the Board's Nominating Committee will meet to recommend the Board Officers for the calendar year 2022. Board members who are interested in nominating themselves for the positions of Board Chairperson, Vice Chairperson, or Secretary may do so directly with Chair Chavez until October 29, 2021.
- Board member David Haubert has been appointed as the Board Liaison and Ex-Officio member of the Air District's Advisory Council.

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

Wednesday, October 20, 2021, at 9:00 a.m., via webcast, pursuant to procedures in accordance with Assembly Bill 361.

25. **Adjournment**

The meeting adjourned at 12:14 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards