

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

Board of Directors Regular Meeting
Wednesday, October 2, 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 10:03 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, CA, 94105): Chairperson Davina Hurt; Vice Chairperson Lynda Hopkins; and Directors Ken Carlson, Noelia Corzo, Joelle Gallagher, John Gioia, Juan González III, David Haubert, Gabe Quinto, Katie Rice, Mark Salinas, and Shamann Walton.

Present, In-Person (Santa Rosa Junior College Campus Doyle Library, Room 148, 1501 Mendocino Ave., Santa Rosa, CA, 95401): Director Brian Barnacle.

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

Present, In-Person (Mountain View City Hall, Council Chambers, 2nd Floor, 500 Castro Street, Mountain View, CA 94041): Director Margaret Abe-Koga.

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

Present, In-Person (Office of Alameda County Supervisor David Haubert, 4501 Pleasanton Avenue, Pleasanton, CA 94566):

Present, In-Person (San Mateo County Board of Supervisors Offices, 500 County Center - 5th Floor, Redwood City, CA 94063): Director Ray Mueller.

Present, In-Person (City of Palo Alto City Hall, 250 Hamilton Ave., Palo Alto, CA 94301):
Directors Sergio Lopez and Vicki Veenker.
Absent: Directors Tyrone Jue and Nate Miley.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Hurt welcomed the following new employee: Omonigho Oiyemhonlan, Assistant Counsel, in the Legal Division. Chair Hurt also congratulated the following employees on their recent promotions: Laura Cackette, Principal Environmental Planner, in the Planning and Climate Protection Division, and Shantel Reyes, Executive Assistant I, in the Executive Office.

NOTED PRESENT: Directors Hannigan and Lopez were noted present at 10:07 a.m.

CONSENT CALENDAR (ITEMS 4 – 16)

4. Approval of the Draft Minutes of the Board of Directors Meeting of September 4, 2024
5. Board Communications Received from September 4, 2024 through October 1, 2024
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of August 2024
7. Authorization to Participate as a Statutory Partner with the Alameda County Community Food Bank for its United States Environmental Protection Agency Community Change Grants Program Electric Vehicle Demonstration Project
[Click here to view approved Board Resolution No. 2024-08](#)
8. Authorization to Extend the Term and Increase the Total Dollar Amount of the Professional Services Agreement with En2Action
9. Authorization to Amend the Master Services Agreement with Just Cities, LLC for Continued Support of the East Oakland AB 617 Community Steering Committee and Community Emissions Reduction Plan Process
10. Authorization to Execute a Partnership Agreement with the Metropolitan Transportation Commission to Continue Supporting Air District's Data Management and Geographic Information System Services
11. Amendment to Staff Attorney Position Classification to Reduce Barriers to Recruiting
12. Report of the Stationary Source Committee Meeting of September 11, 2024
13. Report of the Community Equity, Health, and Justice Committee Meeting of September 11, 2024
14. Report of the Finance and Administration Committee Meeting of September 18, 2024
15. Report of the Policy, Grants, and Technology Committee Meeting of September 18, 2024
16. Report of the Community Advisory Council Meeting of September 19, 2024

Public Comments

Public comments were given by Tanya Boyce, Environmental Democracy Project (Item 9); and Jan Warren, Interfaith Climate Action Network of Contra Costa County (Item 9).

Board Comments

Director Young sought clarification on continued Support of the East Oakland AB 617 Community Steering Committee and Community Emissions Reduction Plan Process (Item 8), as well as for the facilitation and logistics support for the Bayview Hunters Point/ Southeast San Francisco AB 617 Community Steering Committee (Item 9).

Board Action

Director González made a motion, seconded by Director Carlson, to **approve** Consent Calendar Items 4-16, inclusive; and the motion **carried** by the following vote of the Board:

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

PUBLIC HEARING

17. **TOXIC AIR CONTAMINANT (TAC) CONTROL PROGRAM ANNUAL REPORT**

The Board of Directors held a public hearing to present the Air District’s Toxic Air Contaminant Control Program Annual Report for 2024 and discuss its content and significance, but no action was required.

Carol Allen, Engineering Manager, gave the staff presentation *Toxic Air Contaminant Control Programs Annual Report – 2024, including*; including: outcome; requested action; outline; background on Annual Report; Air District TAC Control programs; facility risk reduction programs; stationary source TAC control programs; facility Health Risk Assessment (HRA) progress; highlights of work in progress at Assembly Bill (AB) 617 communities; highlights of other work in progress; toxic inventory mapping tool; and conclusions.

Ms. Boyce and Isaiah Cambell, of the Environmental Democracy Project, were asked to provide comments as the map tool and report are key components of a recent landmark agreement between the Air District and the Environmental Democracy Project.

Chair Hurt opened the public hearing.

Public Comments

Public comments were given by Kathy Kerridge, Benicia Community Air Monitoring Program; and Tony Fisher, Coalition for Clean Air.

Board Comments

The Board and staff discussed the difference between a facility’s prioritization score and its health risk value, and how both are calculated; whether there is a difference between the terms “overburdened community” and “environmental justice (EJ) community,” and whether the City of Benicia is

considered an “overburdened” community; whether HRAs assess thresholds for health risks other than cancer; and which entities are conducting the HRAs for the permitted facilities.

Chair Hurt closed the public hearing.

Board Action

No action required or taken.

ACTION ITEMS

18. CONSIDERATION OF SPECIAL SESSION LEGISLATION

Alan Abbs, Legislative Officer, gave the staff presentation *Consideration for Special Session Legislation*, including; action requested; Special Session summary (to date); Special Session Assembly Bills: ABX2-1 (Hart and Aguiar-Curry) Energy: transportation fuels: inventories: turnaround and maintenance, ABX2-2 (Lackey) Motor Vehicle Fuel Tax Law: suspension of tax, ABX2-3 (Gallagher) Transportation fuels: gasoline specifications, ABX2-4 (Patterson) – Low carbon fuel standards: regulations, ABX2-5 (Lackey) Greenhouse Gas Reduction Fund: highspeed rail expenditures: gasoline rebates, ABX2-6 (Lackey) California Environmental Quality Act: expedited judicial review: petroleum storage projects, ABX2-7 (Dixon) Energy: gasoline pricing, ABX2-8 (Gipson) Air pollution: tanker vessels: at-berth requirements: delay, ABX2-9 (Petrie-Norris) Transportation fuels: specifications: production enhancement strategies; and recap of action requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the following:

ABX2-1 (Hart and Aguiar-Curry) – Energy: transportation fuels: inventories: turnaround and maintenance – unintentional consequences of increasing storage of onsite fuels to surrounding communities; the processes of oversight (from Air District’s perspective) if a permitted facility increases its duration of storage from interim to long-term; whether this will impact gas prices.

ABX2-1 (Hart and Aguiar-Curry) – Energy: transportation fuels: inventories: turnaround and maintenance & ABX2-9 (Petrie-Norris) – Transportation fuels: specifications: production enhancement strategies – whether the Board has the ability to request that the Governor to veto these bills, to protect the Air District’s authority.

Board Action

No action taken.

19. **CONSIDERATION OF PROPOSITION 4, THE SAFE DRINKING WATER, WILDFIRE PREVENTION, DROUGHT PREPAREDNESS, AND CLEAN AIR BOND ACT OF 2024**

Mr. Abbs gave the staff presentation *Consideration of Proposition 4 (2024)*, including: action requested; Proposition 4 (2024); key goals of Proposition 4 bond funds; fiscal effects; and recap of action requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the broadened definitions of “disadvantaged communities” and “regional” in the bond measure; the desire for Air District staff to be involved in building out the bond measure’s programs if it passes; and the Santa Clara County Board of Supervisors’ recent adoption of a resolution supporting Proposition 4 on the 2024 Statewide General Election Ballot.

Board Action

Director Gioia made a motion, seconded by Director Quinto, to **adopt** a support position for California Proposition 4, the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, appearing on the November 5, 2024, Statewide General Election Ballot; and the motion **carried** by the following vote of the Board:

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

INFORMATIONAL ITEM

20. **STATE LEGISLATIVE UPDATE**

Mr. Abbs gave the staff presentation *State Legislative Update*, including: action requested; summary; Air District-sponsored and co-sponsored bills: AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties, Senate Bill (SB) 382 (Becker) – single family residential property: disclosures, AB 2298 (Hart, et al.) – coastal resources: Protecting Blue Whales and Blue Skies program; Board-approved position bills: AB 2522 (Carrillo) – air districts: governing boards: compensation, AB 2851 (Bonta) – metal shredding facilities: fenceline air quality monitoring, AB 2958 (Calderon) – California State Air Resources Board (CARB): board members: compensation, SB 674 (Gonzalez) – Air pollution: covered facilities: community air monitoring systems; fenceline monitoring systems, SB 1158 (Archuleta) – Carl Moyer Program Air Quality Standards Attainment Program, SB 1193 (Menjivar) – airports: leaded aviation gasoline, SB 1298 (Cortese) – Certification of thermal powerplants: data centers; other bills of interest: SB 1234 (Allen) – Hazardous materials: metal shedding facilities, AB 98 (J. Carrillo) –

Planning and zoning: logistics use: truck routes, AB 180 (Gabriel) – Budget Act of 2024 (Budget Bill Junior), AB 218 (Committee on Budget) – Oil and gas: trailer bill; AB 1122 (Bains) – Commercial harbor craft: equipment, AB 1296 (Grayson) – Bar pilots; regulation of vessels, AB 2401 (Ting) – Clean Cars 4 All program; AB 2561 (McKinnor) – Local public employees: vacant positions, SB 310 (Dodd) – Prescribed fire: civil liberty: cultural burns, SB 950 (Skinner) – Energy: transportation fuels: inventories: turnaround and maintenance.

Public Comments

No requests received.

Board Comments

The Board expressed its appreciation for all Air District staff and Board members who helped get AB 1465 (Wicks) to the Governor’s desk. After several attempts, AB 1465 was finally passed into law. The bill triples the penalty ceilings for air quality violations at Title V sources, including refineries, significantly increasing the potential consequences for facilities that violate air quality regulations.

Board Action

No action taken.

OTHER BUSINESS

21. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by David Lindsay, Benicia Community Air Monitoring Program; Marilyn Bardet, Benicia Community Air Monitoring Program; Kathy Kerridge, Benicia Community Air Monitoring Program; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Tanya Boyce, Environmental Democracy Project; and Kevin Buchan, Western States Petroleum Association.

22. BOARD MEMBER COMMENTS

- Board Member Veenker thanked the Air District for having a table at the City of Palo Alto’s Clean Air at Home in Palo Alto event (in recognition of Clean Air Day) on September 28, 2024.
- Board Member González suggested that the Air District prioritizes multi-lingual communication about Air District’s programs and projects, as well as continued advocacy regarding the prohibition of leaded aviation gasoline.
- Board Member Gioia acknowledged California Clean Air Day, which is observed on Wednesday, October 2, 2024. The day is an annual event that encourages Californians to take action to improve air quality and protect public health.
- Vice Chair Hopkins acknowledged the Week Without Driving challenge, which is observed from September 30 – Sunday, October 6, 2024. Since 2023, this challenge encourages those who have the option to drive regularly to understand the barriers and challenges that non-drivers face when trying to move safely in their communities, and work with non-drivers to create better communities for all.

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

Dr. Philip M. Fine, Executive Officer/APCO, reported the following:

- The Air District announced today that it has fined the Marathon Martinez Refinery, which is operated by Marathon subsidiary Tesoro Refining & Marketing Company LLC, \$5 million for air quality violations. This is the second largest penalty ever assessed by the Air District.
- Anticipated Agenda Topics for October Committee Meetings:

Stationary Source Committee meeting on October 9:

- Update on Fugitive Dust Rulemaking Efforts
- Briefing on Rulemaking Opportunities for Publicly Owned Treatment Works
- Update on Refinery Corridor Air Quality Monitoring

Community Equity, Health, and Justice Committee meeting on October 9:

- Appointment of New Community Advisory Council Member
- Fifth Year Annual Report on Owing Our Air: The West Oakland Community Action Plan, with guest speakers from the West Oakland Environmental Indicators Project
- Proposed Organizational Structure of Air District Equity and Community Programs

Finance and Administration Committee meeting on October 16:

- Update on the Corrective Action Plan to Implement Recommendations from the Engineering Performance Audit

Policy, Grants, and Technology Committee meeting on October 16:

- Action item on the Transportation Fund for Clean Air 40% Fund Policies Commencing Fiscal Year Ending 2026
- Update on State Legislative Update on the Special Session
- Update on Hydrogen Policy Considerations

24. **CHAIRPERSON'S REPORT**

Chair Hurt announced the following:

- She gave remarks at the September 22, 2024 celebration of Caltrain's full-service launch of fully electrified passenger service running between San Francisco and San Jose for the first time in this rail corridor's 160-year history. Caltrain riders will enjoy faster and more frequent service, with 16 stations receiving trains every 15 to 20 minutes during peak hours, weekend trains arriving twice hourly and express service from San Francisco to San Jose in under an hour.
- She reiterated the observance of California Clean Air Day on October 2, 2024.
- She will be hosting a Clean Air Talk on October 5, welcoming community questions and concerns from the public, regarding air quality issues and climate change. This free event will be held at the Vallejo John F. Kennedy Library at noon.

- The Board’s Stationary Source Committee meeting will be held on October 9, 2024, at 10:00 a.m.
- The Board's Community Equity, Health, and Justice Committee meeting will be held on October 9, 2024, no earlier than 1:00 PM, following the Stationary Source Committee meeting.

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

Wednesday, November 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.

26. **ADJOURNMENT**

The meeting was adjourned at 12:41 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards