

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

Board of Directors Regular Meeting
Wednesday, February 7, 2024

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

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Davina Hurt, called the meeting to order at 10:00 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, California, 94105): Chairperson Davina Hurt; Vice Chairperson Lynda Hopkins; and Directors Margaret Abe-Koga, John J. Bauters, Ken Carlson, John Gioia, Juan Gonzalez, Erin Hannigan, David Haubert, Tyrone Jue, Sergio Lopez, and Shamann Walton.

Present, In-Person Satellite Location: (Palo Alto City Hall, 250 Hamilton Ave., Palo Alto, California, 94301): Directors Ray Mueller and Vicki Veenker.

Present, In-Person Satellite Location: (Office of Santa Clara County Supervisor Otto Lee, 70 W Hedding St, East Wing, 10th Fl., San Jose, California, 95110): Director Otto Lee.

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

Present, In-Person Satellite Location: (Napa County Administration Building, 1195 Third Street, Suite 310, Crystal Conference Room, Napa, California, 94559): Director Joelle Gallagher.

Present, In-Person Satellite Location: (San Ramon City Hall, 7000 Bollinger Canyon Rd., 2nd Floor Community Conference Room, San Ramon, California, 94583): Director David Hudson.

Absent: Directors Brian Barnacle, Noelia Corzo, Nate Miley, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Hurt welcomed the following new employees: Chris Lindstrand, Senior Payroll Analyst in Finance; Udval Argo, Air Quality Technician I in Engineering; Kevin Perez, Air Quality Engineer I in Engineering; and Jenn Ferreria, Assistant Staff Specialist I in Community Engagement. She also congratulated Dr. Song Bai, who was promoted to the position of Director of Assessment, Inventory, and Modeling. Finally, Chair Hurt acknowledged the annual observance of Black History Month during the month of February, commemorating the resilience, achievements, and cultural heritage of the black community. She also emphasized that environmental justice is intertwined with Black History.

NOTED PRESENT: Director Hannigan was noted present at 10:09 a.m.

CONSENT CALENDAR (ITEMS 4 – 13)

4. Approval of the Draft Minutes of the Board of Directors Meeting of December 20, 2023
5. Board Communications Received from December 20, 2023, through February 6, 2024
6. Personnel Out-of-State Business Travel Report for December 2023
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of November and December 2023
8. Authorization to Amend Legal Services Agreement with Shute Mihaly & Weinberger
9. Authorization to Amend Legal Services Agreement with Woodruff & Smart
10. Funding to Support the Bay Area Regional Collaborative (BARC)
11. Participation in Community Air Protection Program Implementation Funds Fiscal Year Ending (FYE) 2023-2024

[CLICK HERE TO VIEW BOARD RESOLUTION NO. 2024-01](#)

12. Report of the Finance and Administration Committee Meeting of December 20, 2023
13. Report of the Community Advisory Council Meeting of January 18, 2024

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Bauters made a motion, seconded by Director Gonzalez, to **approve** Consent Calendar Items 4 – 13, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Carlson, Gallagher, Gioia, Gonzalez, Hannigan, Haubert, Hopkins, Hudson, Hurt, Jue, Lee, Lopez, Mueller, Ross, Veenker, Young.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Corzo, Miley, Rice, Walton.

INFORMATIONAL ITEMS

14. DISCUSSION OF PARTICULAR MATTER (PM)_{2.5} NATIONAL AMBIENT AIR QUALITY STANDARD (NAAQS) AND INITIAL AREA DESIGNATIONS

Dr. Katherine Hoag, Assistant Manager of Ambient Air Quality Analysis in the Meteorology and Measurements Division, gave the staff presentation *PM_{2.5} National Ambient Air Quality Standards and Initial Area Designations*, including: outcome; outline; presentation for information only; NAAQS; long-term NAAQS trends; proposed 2024 PM NAAQS (primary); preliminary 2023 PM_{2.5} data; what happens after the US Environmental Protection Agency (EPA) revises a NAAQS; NAAQS initial area designations; two-year timeline for EPA designations; designation scenarios; exceptional events; wildfire smoke impacts and annual PM_{2.5} designations; scenario 1: designated attainment; scenario 2: designated non-attainment; and next steps.

NOTED PRESENT: Director Walton was noted present at 10:26 a.m.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the meaning of the various colors of the data points in the preliminary 2023 PM_{2.5} data chart, whether design values have been improving each year, and why particular areas have higher design values; whether prescribed burns (controlled application of fire to the land to reduce wildfire hazards) are considered exceptional events; whether decreasing wildfire smoke impacts will help the Bay Area become an attainment area; whether the Bay Area will still be able to allow prescribed burns if the EPA's proposed revisions are adopted; ways in which Board members can help facilitate discussions or get involved with community engagement regarding this NAAQS revision; the difference between annual and 24-hour PM_{2.5} standards; contributing factors of upward PM_{2.5} levels (annual and 24-hour design values) from 2015 to present day; the locations of monitoring stations the role of the stations; the desire for the Air District to prioritize mitigating impacts in already vulnerable communities; why the EPA currently allows exclusion of air quality measurements clearly caused by exceptional events, what criteria determine exceptional events, whether Air District staff or the Board will determine which events are considered exceptional, and whether reports will be produced to indicate those decisions; how to best obtain and utilize all entities' monitoring data for designation purposes and penalize violating facilities by using collective data; and the Air District's involvement with the California Air Resources Board and EPA, as the State makes its initial designation.

Board Action

None; receive and file.

15. FOLLOW-UP TO BOARD RETREAT STRATEGIC PLAN DISCUSSION

At the Board of Directors' Annual Retreat on January 31, 2023, the Board had received an interactive presentation from BluePoint Planning, the Air District's strategic planning consultant, who, with Vernice Miller-Travis of the Metropolitan Group, presented an overview of the Air District's strategic planning process, a review of the input gathered from staff and external stakeholders, and an outline of next steps. Board members were invited to give input on proposed language for the Air District's goals and vision statement.

At the February 7, 2024 Board meeting, Mindy Craig of Blue Point Planning, and Dr. Deborah Jordan, gave the presentation PPT *Follow-Up to Board Retreat: Strategic Planning Discussion*, which provided a summary of Board member and public feedback received from the January 31, 2024, Board Retreat session on Strategic Plan development. The discussion on the draft Strategic Plan framework was continued.

Public Comments

No requests received.

Board Comments

The Board and staff discussed protecting public health versus improving it; the request for context and tangible goal of the words "lead" and "leadership"; and the desire to include more language regarding future energy infrastructure workforce and just transition (meeting climate goals by ensuring that all communities, workers, and social groups are brought along in the pivot to a net-zero future).

Board Action

None; receive and file.

OTHER BUSINESS

16. PUBLIC COMMENT ON NON-AGENDA MATERS

No requests received.

17. BOARD MEMBER COMMENTS

Director Gonzalez expressed his desire to see the Air District address lead exposure from general aviation fuel.

Director Walton thanked the Air District for selecting Bayview Hunters Point as the location for the Board's annual retreat on January 31, 2024.

Director Ross suggested that the Air District take a fresh look at potential challenges of just transition, including disparities in electric vehicle (EV) access and benefits, lack of charging infrastructure, turnover of EVs (secondary and tertiary markets), battery disposal, etc.

18. **REPORT OF THE EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)**

Dr. Philip M. Fine, Executive Officer/APCO, had nothing to report.

19. **CHAIRPERSON'S REPORT**

Chair Hurt announced the following:

- The Board's Stationary Source and Climate Impacts Committee will meet on February 14, 2024 at 10:00 a.m.,
- The Solano County City Selection Committee reappointed Director Young to serve on the Air District's Board for a new two-year term, expiring in January 2026.
- On February 1, 2024, Chair Hurt met with representatives from various Bay Area petroleum refineries to hear their personal experiences and thoughts on just transition. Participants included Tyson Bagley and David Schoenthal (Phillips 66), Jessica Schreiber (Shell) and Israel Leon.
- On January 23, Chair Hurt was invited to be a panelist at **KALW** Radio's Town Hall: Getting Ready for California's New Electrical Grid, co-hosted by the San Francisco Bay Area Planning and Urban Research Association (SPUR.) Chair Hurt spoke on Air District Regulations 9-4 and 9-6, which reduce emissions of nitrogen oxides from residential and commercial furnaces and water heaters in buildings in the Bay Area.

20. **TIME AND PLACE OF NEXT MEETING**

Wednesday, March 6, 2024, at 10:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION (11:32 a.m.)

21. **CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), the Board met 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;

REPORTABLE ACTION: Alexander Crockett, District Counsel, had nothing to report

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

REPORTABLE ACTION: Mr. Crockett had nothing to report.

The Athletics Investment Group, LLC v. The Bay Area Air Quality Management District, et al., Alameda County Superior Court Case No. 22CV010930.

REPORTABLE ACTION: Mr. Crockett had nothing to report.

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 will meet in closed session with legal counsel to discuss 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 (1:07 p.m.)

23. **ADJOURNMENT**

The meeting was adjourned at 1:08 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards