

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

Board of Directors Regular Meeting
Wednesday, April 3, 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 10:01 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, Ken Carlson, Noelia Corzo, Juan González III, Sergio Lopez, Katie Rice, 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 John Gioia, Erin Hannigan, 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.

Present, In-Person Satellite Location: (Offices of Husch Blackwell Strategies, 733 10th Street, NW, Suite 900, Washington, DC, 20001): Director John J. Bauters.

Present, In-Person Satellite Location: (Santa Rosa Junior College, Doyle Library, 1501 Mendocino Avenue, Room 148, Santa Rosa, California, 95401): Director Brian Barnacle.

Absent: Directors David Haubert, Tyrone Jue, and Nate Miley.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Hurt welcomed the following new employees: Evelyn Romero, Assistant Air Quality Specialist II in Compliance & Enforcement; Benjamin Minkowski, Senior Staff Specialist in Finance; and Richard Chien, Advanced Projects Advisor in Planning and Climate Protection. Chair Hurt also announced that Aleah Zapf and Leif Halvorson were promoted to the role of Senior Air Quality Specialist in Compliance & Enforcement.

NOTED PRESENT: Director González was noted present at 10:05 a.m.; Directors Hannigan and Ross were noted present at 10:06 a.m.; and Director Mueller was noted present at 10:13 a.m.

CONSENT CALENDAR (ITEMS 4 – 17)

4. Approval of the Draft Minutes of the Board of Directors Meeting of March 6, 2024
5. Board Communications Received from March 6, 2024 through April 2, 2024
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of February 2024
7. Quarterly Report of the Executive Office and Division Activities for the Months of October 2023 - December 2023
8. Public Hearing on Transportation Fund for Clean Air (TFCA) Projects Expenditures and Effectiveness for Fiscal Year Ending 2023
9. Authorization to Execute a Contract Amendment with Metropolitan Group, LLC
10. Authorization to Execute a Contract Amendment with Trinity Consultants for BioWatch Maintenance and Operations
11. Authorization to Execute IT Design Services Contracts with ePlus Technology, Inc. and CipherEx, Inc.
12. Report of the Advisory Council Meeting of March 1, 2024
13. Report of the Stationary Source Committee Meeting of March 13, 2024
14. Report of the Community Equity, Health, and Justice Committee Meeting of March 13, 2024
15. Report of the Finance and Administration Committee Meeting of March 20, 2024
16. Report of the Policy, Grants, and Technology Committee Meeting of March 20, 2024
17. Report of the Community Advisory Council Meeting of March 21, 2024

Public Comments

No requests received.

Board Comments

Chair Hurt gave an opportunity for the Board to discuss Item 8 (Public Hearing on Transportation Fund for Clean Air Projects Expenditures and Effectiveness for Fiscal Year Ending 2023), as it involved a public hearing that is legislative in nature. No Board members had comments regarding Item 8.

Board Action

Director González made a motion, seconded by Director Carlson, to **approve** Consent Calendar Items 4 – 17, inclusive; and the motion **carried** by the following vote of the Board:

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

ACTION ITEMS

18. STATE LEGISLATIVE BILLS UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Bills Update*, including: outcome; outline; requested action; Policy, Grants, and Technology Committee recommendation and recent updates; Assembly Bill (AB) 2958 (Calderon); Senate Bill (SB) 1298 (Cortese); and requested action.

Public Comments

Public comments were given by Tim McRae, Silicon Valley Leadership Group; and Matt Regan, Bay Area Council.

Board Comments

The Board and staff discussed reasons not to oppose the bill, and the Air District’s concerns about the bill; whether the Air District has analyzed environmental impacts of renewable alternatives versus diesel generators, battery production and anticipated demand, whether natural gas is favorable over diesel fuel, and clean energy transition costs; the desire to adopt the position of “Oppose Unless Amended” and what the associated amendments might be; health impacts of emergency backup diesel generators, especially in addition to pre-existing (non-backup) diesel generators; whether an Air District regulation should be developed to prevent diesel fuel usage for this type of application; what outcomes could be anticipated from environmental reviews of backup power sources, without the proposed exemption, and the roles of jurisdictions with land use authority and the California Energy Commission; whether other public agencies given their positions on SB 1298; whether there is an anticipated number of data center projects in the pipeline, or just a general trend expectation regarding the expansion of data center infrastructure; whether there would be enough time for the Board to discuss this issue again in May 2024, given legislative deadlines; and Bay Area geographic distribution of data centers and trends.

NOTED PRESENT: Director Corzo was noted present at 11:00 a.m.

Board Action

Director Gioia made a motion, seconded by Director Young, to **adopt** the position of OPPOSE UNLESS AMENDED for Senate Bill 1298 (Cortese), unless the following amendments noted in the bill text below in **bold** is accepted by the author:

SECTION 1. Section 25541 of the Public Resources Code is amended to read:

25541. The commission may exempt from this chapter ~~thermal~~ both of the following:

(a) Thermal powerplants with a generating capacity of up to 100 megawatts and modifications to existing generating facilities that do not add capacity in excess of 100 megawatts, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed facility or from the modifications.

(b) Thermal powerplants, **except for thermal powerplants using diesel generators**, with a generating capacity of up to 200 megawatts that are used solely as emergency backup generating facilities for a data center and that are not interconnected with the electrical transmission grid for purposes of exporting electricity, if the commission finds that no substantial adverse impact on the environment or energy resources will result from the construction or operation of the proposed data center.

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

AYES: Abe-Koga, Barnacle, Corzo, Gallagher, Gioia, González, Hannigan, Hopkins, Hurt, Lopez, Rice, Ross, Veenker, Walton, Young.
NOES: Carlson, Hudson, Mueller.
ABSTAIN: Bauters, Lee.
ABSENT: Haubert, Jue, Miley.

Director Carlson made a motion, seconded by Director Gioia, to **adopt** the position of SUPPORT for Assembly Bill 2958 (Calderon); and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barnacle, Bauters, Carlson, Corzo, Gallagher, Gioia, González, Hannigan, Hopkins, Hudson, Lee, Lopez, Rice, Ross, Veenker, Walton, Young.
NOES: Mueller.
ABSTAIN: Hurt.
ABSENT: Haubert, Jue, Miley.

19. AIR DISTRICT BOARD MEMBER COMPENSATION POLICY DISCUSSION

Mr. Abbs gave the staff presentation *Air District Board Member Compensation Policy Discussion*, including: outcome; outline; requested action; AB 2522 (Carrillo); current statute (Health and Safety Code §40227); Recommended Action #1; Recommended Action #2; and recap of requested action.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the differences between the current compensation structures of the Board members of the South Coast and Bay Area Air Quality Management Districts; whether the term “equity considerations” refers to pay disparity between county supervisors and city councilmembers; whether Board member compensation should be increased while Air District fees are being increased, and given the status of the anticipated 2024 California budget deficit; challenges with the “per day” model; the reason that Air District staff is seeking the Board’s input on the compensation of another air district’s Board; and whether the Board may change the Board member compensation policy in the Air District’s Administrative Code, should the bill be amended to include the Bay Area Air Quality Management District’s Board compensation, and be passed.

Board Action

Director Veenker made a motion, seconded by Director Walton, to do the following:

- a) **Approve** the Air District's participation in AB 2522 (Carrillo), to provide amendments to that bill that would align the Air District's board member compensation provisions in the Health and Safety Code with the bill's proposed amendments to the South Coast Air Quality Management District's board member compensation provisions.
- b) **Direct staff to** initiate a review of the Air District's Administrative Code provisions on Board Member compensation to evaluate equity considerations with respect to how Board members are compensated for their service on the Board of Directors.

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

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

20. **UPDATES TO THE AIR DISTRICT'S INCIDENT RESPONSE PROGRAM**

Dr. Meredith Bauer, Deputy Executive Officer of Engineering and Compliance, and Dr. Kate Hoag, Assistant Meteorology and Measurement Manager, gave the staff presentation *Updates to the Air District's Incident Response Program and Recommended Action to Fund Enhanced Monitoring*, including: outcome; outline; requested action; Incident Response Program scope; recap of Incident Response Ad Hoc Committee; improving coordination; improving communications; improving air monitoring: new program (Proposed Refinery Corridor Particulate Monitoring Program); additional monitoring measures to prioritize; future directions; and recommended action.

