

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

Stationary Source & Climate Impacts Committee  
Wednesday, May 10, 2023

### **APPROVED MINUTES**

*This meeting was webcast, and a video recording is available on the website of the  
Bay Area Air Quality Management District at  
[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Stationary Source and Climate Impacts Committee (Committee) Chairperson, Lynda Hopkins, called the meeting to order at 10:00 a.m.

#### **Roll Call:**

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Committee Chairperson Lynda Hopkins; Board Chairperson John J. Bauters; and Directors Ken Carlson, Noelia Corzo, Tyrone Jue, and Myrna Melgar.

Present, In-Person Satellite Location (County of Santa Clara, 70 West Hedding Street, 10<sup>th</sup> Floor, East Wing Conference Room, San Jose, California, 95110): Director Otto Lee.

Present, In-Person Satellite Location (Office of Alameda County Supervisor David Haubert, 4501 Pleasanton Ave., Pleasanton, California, 94566): Vice Chairperson David Haubert.

Present, In-Person Satellite Location (Office of Contra Costa County Supervisor, John Gioia, Conference Room, 11780 San Pablo Ave., Suite D, El Cerrito, CA 94530): Directors John Gioia and Mark Ross.

Present, In-Person Satellite Location (City of Palo Alto City Hall, 250 Hamilton Ave., 7th Floor, Palo Alto, CA 94301): Director Vicki Veenker.

Absent: None.

2. **PLEDGE OF ALLEGIANCE**

## **CONSENT CALENDAR**

### **3. APPROVAL OF THE DRAFT MINUTES OF THE STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF APRIL 12, 2023**

#### **Public Comments**

No requests received.

#### **Committee Comments**

None.

#### **Committee Action**

Board Chair Bauters made a motion, seconded by Director Carlson, to **approve** the Minutes of the Stationary Source and Climate Impacts Committee Meeting of April 12, 2023; and the motion **carried** by the following vote of the Committee:

AYES: Bauters, Carlson, Corzo, Gioia, Haubert, Hopkins, Jue, Melgar, Ross, Veenker.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Lee.

## **INFORMATIONAL ITEMS**

### **4. PRESCRIBED BURNING IN THE BAY AREA**

Patrick Wenzinger, Supervising Air Quality Specialist, gave the staff presentation *Prescribed Burning in the Bay Area*, including: outcome; outline; presentation for information only; Regulation 5: Open Burning; prescribed burning; Smoke Management Plan (SMP); SMP process; burn allocation/ignition process; approved SMPs (2014-2023); acres burned (2014-2023); permissive burn days (2014-2023); program enhancements; and feedback requested.

NOTED PRESENT: Director Lee was noted present at 10:07 a.m.

#### **Public Comments**

Public comments were given by Sarah Collamer, California Department of Forestry and Fire Protection (Cal Fire); Garrett Gradillas; and Dennis Rein, Moraga-Orinda Fire District

#### **Committee Comments**

The Committee and staff discussed which entities most frequently request SMPs; the cost of a prescribed burn; Regulation 5's *Limited Exemption, Public Agency Wildfire Prevention – Any public agency conducting a prescribed burn for the purpose of wildfire prevention, pursuant to a smoke management plan approved by the Air Pollution Control Officer (APCO), is exempt from the operation fees*, and which entities then absorb the cost burdens of prescribed burns; whether Regulation 5's

*Limited Exemption* can be extended to private entities, concerns that operation fees may deter potential private burners from conducting prescribed burns, and whether the Air District can identify such entities (who wish to participate in the Open Burn Program but cannot afford the associated fees); the number of unapproved burns that have been brought to the Air District’s attention, and whether there has been a decrease in unapproved burns; whether the Air District reaches out to rural property owners regarding Regulation 5 and alternatives to prescribed burning; high-risk wildfire areas in the Bay Area and whether the Air District provides targeted outreach to those communities; the fact that Pacific Gas & Electric Company (PG&E) has conducted unapproved burns, and the desire to see them held accountable; the number of prescribed burns that have been cancelled or rescheduled at the last minute; whether the Air District plans to propose amendments to Regulation 5; ways in which Board members can advocate for additional prescribed burning funding/incentives and encourage prescribed burning; whether the Air District has engaged with indigenous tribes regarding burning practices; the desire to see prescribed fire councils and networks, that were active prior to the pandemic, become active again; and the Alameda County Fire Department’s Fuels Reduction Program.

Committee Action

None; receive and file.

**5. AIR DISTRICT LEGAL AUTHORITIES FOR REGULATING AIR POLLUTION**

Alexander Crockett, District Counsel, gave the staff presentation *Overview of Air District Legal Authorities*, including: outline; outcome; conceptual framework; institutional roles within the Air District; principal statutory authorities; regulation of Criteria Air Pollutants, Toxic Air Contaminants, and Greenhouse Gases; “indirect” air pollution sources; addressing other air quality problems; permit programs; California Environmental Quality Act; and environmental justice.

Public Comments

Public comments were given by Charles Davidson, Hercules resident.

Committee Comments

The Committee and staff discussed whether indirect source authority and fuel types should be addressed by the Board’s *Stationary Source and Climate Impacts Committee* or *Mobile Source and Climate Impacts Committee*; whether the Air District (which lacks land use authority) can partner with cities and counties that have warehouses within their jurisdictions to encourage electrification and/or emission reductions, and whether it would be appropriate to ask the Association of Bay Area Governments or League of California Cities to get involved with that effort; requirements for socioeconomic analyses during Air District rulemakings; the suggestion that the Air District proposes model land use conditions that jurisdictions can choose to implement; and the status of the Air District’s development of an indirect source rule.

Committee Action

None; receive and file.

## **OTHER BUSINESS**

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

No requests received.

### **7. COMMITTEE MEMBER COMMENTS**

Director Melgar spoke about her involvement with the City/County of San Francisco's Land Use and Transportation Committee and encouraged the Air District to monitor the impacts of the Air District's new CEQA guidance for construction dust to see how it impacts the development of infill housing for example in the west side of San Francisco, as higher density (increased housing) is anticipated in that area. There is some concern that this more stringent CEQA guidance may discourage infill housing and, as a result, increase total emissions due to greater pollution from transportation sources.

Director Gioia spoke of the soil sampling being conducted in Benicia, El Sobrante, and Martinez to Assess Health Risks from "Spent Catalyst" Release. Samples were being taken from more than a dozen sites where ash was observed and mapped following the November 24, 2022, release of hazardous materials from the Martinez Refining Company (MRC), formerly the Shell Oil refinery. Collected samples will be sent to a lab to analyze for concentrations of metals associated with the catalyst that may pose risks to human health through skin contact, inhalation or from consuming produce grown in the contaminated soil. Lab results of the soil samples are expected in late May or early June.

Director Ross reported that Contra Costa Health Services issued an advisory on May 9, 2023, for areas of downtown Martinez near the Amtrak station, where a mercury spill occurred on Monday. Officials found "minor" mercury contamination in the street from Marina Vista Avenue to Alhambra Avenue to Buckley Street to Berrellesa Street.

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

At the end of the meeting, the next meeting of the Committee was scheduled for Wednesday, June 14, 2023, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. After the meeting adjourned, the next Committee meeting was scheduled for Wednesday, June 21, 2023, at 11:00 a.m. The meeting will be in-person for the Stationary Source and Climate Impacts Committee members and members of the public will be able to either join in-person or via webcast.

### **9. ADJOURNMENT**

The meeting was adjourned at 11:32 a.m.

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