Compliance and Enforcement Update: Air Quality Complaint Data and Program Review

Community Advisory Council Meeting
July 20, 2023

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Requested Action

• None – Informational Presentation
• Air District staff will provide a brief overview of the air quality complaint investigation process, steps for confirming a complaint, and summarize the complaint data across the Bay Area.

• Address community questions on how to increase the complaint confirmation rate.
Glossary of Terms

- **Air Quality Complaint Investigation Process** – Investigative procedure that the Air District follows to address air quality concerns received from the community.

- **Complaint Confirmation Rate** – The percentage of complaints confirmed by inspection staff over the total number of complaints received.

- **Complaint Variables** – Factors that influence complaint response and the ability of an inspector to confirm the complaint.

- **Violation** – Non-compliance of applicable Air District, State, or Federal regulation(s) and/or permit condition(s).

- **Enforcement Action** – When the Air District takes action against an air pollution source that is in violation of regulation(s).
Presentation Outline

• Air Quality Complaint Program Goals and Objectives
• Steps in the Air Quality Complaint Investigation Process
• Complaint Response Time Goals
• How is the Complaint Status Determined (confirmed vs. unconfirmed)
• Air Quality Complaint Data
  • Complaint Data by City, Complaint Types, 5-Year Complaint Summary, Complaint Variables
• Other Factors that Influence Complaint Response and Investigation
• Rules and Enforcement Actions
Air Quality Complaint Program Goals and Objectives

• Provide avenue for the public to communicate air quality concerns in the Bay Area
• Provide timely response to air quality complaints
• Investigate each complaint to achieve early intervention in resolving air quality problems and identifying violations
• Investigate all complaints as an impartial party to determine fact and circumstances surrounding alleged air emission releases
• Take appropriate enforcement action following complaint investigations
Steps in the Air Quality Complaint Investigation Process

1. Complaint Reporting
2. Complaint Response and Investigation
3. Investigation at Potential Emission Source
4. Investigation Findings and Actions
Complaint Response Time Goals

<table>
<thead>
<tr>
<th>Type of Complaints</th>
<th>Response Time Goals*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints with ongoing emissions</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Complaints from schools, preschools, daycares, and senior centers</td>
<td>30 minutes</td>
</tr>
<tr>
<td>Complaints that do not have ongoing emissions</td>
<td>30 minutes – 2 hours</td>
</tr>
<tr>
<td>Gasoline Dispensing Facility</td>
<td>24 hours</td>
</tr>
</tbody>
</table>

*For complaints received during normal business hours
How is the Complaint Status Determined?

**Confirmed Complaints**
- Emission is present at time of investigation *(face-to-face meeting NOT required, but encouraged)*
- Emission is traceable to a source
- Other supporting evidence

**Unconfirmed Complaints**
- Emission is no longer present at time of investigation
- Emission is NOT traceable to a source
- No other supporting evidence available
- Complaints outside of Air District jurisdiction
Complaints and Enforcement Actions

Confirmed Complaint

Violations?

YES

Emissions verified and traced to source; and Inspector determines a violation occurred:
- Air District, State or Federal Reg
  - Permit Conditions
  - Public Nuisance

NO

Emissions verified; Inspector determines no violation of an air quality regulation occurred

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Bay Area Air Quality Management District
Complaints and Enforcement Actions

**Unconfirmed Complaint**

- **YES**
  - Emissions NOT verified; however, Inspector determines a violation occurred:
    - Air District, State or Federal Reg
    - Permit Conditions

- **NO**
  - Emissions not verified and no violation documented

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Bay Area Air Quality Management District
Rules and Enforcement Actions

- Issue Notice of Violations
  - Applicable Air District, State, and Federal Regulations
  - Permit Requirements
    - Authority to Construct and Permit to Operate
    - Permit conditions
  - Public Nuisance - Reg 1-301, H&SC 41700

- Coordinate across divisions to develop enforcement cases
  - Hearing Board

- Conduct joint investigations with other local enforcement agencies
Complaint Coordination with Other Agencies

- Complaints received from schools
- Complaints alleging mobile sources
- Complaints outside of Air District’s jurisdiction and/or authority
- Complaints associated with an incident (i.e. fires, hazardous chemical releases, shelter-in-place orders, etc.)
Complaints by Type

2018-2022 Air Quality Complaint Data

- Odor: 73%
- Dust: 9%
- Smoke: 7%
- Asbestos: 4%
- Fire Out: 3%
- Other: 2%
- Gas Station Nozzle: 1%
- Idling Commercial Vehicle: 1%
- Gas Station Other: 1%
- Idling Port Truck: 1%
- Train: 1%
- Idling School Bus: 1%

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Bay Area Air Quality Management District
Complaint Data by City

Cities with More Than 100 Complaints (2018 – 2022)

- Milpitas: 4150 complaints
- Oakland: 1883 complaints
- Richmond: 1809 complaints
- Berkeley: 1620 complaints
- San Jose: 995 complaints
- Crockett: 817 complaints
- Pittsburg: 482 complaints
- Martinez: 418 complaints
- Rodeo: 364 complaints
- Petaluma: 265 complaints
- San Leandro: 257 complaints
- Santa Rosa: 228 complaints
- Benicia: 226 complaints
- Fremont: 197 complaints
- Cupertino: 195 complaints
- Concord: 186 complaints
- Vallejo: 138 complaints
- Pleasanton: 138 complaints
- Hayward: 133 complaints
- Santa Clara: 131 complaints
- Livermore: 123 complaints
- Alameda: 117 complaints
- Newark: 117 complaints
- Napa: 107 complaints
- Point Richmond: 105 complaints
- San Mateo: 100 complaints

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# 5-Year Complaint Summary

## Number of Complaints Received and Complaints Confirmed by Year

<table>
<thead>
<tr>
<th>Year</th>
<th># of Complaints Received</th>
<th>Confirmed Complaints</th>
</tr>
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<tbody>
<tr>
<td>2018</td>
<td>4740</td>
<td>284</td>
</tr>
<tr>
<td>2019</td>
<td>3531</td>
<td>245</td>
</tr>
<tr>
<td>2020</td>
<td>2989</td>
<td>213</td>
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<tr>
<td>2021</td>
<td>3353</td>
<td>423</td>
</tr>
<tr>
<td>2022</td>
<td>2983</td>
<td>436</td>
</tr>
</tbody>
</table>

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Complaint Confirmation Rate by Year

- 2018: 6.0%
- 2019: 6.9%
- 2020: 7.1%
- 2021: 12.6%
- 2022: 14.6%

Air Quality Complaint Policy Updated
Variables that Influence Confirmation Rates

- 22% No Site Alleged
- 38.3% Complaints Received Outside Business Hours
- 38% Complaints Reported > 1 hr after Occurrence

Pie charts based on 5-year data (2018 to 2022)
Variables that Influence Confirmation Rates (cont’d)

16.7% Anonymous Complaints

11.4% Complaints Received Without Descriptions

Pie charts based on 5-year data (2018 to 2022)
Other Factors that Influence Complaint Response and Investigation

- Meteorological conditions (e.g., wind, rain, temperature, fog, etc.)
- Fleeting nature of emissions
- Intermittent operations at alleged source/site
- Complainant no longer observing emissions
- Traffic congestion can slow response time
- Inspector availability
- Complaints received on weekends or after-business hours
- Complaints that are outside of Air District jurisdiction
Opportunities for Community Assistance and Support to Complaint Investigations

• Share information with communities on how to report an air quality complaint
• Report a complaint as soon as emission is observed
• Provide more detailed descriptions when reporting an air quality complaint
• Provide the Inspector with photos or videos of emissions
• Provide additional data to Air District by completing Emissions Log
  • https://baaqmd.agency/emissionslog
Public Comment
Questions?