

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

APPROVED MINUTES

Board of Directors Regular Meeting
Wednesday, July 20, 2022

*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 Assembly Bill 361 (Rivas 2021), allowing remote meetings. Members of the Board of Directors participated by teleconference (via Zoom).

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:00 a.m.

Roll Call:

Present: Chairperson John J. Bauters; Vice Chairperson Davina Hurt; Secretary Teresa Barrett; and Directors Margaret Abe-Koga, David Canepa, John Gioia, Carole Groom, David Haubert, Tyrone Jue, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: Directors Pauline Russo Cutter, Erin Hannigan, Lynda Hopkins, David Hudson, and Otto Lee.

2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC MEETING PROCEDURE**
4. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced Air District employee, Derek Klein, who was promoted to Information Services Manager. Mr. Klein gave a self-introduction.

COMMENDATION / PROCLAMATION / AWARD

5. RECOGNITION OF MR. RICHARD COREY FOR SERVICE/RETIREMENT FROM THE CALIFORNIA AIR RESOURCES BOARD (CARB)

The Board of Directors recognized Richard Corey for his 37 years of service and retirement from the California Air Resources Board.

Public Comments

Public comments were given by LaDonna Williams, All Positives Possible.

Board Comments

Board members and Air District staff members gave remarks about Mr. Corey’s accomplishments.

NOTED PRESENT: Director Rice was noted present at 9:16 a.m.

CONSENT CALENDAR (ITEMS 6 – 17)

6. Approval of the Minutes of July 6, 2022
7. Board Communications Received from July 6, 2022, through July 19, 2022
8. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
9. Personnel Out of State Business Travel Report for June 2022
10. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of May 2022
11. Quarterly Report of CARB Representative – Honorable Davina Hurt
12. Projects and Contracts with Proposed Grant Awards Over \$500,000
13. Authorization to Execute Contract Amendment with Ceridian Payroll Services
14. Authorization of No-Cost Extension of Contract for the Bay Area Center
15. Consider Proposed Amendments to the Administrative Code Regarding the Functions of the Administration Committee
16. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of June 27, 2022
17. Report of the Community Equity, Health, and Justice Committee Meeting of July 7, 2022

Public Comments

No requests received.

Board Comments

Regarding Item 12 (Projects and Contracts with Proposed Grant Awards Over \$500,000) the Board and staff discussed concerns regarding jurisdictions that lack staff to process grant applications, and the definition of “significant exposure” according to the Carl Moyer Program (at least 50% of CMP funds must be allocated to projects that benefit communities with the most significant exposure to air contaminants or localized air contaminants).

Board Action

Director Wagenknecht made a motion, seconded by Director Groom, to **approve** Consent Calendar Items 6 through 17, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, David Haubert, Davina Hurt, Tyrone Jue, Sergio Lopez, Karen Mitchoff, Rob Rennie, Katie Rice, Brad Wagenknecht, Shamann Walton, Steve Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Pauline Russo Cutter, Erin Hannigan, Lynda Hopkins, David Hudson, Otto Lee, Nate Miley, Mark Ross.

PRESENTATIONS

18. REPORT OF THE COMMUNITY ADVISORY COUNCIL MEETING OF JUNE 30, 2022

Suma Peesapati, Environmental Justice and Community Engagement Officer, and Latasha Washington, Co-Chair of the Air District’s Community Advisory Council (CAC), gave the presentation *Report of the Community Advisory Council Meeting of June 30, 2022*, including: requested action; background; and CAC desired qualifications for the Executive Officer/Air Pollution Control Officer (APCO.)

Public Comments

Public comments were given by Kevin Ruano Hernandez; LaDonna Williams, All Positives Possible; and Jan Callaghan, Rodeo resident.

Board Comments

The Board and staff discussed the CAC’s definition of “transformative regulatory efforts”; and the importance of the new Executive Officer/APCO being able to work with the community and advocate for environmental justice.

Board Action

None; receive and file.

19. STATEWIDE EXPANSION OF CLIMATE TECH FINANCE PROGRAM

Derrick Tang, Technology Implementation Office (TIO) Manager, gave the staff presentation *Climate Tech Finance Statewide Expansion*, including: outcome; outline; overview; program impact; potential statewide expansion; pipeline activity; program marketing; and action requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed whether the TIO has applied a racial equity lens to this program; acknowledgement of the progress of this program since its inception; how the Air District monitors the funded projects; lessons learned, and changes being implemented; and the request for a copy of the program’s Impact Evaluation Form.

Board Action

Director Rice made a motion, seconded by Director Wagenknecht, to recommend the Board of Directors **authorize** the Interim Executive Officer/APCO to negotiate and execute agreements with IBank and Nor-Cal FDC to allow the Air District to receive administrative funds for evaluating loan guarantees under the Climate Tech Finance program with an expanded statewide scope; and the motion **carried** by the following vote of the Board:

- AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, Davina Hurt, Tyrone Jue, Sergio Lopez, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, Steve Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Pauline Russo Cutter, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Otto Lee, Nate Miley.

OTHER BUSINESS

20. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Greg Karras, Community Energy reSource; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Gary Hughes, biofuelwatch; Prof. Clair Brown, University of California at Berkeley; Jed Holtzman, San Francisco resident; LaDonna Williams, All Positives Possible; Jan Callaghan, Rodeo resident; Kevin Ruano Hernandez; Charles Davidson, Hercules resident; Ken Szutu, Vallejo Citizen Air Monitoring Network; and Lonnie Mason, First Generation Environmental Health and Economic Development.

21. BOARD MEMBER COMMENTS

Director Young suggested that, without taking an official position on the matter, the Air District inform Contra Costa County that a Notice of Violation was issued to Philipps 66 Rodeo refinery (for processing renewable diesel without a modifying the existing permit that allows the same type of processing with petroleum feedstocks), as this has become a controversial issue.

22. REPORT OF THE INTERIM EXECUTIVE OFFICER/APCO

On behalf of Sharon Landers, Interim Executive Officer/APCO, Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, reported the following:

- The Air District’s Hearing Board plans to issue an Order for Abatement to address Green Sage Management’s cannabis cultivation facility that has been operating without a permit for the nine diesel generators that are currently on-site.
- Regarding the City of Pittsburg’s Marsh Fire, the Air District is extending an air quality advisory for wildfire smoke in eastern Contra Costa County through Thursday, July 21. Although efforts to flood the fire have begun to make progress, smoke from the fire is expected to continue to impact the eastern Contra Costa cities of Pittsburg, Antioch, Oakley, and Brentwood through Thursday. Pollutant levels are not expected to exceed the national 24-hour health standard. A Spare the Air Alert is not in effect.
- Dr. Ranyee Chiang, Director of Meteorology and Measurement, was asked to provide a summary on recent air quality.

23. CHAIRPERSON’S REPORT

Chair Bauters announced that the Board and its committees will be dark for the month of August, although the Richmond Area Path to Clean Air Steering Committee will meet on August 15. He added that the next Community Equity, Health & Justice Committee meeting, which would normally occur on the first Thursday of the month, will instead occur on September 15.

24. TIME AND PLACE OF NEXT MEETING

Wednesday, September 7, 2022, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION (10:44 a.m.)

NOTED PRESENT: Director Miley was noted present at 10:45 a.m.

25. DISCUSSION WITH COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a))

Pursuant to Government Code Section 54956.9(a), the Board will meet in closed session with legal counsel to discuss 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: Alexander Crockett, District Counsel, had nothing to report.

26. CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTION 54956.9(d)(2))

Pursuant to Government Code section 54956.9(d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

Reportable Action: Mr. Crockett had nothing to report.

OPEN SESSION (1:01 p.m.)

27. **ADJOURNMENT**

The meeting adjourned at 1:02 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards