

May 28th, 2021

To: Jacob Finkle
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
jfinkle@baaqmd.gov
Transmitted via email

Re: Comments on Concepts to Amend the Air District's Permitting Rules in Response to Localized Differences in Air Quality and Permitting in Overburdened Communities

Dear Mr. Finkle,

My name is Seonghee Lim and I live in the City of Oakland. As a person who is deeply concerned about environmental racism in East Oakland, which has been *permitted* by past policies and practices of agencies like yours, I am sending this letter, hoping you consider and include my comments as you further develop these rule amendments.

1. In District's permitting process, cancer risk should be evaluated at a stricter level in all overburdened Environmental Justice communities, including East Oakland.
2. In District's permitting process, the effects of particulate matter should be properly measured and evaluated from any facility in East Oakland and all other overburdened communities.
3. Residents should be informed of a possible polluting facility being opened or expanded in their community as well as of the impacts of existing polluting facilities.
4. Residents also should be provided the information about the facility's permit application, its actual measured pollution, and the health risks and impacts of that pollution.
5. For existing facilities, their history of permit violations and anything that has been done to correct them need to be informed to residents in the community.
6. Further, residents need to be given the chance to exercise some control over whether a polluting facility can move in or expand in.
7. Since our unhoused neighbors are part of our community, they should be similarly considered in the permitting process.
8. Polluting facilities must be held accountable for their pollution before and during the permitting process, rather than after they have been given permission to pollute.

9. The District's practice of giving exemptions from permitting need to be stopped. This practice allows facilities to pollute even without a permit. The Concept Paper mentions nothing about this and I want an explanation.
 - ➔ For example, the District's draft Health Risk Assessment shows that the vast majority of the unacceptably high cancer risk from the AB&I Foundry in East Oakland comes from sources that for decades had been exempt from permitting under this regulation and thus were not required to be abated in any way.
10. I support the Concept Paper's proposed next step of the District to advocate directly and support advocacy at the State level to require land use entities to consider air quality in land use permitting decisions.
11. I do not support the District's history of redirecting blame to land use entities for polluting facilities that the District also had permitting authority over, especially when those same land use entities have cited the District's approval of air permits as reason not to consider air quality.
12. Polluting facilities should not be given emissions credits when they have not yet answered for their past pollution in the community. Instead, they should be penalized much more severely when they violate permitting standards.
13. I think it is unfair that proposals from community advocates have already been excluded from consideration this early in the rule development process.
14. I support consideration of mandatory on-site risk reduction at existing facilities, a cumulative impacts analysis, and a permitting moratorium as reasonable proposals to make the District's permitting process address the harms it has caused to my community.
15. The District should comply with the requirements of the California Environmental Quality Act (CEQA) in its permitting process.
 - ➔ The District should update its CEQA Guidelines to health protective levels. Polluting facilities have misled other agencies with the lie that their compliance with those Guidelines means they are not impacting my community's health. The District's updating the guidelines will make it harder for them to continue using this lie.
 - ➔ The District's use of the CEQA process in permitting of facilities in East Oakland will require mitigation of air pollution and other environmental impacts before, rather than after, a permit to pollute is granted.

- ➔ Upon the fact that the District has been refusing to consider a cumulative impacts analysis as part of its regular permitting process, the District should at least regularly use CEQA for permitting of facilities in my community to perform that analysis.

Thank you for your time. I will look forward to your response and I hope that my concerns are considered in the next version of these rules.

Sincerely,
Seonghee Lim