Public Comments

Public comments were given by Sara Theiss, Richmond resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Kathy Kerridge, Benecia resident; Marilyn Bardet, Benecia resident; Ken Szutu, Citizen Air Monitoring Network of Vallejo; Heidi Taylor, Healthy Martinez: A Refinery Accountability Group; and Jan Callaghan, Rodeo Citizens Association.

Board Comments

The Board and staff discussed the Board and community's desire for more adequate incident monitoring; fenceline communities' appreciation for this program, and hope that it is effective; appreciation for the Board's Incident Response Ad Hoc Committee for its involvement in this program; and the fact that county warning and notification systems may be better suited to alert the public of incidents than the Air District.

Board Action

Director Gioia made a motion, seconded by Director Hannigan, to **approve** the the Incident Response, Coordination, and Communications Framework and **approve** the proposed Refinery Corridor Particulate Monitoring Program, using funding from budget reserves that were designated for enhanced incident response in the Fiscal Year Ending 2024 Board approved budget; the motion **carried** by the following vote of the Board:

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

OTHER BUSINESS (OUT OF ORDER)

21. PUBLIC COMMENT ON NON-AGENDA MATTERS (ITEM 22)

Public comments were given by Sara Theiss, Richmond resident.

22. BOARD MEMBER COMMENTS (ITEM 23)

Director Hudson requested that the Air District monitor the required electrification of Newport Beach’s Balboa Island Ferry fleet, which has been granted \$7.9 million. The California Air Resource Board (CARB) passed regulations that require the Ferry to renovate all three of its vessels with electric motors by 2026. For the past year, the ferry has applied for multiple sources of funding offered by grant programs through CARB, including the Advanced Technology Demonstration and Pilot Project Program, in order to accomplish electrification goals. The Ferry worked through the South Coast Air Quality Management District (SCAQMD) to submit the application.

Director Bauters announced that he will be departing from the Board, effective April 13, 2024, and he thanked the Board and staff for their work and support since he joined six years ago.

23. REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER (APCO) ITEM 24)

Dr. Philip M. Fine, Executive Officer/APCO, announced that Miram Torres, Senior Advanced Projects Advisor in the Executive Office, will be serving as Acting Deputy Executive Officer of Equity and Community Programs until that position is permanently filled (anticipated to occur in June 2024.) He also thanked Marcia Raymond, Assistant Counsel, for having taken on that role for several months, prior to Ms. Torres assuming the role.

24. CHAIRPERSON’S REPORT (ITEM 25)

Chair Hurt made the following announcements:

- On January 22, 2024, San Francisco Mayor London Breed reappointed herself and Tyrone Jue to serve another two-year term on the Air District’s Board, expiring January 22, 2026.
- City of Hayward Mayor, Mark Salinas, will join the Board, effective April 13, 2024, and will attend his first Board meeting on May 1, 2024.

- Young Black Climate Leaders is launching a funding opportunity that supports Black youth as leaders contributing to climate justice and innovation. Applications are available through April 5, 2024 at <https://www.climateinnovation.net/ybcl>
- Chair Hurt attended Acterra’s community-building event, “Promise to Our Planet,” on March 21, centered around a call to action for changemakers who play a part in reaching the positive tipping point in climate change.
- Chair Hurt attended the 3rd Annual California Climate Policy Summit in Sacramento on March 19, as a panelist regarding California Refineries: Obstacles and Challenges to Full Decommissioning.

25. TIME AND PLACE OF NEXT MEETING (ITEM 26)

Wednesday, May 1, 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 (12:25 p.m.)

26. CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2)) (ITEM 21)

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board of Directors met in Closed Session with Legal Counsel to discuss significant exposure to litigation regarding a claim of Environmental Democracy Project.

Reportable Action: Alexander Crockett, General Counsel, had nothing to report.

OPEN SESSION (12:44 p.m.)

At 12:44 p.m., the Board returned from Closed Session, but the remote teleconferencing location of 7000 Bollinger Canyon Rd., 2nd Floor Community Conference Room, San Ramon, California, 94583 was no longer open to the public, requiring adjournment of the meeting.

27. ADJOURNMENT

The meeting was adjourned at 12:57 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards