Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

APPROVED MINUTES

Community Advisory Council Meeting
Thursday, November 21, 2024

1. CALL TO ORDER - ROLL CALL

The meeting Facilitator, Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the Community Advisory Council (Council) in-person meeting to order at 6:10 p.m. Co-Chairperson Mayra Pelagio thanked Air District Board Chairperson Davina Hurt and Air District staff for creating Clean Air Talks, a the first ever series of in-person, informal conversations between the Air District's Board Chair and members of the public, to share ideas, concerns, and questions regarding air quality issues in local communities. Five Clean Air Talks were held throughout the Bay Area in 2024 (San Carlos, San Jose, Vallejo, East Palo Alto, and San Lorenzo). Co-Chair Pelagio also noted that as the country enters a new presidential administration, the Council reaffirms its commitment to equity and inclusion, and stands united to support every individual, regardless of race, citizenship status, economic status, gender, or any other identity. The Council stands to uplift marginalized communities and ensure clean air and healthy environments for all.

Roll Call:
Present, In Person: (Bay Area Metro Center, 375 Beale Street, 1st Floor Board Room, San Francisco, CA, 94105): Council Co-Chairpersons John Kevin Jefferson, Mayra Pelagio, Ken Szutu; and Council Members Sejal Babaria, William Goodwin, Ms. Margaret Gordon, Arieann Harrison, Patrick Messac, Rio Molina, Cynthia Prieto-Diaz, Dominick Ramirez, Dr. Jeff Ritterman, Kevin G. Ruano Hernandez, Violet Saena, and Latasha Washington.

Absent: Council Member Dr. Juan Aguilera.

2. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Olga Mandrrussow.

CONSENT CALENDAR

3. APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL MEETING OF SEPTEMBER 19, 2024

The Council approved the Draft Minutes of the Community Advisory Council Special Meeting of September 19, 2024.

Public Comments

No requests received.

Council Comments

Dr. Ritterman noted that his first name was erroneously captured as “John” on Page 1 of the Draft Minutes of the Community Advisory Council Special Meeting of September 19, 2024, in the Roll Call Section. The Clerk apologized and said that the Draft Minutes of the Community Advisory Council Meeting of September 19, 2024 would be amended to reflect “Jeff” on Page 1.

Council Action

Council Member Dr. Ritterman made a motion, seconded by Council Member Ms. Margaret Gordon, to **approve** the Draft Minutes of the Community Advisory Council Special Meeting of September 19, 2024, as amended; and the motion **carried** by the following vote of the Council:

AYES:	Babaria, Goodwin, Gordon, Harrison, Messac, Molina, Ramirez, Ritterman, Ruano Hernandez, Saena, Szutu, Washington.
NOES:	None.
ABSTAIN:	Jefferson, Pelagio, Prieto-Diaz.
ABSENT:	Aguilera.

Motion Approved.

ACTION ITEM

4. **VOTE TO ADOPT THE COMMUNITY ADVISORY COUNCIL (CAC) ENVIRONMENTAL JUSTICE (EJ) POLICY AD HOC COMMITTEE'S CALL TO ACTION**

Vernice Miller-Travis of The Metropolitan Group, and the Co-Chairs of the EJ Policy Ad Hoc Committee, Council Members Rio Molina and Latasha Washington, gave the presentation *Vote to Adopt the Community Advisory Council’s Environmental Justice Call To Action,* including: outcome; requested action; outline; background of *A Call to Action: Charting a New Course Towards Environmental Justice at the Bay Area Air Quality Management District; A Call to Action* Table of Contents; summary of nine CAC EJ priorities; input from the September 19, 2024 CAC meeting; and highlights of content edits made and design formatting since September 19, 2024.

Public Comments

No requests received.

Council Comments

Note: *A Call to Action* will be referred to as "the document" in this section. The Council and staff discussed the document's content edits regarding providing EJ communities with tools to help them address legal barriers to advancing EJ; whether the CalEnviroScreen map in the document, which shows cumulative impact data from different levels of pollution and socioeconomic factors affecting Bay Area communities, will be used by the Air District to help allocate funds to the Regional and/or Local Community Benefits Fund; the request for a glossary of terms in the document; the belief that the documents' nine EJ Priorities lack specificity (tangible recommendations); the belief that the document's four Goal tables, a crosswalk of Strategies from the Air District's 2024 – 2029 Strategic Plan with the Environmental Justice Priorities and Focus Areas for Early Implementation, should be visually easier to read; the request that the document be translated into Arabic, Hmong, Vietnamese, and other languages beyond English, Chinese, and Spanish; the request that the document's EJ priorities be more granular, measurable, and enforceable; whether this document may be incorporated into a future Council retreat in 2025; the timeline for the document's action plans; and the hope that this document results in tangible action being taken as soon as possible.

Council Actions

Co-Chair Jefferson made a motion, seconded by Council Member Dr. Ritterman, to **approve** the final version of *A Call to Action: Charting a New Course Towards EJ at the Bay Area Air Quality Management District*; and the motion **carried** by the following vote of the Council:

AYES:	Babaria, Goodwin, Gordon, Harrison, Jefferson, Molina, Pelagio, Ramirez, Ritterman, Ruano Hernandez, Saena, Szutu, Washington.
NOES:	None.
ABSTAIN:	Messac, Prieto-Diaz.
ABSENT:	Aguilera.

Motion Approved.

THE COUNCIL RECESSED AT 7:08 P.M., AND RESUMED AT 7:19 P.M.

INFORMATIONAL ITEM

5. **IMPLEMENTATION PLANNING FOR COMPLIANCE & ENFORCEMENT-RELATED STRATEGIC PLAN STRATEGIES**

Dr. Meredith Bauer, Air District Deputy Executive Officer of Engineering and Compliance, and Alexander Crockett, Air District General Counsel, gave the staff presentation *Implementation Planning for Compliance & Enforcement-Related Strategic Plan Strategies,* including: outcome; requested action; outline; Compliance and Enforcement-related strategies and commitments; implementation process for compliance strategies; preliminary Draft Implementation Timeline for Compliance Strategies; enforcement-

related strategies and commitments; implementation process for enforcement strategies; and preliminary Draft Implementation Timeline for Enforcement Strategies.

Public Comments

No requests received.

Council Comments

The Council voiced the following **concerns** regarding the Air District's proposed Compliance and Enforcement strategies within its 2024-2029 Strategic Plan (new enforcement policy, enhanced violation investigations, air quality complaints, and improved compliance investigations):

- Opposition to the words "feedback" and "input" used in the presentation because Community Advisory Council members should be making decisions and policy, rather than merely being an audience for the policy makers. The perception that regulating agencies sometime act like violators, and the Community Advisory is part of a regulatory agency.
- Strategies regarding violations seem similar to previous policies that have existed for years, yet there seems to remain a lack of enforcement action taken.
- Fear that permitted facilities will violate their permits, undetected for many years, due to self-auditing/reporting.
- Lack of Air District inspectors (and subsequent inspections) and attorneys.
- The hours that Air District inspectors are available to investigate complaints often do not result in (real-time) inspections (no holidays, evenings, or weekends.)
- The Draft Implementation Timeline for Compliance Strategies is not being implemented quickly enough. There seem to be too many delays.
- Disappointed in the Air District staff presentations' lack of transparency that would honor the community. Engagement does not feel meaningful.
- Dissatisfaction with the Air District's Complaint Program process (number of unconfirmed cases and timeliness of investigations.) From the community's point of view, the current process is not sustainable.

The Council expressed the following **requests and suggestions**:

- Eliminate violators entirely (shut them down) instead of making them pay fines (nothing else should be acceptable.)
- Eliminate permitted facilities' ability to self-audit/report.
- Educate the communities that may not be aware of the sources of their air pollution.
- Some of the Council Members lack information on how the Air District's Complaint Program works. Another primer on this topic should be held (what occurs when an air quality complaint is registered with the Air District; is testing involved during a complaint investigation; is there a heat map to show complaints?)

- Make the easiest changes as soon as possible and do not wait while developing enforcement policies/programs and collecting input. Conduct a pilot of proposed strategies immediately and see what works and what doesn't.
- Examine/analyze specific cases in further depth, to look for patterns as to why investigations and the complaint process are not improving (from the community's perspective), rather than always looking at the big picture.
- Implement independent auditing of past enforcement actions and involve the community when reflecting on those.
- To improve incident response times, outsource inspection services to cover the times that Air District inspectors are not working or extend the time that Air District inspectors are working so that real-time investigations can occur when there is a complaint.
- Members of the public who register air quality complaints should be provided with guidance that will help them use precise language that will best inform inspectors of incidents.
- Use violation settlement funds to address the complaints above.
- Two or more Air District inspectors should be designated solely to implement EJ priorities.
- The training for Air District inspectors needs to be improved, to result in more meaningful relationships with members of the communities that most frequently experience air quality incidents. They currently are not meeting expectations.
- Present key data points to the Council as often as possible to help the Council make more informed decisions. These include: the number of Air District inspectors; the number of inspections that inspectors conduct per week, and the locations of those inspections; what triggered the inspection; the percentage of inspections that resulted in enforcement actions (penalties); average monetary enforcement.
- Engage in joint policing with other regulatory agencies, including public health departments.
- Provide a breakdown of self-auditing/reporting (which permitted facilities do it, and how frequently); the number of lawsuits that were won by the Air District; the number of violations that are discovered to be self-reporting issues; Air District rules by which permitted facilities must operate; which entity allows self-auditing/reporting.

Other **questions and comments** from the Council:

- What are methods by which Air District staff engage with community?
- What are education programs and tools to inform the community about the Community Benefit Fund?
- How does the Air District plan to utilize Fellows of the Air District's new Environmental Justice Law Fellowship Program regarding Compliance and Enforcement activities?
- Offer ride along opportunities during complaint investigations to empower the public.

- Encourage cities and counties to reevaluate their zoning laws to better protect their constituents.
- Is there a budget for the implementation of these strategies?
- I have seen progress and improvement in the Air District's procedures and processes, and the Air District does listen to the community and incorporates the communities' input into its programs, policies, and procedures.
- Are there any unfilled seats on the Council's Compliance and Enforcement AD Hoc Committee?

Council Action

No action taken.

OTHER BUSINESS

6. **COMMUNITY BENEFIT FUND (CBF) AD HOC UPDATE**

Council Member Goodwin provided the Council with an update from its Community Benefit Fund Ad Hoc Committee including:

- The CBF Ad Hoc Committee is developing a proposal to use participatory budgeting for the allocation and distribution of the Board-designated CBF, currently $3M. The CBF Ad Hoc Committee will provide an overview of the other considered options, when the proposal of the preferred option is presented to the Council.
- The CBF Ad Hoc Committee has been engaged in a search for a consultant to assist with the development of the CBF Ad Hoc Committee's proposal. The CBF Ad Hoc Committee has considered four consultant applications and rated the bidders based on the quality of applications, the level of completeness of the applications, expertise, skills, experience, qualifications, and how closely aligned the submissions were to the bidding instructions. The selected consultant has supported the execution of publicly-funded participatory budgeted processes in the past with community members, and the name of the selected consultant will be released when the contract has been signed and completed.

Public Comments

No requests received.

Council Comments

None.

Council Action

No action taken.

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

On behalf of Dr. Philip M. Fine, Executive Officer / APCO, Arsenio Mataka, Deputy Executive Officer of Equity & Community Programs, reported the following:

- In October, the Air District and California Air Resources Board announced that they have fined Valero Refining Co. nearly $82 million for air quality violations at Valero's refinery in Benicia since 2019. This is the largest penalty the Air District has ever assessed. The bulk of these penalty funds will go to fund clean air projects in the local community under the Community Benefits Policy the Board of Directors adopted in May. Over $64 million of these funds will be returned to the local community to finance projects aimed at reducing air pollution exposure, mitigating air pollution impacts and improving public health in areas surrounding the refinery. These projects will be selected through a public process with input from residents, community organizations, elected officials and advocates representing the impacted area. The remainder of the penalty will be used to fund beneficial clean air projects in overburdened communities throughout the Bay Area, as well as to offset the costs of investigating and prosecuting the case. This penalty is the largest ever assessed in the Air District's history. The press release can be found here.
- Board Chair Hurt and Dr. Fine are attending the United Nations Climate Change Conference, COP29, in Baku, Azerbaijan, from November 11 through November 21, to showcase the Air District's climate leadership, engage with global partners, and gather insights to strengthen local climate action. The COP is an annual meeting of the "Conference of the Parties" to the U.N. climate treaty. In addition to the official work of the national delegates, COP includes hundreds of non-national delegations from around the world hosting workshops and panels and youth events. Chair Hurt and Dr. Fine are attending to showcase our climate leadership, engage with global partners, and gather insights to strengthen local climate action. Air District staff has kept Bay Area communities informed and involved through social media updates, as well as a live media availability and Facebook Live stream from COP29. This was a valuable opportunity to highlight the Air District's climate initiatives on an international stage and to develop new partnerships and collaborations on top priority initiatives.

Public Comments

No requests received.

Council Comments

None.

8. COUNCIL MEMBER COMMENTS

Council Member Washington requested a future Council agenda item, regarding self-reporting/auditing of permitted facilities.

Council Member Ms. Margaret Gordon said that the West Oakland Community Action Plan (WOCAP) recently celebrated its 5th year. *Owning Our Air: The West Oakland Community Action Plan,* is a Community Emissions Reduction Plan developed to reduce the health effects of air pollution in West Oakland. In 2019, the Air District's Board of Directors and the California Air Resources Board adopted the WOCAP. In October of 2024, the WOCAP partners completed five years of implementation, the timeframe originally envisioned to meet the CERP targets. The WOCAP Fifth Year Annual Report highlights the reduction in air pollution and health risk in West Oakland as a result of implementing actions in the WOCAP.

Council Member Messac requested directions on how to submit comments in response to the Woodsmoke White Paper that the Air District released, which provides extensive information on wood burning in the Bay Area, the current state of the regulatory landscape for wood-burning devices, and a discussion of potential recommendations to further minimize woodsmoke emissions and exposures.

9. TIME AND PLACE OF NEXT MEETING

Before the meeting adjourned, the next meeting of the Community Advisory Council was scheduled for Thursday, January 16, 2025. After the meeting adjourned, the next meeting was scheduled for Thursday, March 20, 2025, at 6:00 p.m. at Trans Pacific Center, California State University East Bay, Oakland Professional & Development Center, 1000 Broadway, Suite 109 - Grand Lake Conference Room, Oakland, CA 94607. The meeting will be in-person for the Community Advisory Council members and members of the public will be able to either join in-person or via webcast.

10. ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

/S/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards