

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 4, 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 10:02 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, Brian Barnacle, Ken Carlson, Noelia Corzo, Joelle Gallagher, John Gioia, Juan González III, David Haubert, Tyrone Jue, Sergio Lopez, Ray Mueller, Gabe Quinto, Katie Rice, Mark Ross, Vicki Veenker, Shamann Walton, and Steve Young.

Absent: Directors Erin Hannigan, Otto Lee, Nate Miley, and Mark Salinas.

2. **PLEDGE OF ALLEGIANCE**
3. **SPECIAL ORDERS OF THE DAY**

Chair Hurt welcomed the following new employees: Rebecca Yao, Air Quality Specialist I in the Compliance & Enforcement Division; Emily Schwartz, Air Quality Engineer I in the Engineering Division; and Isabel Porras, Senior Staff Specialist in the Diversity, Equity, & Inclusion Office.

CONSENT CALENDAR (ITEMS 4 – 26)

4. Approval of the Draft Minutes of the Board of Directors Meeting of June 5, 2024
5. Board Communications Received from June 5, 2024 through September 3, 2024
6. Quarterly Reports of the Executive Office and Division Activities for the Months of January 2024 – March 2024 and April 2024 – June 2024
7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of May, June, and July 2024

8. Authorization to Attend the United Nations Climate Change Conference (COP29) and provide a \$50,000 sponsorship for the Sub-National COP29 Delegation
9. Notice of Settlement of Claim by Environmental Democracy Project
10. Amendment of Air District Procurement Policy
11. Authorization to Accept Grant Program Revenues from the U.S. Environmental Protection Agency (US EPA) for Clean Air Act Section 105 Activities
[Click here to view approved Board Resolution No. 2024-06](#)
12. Authorization to Execute Memorandum of Understanding with the California Air Pollution Control Officers Association for the Prescribed Burn Reporting and Monitoring Support Program
13. Authorization to Execute a Contract with The Davey Tree Expert Company to Provide Chipping Service Under the Agricultural Waste and Wildfire Prevention Chipping Programs
14. Authorization to Increase the Air District's Cumulative Executive Level Management Staff's Credit Card Limit
15. Authorization to Execute a Sponsorship Contract with the American Lung Association (ALA)
16. Authorization to Execute New Lease for Compliance and Enforcement Field Office Space in Concord
17. Authorization to Amend Legal Services Agreement with Renne Public Law Group
18. Authorization to Amend Legal Services Agreement with Woodruff & Smart
19. Authorization to Execute a Contract Amendment with Dr. Deborah Jordan for Strategic Advice Services and Assistance in Policy and Program Development
20. Authorization to Execute Grant Agreements with Recommended Projects with Proposed Grant Awards Over \$500,000
21. Appointment of New Community Advisory Council Members
22. Report of the Policy, Grants, and Technology Committee Meeting of July 10, 2024
23. Report of the Stationary Source Committee Meeting of July 17, 2024
24. Report of the Community Equity, Health and Justice Committee Meeting of July 17, 2024
25. Report of the Community Advisory Council (CAC) Meeting of July 25, 2024
26. Report of the Advisory Council Meeting of July 29, 2024

Public Comments

No requests received.

Board Comments

Regarding Item 11 (Authorization to Accept Grant Program Revenues from the U.S. Environmental Protection Agency for Clean Air Act Section 105 Activities), Chair Hurt thanked the US EPA for the funding. Regarding Item 21 (Appointment of New Community Advisory Council Members), Chair Hurt stated that the Oaths of Office would be conducted for two of the new CAC members that were in attendance, immediately following the Board's approval, if the Board approved it.

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

Board Action

Director Haubert made a motion, seconded by Director Carlson, to **approve** Consent Calendar Items 4-26, inclusive; and the motion **carried** by the following vote of the Board:

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

After the Consent Calendar was approved, Chair Hurt conducted the Oaths of Office were conducted for newly appointed CAC members, Sejal Babaria and Patrick Messac.

PUBLIC HEARING

NOTED PRESENT: Director Ross was noted present at 10:14 a.m., and Vice Chair Hopkins was noted present at 10:17 a.m.

27. AMENDMENTS TO REGULATION 8: ORGANIC COMPOUNDS, RULE 18: EQUIPMENT LEAKS (RULE 8-18), AND ADOPTION OF A NEGATIVE DECLARATION FOR THE AMENDMENTS TO RULE 8-18 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Board of Directors held a required public hearing to consider adoption of a Resolution to adopt proposed amendments to Regulation 8: Organic Compounds, Rule 18: Equipment Leaks (Rule 8-18) and adopt a Negative Declaration pursuant to the California Environmental Quality Act finding that the proposed amendments will not have any significant adverse environmental impacts.

Robert Cave, Senior Air Quality Engineer, gave the staff presentation *Proposed Amendments to Regulation 8: Organic Compounds, Rule 18: Equipment Leaks*, including: outcome; requested action; outline; background – rule purpose; valves, pumps, connections; previous rulemaking; heavy liquids study; rule development process; purpose of proposed amendments; proposed amendments; emission reductions; compliance costs; cost effectiveness analysis; incremental cost effectiveness analysis; socioeconomic impact analysis; CEQA impact analysis; Air District impacts; summary of comments received; cost effectiveness comparison using Western States Petroleum Association’s recommended emission factors; statutory findings; and resolution and recommendation.

Chair Hurt opened the public hearing.

Public Comments

Public comments were given by Kevin Buchan, Western States Petroleum Association; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Matt Diaz, Chevron; and Todd Osterberg, Chevron.

Board Comments

The Board and staff discussed the types of facilities that will experience emissions reductions as a result of this regulation amendment; the anticipated frequency of equipment inspections; the manner in which

the compliance cost was determined, and the historical values of cost effectiveness; concerns from industry regarding emission estimates; whether evaluating compliance cost relative to net income is prescribed by a statute; intended health benefits of this rule; whether the compliance cost of this rule can be compared to the cost per ton effectiveness of the Air District's Rule 6 -5 (Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units); whether the Air District is in compliance with the stay litigation (enforcement agreement) brought by three refineries that challenged the Board's adopted amendments to Rule 8-18 in December 2015 (removing the monitoring exemption for equipment servicing heavy liquids); whether the Air District will be able to hire the staff necessary to implement this amended rule; the fact that this rulemaking is behind schedule (original deadline was December 2203); whether there are any practical impacts of postponing this rulemaking; the level of the Air District's engagement with industry prior to this public hearing, and whether creating a technical advisory committee would be helpful; concerns about using net income as a measure of burden; and the reasons for industry's opposition to the rule's amendments.

Chair Hurt closed the public hearing.

Board Action

Director Gioia made a motion, seconded by Director Corzo, to **adopt** a resolution adopting proposed Amendments to Rule 8-18, and a CEQA Negative Declaration for the Proposed Amendments to Rule 8-18, finding that there will be no significant adverse environmental impacts; and the motion **carried** by the following vote of the Board:

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

[Click here to view approved Board Resolution No. 2024-07](#)

ACTION ITEMS

28. RECONSIDERATION OF BOARD-APPROVED POSITION FOR SENATE BILL (SB) 1298 (CORTESE)

Viet Tran, Deputy Executive Officer of Public Affairs, had planned to give a staff presentation that would have asked the Board to consider changing its position on SB 1298 (Cortese) from “Oppose Unless Amended” to “Neutral”. (The context for doing so can be found on Page 725 of the [Board's the September 4, 2024 agenda packet.](#)) However, Mr. Tran waived his presentation and instead reported that SB 1298 (Cortese) was re-referred to the California Assembly's Committee on Rules on August 27, 2024, signaling there was an effort to make last-minute amendments before a final vote on the Assembly Floor. The bill remained in the Assembly Committee on Rules and was not referred back to the Assembly Floor for a vote; therefore, the bill did not meet the August 31, 2024 midnight deadline for bills to be passed by the Legislature. SB 1298 was dead by the time the Board would have considered a change in position at the September 4, 2024 Board meeting; therefore, no action was taken by the Board.

Public Comments

No requests received.

Board Comments

None.

Board Action

Due to the changed status of the bill, no action was necessary.

29. AIR DISTRICT 2024-2029 STRATEGIC PLAN

Dr. Philip M. Fine, Executive Officer/Air Pollution Control Officer (APCO), gave the staff presentation *2024-2029 Strategic Plan*, including: agenda; Strategic Plan development – why a Strategic Plan, why focus on Environmental Justice (EJ), aligning EJ priorities with the Strategic Plan, Plan development; Strategic Plan Overview – mission, core values, 5-year vision, EJ priorities, Strategic Plan framework; goal highlights – Goal #1: Achieve impact, Goal #2: Advance EJ, Goal #3: Foster cohesion and inclusion, Goal #4: Be effective, accountable and customer-oriented; Draft Plan feedback – Draft Plan engagement, public comments, additional conversations, changes to the Plan; and implementation – next steps, actions underway.

Public Comments

Public comments were given by Allegra Curiel, California Council of Environmental and Economic Balance; Heidi Taylor, Martinez resident; Jan Warren, Interfaith Climate Action Network of Contra Costa County; and Gary Hughes, biofuelwatch.

Board Comments

The Board and staff discussed the Air District’s proposed accountability and transparency goals; the desire for language about building relationships with small businesses in the regulated community; the desire for language that addresses just transition external workforce issues; alternative words for “customer”; the desire for language that focuses efforts on highest impacts despite having limited resources; concerns that the Air District sets goals but does not complete them; ways that the Air District will ensure language access of the Strategic Plan; appreciation for the subcommittee of Board members who helped develop the Strategic Plan; and the frequency of the word “science” versus the frequency of the words “environmental justice.”

Board Action

AYES: Abe-Koga, Barnacle, Carlson, Corzo, Gallagher, Gioia, González, Haubert, Hopkins, Hurt, Jue, Lopez, Quinto, Rice, Ross, Walton, Young.
NOES: None.

ABSTAIN: None.
ABSENT: Hannigan, Lee, Miley, Mueller, Salinas, Veenker.

INFORMATIONAL ITEM

30. DIVERSITY, EQUITY, AND INCLUSION (DE&I) INITIATIVES AND ACTION PLAN

Tim Williams, Diversity, Equity, and Inclusion Director gave the staff presentation *Diversity, Equity, and Inclusion Action Plan*, including: action requested; outline; DE&I Action Plan: purpose and scope; defining DE&I, DE&I cultural awareness events and activities update; training and employee demographic analysis update; overview of Action Plan; scholarship and internship/fellowship program; Supplier Diversity and DE&I training; Employee Development program and diversity awareness; employee resource groups (ERG); pathway to permanency and equity integration; and DE&I Action Plan.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the anticipated timeline of integrating equity into decision making, and which metrics to measure this; and ways in which the Board can support these efforts of the Air District.

Board Action

No action taken.

OTHER BUSINESS

31. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

32. BOARD MEMBER COMMENTS

None.

33. REPORT OF THE EXECUTIVE OFFICER/APCO

Dr. Fine reported the following:

- **AB 1465 (Wicks) Stationary source penalties**- This bill was sponsored by the Air District and triples the penalty ceiling for Title V stationary sources for violations of air quality law resulting in emissions of specified pollutants. *This bill passed in both houses 25 minutes before the end of the legislative session and has been sent to the Governor for signature.*

- **SB 674 (Gonzalez) Refinery monitoring-** This bill was not sponsored by the Air District, but we provided significant support to the sponsors, EarthJustice. *This bill passed the Legislature, but was vetoed by the Governor.*
- **SB 382 (Becker) Realtor disclosures-** This bill was sponsored by the Air District and would require future single family residential transactions to include a disclosure related to any future state or local requirements that potentially limit future replacement of existing gas appliances with a similar gas appliance. *This bill passed and has been sent to the Governor for signature.*
- **AB 2298 (Hart) Protecting Blue Whales and Blue Skies-** This bill was co-sponsored by the Santa Barbara and Bay Area Air Districts and would have expanded the existing “Blue Whales and Blue Skies” program along the entire California Coast. Due to state fiscal concerns, *this bill was held in Senate Appropriations and died.*
- Anticipated Agenda Topics for September Committee Meetings:
 - September 11 Stationary Source Committee Meeting: updates to the 2024-2025 regulatory agenda and providing an update on indirect sources
 - September 11 Community Equity, Health and Justice Committee: update from the CAC Co-Chairs on their work and a review of the James Cary Smith Community Grant Program
 - September 18 Finance and Administration Committee: Authorization to Amend Position Classification to Reduce Barriers to Recruiting
 - September 18 Policy, Grants and Technology Committee: State Legislative Update and an update on initiatives at the California Air Resources Board and how it relates to our work here at the Air District
- Anticipated Agenda Topic for October Board Meeting:
 - Toxic Air Contaminant Control Program Annual Report. The Annual Report provides health risk assessment (HRA) results for 751 existing facilities. The Annual Report also includes information on six Air District Toxic Control Programs and updates to these programs.
 - Review a new mapping tool for facility prioritization scores and toxic emissions

