

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

Board of Directors Regular Meeting
Wednesday, November 16, 2016

APPROVED MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
<http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>*

CALL TO ORDER:

1. **Opening Comments:** Chairperson Eric Mar called the meeting to order 10:19 a.m.

Roll Call:

Present: Chairperson Eric Mar; Vice-Chairperson Liz Kniss; Secretary David Hudson; and Directors John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, John Gioia, Osby Davis, Carole Groom, Scott Haggerty, Tyrone Jue, Rebecca Kaplan, Nate Miley, Karen Mitchoff, Katie Rice, Mark Ross, Rod Sinks, Jim Spering, Brad Wagenknecht, and Shirlee Zane.

Absent: Directors David J. Canepa, Jan Pepper, and Warren Slocum.

2. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

David Gassman, System Change Not Climate Change, stated that the Board's priority is not to preserve refinery jobs, but to protect the public's air quality.

Susan Gustofson, Valero, addressed the Board regarding her opinion that the proposed amendments to Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants, is not ready to be considered for adoption at the Public Hearing on December 7, 2016, but should be developed in concert with other Rules that are currently under development.

Ernesto Arevalo, Communities for a Better Environment (CBE), requested that Board meetings be held on days and times that do not conflict with the public's work and school schedules. Mr. Arevalo said that he hopes for a more inclusive and equitable process from the District in the future.

Greg Reed, Chevron, requested that the Board base its decisions on sound science and consider potential impacts to refinery workers and small businesses adjacent to the refineries before adopting regulations, rather than making quick decisions derived from pressure from community activists.

Roger Lin, CBE, emphasized various opinions of the California Attorney General's office regarding the implementation of the Brown Act relating to public access to information and types of matters that may be discussed in Closed Session. Mr. Lin then requested that the Board move Item 22 ahead of Closed Session.

Devorah Ancel, Sierra Club, also requested that the Board move Item 22 ahead of Closed Session, so that the public's voice is heard prior to private discussion between staff and the Board, which Ms. Ancel said the public fears will address policy and rulemaking decisions, and not litigation decisions.

At this time, Chair Mar stated that he wished to proceed with adjourning the Board meeting to go into Closed Session as planned, although he acknowledged the requests from the public comments. The Board members traded opinions on proceeding as planned, versus rearranging the agenda to meet the public's requests. Jack Broadbent, Executive Officer/Air Pollution Control Officer, explained what he intended to cover under Item 22, which included an update on the Environmental Impact Report (EIR) schedule, and Initial Study. Chair Mar decided to move forward with Closed Session as planned.

Public Comments on Closed Session Items 17-19 were given prior Closed Session.

Steven Nadel, Sunflower Alliance, thanked those Board members who are sensitive to the public's request to speak prior to certain items on the agenda, and urged the Board to utilize a more open process which clarifies to the public the exact issues that are being discussed during Closed Session, so that the public's speculation may be decreased.

Martinez resident, Tom Lewis, asked that the Board be mindful of the fact that the public is fearful of the incoming Administration's lack of support on environmental issues, and will look to local agencies to protect the environment.

Berkeley resident, Dr. Claire Broome, said that the community worker proposal submitted legal opinions as to why proposed Rule 12-16 is appropriate, then submitted rebuttals to staff comments, but staff's arguments about the legal defensiveness of Rule 12-16 are discussed in Closed Session. Dr. Broome requested a more open process, and also urged staff to be fully responsive to Board direction.

Janet Stromberg, 350 Bay Area, thanked Vice Chair Kniss for acknowledging the Board's past practice of having Closed Session at the end of the meeting and also stated that there could be no pending litigation on Rule 12-16 as the rule has not yet been adopted.

Greg Karras, CBE, stated that proposed Rule 12-16 does not change current refinery operations, but only prohibits emission increases and urged the Board not to let the oil companies divide the public from the District and silence or intimidate the District.

Andres Soto, CBE, acknowledged the public's disagreements with executive staff regarding District procedures and urged the Board to take advantage of partnerships with community organizations advocating for environmental issues and protect the community.

Janet Johnson, Richmond Progressive Alliance, referenced a report by the International Transport Workers' Federation called "The Chevron Way: Polluting California and Degrading Democracy." Ms. Johnson shared data concerning Chevron's greenhouse gas (GHG) emissions in California and Chevron's lobbying expenses and contributions to political campaigns.

Minda Berbeco, Sierra Club, expressed her concerns with the nature of the District's Closed Session process, saying that potential conflicts with state laws and the Clean Air Act should be subject to public discussion. Ms. Berbeco asked the Board to keep in mind that there are hundreds of community members who would come make similar statements, if their scheduled permitted.

Chair Mar acknowledged that he agrees with the public's request to change meeting time and locations to better fit the needs of the public and urged the incoming Board officers to move meetings to frontline communities to promote stronger participation.

Richard Gray, 350 Bay Area, said that the public speculates that proposed Rule 12-16 has already been discussed in several Closed Sessions over the past months, though he does not believe that the District has the authority to discuss it in Closed Session, because it is not yet an official rule. Mr. Gray also said that certain acts by staff, such as cancelling meetings at the last minute and placing hot topics at the end of agendas, breeds mistrust within the community and hinders District-community relations.

Director Gioia emphasized that the District has been sued over every rule that the District has adopted, and stated that the District wishes to protect its legal information from groups that wish to undercut District rules through litigation. He also said that EIRs do not typically cover legal risks for that very purpose, though the Board is aware of the public's desire to have factual issues included in the EIR. Director Gioia said that the District is very cognizant of refraining from discussion policy while in Closed Session.

San Mateo resident, Mark Roest, expressed his concern that staff has abandoned its commitment to a community-based forum in Richmond, in which frontline community members were to have weighed in on inclusion of an emissions cap in proposed Rule 12-16, by instead offering two scoping meetings for comments on the technical scope of the EIR. Mr. Roest requested that the Board prevent further obstructions by separating the EIR into two EIRs.

Devorah Ancel, Sierra Club, gave her impressions on the most recent staff report addressing proposed Rule 12-16, saying that she believes that staff's claim that the rule is legally unjustified is not substantiated, and that the rule should not be discarded based on a potential conflict with the State's Cap and Trade program, which may not even be readopted. Ms. Ancel requested that any legal concerns about the Rule 12-16 be made public so that the public may weigh in on that discussion.

Roger Lin, CBE, referred to the California Environmental Quality Act (CEQA) guidelines to demonstrate that an EIR shall discuss inconsistencies between the proposed project and applicable policies and plans. Mr. Lin stated that the Legislature, through the CEQA process, has established a mechanism to vet any perceived conflicts between Rule 12-16 and existing regulations, and that these issues should not be subject to Closed Session, but must be included in the Draft EIR.

Megan Zapanta, Asian Pacific Environmental Network (APEN), acknowledged the organization's mistrust of the refineries and explained that passing refinery rules which limit emissions in a timely and transparent way is the organization's utmost priority.

Jeff Kilbreth, Richmond Progressive Alliance, stated that Rule 12-16 is fundamentally a legal question which must be rigorously analyzed by a combination of legal counsel both within and outside of the District. Mr. Kilbreth said that the public is hindered from helping to shape the rule properly by staff's ambiguous assertions about legal obstacles.

Albert Kueffner, Western Service Workers Association, described, in his opinion, an analogy of oil companies consorting government agencies and municipalities, to the detriment of the community.

Woodacre resident, Cory VanGelder, said that she is having her students follow the 22nd Conference of the Parties to the United Nations Framework Convention on Climate Change (COP22) in Morocco, and that she hopes that other countries experiencing issues of environmental racism and legal transparency will be able to relate to what is happening in the Bay Area regarding refinery regulation.

Laura Gracia, CBE, showed a video of high school students giving their opinions of how Bay Area refineries are affecting the health of young people.

Nancy Cuellar, CBE, offered data from the Asthma and Allergy Foundation of America to indicate the cost of preventative care and treatment for respiratory diseases, and said that this is expensive for low-income people who need the medical attention for living, playing, and attending school near refineries.

Richmond resident, Nick Despota, stated that there is ample documentation of the disproportionate health impacts on local communities and confirmation of the District's legal authority to control emissions through direct regulation, but questioned the District's will to use that authority to protect fence line communities due to the perceived shielding of conversation about legal requirements under Closed Session.

Berkeley resident, Samantha Klein, advocated for industrial pollutant-limiting measures that would protect public health and climate change, emphasizing that local action and cooperation will be needed due to lack of support on environmental issues from incoming administration.

CLOSED SESSION (commenced at 11:12 p.m.)

3. CONFERENCE WITH LABOR NEGOTIATORS (*Government Code § 54957.6(a)*) (**OUT OF ORDER, ITEM 17**)

Agency Negotiators: *Jack P. Broadbent, Executive Officer/APCO*
 Rex Sanders, Director of Executive and Administrative Resources

Employee Organization: *Bay Area Air Quality Employee's Association, Inc.*

4. CONFERENCE WITH LEGAL COUNSEL (ITEM 18)

ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2))

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: one potential case.

5. CONFERENCE WITH LEGAL COUNSEL (ITEM 19)

EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case:

OPEN SESSION (commenced at 11:41p.m.)

Brian Bunger, District Counsel, stated that there was no reportable action for Items 17 and 18, and that regarding Item 19, the Board authorized staff to pursue an appeal of the Superior Court Decision.

CONSENT CALENDAR (ITEMS 3-11)

- 6. Minutes of the Board of Directors Regular Meeting of October 19, 2016 (ITEM 3)**
- 7. Board Communications Received from October 19, 2016 through November 15, 2016 (ITEM 4)**
- 8. Air District Personnel on Out-of-State Business Travel (ITEM 5)**
- 9. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of October 2016 (ITEM 6)**
- 10. Quarterly Report of the Executive Office and Division Activities for the Months of July 2016 through September 2016 (ITEM 7)**
- 11. Extension of Contract for Website Development and Maintenance (ITEM 8)**
- 12. New Administrative Grant Program Revenue and Authorization to Add Two New Full-Time Positions in the Strategic Incentives Division (ITEM 9)**
- 13. Consider Authorizing a California Environmental Quality Act (CEQA) Review Consultant Services Contract for the Phillips 66 Marine Terminal III Project (ITEM 10)**
- 14. Draft Resolution to Refrain from Initiating any Business with Wells Fargo Bank for a Period of Two Years (ITEM 11)**

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Haggerty made a motion, seconded by Director Groom, to **approve** the Consent Calendar Items 3 through 11, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Jue, Mar, Miley, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, and Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Canepa, Pepper, and Slocum.

COMMITTEE REPORTS

15. Report of the Public Engagement Committee Meeting of October 20, 2016 (ITEM 12)

In the interest of time, the Public Engagement Committee Chair Report was not read, though it was distributed to all Board members.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

16. Report of the Mobile Source Meeting of October 27, 2016 (ITEM 13)

In the interest of time, the Mobile Source Committee Chair Report was not read, though it was distributed to all Board members.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

Director Haggerty made a motion, seconded by Secretary Hudson, to **approve** the recommendations of the Mobile Source Committee; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Jue, Mar, Miley, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, and Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Canepa, Pepper, and Slocum.

17. Report of the Nominating Committee Meeting of November 16, 2016 (ITEM 14)

Chair Mar reported that the Nominating Committee met prior to the Board meeting and nominated the Board Officers for 2017 as follows: Liz Kniss for Chairperson, Dave Hudson for Vice-Chairperson, and Katie Rice for Secretary. Director Groom, who participated in the meeting as Immediate-Past Chair, described the Committee's consideration of balancing regional, gender, and city versus county representation among Board Officers. Chair Mar thanked those on the Board who had expressed interest in serving on the Board and other candidates who were nominated.

Public Comments:

No requests received.

Board Comments:

Upon approval of the motion below, the Board congratulated the incoming Board Officers for 2017.

Board Action:

Chair Mar made a motion, seconded by Director Mitchoff, to **approve** the recommendations of the Nominating Committee; and the motion **carried** by the following vote of the Board:

AYES: Avalos, Barrett, Bates, Chavez, Davis, Gioia, Groom, Haggerty, Hudson, Kaplan, Kniss, Jue, Mar, Miley, Mitchoff, Rice, Ross, Sinks, Spering, Wagenknecht, and Zane.
NOES: None.
ABSTAIN: None.
ABSENT: Canepa, Pepper, and Slocum.

18. Report of the Ad-Hoc Building Oversight Committee Meeting of November 16, 2016 (ITEM 15)

In the interest of time, the Ad-Hoc Building Oversight Committee Chair Report was not read, though it was distributed to all Board members.

Public Comments:

No requests received.

Board Comments:

None.

Board Action:

None; receive and file.

OTHER BUSINESS

19. Report of the Executive Officer/APCO: Update on Regulation 12, Rule 16: Update on Regulation 12, Rule 16: Petroleum Refining Facility-Wide Emissions and Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities (ITEM 22)

Regarding air quality standards and attainment status, Mr. Broadbent stated that the District's wood smoke season began on November 1, 2016, and no Spare the Air days have been called since then, and there have been no violations of the federal PM standards in the Bay Area thus far.

Regarding rulemakings that are currently underway, Mr. Broadbent displayed the schedule for the development of Rules 11-18 and 12-16. The schedule included completed steps, steps that are in the process of being carried out, and upcoming key dates. Mr. Broadbent explained that the EIR's Initial Study and Draft Staff Report have been released and that the public's comments are being collected. Mr. Broadbent also described the California Air Resources Board's (CARB) revision of the AB 32 Scoping Plan, and the progression of AB 197, which he believes will be informative to the District's rulemaking efforts to reduce GHG emissions.

Public Comments:

Richmond resident, Rebecca Auerbach, urged the Board to prevent further delays of the approval of a backstop against increased refinery emissions.

Charles Davidson, Sunflower Alliance, listed several provisions that Rule 12-16 would allow Bay Area refineries during a refinery outage.

Steve Nadel, Sunflower Alliance, said that a wall should be built around the Bay Area to protect it from the extreme crudes that the oil industry wants to bring into the Bay Area and that said that Rule 12-16 is not in conflict with Rule 11-18 or AB 32.

Steven Yang, Chevron, urged the Board to continue considering Rule 12-16 and 11-18 as alternatives that address the central issue of health risks, rather than separating the two into two EIRs.

Andres Soto, CBE, requested the locations of the workshops that have already been held, and asked how much impact public comments generated from those attending the workshops has had on the EIR, as he said he attended several of the workshops and noticed that staff members outnumbered public members.

Roger Lin, CBE, thanked Director Gioia for bringing to staff's attention the need to disclose all available factual information relevant to alleged legal conflicts with climate and permitting policies in the EIR.

Berkeley resident, Dr. Claire Broome, urged the Board to separate the EIR into two, if, at any time, the EIR process begins to fall behind schedule, as she said that refinery expansions have been in development during this rulemaking process. Dr. Broome also said that in a recent CARB webinar addressing how to reach 2030 targets, one scenario used was that of imposing refinery caps simultaneously with the Cap and Trade program.

Kimberly Ronan, Valero, spoke of the Valero refinery's equipment that was installed in 2011 in order to permanently reduce SO₂, NO_x, and PM emissions by thousands of tons per year, and added that Valero works hard to remain environmentally and socially conscious for the community and refinery employees. Ms. Ronan said that Rule 12-16 proposes to impose numeric emissions limits below what was legally permitted by the District.

Don Cuffel, Valero, said that refineries require regulatory certainty to plan for compliance, and that Rule 11-18 does not define what the Toxic Best Available Retrofit Control Technology (TBARCT) is for toxics. Mr. Cuffell asked the Board to direct staff to involve all stakeholders to determine what the appropriate TBARCT is before Rule 11-18 is adopted.

Bob Brown, Western States Petroleum Association (WSPA), said that WSPA continues to support the staff recommendation of keeping Rules 12-18 and 11-18 under the same EIR, and of not pursuing local GHG emission caps on refineries.

Devorah Ancel, Sierra Club, said that any position that CARB had previously taken on GHG caps at refineries conflicting with State regulations was done so before the adoption of SB 32 and AB 197, and urged the Board to use AB 197 to develop rules, as she said that the Board will continue to have the authority to set caps on GHG emissions at refineries.

Susan Gustofson, Valero, expressed her concern about the potential compliance uncertainty (for business) of Rule 11-18, as the Rule's language indicates that the District will be allowed to reset compliance requirements, or end goals. Ms. Gustofson said that Rule 11-18 requires refinement in order to ensure compliance certainty for refineries.

Berkeley resident, Paula Baker, said that she does not want to see refineries shut down, but that she wishes for Rule 12-16 to be separated from Rule 11-18 so that refinery GHG emission may be capped.

Iren Suhami, Valero, addressed the proposed numeric cap calculations for the Valero refinery, as drafted in Rule 12-16, saying that 2010 was not included in Valero's baseline years. Ms. Suhami requested that the draft proposal for Rule 12-16 include the baseline years of 2010-2014 for Valero's cap calculations, as was used for the other refineries.

Glen Turner, Sunflower Alliance, questioned the frequency of (outreach for) forums or workshops at which the public may comment on the EIR. Mr. Turner urged the Board to direct staff to adhere to the rulemaking schedule to which it committed.

Audrey Nelson, Chevron, stated that AB 32 and the Low Carbon Fuel Standard are efficient in monitoring GHG emissions at refineries, and that additional caps on emissions would be redundant.

Chair Mar asked staff for the locations of the EIR workshops that have been held thus far, and staff responded that workshops were held in Richmond, Oakland, San Francisco, and Martinez, and that another is to be held in Fremont.

Shawn Lee, Chevron, distributed additional copies of the Office of Environmental Health Hazard Assessment's "A Guide to Health Risk Assessment", which he had distributed at the October 19, 2016 Board meeting, and copies of CARB/California Air Pollution Control Officers Association's "Risk Management Guidance for Stationary Sources of Air Toxics", cross-referencing the two documents' language regarding the topic of cancer risk, and requesting that the Board make informed decisions that govern health impacts.

Richmond resident, Deborah Bayer, described the children with respiratory diseases that she has treated as a pediatric nurse, and questioned why refinery workers believe that caps on GHG emissions at refineries will threaten job security.

Janet Stromberg, 350 Bay Area, said that Rule 12-16 is necessary because of discretionary loopholes in the District's New Source Review Rule, which are biased towards refinery wishes. Ms. Stromberg added that she is a former employee of the District, who developed the Title V permit program, and that facilities in other industries already have facility-wide caps because they lack the political clout that refineries have.

Jan Warren, Interfaith Climate Action Network of Contra Costa County, stated that all people are entitled to clean air, not just those who reside outside of fence line communities. Ms. Warren added that, despite progress in reducing PM, exposure to PM remains the leading public health risk for premature death in the Bay Area, and said that the transition to a clean-energy economy is needed.

Walt Gill, Chevron, expressed Chevron's support of staff's recommendation of evaluating both Rules under a single EIR, and added that imposing numeric GHG caps on refineries is the not correct approach to attaining GHG emission reductions.

Minda Berbeco, Sierra Club, said that she attended the Rule 11-18 Scoping Meeting on November 14, where she was told by District staff that there were no community workshops scheduled to address Rule 12-16. Ms. Berbeco said that she is concerned that the public's desire to collaborate with the District on the development of Rule 12-16 is not being taken seriously, and advocated for the separation of Rules 12-16 and 11-18, if the schedule is not adhered to in the future.

Richard Gray, 350 Bay Area, stated that oil companies should not be left to self-regulate, and urged the District to challenge the oil industry, regardless of the threat of litigation. Mr. Gray also said that Rule 12-16 would be ready to implement upon adoption, but that Rule 11-18 would not.

Eileen Boken, Sierra Club, said that the District's processes do not demonstrate strong environmental leadership, as changes are not being implemented as quickly as the public would like. Ms. Boken added that there is no political will at the federal level, and that the public is relying upon the District to adopt Rule 12-16 as soon as possible.

Albert Kueffner, Western Service Workers Association, stated that, while canvassing in West Oakland for the No Coal in Oakland campaign, he met at least one person in each household who had asthma or knew someone with asthma.

Jeff Kilbreth, Richmond Progressive Alliance, said that, as a member of the City of Richmond's Planning Commission who is familiar with the EIR for the Chevron Modernization project, he understands both the values and limitations of the EIR process. After attending the Richmond workshop, Mr. Kilbreth said that he determined that District staff does not believe that legal issues should be discussed in the EIR.

Laura Gracia, CBE, urged the Board not to shirk on its responsibilities, even though CARB is revising its Scoping Plan. Ms. Gracia said Richmond has the highest rates of asthma in the nation that the community will continue to advocate for Rule 12-16.

Director Gioia clarified that, while Richmond does experience high rates of hospitalization visits due to asthma, it does not have the highest asthma rate in the country.

Nancy Cuellar, CBE, expressed her concern that workshops do not accommodate many people's schedules or language abilities.

Berkeley resident, Samantha Klein, supported Rule 12-16, noting that professionals in academia claim that the Richmond refinery is the most serious environmental injustice in the Bay Area. Ms. Klein also said that Director Gioia's clarification of Richmond not having the highest asthma rates in the country does not mean that refinery employees should forget the rates of asthma that exist in the Bay Area.

San Mateo resident, Mark Roest, projected the rapid decline of fuel purchase for local use due to battery vendors dropping their prices and expanding auto ranges, and also projected that local governments switching to Community Choice Aggregation will rapidly transition to renewables for electricity generation.

Richard Black, United Steel Workers (USW) 326, said that USW supports neither Rule 12-16, nor Rule 11-18, because until real scientific evidence is carried out to support these Rules, they are considered bad legislation.

Gordon Johnson, Shell, stated that, regarding Rule 11-18, no reason was given for the District's plan to require all facilities with a cancer risk in excess of 25 in a million (25/M) to reduce that risk below 10/M. Mr. Johnson requested that the Board direct staff to evaluate the incremental cost-effectiveness of this reduction in risk level (from 25/M to 10/M and from 100/M to 25/M and compare the difference.)

Laurie Mintzer, Chevron, expressed her concern that District staff is expending resources on a refinery emissions cap rule (12-16) that is not recommended by scientists, the District's Advisory Council, CARB, or the California Energy Commission.

As a member of the CARB Board of Directors, Director Gioia clarified that CARB has not made any official recommendations to any parties regarding capping GHG emissions at refineries.

Bill Pinkham, Sunflower Alliance, referenced an article in *The New Yorker* called "Greenland is Melting", which discusses sea-level rise, and urged the Board not to forget the over-arching problem of global warming and climate change.

Kathy Wheeler, Shell, expressed her support of what Rule 11-18 is trying to accomplish, but requested clarification of the definition and cost-effectiveness of TBARCT, and said that the prioritization score should dictate the implementation schedule for the Rule.

Dan Sabelesky, Shell, said that over the years, government regulations on businesses have contributed to the increase of the prices of consumer products, and this has caused irreparable economic damage in some areas. Mr. Sabelesky said that all parties must work together to achieve a balance of clean environment and prosperity.

Janet PyeGeorge, Rodeo Citizens Association, described past community struggles as the result of refinery exposure, and urged the Board to make clean air possible for future generations, while not ceasing refinery operations.

Palo Alto resident, Stephen Rosenblum, suggested that the Board holds Closed Session prior to the commencement of Board meetings, so that members of the public participating in the Board meetings will have less time to wait. Mr. Rosenblum urged the Board to prevent any further delays in adopting Rule 12-16.

Richmond resident, David Reinerston, said that he was surprised that PM is not being measured in the middle of the asthma zones, or "hot spots." Mr. Reinerston said that a cap on emissions is simple and predictable, and that money should be spent on science and engineering, rather than on meetings.

Richmond resident, Jessica Leimone, said that clean air should not be a luxury, requested that Board meetings and community workshops be held at more convenient times, and said that adopting Rule 12-16 is the least the District can do for the community.

Richmond resident, Stan Criss, said that human activity is wearing down the planet's immune system and that we need to protect the environment.

Greg Reed, Chevron, said that people need to have the correct facts before making statements that could misrepresent a particular organization, party, or company, and thanked Director Gioia for setting the example of clarifying which information is accurate and which is not. Mr. Reed also invited Director to attend future Town Hall meetings in Richmond.

Jan Cecil, Sunflower Alliance, spoke of a planned eight-fold increase in delivery of tar sands crude oil to the Bay Area by 2030.

Lucia Watson, Chevron, acknowledged that that people are entitled to their own opinion, and that there are two sides to every story, but said that facts need to be correct when they are presented.

Rand Wrobel, 350 Bay Area, said that the Board's vote on these Rules will establish the direction that California will take regarding the capping of refinery emissions. He urged the Board to carry out the District's mission statement by adopting Rule 12-16.

Maricela Angel, recited the District's mission statement, and said that the implementation of Rule 12-16 would be retreating from the mission statement and putting residents at risk.

Nancy Navarro, Shell, said that capping emissions is not the solution to reducing GHG emissions and that the cost of living in the Bay Area is already unaffordable for many residents.

Board Comments:

The Board and staff discussed goals of the AB 32 Scoping Plan revision involving GHG reductions at refineries and throughout the industrial sector; the timeline for the adoption of the revised Scoping Plan; whether or not further factual analyses of the EIR is needed; relative asthma rates in and around the Bay Area that staff will send to the Board and post on the website; how to increase multi-lingual translation and access to (outreach for) community workshops and public meetings; upcoming opportunities for public input on these rulemakings; how legal interpretations rely on factual assumptions that still need to be explored in the EIR; the process that staff uses to integrate public comments from workshops into staff recommendations; staff's struggle of responding to public comments that contain incorrect information; and the need for language on the website that illustrates and explains the difference between Rules 11-18 and 12-18, or a Frequently Asked Questions page.

Board Action:

None; receive and file.

PUBLIC COMMENT ON NON-AGENDA MATTERS

20. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

No requests received.

BOARD MEMBERS' COMMENTS

21. Board Members' Comments

Chair Mar thanked Director Chavez who prompted staff to request that the Board direct staff to refrain from initiating any business with Wells Fargo for a period of two years, as Wells Fargo recently admitted to creating over two million fake bank and credit card accounts to collect fees.

Secretary Hudson said that he hoped that staff would be able to avoid calling for a Spare the Air day on Thanksgiving day.

Director Haggerty congratulated staff on a successful “Climate Forward Bay Area: A Leadership Forum” conference that was held on October 13-14, 2016.

OTHER BUSINESS CONTINUED

22. Chairperson’s Report (ITEM 23)

Chair Mar congratulated the eleven Board members who were re-elected to their current office in 2016, and Director Canepa, who is currently serving on the City of Daly City’s City Council and was elected to serve on the San Mateo County Board of Supervisors. Chair Mar also acknowledged Director Bates’ decades of service on the Air District’s Board, as he terms out of his Mayoral and Board positions on November 30, 2016. Director Bates will be officially recognized at the December 7, 2016 Board of Directors meeting.

23. Time and Place of Next Meeting (ITEM 24)

Wednesday, December 7, 2016, 1st Floor Board Room, 375 Beale Street, San Francisco, California 94105 at 9:45 a.m.

24. Adjournment (ITEM 25)

The Board meeting adjourned at 1:11 p.m.

(Marcy Hiratzka)
Marcy Hiratzka
Clerk of the Boards