

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 21, 2022

### **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](http://www.baaqmd.gov/bodagendas)*

**This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021) allowing remote meetings. The Board of Directors participated by teleconference.**

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:01 a.m.

#### **Roll Call:**

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

Absent: Directors Margaret Abe-Koga, Pauline Russo Cutter, and Erin Hannigan.

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

Chair Bauters introduced recently promoted Air District employees, Aneesh Rana, Senior Staff Specialist in the Community Engagement Division, and Adam Shapiro, Manager in the Strategic Incentives Division. Both spoke about their history with/appreciation for the Air District.

### **CONSENT CALENDAR (Items 5 – 14)**

5. Remote Teleconferencing per Assembly Bill (AB) 361
6. Approval of the Minutes of September 7, 2022
7. Board Communications Received from September 7, 2022, through September 20, 2022

8. Personnel Out-of-State Business Travel Report for August 2022
9. Projects and Contracts with Proposed Grant Awards Over \$500,000
10. Authorization to Execute a Contract with Trinity Technology Group, Inc. for Support of Grants Management Systems
11. Authorization to Execute Contract Extensions for My Air Online Software Development
12. Authorization to Execute Contract Amendment with Van Dermyden Makus Law Corporation
13. Report of the Community Advisory Council Meeting of September 8, 2022
14. Report of the Advisory Council Meeting of September 12, 2022

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Groom made a motion, seconded by Director Young, to **approve** Consent Calendar Items 5 through 14, inclusive; and the motion **carried** by the following vote of the Board:

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

**PRESENTATION**

**15. UPDATE ON DRAFT 2022 SCOPING PLAN**

Rajinder Sahota, Deputy Executive Officer for Climate Change and Research at the California Air Resources Board (CARB), gave the presentation *Draft [Assembly Bill (AB) 32 Climate Change] 2022 Scoping Plan*, including: AB 32 Climate Change Scoping Plan statutory requirements; July 22<sup>nd</sup> letter from Governor Newsom; overview of the Draft 2022 Scoping Plan; health and economic metrics; metrics for natural and working lands; uplifting equity; California’s climate policy framework; multi-state agency effort; incorporation of Environmental Justice Advisory Committee recommendations; what carbon neutrality means; proposed scenario - significant greenhouse gas (GHG) reductions at sources; proposed scenario - fossil fuel combustion declines significantly across all sectors; affordable, reliable, clean electricity grid; carbon removal and sequestration; natural working lands and the Scoping Plan; landscapes included in the Draft; natural working lands carbon stock loss over time; role and scaling of carbon removal; additional topics in Draft Scoping Plan; key recent climate legislation; and 2022 Scoping Plan updated schedule.

NOTED PRESENT: Director Miley was noted present at 9:17 a.m.

### Public Comments

Public comments were given by Gary Hughes, biofuelwatch; Andrea Gara; 350.org; and Rochele Henderson.

### Board Comments

The Board and staff discussed CARB’s definition of “high road jobs”; whether adequate feedstock exist to accelerate the transition of refineries to clean fuels, and how that might affect other refineries’ actions; concerns that smaller jurisdictions may lack the staff to apply for grants that could fund electric vehicle charging infrastructure for transitioning fleets, and whether CARB can offer technical assistance; plans to continue the use of the nuclear Diablo Canyon Power Plant in San Luis Obispo County; whether there were plans to expand nuclear power in California, risks and permanence of underground carbon injection; how emissions from aviation fuel are to be tracked as planes cross multiple states; whether reforestation is part of the Draft 2022 Scoping Plan; reasons why proposed scenarios of GHG reductions at sources indicate a small decrease of emissions from buildings, and how the category of “cement and steel production” are measured; the importance of supporting technology that pulls carbon from the air and turn it into aggregate for building material use; and how this scoping plan can quantify health benefits.

### Board Action

None; receive and file.

## **DISCUSSION**

### **16. CONSIDERATION OF PROPOSITION 30 (2022)**

Alan Abbs, Legislative Officer, gave the staff presentation *Consideration of Proposition 30 (2022)*, including: outcome; outline; requested action; summary; ballot initiative timeline; program allocation; support; and opposition.

### Public Comments

Public comments were given by Jed Holtzman, San Francisco resident.

### Board Comments

The Board and staff discussed speculation as to why the Governor opposes (and Lyft supports) this ballot measure; whether polling data exists for this ballot measure; whether the adoption of Proposition 30 would benefit ride share companies or individual drivers of those companies; whether the Air District should officially take a position on this ballot measure; and the need to rebalance where people live and work instead of incentivizing the reduction of vehicle miles traveled.

## Board Action

Director Mitchoff made a motion, seconded by Director Hudson, to **adopt** the position of SUPPORT for Proposition 30 (2022); and the motion **carried** by the following vote of the Board:

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

## **OTHER BUSINESS**

### **17. PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Michael Harrison, EnviroAssets, Inc.

### **18. BOARD MEMBERS' COMMENTS**

Director Hudson encouraged the Air District to consider sending Board members to attend the 36<sup>th</sup> Annual International Battery, Hybrid and Fuel Cell Electric Vehicle Symposium, to be held June 11, 2023 – June 14, 2023, in Sacramento.

Director Mitchoff spoke about a tour that she took of GoMentum Station in Concord, the nation's largest dedicated secure testing facility for connected and automated vehicle technology. She offered to coordinate a tour for any Board members or Air District staff interested in test driving automated vehicles. In addition, Chair Mitchoff announced that until September 25, the Broadway Plaza Shopping Center in Walnut Creek is hosting a studio pop-up for Lucid Air, the world's longest-range, fastest-charging luxury electric vehicle.

Director Gioia reported that FedEx is demonstrating cooperation with new land use conditions that Contra Costa County placed on one of the company's warehouses in North Richmond. On the day that the warehouse opens, one third of its truck fleet will be zero emission, and by Year 5, 100% of the fleet will be zero emission.

### **19. REPORT OF THE EXECUTIVE OFFICER/APCO**

Sharon L. Landers, Interim Executive Officer/APCO, made the following announcements:

- In July 2022, the Air District was granted an abatement order from the agency's independent Hearing Board to shut down Green Sage Management Inc's diesel generators for ongoing violations at their Oakland Tinnery and Oakland Cannery facilities. Green Sage was required to shut down the diesel generators immediately but failed to comply with the order. On September 13, 2022, the Air District received a ruling from an Alameda County Superior Court judge, finding that an abatement order to shut down diesel generators at the Green Sage cannabis facilities in Oakland is immediately enforceable by further order of the court. Following a July abatement order from the Air District's independent Hearing Board ordering that all generators be shut down, five (of nine) continued to be used in defiance of the order through August. The

Alameda Superior Court judge’s ruling rejected technical arguments that the order was not immediately enforceable and ratified the Air District Hearing Board’s order to post the abatement order on the property. Further, the judge invited the Air District to apply for a temporary restraining order in the event there is any evidence of renewed interest in bringing diesel generators to the property in defiance of the hearing board order. The Air District’s state court litigation seeks substantial civil penalties and provides the opportunity for continued judicial oversight of the Air District Hearing Board’s abatement order and is crafted to prohibit Green Sage, YCL Investment Group LLC and XYZ Connections, Inc. from operating portable diesel generators at the 5601 and 5733 San Leandro Ave locations in Oakland.

- Based on the matter listed above, the Air District has been visiting other Bay Area cannabis cultivation operations and issuing subsequent NOVs. In addition, the Air District is working with law enforcement agencies, CARB, the California Attorney General’s Office, and the California Department of Cannabis Control to ensure that the cannabis industry is complying with Air District regulations, by drafting a compliance advisory.
- Regarding the US Environmental Protection Agency’s Air Quality Designations for Ozone, the Bay Area is currently designated as a “marginal, non-attainment” area, per the 2015 Ozone National Ambient Air Quality Standards. The EPA recently finalized its determination of the Bay Area’s attainment designation, which did not revise the Bay Area’s attainment designation for ozone standards. The Air District has not requested a change to the attainment designation, based on the recent EPA determination. Recent Air District monitoring data indicates that the Bay Area may deviate above and below the current ozone standard in the coming years.
- Dr. Ranyee Chiang, Director of Meteorology and Measurement, was asked to provide a summary on recent air quality.

## 20. **CHAIRPERSON’S REPORT**

Chair Bauters announced the following:

- Board members who are interested in serving as a Board Officer for the Calendar Year of 2023, or who wish to nominate another Board member as a Board Officer, must do so via electronic mail to Chair Bauters and Vanessa Johnson by close of business on October 20, 2022. The Board’s Nominating Committee will meet on November 6, 2022, to consider a recommendation to the Board.
- On September 20, 2022, the Bay Area Air Quality Management District, California Air Resources Board, and San Francisco Department of Emergency Management launched the State’s first Clean Air Center in the Bayview Hunters Point neighborhood in San Francisco. In the coming weeks, more than 300 clean air centers will be available throughout the Bay Area, when air quality is poor due to wildfires.

## 21. **TIME AND PLACE OF NEXT MEETING**

Wednesday, October 5, 2022, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

**CLOSED SESSION** (11:37 a.m.)

22. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION  
(GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2))**

Pursuant to Government Code Sections 54956.9(a) and (d)(2), the Board met 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: Two cases.

REPORTABLE ACTION: Alexander Crockett, District Counsel announced that there was nothing to report.

**OPEN SESSION** (11:47 a.m.)

23. **ADJOURNMENT**

The meeting adjourned at 11:48 a.m.

*/s/ Marcy Hiratzka*  
Marcy Hiratzka  
Clerk of the Boards