34. **CHAIRPERSON’S REPORT**

Chair Hurt announced the following:

- Board members who choose to participate in Board and committee meetings from remote teleconferencing locations must attend after having said they would attend, to avoid having to cancel meetings, due to lack of quorum.
- Director Haubert and Air District’s Director of Communications, Kristine Roselius, attended a ribbon-cutting event for the official launch of the nation’s first Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) Hydrogen Hub in Oakland. The U.S. Department of Energy will provide \$1.26 billion dollars in funding to support the development of a regional clean hydrogen hub in northern California. ARCHES is the state’s initiative to accelerate renewable hydrogen projects and develop the necessary infrastructure. This Hydrogen Hub will facilitate hydrogen’s use as an energy source for electricity generation, vehicles, and manufacturing, with the only emissions being air and water.
- The Air District has launched its new Clean Air Talk series, featuring Air District Board Chair Davina Hurt, to be held in communities throughout the Bay Area. Chair Hurt wishes to hear from local communities about what their thoughts and concerns are regarding air quality in their

neighborhoods to help the Board of Directors make optimal decisions on good air quality programs. Scheduled talks include:

- **San Carlos, August 10, 12 noon – 1 PM** at the San Carlos Public Library, Community Room A and B, 610 Elm St, San Carlos, CA 94070
- **San Jose, September 7, 12 noon – 1 PM** at the Alum Rock Public Library, Alum Rock Community Room, 3090 Alum Rock Ave, San Jose, CA 95127
- **Vallejo, October 5, 12 noon – 1 PM** at Vallejo Public Library, 505 Santa Clara Street, Vallejo, CA 95590
- **East Palo Alto, November 2, 12 noon – 1 PM** at East Palo Alto Community Room, 2415 University Avenue, East Palo Alto, CA 94303
- **San Lorenzo, December 7, 12 noon – 1 PM** at San Lorenzo Library, Greenhouse Community Room, 395 Paseo Grande, San Lorenzo, CA 94580

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

Wednesday, October 2, 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 (1:00 p.m.)

36. **CONFERENCE WITH LEGAL COUNSEL RE 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:

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

Stephen (Rex) Sanders v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04416-RFL;

Terri Levels v. Bay Area Air Quality Management District, Northern District of California Case No. 23-cv-04432-RFL;

Lewis Letang v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01316-RFL; and

Rochele Henderson v. Bay Area Air Quality Management District, Northern District of California Case No. 24-cv-01460-RFL.

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

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

The Board met in Closed Session with Legal Counsel to discuss significant exposure to litigation pursuant to Government Code Sections 54956.9(a) and (d)(2): Claims of Veronica Eady, CRD Matter No. 202407-25383010, and Vanessa Johnson, CRD Matter No. 202407-25383510.

Reportable Action: Mr. Crockett had nothing to report.

38. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(4))**

The Board met in Closed Session with Legal Counsel to discuss and consider whether to initiate litigation pursuant to Government Code Section 54956.9(a) and (d)(4): One case.

Reportable Action: Mr. Crockett reported the following: The Board voted to authorize initiation of a legal action. Pursuant to Government Code Section 54957.1(a)(2), the particulars of the action to be initiated will not be disclosed until after the action has been formally commenced. The vote to authorize the initiation of this action was as follows:

Voting in favor: Chair Hurt; Vice-Chair Hopkins; and Directors Barnacle, Carlson, Corzo, Gallagher, González, Jue, Lopez, Quinto, Ross, Young.

Voting against: None.

Abstentions: None

Absent: Abe-Koga, Gioia, Hannigan, Haubert, Lee, Miley, Mueller, Rice, Salinas, Veenker, Walton.

OPEN SESSION (2:43 p.m.)

41. **ADJOURNMENT**

The meeting was adjourned at 2:44 p.m.

/s/ Marcy Hiratzka

Marcy Hiratzka
Clerk of the Boards