



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# Public Workshop on Concepts to Amend Air District Permitting Rules

Virtual Public Workshop  
May 12, 2021

Note: The Air District will be recording this public workshop



# How to Use Video Conferencing

## Black menu bar at top or bottom of screen:



### Audio

Please mute yourself when not speaking

### Video

### Participants

- See others
- Rename yourself (Name and Group/Agency Affiliation if applicable)
- Raise hand (remember to lower after)

### Chat Feature

To provide questions and or comments when chat is enabled

### Reaction

Raise hand, give thumbs up or applaud

# Technical Assistance



- ▶ If you need technical assistance, please call or text **(415) 604-1405** OR email **[info@interethnica.com](mailto:info@interethnica.com)**

# Virtual Participation Principles



- ▷ **One** person speaks at a time.
- ▷ Be **respectful** of one another's opinions.
- ▷ Please **mute** yourself when you're not speaking.
- ▷ **Share video if you like** so we can stay visually connected.
- ▷ Technology happens – please be **flexible and patient**.
- ▷ Remember this is just one meeting in a longer **process**.

# Workshop Agenda



1



**Zoom Poll**

2



**Staff Presentation & Participant Feedback**

3



**Comments and Questions**

4



**Closing and Next Steps**

# Polling Exercise



**Who's in the Room?**

**How familiar are you with Air District's permitting process?**



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** May 28, 2021



# Welcome and Opening Remarks



**Veronica Eady**

Senior Deputy Executive Officer of Policy & Equity

Bay Area Air Quality Management District

*Permitting Rules Workshop  
May 12, 2021*

Bay Area Air Quality Management District

# Presentation Topics



**1 Land Use & Permitting Primer**

**2 Cancer Risk**

**3 Overburdened Community Identification**

**4 Enhanced Noticing and Analysis**

**5 Gas Stations**

**6 Fine Particulate Matter**



# Land Use & Permitting Primer



## Land Use Authority

- Discretionary

## Air District Permitting

- Not discretionary
- Stationary equipment
- New and Modified
- Emits to atmosphere

# Local Land Use Planning



## Why Local Land Use Decisions Matter

- Local land use decisions are often made before the Air District receives a permit application.
- Local decisions that do not adequately address air quality impacts can limit the Air District's options to minimize local exposure.
- Proximity of people to polluting sources sometimes an outcome
- Examples:
  - Private school in Fremont located adjacent to concrete batch plant
  - Milpitas/Fremont/San Jose residential development near landfill/MRF
  - City approval allowed for crematory to relocate to East Oakland

# Air District Goals for Local Land Use Planning



## Development that is:

- Mixed-use, infill, near transit
- Provides adequate levels of housing, particularly affordable housing
- Minimizes automobile use and vehicle miles travelled
- Supports Plan Bay Area 2050's regional transportation and housing goals
- Avoids exposing residents to local emissions from stationary sources of pollution, odors or dust; freeways; railyards; other sources

# Air District Role



## Develop and Implement Air Quality and GHG Plans

- **2017 Clean Air Plan: Spare the Air, Cool the Climate** includes measures to guide land use planning
- **AB 617 West Oakland Community Action Plan (WOCAP):** adopted in 2019, includes strategies to mitigate land use conflicts
- Local climate action plan guidance to support low carbon, low VMT development

# Air District Role



## Provide Guidance and Technical Support

- **CEQA Air Quality Thresholds and Guidelines:** widely used to determine thresholds of significance and identify applicable mitigation measures
- **Planning Healthy Places:** project and plan-level guidance for siting development
- **SB 1000 Guidance:** support for incorporation of Environmental Justice Elements in General Plans
- **Air quality and GHG data and tools:** emissions inventory data, health risk screening tools, guidelines, other
- **Knowledge building:** education and outreach to local planners



# Air District CEQA Guidelines Update



## Goals of Updating the CEQA Thresholds and Air Quality Guidelines

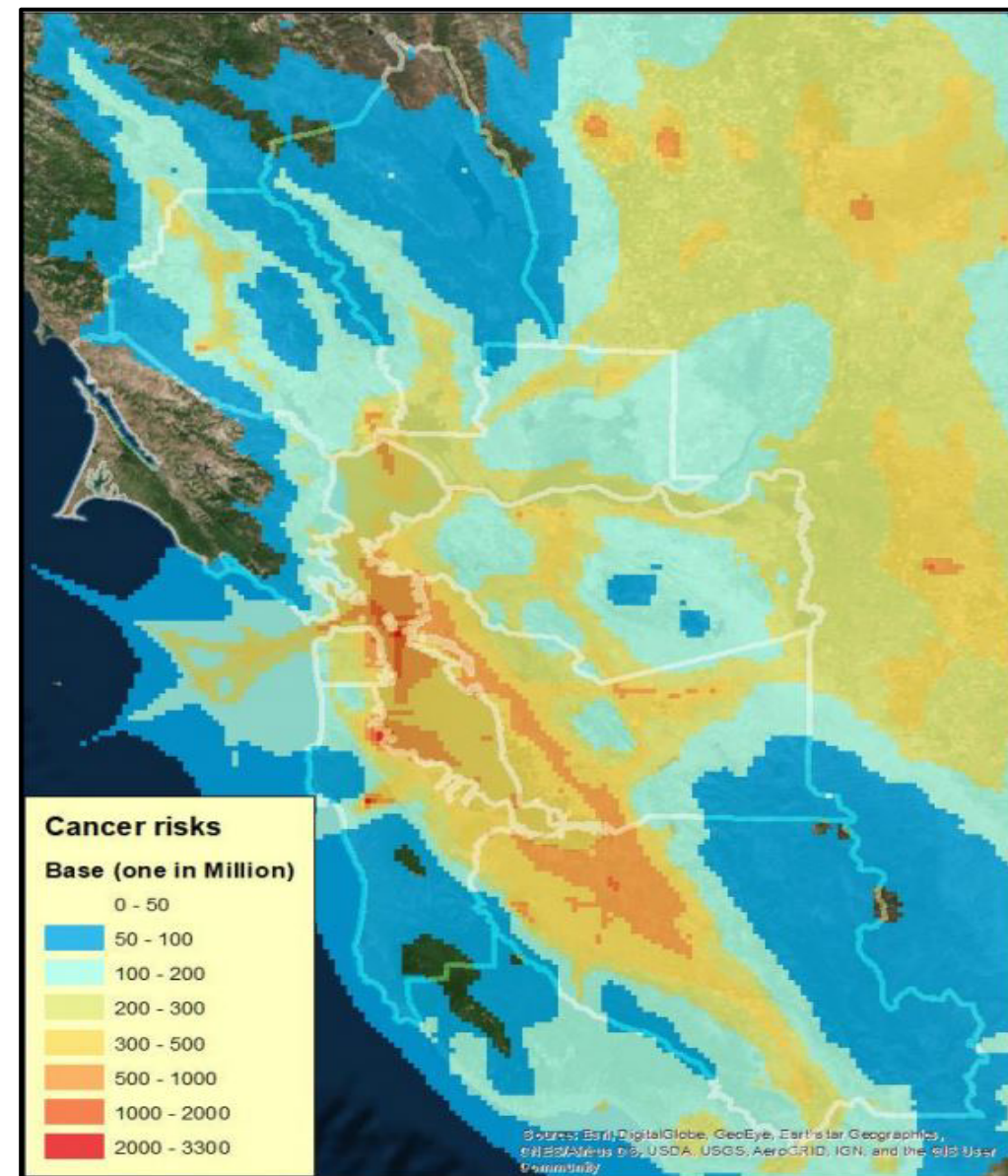
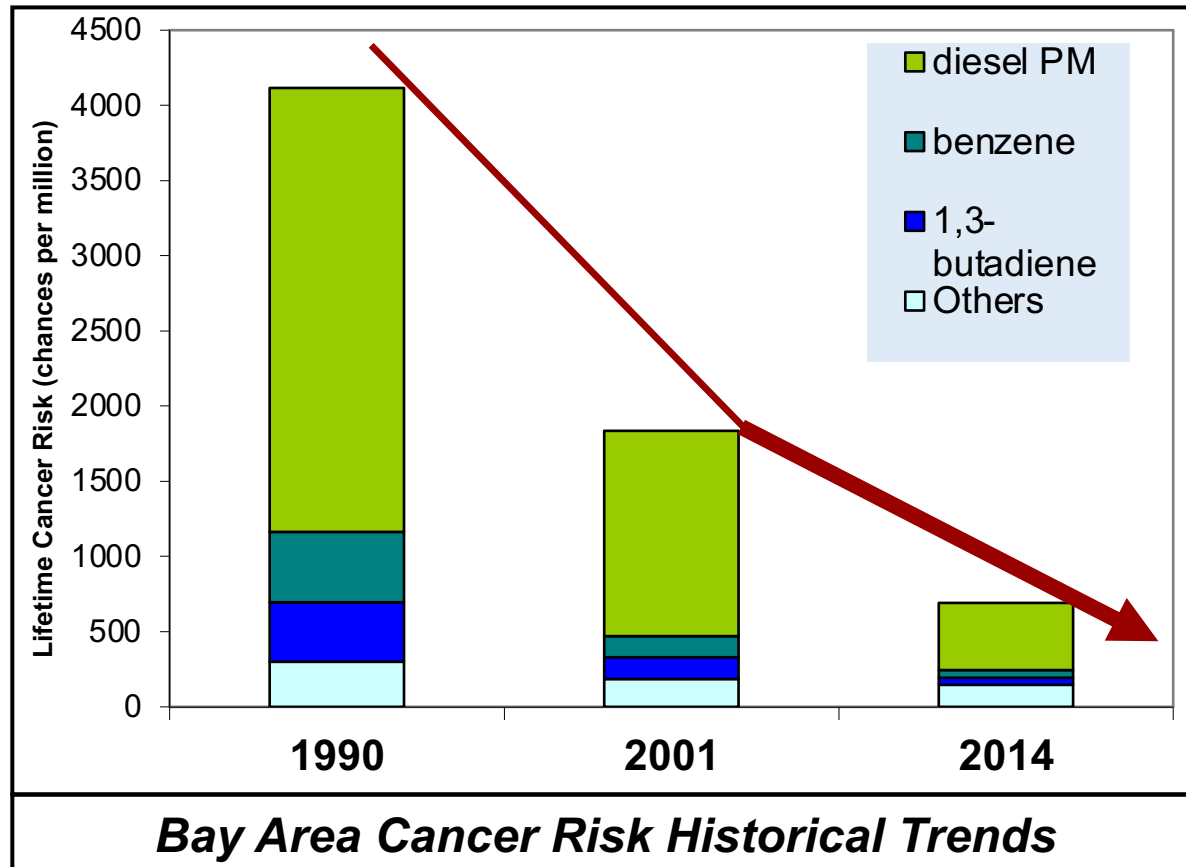
- Update outdated GHG thresholds to align with State goals and targets
- Strengthen particulate matter (PM<sub>2.5</sub>) thresholds to be more health protective.
  - Phase 1: lower current thresholds to be more health protective
  - Phase 2: align local PM and risk thresholds with Permit Reform and Advisory Council process and recommendations
- Other updates and enhancements
  - Include Environmental Justice chapter to provide context for local planning efforts
  - Update methodologies and clarify guidelines for implementing thresholds
  - Add new mitigation measures

# Permit Evaluation





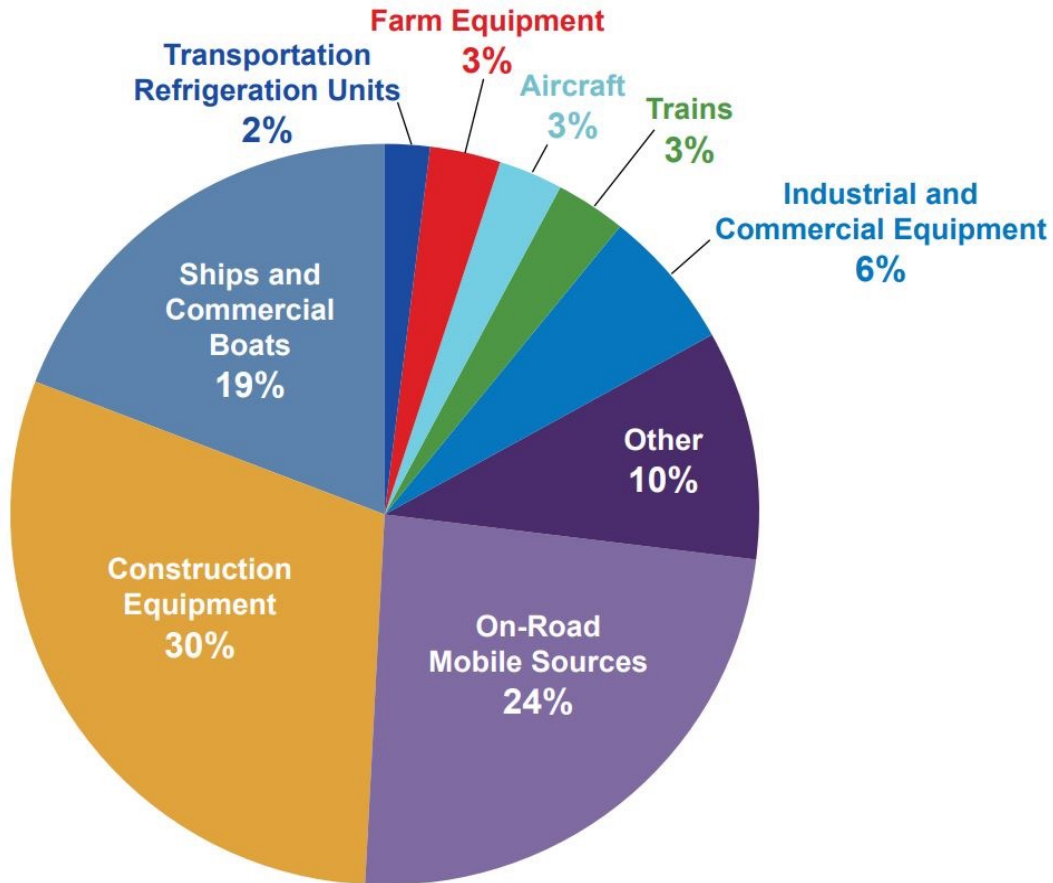
# Background: Exposure



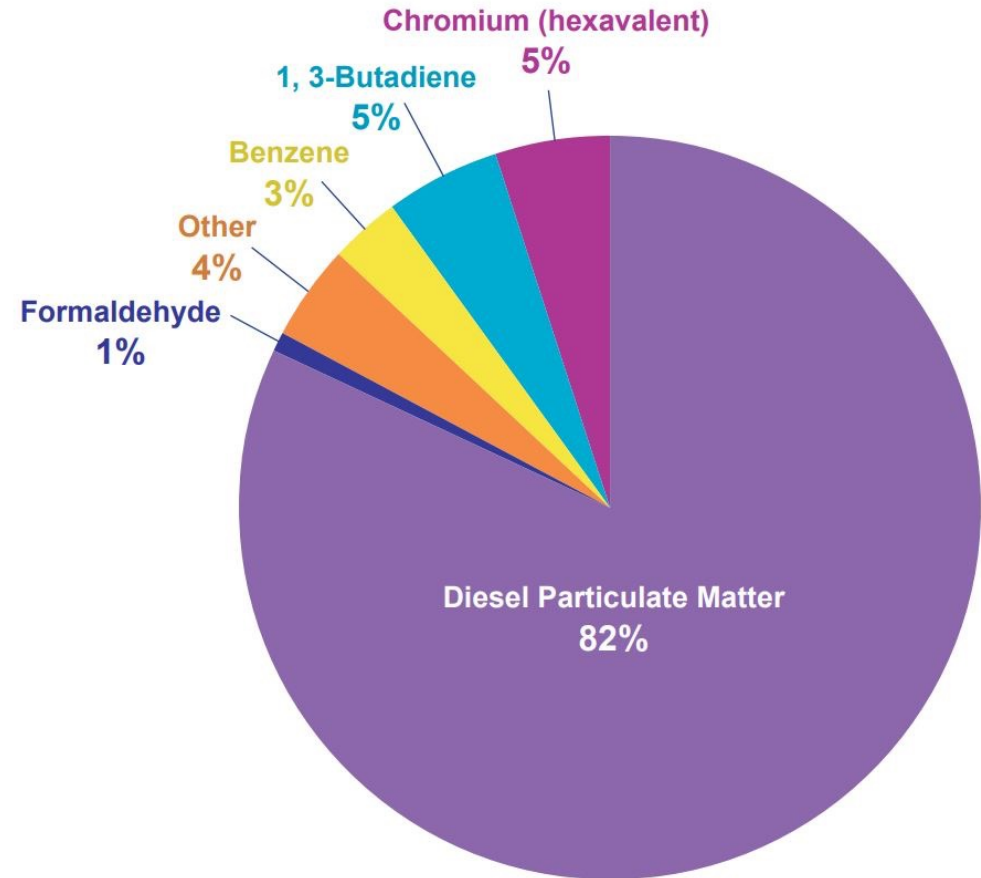
**Bay Area Background Cancer Risk**



# Background: Emissions



***Cancer-Risk Weighted Toxic Air Contaminant Emissions by Emission Source Category, 2015***



***Cancer-Risk Weighted Emission Estimates by Toxic Air Contaminant, 2015***

# Cancer Risk in Permitting



## Existing Process

- ➔ Cancer-causing air pollutants
- ➔ Current Process
  - 10 in a million
- ➔ Bay Area-wide

## Concepts

- ➔ More Stringent Options:
  - 3 in a million
  - 5 in a million
  - 6 in a million
- ➔ Overburdened Communities

# Lookback Analysis, 3/M



3 in a million → 10 in a million

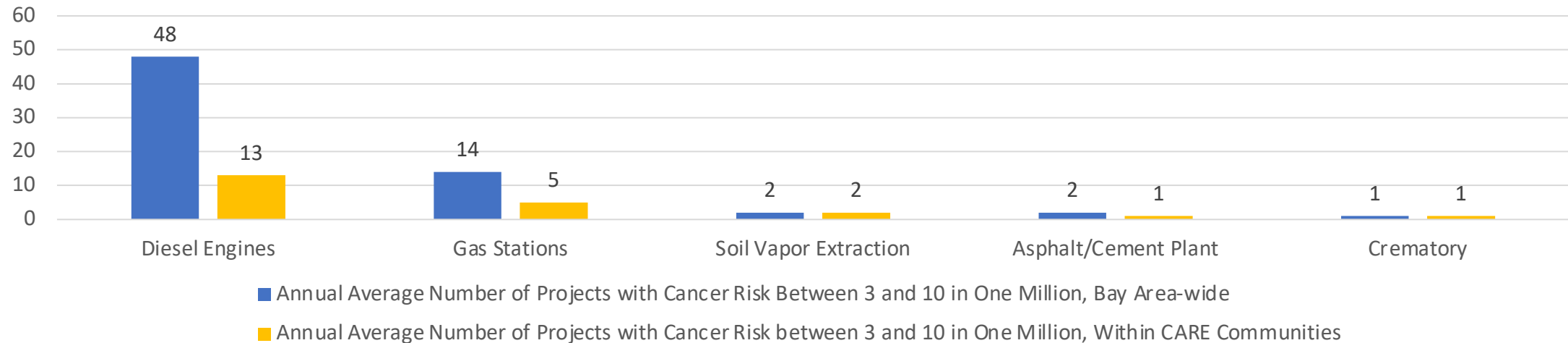
Total Projects District-Wide

Total Projects Within CARE Communities

~78/year

~25/year

Annual Average Number of Projects



# Lookback Analysis, 5/M



5 in a million → 10 in a million

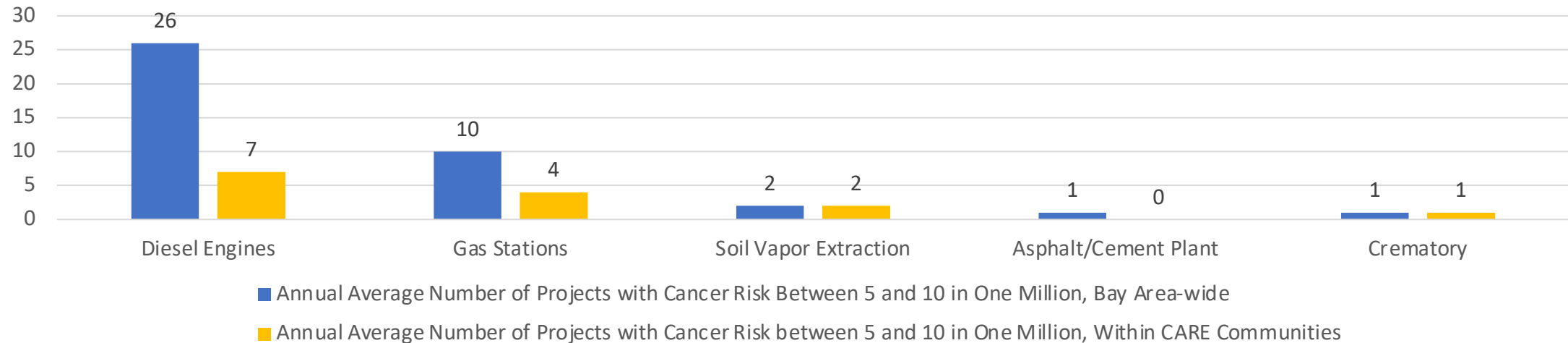
Total Projects District-Wide

Total Projects Within CARE Communities

~45/year

~15/year

Annual Average Number of Projects



# Lookback Analysis, 6/M



6 in a million → 10 in a million

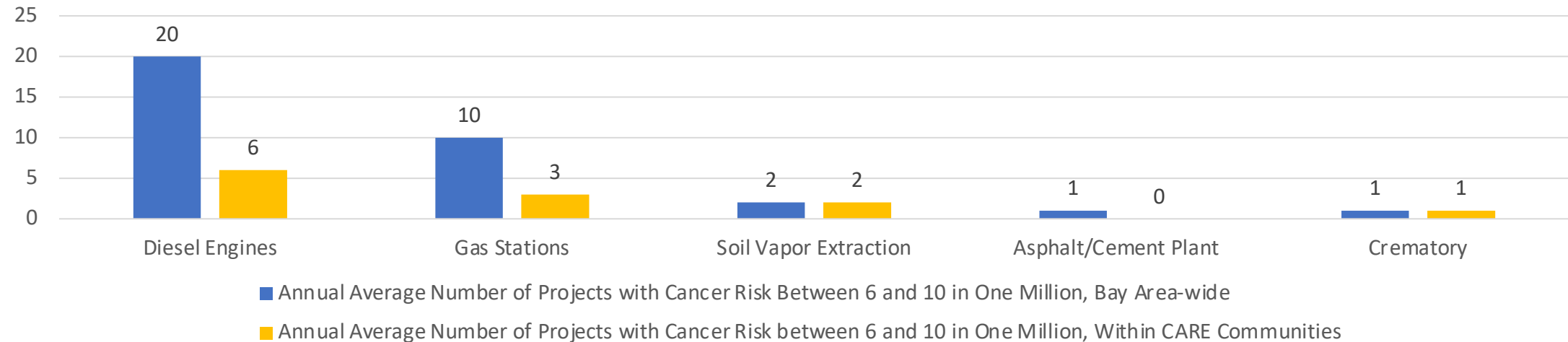
Total Projects District-Wide

~38/year

Total Projects Within CARE Communities

~13/year

Annual Average Number of Projects



# Identifying Overburdened Communities



- Potential categories to identify communities:
  - Environmental
    - Air quality
    - Others, e.g. water, soil quality
  - Health
    - Community health status
    - Life expectancy
  - Social
    - Race/ethnicity
    - Economic status




# What could this mean?



Potential **impacts** of a more stringent cancer risk limit

Primarily affected project types:  **Gas Stations**  
**Diesel Generators**

 **Health benefits** from cleaner sources, permit denials

 Increased expense borne by permit applicants

 Increased permit processing time

If applied only in overburdened communities

 Potential disproportionate  of **business & services**

# Workshop Participant Feedback



## Check in

With potential impacts in mind, please provide any feedback you have on reducing the cancer risk limit to less than 10 in one million.

Should more stringent cancer risk limits be confined to projects in overburdened communities **or** apply to all projects in the Bay Area?



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** May 28, 2021





# Enhanced Noticing and Analysis



## Existing Process

- ➔ Notifications of draft permit decisions for projects located within 1,000 feet of a K-12 school that result in an increase of Toxic Air Contaminant emissions
- ➔ Consider public comments prior to approval

## Concepts

- ➔ Expand to notify nearby residents in overburdened communities
- ➔ Analysis of potential impacts of a project to nearby residents in overburdened communities

# What could this mean?




Potential **impacts** of an enhanced noticing and analysis process

Community

**TRANSPARENCY**  
**PUBLIC AWARENESS**

 **Land Use Decisions**

 **Permit may still be issued**

 Increased expense borne by permit applicants

 Increased permit processing time

If applied only in overburdened communities

 Potential disproportionate  of **business & services**

# Feedback on Enhanced Notification and Analysis



Check in

Do you want this pre-construction notification, even if it likely will not change the permitting outcome?

What is the best way to notify people of proposed projects in their communities?



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** May 28, 2021



# Gas Station Health Assessments



## Existing Process

- ➔ Health Risk Screening emissions modeling on < 2015 Guidelines

## Concepts

- ➔ Update Health Risk Screen emissions modeling to most recent 2015 Guidelines

# Fine Particulate Matter



## Existing Process

- ➔ No exposure-based limits on fine particulate matter emissions

## Concepts

- ➔ Update permitting to include fine particulate matter emissions limits based on health risk

# Concepts Summary



**1 Cancer Risk**

**2 Overburdened Community Identification**





**3 Enhanced Noticing and Analysis**

**4 Gas Stations**

**5 Fine Particulate Matter**

# Comments, Questions and Answer Session



-  Please mute yourself when you're not speaking
-  Please raise your hand if you wish to speak and wait for the facilitator to let you know when you can unmute yourself & speak
-  One person speaks at a time
-  Be respectful of one another



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** May 28, 2021



# Next Steps



## Next Steps

- Comments due by **May 28, 2021**
- Report out on this workshop to Stationary Source and Climate Impacts Committee on **May 17, 2021**
- Prepare for workshop on draft rule amendments based on feedback

*Engagement Opportunities*



# Closing and Timeline



Materials available at: <https://www.baaqmd.gov/reg-2-permits>



Workshop  
Comments Deadline:

**May 28, 2021**

- Comments received will be posted to website
- Contact staff to discuss or for follow-up questions

***Staff contact:***

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**Rule Development**  
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**THANK YOU FOR YOUR ENGAGEMENT**

# Workshop Evaluation



*The Air District Wants Your Feedback!*

**Help us improve our workshops and rule development process by completing this short survey in the link below.**

<https://www.surveymonkey.com/r/Q5QBN2J>

