



**COMMUNITY
ADVISORY COUNCIL**
CLEAN AIR FOR ALL

BOARD OF DIRECTORS
COMMUNITY ADVISORY COUNCIL
May 16-17, 2025

COUNCIL MEMBERS

SEJAL BABARIA
WILLIAM GOODWIN
MS. MARGARET GORDON
ARIEANN HARRISON
JOHN KEVIN JEFFERSON
PATRICK MESSAC
RIO MOLINA
MAYRA PELAGIO

CYNTHIA PRIETO-DIAZ
DOMINICK RAMIREZ
DR. JEFF RITTERMAN
KEVIN RUANO HERNANDEZ
FAGAMALAMA VIOLET SAENA
KEN SZUTU
LATASHA WASHINGTON
DR. JUAN AGUILERA

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
COUNCIL MEMBERS AND MEMBERS OF THE PUBLIC**

Holiday Inn San Jose – Silicon Valley
San Jose Ballroom
1350 North 1st Street
San Jose, CA 95112

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Community Advisory Council reserves the right to conduct the meeting without remote webcast and/or Zoom access.

The public may observe this meeting through the webcast by clicking the link available on the air district's agenda webpage at www.baaqmd.gov/about-the-air-district/community-advisory-council/agendasreports.

Members of the public may participate remotely via Zoom:

May 16, 2025: <https://bayareametro.zoom.us/j/85375663201>
May 17, 2025: <https://bayareametro.zoom.us/j/86053436151>

Or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. Para Español, marque: (888) 688-2099. Esta línea telefónica es solo para escuchar, no hay moderador.

**The Webinar ID for May 16, 2025, is: 853 7566 3201
The Webinar ID for May 17, 2025, is: 860 5343 6151**

Public Comment on Agenda Items: The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on a matter on the agenda will have three minutes each to address the Council on that agenda item, unless a different time limit is established by the Co-Chairs. No speaker who has already spoken on an item will be entitled to speak to that item again.

The Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Council meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Council meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

COMMUNITY ADVISORY COUNCIL SPECIAL / RETREAT MEETING AGENDA

DAY 1

FRIDAY, MAY 16, 2025

1:00 PM

Chairpersons John Kevin Jefferson III
Mayra Pelagio,
and Ken Szutu

Land Acknowledgement Statement

We begin by acknowledging that this land is unceded Indigenous land. The territories, or counties we represent, are of the Indigenous people. To acknowledge this history of our country - that this nation was built on genocide, the exclusion and erasure of Indigenous people - grounds our work in truth. We also acknowledge that our modern global economy was founded on the free and forced labor of enslaved Black people. And that exploited labor continuously perpetuates itself in disadvantaged communities of color, as we see in the treatment of farm workers, immigrant workers, prison labor, and domestic workers. This practice of land acknowledgement calls on us to recognize our violent history that is the foundation of white supremacy, and to recognize the longstanding and ongoing resistance of People of Color to dehumanization, repression, and homicide. And that the brilliance and leadership of People of Color in resistance, vision, wisdom, and love be honored and recognized as we work to dismantle ongoing legacies of settler colonialism and anti-blackness.

1. Call to Order - Roll Call

The Facilitator, on behalf of the Council Co-Chairs, shall call the meeting to order and the Clerk of the Boards shall take roll of the Council Members.

2. Welcome and Opening Remarks

The Bay Area Air District's Chair of the Board of Directors, Lynda Hopkins, will provide opening remarks for the Community Advisory Council retreat.

CONSENT CALENDAR (Item 3)

The Consent Calendar consists of routine items that may be approved together as a group by one action of the Council. Any Council member or member of the public may request that an item be removed and considered separately.

3. Approval of the Draft Minutes of the Community Advisory Council Meeting of March 20, 2025

The Council will consider approving the Draft Minutes of the Community Advisory Council Meeting of March 20, 2025.

INFORMATIONAL ITEM(S)

4. CAC EJ Priorities in Practice: Transparency, Innovation, and Advancing Environmental Justice

- A) Environmental Justice Community Voices on Air Quality Concerns

This agenda item provides an opportunity for community members—particularly those in communities disproportionately impacted by air pollution and environmental injustices—to speak directly to the Community Advisory Council and the Air District about their air quality concerns.

- B) Roadmap to Improved Air Monitoring Programs

The Council will discuss a roadmap of projects planned through 2026 aimed at improving air monitoring in the Bay Area in response to concerns raised by the Community Advisory Council and other community partners and provide direction for prioritizing additional air monitoring improvements to begin after 2026. This item will be presented by Kate Hoag, Assistant Manager, Meteorology and Measurement Division.

- C) Cumulative Impacts and Permitting: Update on Advisory Council Work

The Council will discuss the work of the Advisory Council in developing a series of recommendations for the Air District Board of Directors regarding consideration of cumulative impacts with a focus on the Air District's permitting program for new and modified facilities. This item will be presented by Dr. Phil Martien, Vice Chair of the Advisory Council.

D) Air Quality Complaint Data Web Tool

The Council will have an opportunity to review a new air quality complaint data look-up tool that is currently in development to increase public accessibility and transparency of information on the Air District website. This item will be presented by Anja Page, Assistant Manager, Informational Services.

E) Public Comment

The meeting will recess and resume on May 17, 2025, at 9:00 a.m.

DAY 2

SATURDAY, MAY 17, 2025

9:00 AM

5. Call to Order - Roll Call Day 2

The Facilitator, on behalf of the Council Co-Chairs, shall resume the meeting on Day 2 and the Clerk of the Boards shall take roll of the Council Members.

6. Welcome and Report of the Executive Officer/Air Pollution Control Officer (APCO)

INFORMATIONAL ITEM(S)

7. CAC EJ Priorities in Practice: Integrate Environmental Justice into Core Functions, Community Investments, and Appropriate Legal Remedies

A) Notice of Violation Trends and Data-Driven Insights

The Council will review and discuss five years of Notice of Violation data highlighting patterns, penalty ranges, operational context, and progress indicators—key themes that frame the Air District's current compliance landscape. This item will be presented by Council Member Patrick Messac and Alexander Crockett, Air District General Counsel.

B) Development of a Targeted Inspection Program and Policy

The Council will discuss the new targeted inspection program and policy and how the Air District's Strategic Plan Strategies relate to the CAC Environmental Justice Priorities. Air District staff will share new approaches to review compliance trends, identify patterns of non-compliance, and utilize the knowledge of our regulatory partners and impacted communities to transform the current inspection program. This item will be presented by Dennis Quach, Air Quality Specialist, Compliance and Enforcement.

C) Air District Five-Year Rulemaking Schedule

The Council will discuss the Five-Year Rulemaking Schedule and will review and prioritize potential rulemaking efforts for the Schedule. This item will be presented by Victor Douglas, Director of Rules and Strategic Policy.

D) Managing Community Investments

The Council will learn about local and regional funds administered by the Community Investments Office, priorities identified by the community, and the plan to distribute funds. This item will be presented by Miriam Torres, Senior Advanced Projects Advisor.

E) Public Comment

OTHER BUSINESS

8. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3, members of the public who wish to speak on matters not on the agenda will be given an opportunity to address the Council. Members of the public will have three minutes each to address the Council, unless a different time limit is established by the Chair. The Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Council meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Council meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is per se disruptive to a meeting and will not be tolerated.

9. Council Member Comments on Non-Agenda Items

Any member of the Council, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda.

10. Time and Place of Next Meeting

Thursday, July 17, 2025, at 6:00 p.m. at 375 Beale Street, San Francisco, CA 94105. 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.

11. Adjournment

The Council meeting shall be adjourned by the facilitator.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Diana Ruiz, Acting Environmental Justice and Community Engagement Officer at (415) 749-8840 or by email at druiz@baaqmd.gov.

BAY AREA AIR DISTRICT
375 BEALE STREET, SAN FRANCISCO, CA 94105
FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

MAY 2025

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee	Wednesday	14	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	14	1:00 p.m.	1 st Floor, Yerba Buena Room
Community Advisory Council Retreat	Friday	16	1:00 p.m.	Holiday Inn San Jose (San Jose Ballroom) Silicon Valley 1350 North 1st St. San Jose, CA 95112
	Saturday	17	9:00 a.m.	
Board of Directors Policy, Grants and Technology Committee - CANCELLED	Wednesday	21	10:00 a.m.	1 st Floor Board Room
Board of Directors Finance and Administration Committee - CANCELLED	Wednesday	21	1:00 p.m.	1 st Floor Board Room

JUNE 2025

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	4	10:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	11	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	11	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	18	10:00 a.m.	1 st Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	18	1:00 p.m.	1 st Floor Board Room

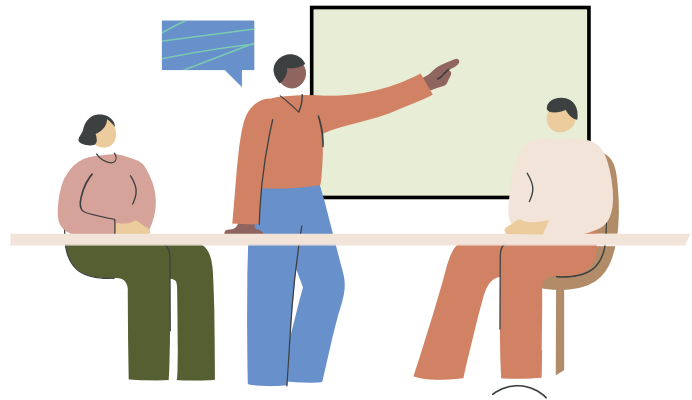
MV 5/12/25 – 8:49 a.m.

G/Board/Executive Office/Moncal

CAC RETREAT SCHEDULE

Location: Holiday Inn San Jose –
Silicon Valley
1350 N. First St.
San Jose, CA 95112

Dates: Friday, May 16 – Saturday,
May 17 2025



Day One Theme | **CAC EJ Priorities in Practice: Transparency, Innovation, and Advancing Environmental Justice**

DAY ONE – FRIDAY, MAY 16

12:00 PM	Welcome Lunch
1:00 PM	Afternoon Meeting Session
4:30 PM	Hotel Check-in
5:00 PM	Dinner

Day Two Theme | **CAC EJ Priorities in Practice: Integrate Environmental Justice into Core Functions, Community Investments, and Appropriate Legal Remedies**

DAY TWO – SATURDAY, MAY 17

8:00 AM	Welcome Breakfast
9:00 AM	Morning Meeting Session
12:00 PM	Lunch
1:00 PM	Afternoon Meeting Session
3:30 PM	Adjourn

BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons John Kevin Jefferson III, Mayra Pelagio, and Ken Szutu
and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: May 16, 2025

Re: Approval of the Draft Minutes of the Community Advisory Council Meeting of
March 20, 2025

RECOMMENDED ACTION

Approve the Draft Minutes of the Community Advisory Council Meeting of March 20, 2025.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Community Advisory Council Meeting of March 20, 2025.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENT(S):

1. Draft Minutes of the Community Advisory Council Meeting of March 20, 2025

Bay Area Air Quality Management District
Community Advisory Council Meeting
Thursday, March 20, 2025

Location:
California State University, East Bay
Oakland Professional & Development Center
Trans Pacific Center
1000 Broadway, Grand Lake Conference Room, Suite 109
Oakland, CA 94607

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at <https://www.baaqmd.gov/en/about-the-air-district/community-advisory-council/agendasreports>

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 6:01 p.m.

Roll Call:

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

Absent: Council Co-Chairperson John Kevin Jefferson; and Council Members Dr. Juan Aguilera, Rio Molina, Cynthia Prieto-Diaz, and Kevin G. Ruano Hernandez.

2. 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:

- Thank you to Diana Ruiz, who has been/currently is serving as Acting Director of the Environmental Justice Division since December 2024.
- [The Clean HEET program](#) is accepting applications with expanded funding options. The deadline to apply is 5:00 PM PST on April 30, 2025. The Clean HEET Program was developed by the Air District to reduce wintertime wood-smoke pollution and improve air quality. The program incentivizes Bay Area homeowners

to remove and/or replace their existing, operational, freestanding wood-burning stoves or pellet stoves, fireplace inserts, or open-hearth fireplaces with electric heat pumps. Funds will be prioritized for award to homeowners in the AB 617 communities of West Oakland, East Oakland, Richmond-San Pablo, and Bayview Hunters Point/Southeast San Francisco, and homes that are in disadvantaged and low-income communities identified by [California's Climate Investments Priority Populations Mapping tool](#).

- Since January 2025, the White House has indicated that efforts to align funding with the administration's priorities are ongoing. The Air District's commitment to protecting air quality, the climate and the health of Bay Area residents is stronger than ever. Regardless of changes at the federal level, we will continue to enforce strong regulations, advance clean air policies and work with our communities to reduce pollution, and safeguard public health. Our region has long been a leader in air quality, climate action and environmental justice, and we will continue to push forward with innovative solutions to meet our mission to improve air quality to protect public health, reduce historical and current environmental inequities, and mitigate climate change and its impacts.

Public Comments

No requests received.

Council Comments

The Council and staff discussed why the Council was not asked to provide input on candidates for the position of Acting Director of the Environmental Justice Division when the position became needed in December 2024; appreciation for the Air District's resolve to uphold and prioritize environmental justice and Diversity, Equity, and Inclusion, during times of political uncertainty and recent federal actions; and the Clean HEET's target goals, and results from previous wood smoke reduction incentive programs led by the Air District.

NOTED PRESENT: Council Member Saena was noted present at 6:15 p.m.

Council Action

No action taken.

3. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

CONSENT CALENDAR

4. APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL MEETING OF NOVEMBER 21, 2024

Public Comments

No requests received.

Council Comments

None.

Council Action

Council Member Goodwin made a motion, seconded by Council Member Ms. Margaret Gordon, to **approve** the Draft Minutes of the Community Advisory Council Meeting of November 21, 2024; and the motion **carried** by the following vote of the Council:

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

Motion Approved.

ACTION ITEMS

5. VOTE TO CREATE A MEMBER SELECTION AD HOC COMMITTEE

Lisa Flores, Staff Specialist II, gave the staff presentation *Vote on the Creation of a Member Selection Ad Hoc Committee*, including: outcome; outline; requested action; background; Council terms; Council seats; council composition; recruitment and outreach; process and timeline; Board of Directors (Board) selection criteria; Council's role in selection process; and Board's role in selection process.

Public Comments

No requests received.

Council Comments

The Council and staff discussed reasons for criteria that formed the inaugural Council's composition of members, and how to change that criteria, moving forward; desire for staff recommendation documentation regarding the inaugural Council, including analyses that may have informed the inaugural Council's composition; and the Board's involvement in appointing the inaugural Council.

Council Actions

Council Member Messac made a motion, seconded by Council Member Saena, to **create** an Ad Hoc Committee that will select Council Member candidates to fill 13 open Council seats, and then recommend the slated candidates to the Board’s Community Equity, Health, and Justice (CEHJ) Committee, prior to the Board’s final consideration. The Member Selection Ad Hoc Committee members appointed were Council Members Sejal Babaria, Cynthia Prieto-Diaz, Mayra Pelagio (who announced that she will not be reapplying), as well as Board member, Noelia Corzo.

The motion **carried** by the following vote of the Council:

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

Motion Approved

THE COUNCIL RECESSED AT 6:45 P.M., AND RESUMED AT 6:57 P.M.

6. COMMUNITY BENEFIT FUND (CBF) DISBURSEMENT PLAN RECOMMENDATION

Arsenio Mataka, Deputy Executive Officer Equity and Community Programs, Council Member William Goodwin, and Council Member Latasha Washington, gave the presentation *Community Benefit Fund Disbursement Plan Recommendation*, including: outcome; outline; requested action; background; basic elements of all funding distribution options – grant program goals, eligible applicants and projects, funding tiers, grant administration and accountability, CBF Ad Hoc Committee recommendation and alternatives; CBF Ad Hoc recommendation: People’s Air Grant Program (PAGP) – PAGP grantmaking process, timeline, implementation challenges; alternatives discussed and considered – funding pathways considered, participatory project type selection grantmaking process and timeline, direct grantmaking process with Council review and timeline; and next steps.

Public Comments

No requests received.

Council Comments

The Council and staff discussed regarding public votes to determine funding prioritization, who would be eligible to vote; suggestions of changing “public” to “residents of the impacted area” so that only people living in the impacted area may vote; concerns regarding potential applicants (students) who may not meet the 501(c)(3) nonprofit or

public agency partner requirement; concerns regarding overhead and administration costs; the contract amount that was spent on the consultant that helped develop these options, and whether that fee came from the \$3 million intended to be community-directed; whether voting would pertain to all three proposed funding tiers, and whether Air District staff would have the final say; anticipated online voting challenges, and whether in-person voting could be prioritized; staff resources to execute CBF disbursement; desire to expand community outreach beyond social media; the request for a language access for CBF disbursement; the suggestion of reducing project allocations so that more projects can be funded in more communities; concerns about the proposed timeline of dispersing funds; whether Option 3 will ensure that disparities are addressed across the 9-county Bay Area jurisdiction; whether information technology support costs are already budgeted for the online voting component; which entity would select the consultants that would help develop projects; whether projected administrative costs are shown/included for options 2 and 3; any of the options allow fiscal sponsors; whether elements of the different options may be combined; the request for more research on proposed ideas from the consultant that CBF Ad Hoc Committee hired; how to identify the geographic areas in which projects can be awarded; and how long deliberation amongst the Council may last (regarding this item).

Council Action

Three different process options for disbursing the \$3 million Community Benefit Fund were presented to the Council during the presentation and all shared the same core elements of the People's Air Grant Program:

1. Recommendation: People's Air Grant Program
2. Alternative Option 2: Participatory Project Type Selection
3. Alternative Option 3: CAC Proposal Review & Selection

Within the presentation, the CBF Ad Hoc Committee formally recommended that the Council recommend that the Board's CEHJ Committee recommend The People's Air Grant Program as the plan for the Community Benefit Fund (\$3 million) to the Board of Directors for approval. Following the Council's discussion of the options, no motion supporting the People's Air Grant Program was put forth.

Council Member Messac made a motion, seconded by Council Member Harrison, to recommend the Board **approves** Alternative Option 3: Community Advisory Council Proposal Review & Selection, with the following amendments: administrative costs will be capped at the same level as those of receiving community-based organizations; equity issues regarding online public voting will be addressed ; impacted communities will be prioritized by using CalEnviroScreen 4.0.; and the creation of another ad hoc committee to support the execution of Option 3.

The maker of this motion rescinded the motion, and no vote was taken.

Then Council Member Messac made a motion, seconded by Council Member Gordon, to take no action on at the Council's March 20, 2025 meeting, and revisit the three options for the CBF disbursement at the Council's May retreat, during which, the Council will

review additional information on participatory engagement, associated costs, and tradeoffs for the three options. Prior to the vote, Co-Chair Pelagio made a friendly amendment to look for opportunities for community participation. Council Members Messac and Gordon accepted the amendment and motioned to revisit the model for Community Benefit Fund at the Council's May retreat, with the amendments that administrative costs will be capped at the same level as those of receiving community-based organizations, and looking at opportunities for community participation and associated costs and tradeoffs.

The motion **did not pass**, due to the fact that a majority of 16 Council members (9) was not established:

AYES:	Babaria, Goodwin, Gordon, Harrison, Messac, Ritterman, Saena, Szutu.
NOES:	Ramirez, Washington.
ABSTAIN:	Pelagio.
ABSENT:	Aguilera, Jefferson, Molina, Prieto-Diaz, Ruano Hernandez.

Motion failed

Then Council Member Washington made a motion, seconded by Council Member Saena, to recommend that the Council recommend that the Board's CEHJ Committee recommend Option #3: "The People's Air Grant Program" as a Direct Grantmaking Process with Council Proposal Review & Selection to the Board for approval, with the amendment that environmental justice community members would be included in the project application review process. Prior to the vote, Mr. Mataka noted that this motion would have to include the caveat, "if feasible, as determined through legal review." The maker and seconder of the motion agreed to the suggested amended language. The final motion was:

Council Member Washington made a motion, seconded by Council Member Saena, to recommend that the Council recommend that the Board's CEHJ Committee recommend Option #3: "The People's Air Grant Program" as a Direct Grantmaking Process with Council Proposal Review & Selection to the Board for approval, with the amendment that environmental justice community members would be included in the project application review process, if feasible, as determined through legal review.

The motion **carried** by the following vote of the Council:

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

Motion Approved

INFORMATIONAL ITEM

7. UPDATE OF THE AIR DISTRICT'S REGULATORY AIR MONITORING NETWORK

This item was tabled, due to lack of time.

OTHER BUSINESS

8. COMPLIANCE AND ENFORCEMENT AD HOC COMMITTEE UPDATE

This item was tabled, due to lack of time.

9. COUNCIL MEMBER COMMENTS

Council Member Messac encouraged Air District staff to maintain the Council's meeting schedule, and not cancel meetings without the Council Co-Chair's input, so that matters and discussions are not delayed, despite potentially contentious topics.

10. TIME AND PLACE OF NEXT MEETING

Friday-Saturday, May 16-17, 2025. The special meeting will be an in-person retreat for the Community Advisory Council members and members of the public will be able to either join in-person or via webcast. Location to be determined.

11. ADJOURNMENT

The meeting was adjourned at 9:26 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons John Kevin Jefferson III, Mayra Pelagio, and Ken Szutu
and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: May 16, 2025

Re: CAC EJ Priorities in Practice: Transparency, Innovation, and Advancing
Environmental Justice

RECOMMENDED ACTION

None; the Council will discuss this item, but no action is requested at this time.

BACKGROUND

The Community Advisory Council (CAC) developed nine environmental justice (EJ) priorities intended to direct the Air District in advancing and addressing EJ within its operations (see attached). These priorities identify the conditions needed for the Air District to be an effective partner with frontline communities who are most affected by pollution, and to improve air quality and overall EJ and equity outcomes.

At the 2025 CAC Retreat, the Council will discuss the following topics that advance the CAC EJ Priorities.

DISCUSSION

Environmental Justice Community Voices on Air Quality Concerns

This agenda item provides an opportunity for community members—particularly those in communities disproportionately impacted by air pollution and environmental injustices—to speak directly to the Community Advisory Council and the Air District about their air quality concerns.

Roadmap to Improved Air Monitoring Programs

The Air District's priorities, driven by community perspectives, indicate a need to evaluate and change our existing air monitoring programs or build new programs to collect data that aligns with the needs of overburdened communities. As the Air District implements the Strategic Plan, the Air District has developed action plans that describe the roadmap of work and commitments for the next eighteen months. The Council will discuss priority projects that look beyond 2026.

Cumulative Impacts and Permitting – Update on Advisory Council Work

The Advisory Council has been working to address the topic of cumulative impacts since 2024 and has put forward a set of key interim findings. At present, an ad hoc of the Advisory Council is tasked with developing a draft “work plan” to be reviewed and potentially approved at their next meeting. The purpose of the envisioned work plan is to provide a blueprint in developing recommendations on methods to identify, assess, and reduce the cumulative impacts of air pollution in the Bay Area. The Council will discuss work underway, consistent with the interim finding that “[m]ethods for considering cumulative impacts and related policy changes should be developed in partnership with community members, notably those from marginalized populations.”

Air Quality Complaint Data Web Tool

The Air Quality Complaint Data Web Tool enhances public accessibility and transparency and responds to community requests and longstanding concerns around visibility into complaint data. The Council will have the opportunity to preview how users can access and search complaint data and features intended to improve transparency, strengthen community trust, and increase engagement with the complaint resolution process.

Notice of Violation Trends & Data-Driven Insights

The Council will discuss community observation and reflections about permits, inspections and trends in enforcement of Notices of Violations, including concerns around penalty levels, case resolution timelines, and the importance of visible and timely enforcement actions to maintaining public trust.

In addition, Air District staff will provide context regarding the Air District’s penalty assessment efforts in recent years, including challenges that led to a backlog of unresolved enforcement cases and recent efforts to address this situation and strengthen enforcement outcomes.

Development of a Targeted Inspection Program and Policy

The Council will discuss the Air District’s work to develop and implement a new Targeted Inspection Program and Policy. The development of a Targeted Inspection Program and Policy represents a significant shift in how air quality enforcement is approached. By leveraging information-driven decision-making, the program aims to improve existing routine-based inspections and focus enforcement efforts on sources that have the highest potential for impacting air quality and public health. This strategic shift is essential in addressing both compliance challenges and EJ concerns, particularly in Assembly Bill 617 and overburdened communities.

Air District Five-Year Rulemaking Schedule

Air District staff are developing a rule development schedule that would span the duration of the Air District’s 2024-2029 Strategic Plan and beyond. All rule development efforts considered for inclusion in the Strategic Plan Rule Development Schedule would

be associated with at least one of the goals and strategies in the Strategic Plan and five of the CAC's EJ Priorities.

Managing Community Investments

In May 2024, the Board of Directors approved the Community Benefits Penalty Funds policy to direct resources back to the communities where air quality violations occurred and communities most impacted by air pollution, approving the CAC's recommendation to allocate a portion of penalties for local (80 percent) and regional (20 percent) community benefits. This Community Benefits Penalty Funds policy and related settlement funds have generated over \$124 million for local and regional projects. The Council will discuss the early implementation actions of the Community Investments Office, learn about the allocation breakdown for penalty funds and receive an overview of available funds.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Sonam Shah-Paul
Reviewed by: Arsenio Mataka

ATTACHMENT(S):

1. CAC Environmental Justice Priorities
2. CAC Retreat Friday, May 16, 2025 Presentations



COMMUNITY ADVISORY COUNCIL'S ENVIRONMENTAL JUSTICE PRIORITIES

1. Advance Environmental Justice
2. Provide Meaningful Agency Support to Advance Environmental Justice
3. Integrate Environmental Justice Considerations in Core Functions
4. Implement Environmental Justice Best Practices and Innovation
5. Communicate with Clarity, Transparency, and Integrity
6. Grow Capacity of Air District Staff and Board Members to Integrate Environmental Justice
7. Grow Capacity of Environmental Justice Communities and Organizations
8. Seek Appropriate Legal Remedies and Coordinate with Environmental Justice Communities
9. Provide Technical Assistance to Local Governments



The Community Advisory Council developed the following environmental justice priorities which are intended to direct the Air District in advancing and addressing environmental justice within all aspects of its operations. They identify the conditions needed for the Air District to be an effective partner with frontline communities who are most affected by pollution, and to improve air quality and overall environmental justice outcomes.

1. Advance Environmental Justice

To advance environmental justice effectively over the long-term, the Air District must practice restorative justice by creating agency-wide policies, practices, procedures, and norms that both recognize the trauma and adverse health impacts caused by environmental racism and honor the emotional work and investment of time that is required for staff and community leaders to work together effectively in advancing environmental justice.

The Air District must value the voices, lived experience, and leadership of environmental

justice communities, develop respectful relationships and partnerships with these communities, hire from these communities, view these communities as a resource, provide compensation for their time and expertise, gather their input, use that input to directly inform decision-making, and establish formal participatory processes for addressing and implementing community input and increasing agency accountability to communities.

The field of Environmental Justice is inherently intersectional and interdisciplinary. Therefore, the Air District must dismantle internal silos by reorganizing and restructuring to build an agency structure and culture that supports cross-divisional work.

For staff to better enact environmental justice, the Air District must cultivate a culture of innovation, embrace learning by doing, and adopt clear definitions for environmental justice and equity (and related terms) that are grounded in community input.

2. Provide Meaningful Agency Support to Advance Environmental Justice

For staff and community leaders to have the meaningful agency support needed to advance Environmental Justice, Air District leadership must: Provide a strong vision and set a clear tone for achieving environmental justice and ensuring that communities of concern breathe clean air; lead the revision of internal policies, practices, and procedures with an equity lens; and lead the revision of mission-related policies, practices, and procedures with an environmental justice lens.

3. Integrate Environmental Justice Considerations in Core Functions

The Air District must prioritize incorporating into its core functions the following environmental justice considerations: community-based science and real-time air monitoring and data collection, public health considerations, cumulative impact analysis, disparate impact analysis and civil rights compliance, and recognition of historical impacts and damages as well as the need for restorative steps.

4. Implement Environmental Justice Best Practices and Innovation

The Air District must create and implement a strategy for incorporating environmental justice best practices and innovation into its day-to-day operations and core functions -- including data collection and analysis, measurement, and monitoring, permitting, environmental analysis, inspections,

enforcement, legal actions including litigation, mitigation, planning, rule-making, and incentives funding.

5. Communicate with Clarity, Transparency, and Integrity

The Air District must communicate with clarity, transparency, and integrity to environmental justice communities about the agency's role, responsibilities, and limitations, as well as where there is room to grow, improve, and bring about transformational change within the agency's regulatory charge.

6. Grow Capacity of Air District Staff and Board Members to Integrate Environmental Justice

The Air District must invest in growing the capacity of staff and Board members to integrate environmental justice into their day-to-day roles and responsibilities, developing communities and middle management level on new policies, practices, and procedures, establishing environmental justice as a core competency for staff, prioritizing hiring, retention and promotion of staff with lived experience living in and/or working in frontline environmental justice communities, and ensuring that staff and leadership at all levels of the agency reflect the diversity of the communities the agency serves.

7. Grow Capacity of Environmental Justice Communities and Organizations

The Air District must invest in growing the capacity of environmental justice communities and organizations to



work effectively with the Air District on systemic change, in creating economic benefits and workforce opportunities in these communities, and in enabling these communities to access and manage resources to address disparities.

8. Seek Appropriate Legal Remedies and Coordinate with Environmental Justice Communities

The Air District must seek appropriate legal remedies, collaborate, and coordinate with environmental justice communities on those remedies, impose high enough penalties, reach deterrence-based outcomes with violators, and ensure that environmental justice communities benefit from and have a say in the use of related funds.

9. Provide Technical Assistance to Local Governments

The Air District must provide technical assistance to local governments to enable them to more effectively incorporate environmental justice analysis into their local land use, planning and zoning decision-making and permitting practices, and must also weigh in on the environmental justice frameworks being developed by cities and counties in the nine Bay Area county jurisdictions as part of their general plan, to integrate environmental justice policy and help establish a plan for implementation and enforcement.



Community Advisory Council – Environmental Justice Priorities in Practice: Transparency, Innovation, and Advancing Environmental Justice

Community Advisory Council Meeting

May 16, 2025

Roadmap to Improved Air Monitoring Programs

Kate Hoag, Ph.D.
Assistant Manager
Meteorology & Measurement


A

Objectives

- Review types of air monitoring efforts
- Hear about plans for revised, expanded, or new air monitoring over the next 18 months
- Prioritize three efforts to plan to be ready to begin after December 2026

Presentation Outline

1. Motivation for the roadmap to improve air quality monitoring
2. Plans for improvements for different air monitoring programs over the next eighteen months
3. Ideas for air monitoring improvements after December 2026
4. Questions and discussion
5. Activity to prioritize air monitoring improvements beyond 2026



Motivation for the Roadmap to Improve Air Quality Monitoring

What We've Heard:

Measure cumulative air pollution levels in overburdened communities

Investigate impacts from air pollution sources (or groups of sources)

Increase community-specific air quality information

More real-time information

Improve facility fenceline air monitoring

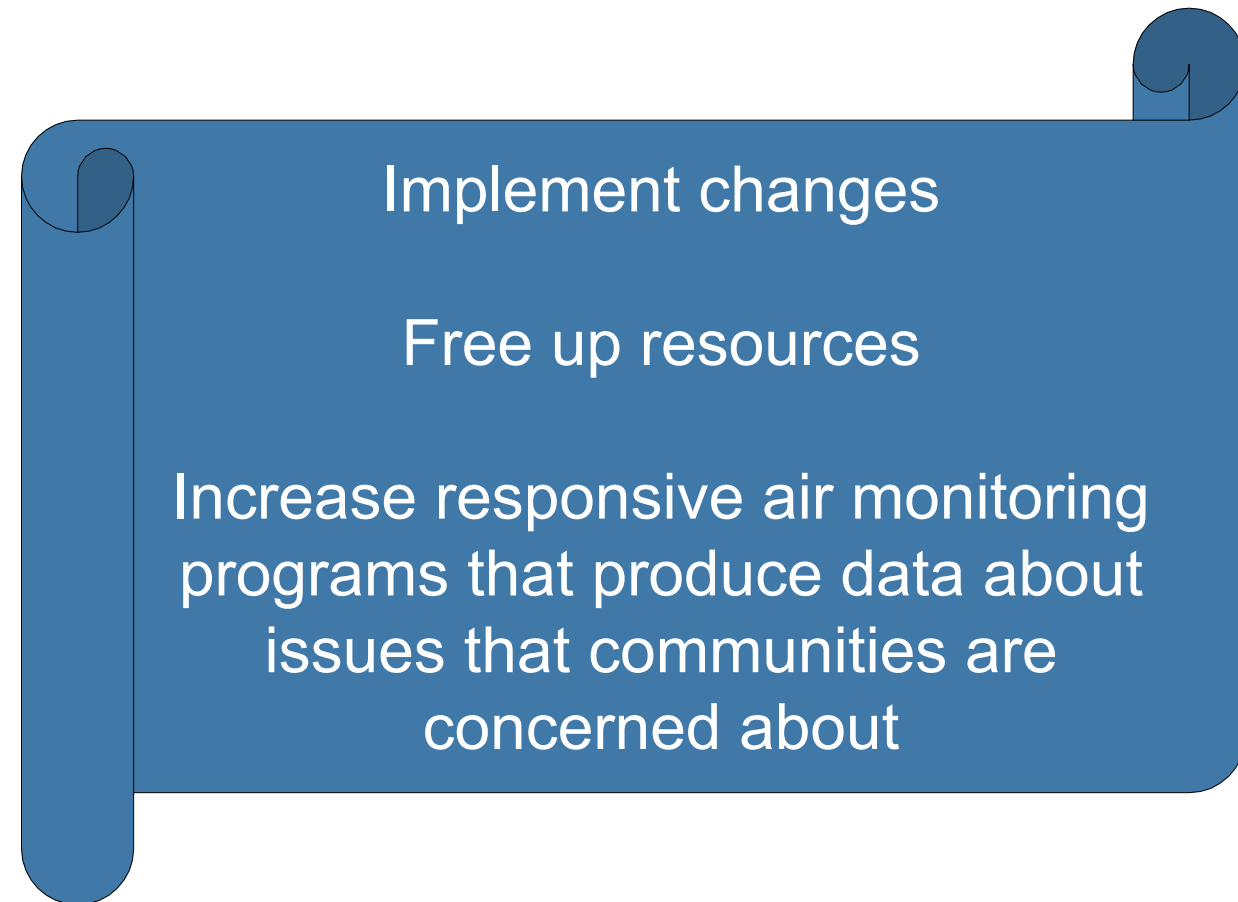
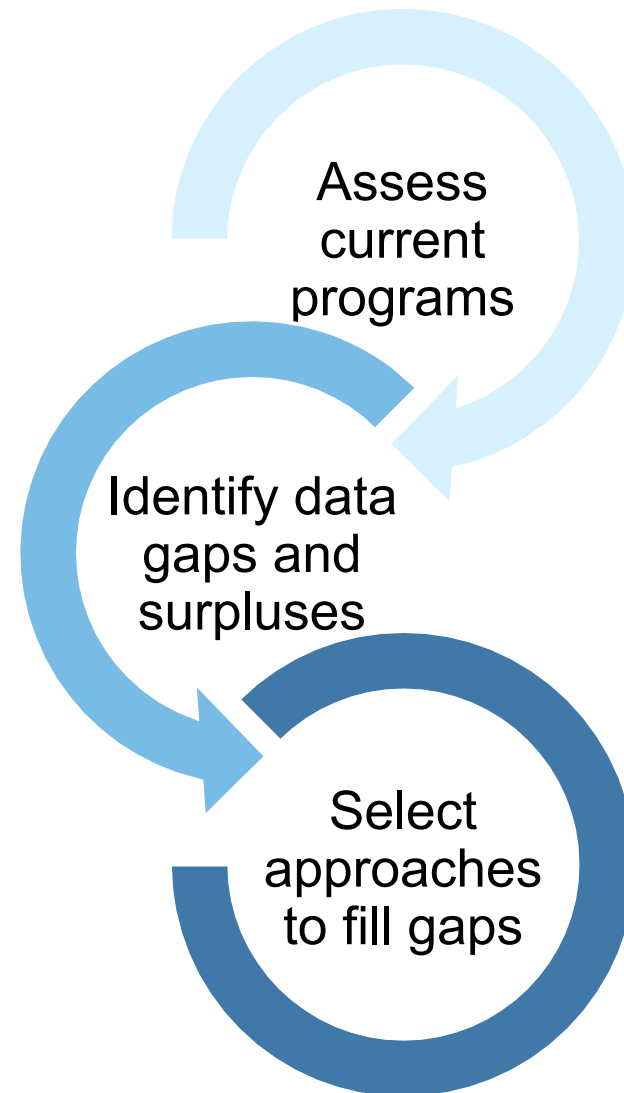
Collect data to support Air District enforcement efforts

More information about impacts from incidents

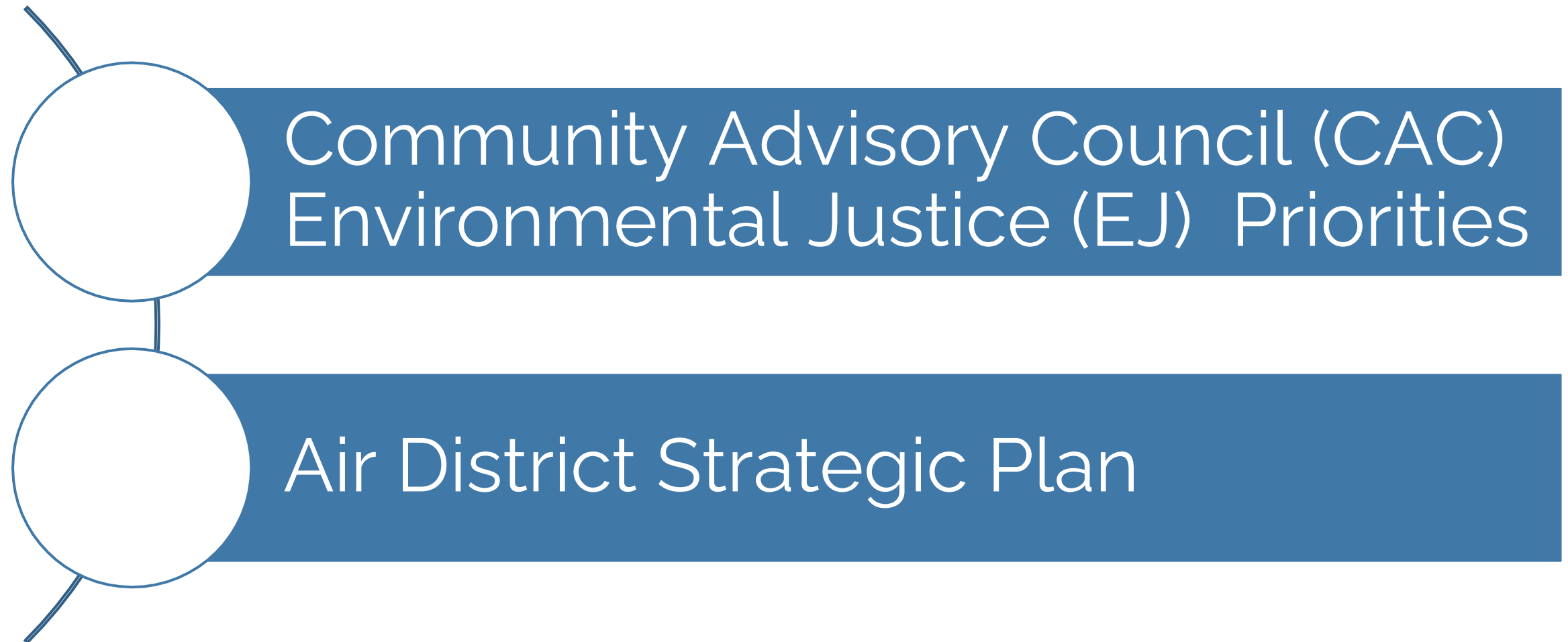
More transparency and context of collected air monitoring data

Support communities collecting their own data

Approach



What Guided the Roadmap?



CAC EJ Priorities

1. Advance EJ

2. Provide Meaningful Agency Support

3. Integrate EJ Considerations in Core Functions

4. Implement EJ Best Practices and Innovations

5. Communicate with Clarity, Transparency, and Integrity

6. Grow Capacity of Air District Staff and Board Members to Integrate EJ

7. Grow Capacity of EJ Organizations and Communities

8. Seek Appropriate Legal Remedies and Coordinate with EJ Communities

9. Provide Technical Assistance to Local Governments

Align Roadmap for Improved Air Monitoring with EJ Priorities and Document Through the Strategic Plan



Proposed Air Monitoring Improvements Through December 2026

Uses for Air Monitoring Data

- Real-time information for the public
- Find places where total levels of air pollution are higher
- Understand causes of higher levels of air pollution
 - Compliance with ambient air quality standards
 - Track air quality improvements
 - Characterize impacts from typical emissions from a source
 - Characterize impacts from facility incidents
 - Provide information for enforcement investigations
 - Identify effective air pollution control strategies

Air Monitoring Program Types

Regulatory Air
Monitoring

Air Monitoring
Requirements
for Facilities

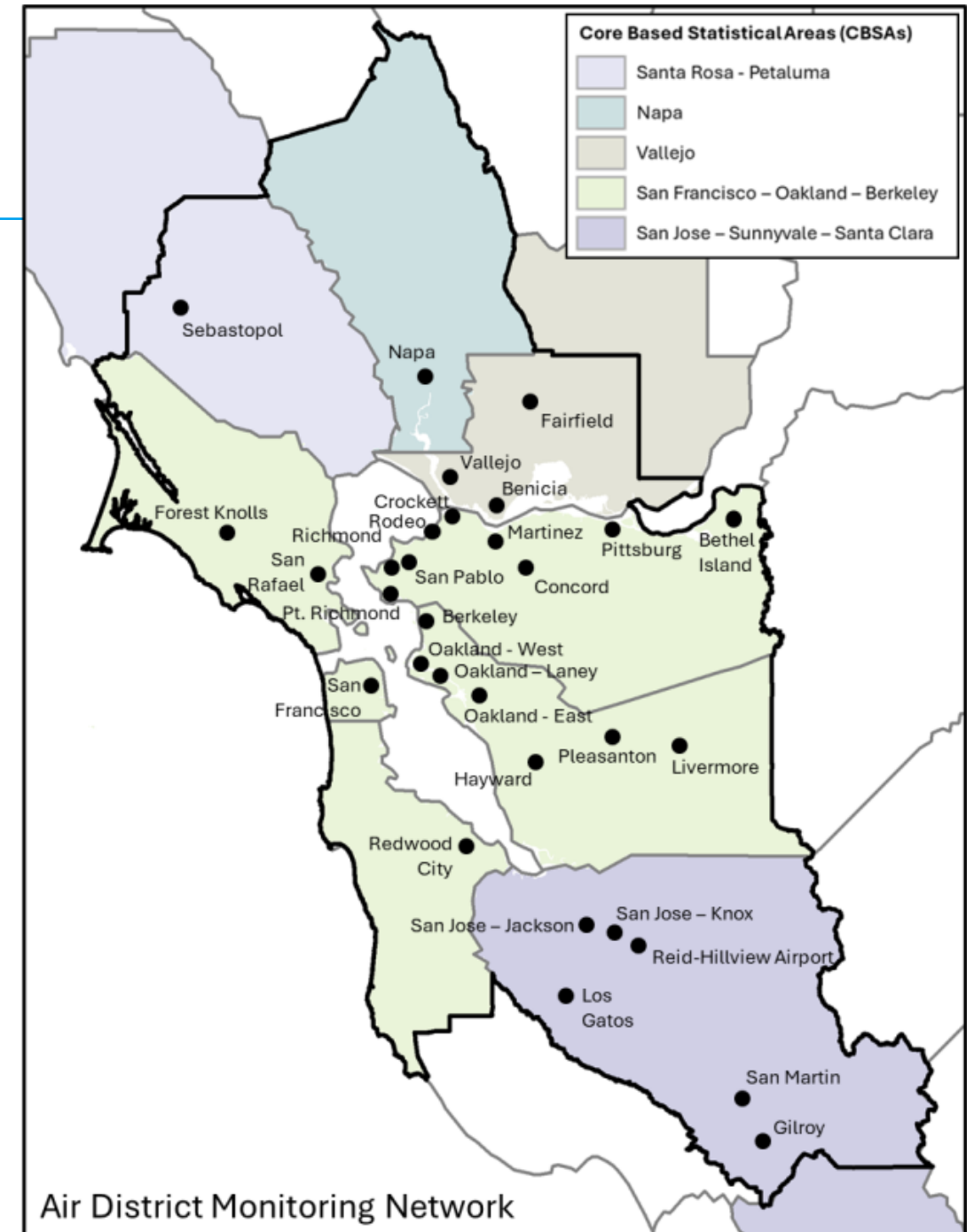
Incident
Response Air
Monitoring

Community Air
Quality
Investigations

Supporting Air
Monitoring
Conducted by
Communities

Regulatory Air Monitoring

- Produces standardized, accurate data on many pollutants
- Useful for:
 - Determining compliance with state and federal air quality standards
 - Evaluating trends in air quality over time
 - Providing real-time data on air pollution levels



Re-align Regulatory Air Monitoring with Current Priorities

- Evaluate network to identify sites or monitors that are not required and not answering pressing air quality questions
- Make changes to the regulatory air monitoring network to align with data needs and priorities, including with an EJ lens, as part of the network review required by United States Environmental Protection Agency (US EPA)
- Annual Network Plan posted in May 2025 for a 30-day public comment period with proposed changes to right-size the network and free up resources for EJ priorities
- Annual Network Plan and the 5-Year Network Assessment to EPA by July 2025

Air Monitoring Requirements for Facilities

- Regulations require facilities to conduct ongoing air monitoring at the fenceline
- Useful for:
 - Identifying unexpected emissions crossing the fenceline, particularly fugitive emissions at ground level
 - Real-time data that informs what might be entering the community
 - Tracking trends in fugitive emissions

Strengthen Facility Community Fenceline Air Monitoring

- Continue to build Refinery Community Air Monitoring Stations
- Develop a process to review, summarize, and post data from refinery community air monitoring station(s) with context by December 2025
- Develop or modify rules to build a comprehensive refinery community fenceline and ambient air monitoring program at the Bay Area refineries and related facilities by June 2026
- Develop a plan to improve oversight of refinery fenceline air monitoring programs by February 2026
- Add fenceline air monitoring for metal shredders and consider approaches for fenceline monitoring for sources of fugitive dust

Incident Response Air Monitoring

- Ambient air monitoring, sampling, and analysis during and after facility incidents that impact air quality
- Useful for:
 - Characterizing and quantifying impacts of emissions from facility incidents on ambient air concentrations
 - Provide information about what communities near incidents were exposed to due to a facility incident
 - Real-time data that helps community know how to protect their health
 - More robust after incident information about an event's contributions to air quality concentrations and exposure

Implement Model for Community-Partnered Air Pollution Sampling for Incidents

- Refinery corridor particle fallout program
 - Convene community workgroup
 - Ongoing network
 - Co-develop community sampling protocols
 - Share data transparently
- Strategic Plan includes other activities around providing information about incidents more effectively
- Track state legislation proposing to create emergency response centers to fund creating and maintaining an incident response air monitoring program

Methods to Assess Local Air Quality

Community Air Quality Investigations

Supporting Communities' Air Monitoring Efforts

- Projects that provide more local scale air monitoring data
- Useful for:
 - Improving understanding of local air quality and community-identified concerns
 - Support regulatory development and enforcement programs aimed at reducing emissions causing air quality disparities

Increase Community Air Quality Investigations

- Complete East Oakland Air Monitoring Project by May 2026
- Develop a program for community air quality investigations
 - Implementation plan by July 2025
 - Build a library of air monitoring plans designed to investigate community concerns by December 2025
- Develop a plan to update the air monitoring air toxics program by April 2026

Support Communities Collecting and Using Data

- Bay Air Center
 - Technical support for communities conducting air monitoring
 - Help communities apply for air monitoring funding from other agencies
 - Trainings in East Oakland and other overburdened communities
- Support Statewide Mobile Monitoring Initiative
- Support the particulate matter sensor project in East Oakland (part of the East Oakland Air Monitoring Project)
- Convene a workshop for communities with air monitoring projects by February 2026

Support Communities Collecting and Using Data (Cont.)

- New Tools for Communities
 - Air Pollution Log
 - Whistleblower Tip Line
- Draft guidelines and criteria to incorporate air pollution research and air monitoring in District funded projects

Overarching Plans Related to Air Monitoring Data

There are additional broader efforts in the first 18 months of Strategic Plan implementation:

- Making air monitoring data more accessible
- Setting up framework to have more routine engagement on air monitoring efforts with communities
- Improving internal coordination to increase the use of local-scale air monitoring data in Air District programs

How to Stay Connected

- Routine updates on all the listed projects will be available in late Fall on the Strategic Plan implementation dashboard:
<https://strategicplan.baaqmd.gov/>
- Identify a process to raise concerns to have accountability to the plan

What Improvements Should Come Next After December 2026?

Prioritizing Projects Beyond 2026

Community Air Quality Investigations

- Add capacity to do more concurrent community air quality investigations and engage with more communities on technical matters
- Implement the suggested changes to the Air Toxics Air Monitoring Program identified by the program evaluation

Supporting Air Monitoring Conducted by Communities

- Increase community-deployed PM sensors in overburdened communities where we identify gaps in coverage

Incident Response Air Monitoring

- Build and maintain an incident response air monitoring program
- Develop methods and procedures to characterize or estimate emissions from incidents, and the resulting impacts on ambient air quality and people's health

Questions & Discussion

For more information:

Kate Hoag | Assistant Manager | khoag@baaqmd.gov

Cumulative Impacts and Permitting – Update on the Scientific Advisory Council

Phil Martien, Ph.D.
Vice Chairperson
Scientific Advisory Council

Who is the Advisory Council?

**Seven members and
Chair of Board of Directors**

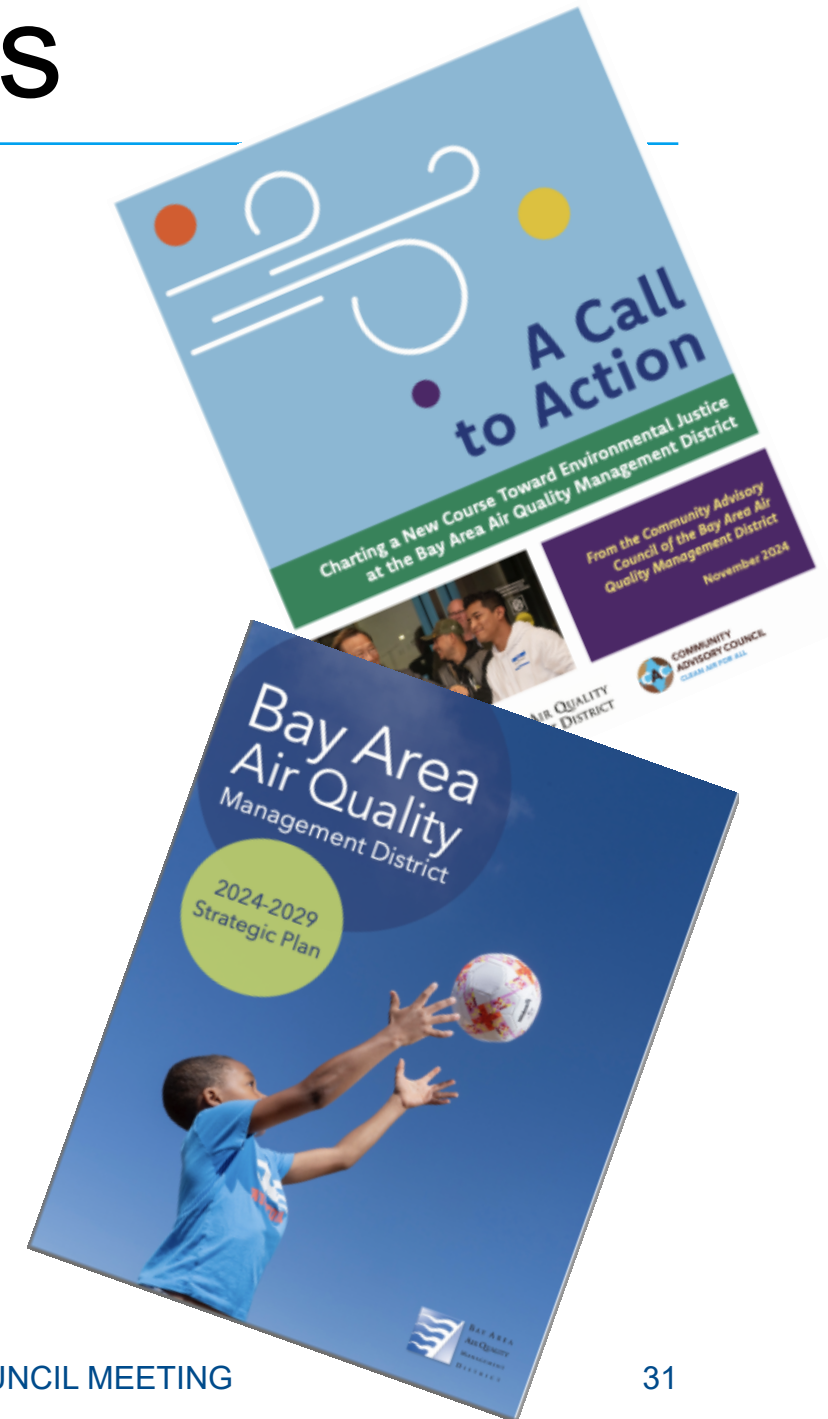
**Scientific and technical policy-
related matters**

**Advises Board of Directors and
Executive Officer**

**Meets publicly, several
times per year**

Current Topic: Cumulative Impacts

- Although Bay Area air quality has significantly improved, not all communities have benefited equitably
- Lower income communities of color often suffer impacts from multiple chemical and non-chemical stressors
- Align with CAC's *A Call to Action*
- Align with Air District's *2024-2029 Strategic Plan*



Key Interim Findings

1. Despite resilience and adaptation, some communities are more vulnerable to the health impacts of air pollution than others.
2. Community health vulnerability is related to multiple stressors, including racism, poverty, historic environmental injustice, environmental exposures, housing insecurity, effects of climate change, and other factors.
3. Effects of exposure to multiple stressors can be greater than the sum of the individual effects.
4. The science on these issues is strong enough to justify science-based policy changes.

Key Interim Findings (Cont.)

5. Additional quantitative and qualitative data, methods, and community perspectives are needed as we move forward with policy development based on the current science.
6. Methods for considering cumulative impacts and related policy changes should be developed in partnership with community members, notably those from marginalized populations.
7. Methods for accounting for cumulative impacts can be simplified when targeted to specific policy actions.

Focus on Permitting

- Within the Air District's jurisdiction
- Sources that require Air District permits can increase air pollution in overburdened communities
- A community priority



Next Steps & Goal

- Goal: recommendations document
 - To be delivered to Board of Directors
 - To be drafted by an ad hoc of the Advisory Council, working with the full Advisory Council
- Would greatly value CAC participation
- Next meeting will review draft work plan proposed by ad hoc

Follow-Up

If you are an interested CAC member:
communityadvisorycouncil@baaqmd.gov



Air Quality Complaint Data Web Tool

John Chiladakis
Chief Technology Officer

Anja Page
Acting Director
Enterprise Systems

Goals and Objective

Aligns with Air District Strategic Plan

- Increases public accessibility and transparency of complaint information
- Continue to explore new ways to provide complaint information to public

Complaint Data Web Tool – *Key Features*

Search and Filter Functionality

- | | |
|--|---|
| <ul style="list-style-type: none">•Complaint type•Specific date or date range | <ul style="list-style-type: none">•Site/facility name•City or zip code |
|--|---|

Data Access

- Includes one year of complaint data
- Downloadable a CSV spreadsheet

Coming Soon

- Mapping of complaint locations
- Complaint connections to Notices of Violation

Tool Demonstration

Questions & Discussion

For more information:

Anja Page | Acting Director | kpage@baaqmd.gov

Overview of Rules for Potential Inclusion into the Strategic Plan Five-Year Rulemaking Schedule

Permitting Efficiencies and Clean-up for New Sources – Regulation 2: Permits, Rules 1, 2, and 5: Permits, New Source Review, and Toxic Air Contaminants	
Adopted:	<p>Rule 2-1: December 31, 1979</p> <p>Rule 2-2: December 19, 2012</p> <p>Rule 2-5: June 14, 2005</p>
Last Amended:	<p>Rule 2-1: December 15, 2021</p> <p>Rule 2-2: December 6, 2017</p> <p>Rule 2-5: December 15, 2021</p>
Purpose:	<p>These rules address the permitting of new and modified sources of criteria and toxic air pollutants. (See definition below). Substantive changes to Rule 2-5 are addressed separately. The rules set the requirements and standards for all new sources of pollution at stationary sources (sources of pollution with a long-term location), including requiring the installation of best available control technology (BACT) for all new air pollution sources. Most Air District rules to reduce air pollution are implemented through enforceable permit conditions. Moreover, the permit rules prevent sources from starting or increasing operations without complying with local, state, and federal health protective rules. The Air District has hundreds of backlogged permit applications, including for abatement equipment and important public works projects. Direct impacts of these significant permit delays include the following: unpermitted operations with unknown health impacts, stalled health-protective projects, diversion of enforcement effort to deal with unpermitted operations, implementation of rules without adequate oversight, delayed implementation of rules and the related air quality benefits, and lack of permitting rule clarity that undermines effective enforcement.</p> <p>The amendments to these rules would increase the efficiency and effectiveness of the permitting process to reduce delays and backlogs. First and foremost, effective implementation of Air District rules cannot happen without an efficient permit process. Further, improving the efficiency of the permitting process will allow engineering staff to focus on key agency priorities, including addressing environmental injustice in permitting and toxics risk reduction. The amendments may also revisit some of the existing exemptions and consider other ways to advance the cleanest technologies and reduce impacts in overburdened communities.</p>

Pollutants:	<p>The United States Environmental Protection Agency (US EPA) identifies and sets standards to protect human health and welfare for six pollutants. The term "criteria pollutants" derives from the requirement that the US EPA must describe the characteristics and potential health and welfare effects of these pollutants. US EPA periodically reviews new scientific data and may propose revisions to the standards as a result. There are six Criteria Air Pollutants:</p> <ul style="list-style-type: none"> - Carbon monoxide - Nitrogen dioxide - Sulfur dioxide - Ground-level ozone - Lead - Particulate matter <p>The US EPA and California Air Resources Board have not listed particulate matter as a toxic pollutant, but it is the most harmful air pollutant and can have significant impacts on nearby communities.</p> <p>Toxic Air Contaminants</p>
Sources Affected:	<p>All new or modified sources of criteria and toxic air pollutants: e.g.: Refineries, data centers, autobody facilities, dry cleaners, gas stations, hospitals, crematoria, foundries, etc.</p> <p><u>Exemptions:</u> There are several categories of sources that are generally exempt from the Air District's permitting rules (Rules 2-1 and 2-2). Highlighted below are some familiar sources:</p> <ul style="list-style-type: none"> - Single and multiple family dwellings - Agricultural Sources - Motor Vehicles - Tank vehicles with vapor recovery systems - Road Construction - Restaurants and cafeterias - Paints and coatings
Air Quality Benefits: HIGH	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality-High:</u> The permitting process implements the enforceable limits that are established by Air District rules. Rules 2-1, 2-2, and 2-5 address new and modified sources of pollution. New or modified sources are required to meet increasingly more stringent air quality requirements and this cannot happen effectively, without an efficient permit process for new and modified sources. Moreover, the permit process is intended to prevent sources from starting or increasing operations that violate local, state, or federal rules.

	<p>Effective, efficient permitting is a cornerstone of implementing local and regional air quality improvements.</p> <p>This rulemaking would be primarily focused on making the permit process more efficient. The direct benefits include the following: assurance that sources are properly operating within health-based limits, especially in over-burdened communities, careful review of exempted sources, and installation of cleaner technologies and abatement equipment. The indirect benefit is to free up staff for strategic priorities.</p> <ul style="list-style-type: none"> - <u>Reducing exposure to Toxic and Particulate Matter (PM) pollution–medium</u>: Unclear permit rule language and delays in permit application review have resulted in unpermitted operations and releases of pollutants in communities, and subsequent diversion of enforcement staff from other priorities. Further, it will free staff to focus on Civil Rights in permitting and risk reduction programs for Rule 11-18. - <u>Reducing Disparities–Low</u>: This is a general efficiency effort that may have some moderate benefit for emission reductions. While it’s not specifically targeting reductions for overburdened communities, inefficient permit process creates uncertainty for communities living adjacent to sources of pollution.
<p>Level of Effort: Phase 1: Low Phase 2/3: Medium to High</p>	<ul style="list-style-type: none"> - Phase 1 requires significant edits to rule language but minimal revisions to Air District procedures that aren’t already being implemented through the Engineering Corrective Action Plan. Unlikely to be controversial and would have significant efficiency benefits. - Phases 2/3 would likely require major revisions to the criteria pollutant permitting rules and internal Air District procedures. Expect significant involvement and scrutiny from industry and other stakeholders. - May also require US EPA approval
<p>Impetus / Source:</p>	<ul style="list-style-type: none"> - Strategic Plan: 4.1: Timely Permits, 4.2: Transparent Permit Process, 4.3: Consistent Permits, 4.7: Customer Service

Toxic New Source Review / Cumulative Impacts - Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants	
Adopted:	June 14, 2005
Last Amended:	December 15, 2021
Purpose:	<p>This rule would provide additional consideration of the combined effects of multiple health stressors when permitting new and modified facilities.</p> <p>In overburdened communities, defined as areas scoring in the top 30 percent of CalEnviroScreen 4.0 or within 1,000 feet of them, the health risk thresholds are currently more protective than other areas:</p> <ul style="list-style-type: none"> - Cancer risk must be below 6 in a million (vs. 10 in million elsewhere) - Non-cancer hazard indices (acute and chronic) must be below 1.0 <p>These areas often face greater pollution, have more vulnerable populations, and fewer resources to cope with health impacts.</p> <p>This project would extend and strengthen the consideration of cumulative impacts in our permitting program.</p>
Pollutants:	Toxic air contaminants, PM _{2.5}
Sources Affected:	New or modified sources of toxic air contaminants and/or PM _{2.5} that are required to have an authority to construct or permit to operate.
Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality–Low</u>: Fuller consideration of cumulative impacts would likely further discourage the location of polluting facilities in overburdened communities. It's possible that these facilities would locate in other areas, leading to no net reduction on a regional basis. - <u>Reducing exposure to Toxic and PM pollution–Medium</u>: This project would likely further tighten emissions controls for health-harming emissions. Most exposure is from existing sources, though, and this only covers new and modified sources. - <u>Reducing Disparities–High</u>: This effort would specifically address projects which propose to increase toxic and PM emissions in overburdened communities.
Level of Effort: HIGH	<ul style="list-style-type: none"> - This effort would be highly controversial, resulting in a highly scrutinized rule development effort. - When the Air District previously restricted permitting in overburdened communities, the business community raised a

	lot of concerns regarding the economic implications for those communities. We would expect similar economic concerns to be raised if permitting is further restricted in these areas.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan 1.1: Change Approach to Air Quality, 1.2: Stronger Regulations - Richmond-North Richmond-San Pablo Path to Clean Air - Air District staff Recommendation

NEW: Backup Generators – Regulation 11: Hazardous Pollutants, Rule (TBD)	
Adopted:	TBD
Last Amended:	N/A
Purpose:	This new rule would limit the emissions of diesel particulate matter from stationary diesel engines used as backup generators, including the recent proliferation of large data centers and encourage non-diesel technologies.
Pollutants:	Diesel particulate matter
Sources Affected:	Facilities and operations that have a diesel backup generator
Air Quality Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality –Low</u>: Diesel backup generators are used intermittently and during emergencies. As a result, they are a relatively small contributor to overall air pollution in the region. But their local impacts can be very significant. - <u>Reducing exposure to Toxic and PM pollution–High</u>: Diesel particulate matter is the most impactful toxic air pollutant. Diesel engines are the largest source of this pollutant that are under the Air District’s authority. Many of these backup generators are located close to where people live, work and study. Ideally, this rulemaking would encourage alternative technologies, such as batteries, natural gas-powered engines. This rule, combined with more stringent toxic permitting requirements, could significantly reduce toxic risk from these sources. - <u>Reducing Disparities–Medium</u>: Because these sources are often located in overburdened communities, reducing the emissions of and exposures due to toxic emissions would contribute significantly to reduction of disparities resulting from stationary sources. However, it would not impact toxic pollution from mobile sources such as diesel emissions from trucks which are also concentrated in overburdened communities.
Level of Effort: HIGH	<ul style="list-style-type: none"> - Requires development of new rule. There may not be feasible alternatives for many of the uses of diesel generators. In

	addition, there will likely be controversy about how to assess the risk from emergency operations.
Impetus / Source:	<ul style="list-style-type: none"> - Strategic Plan 2.1: Community Partnership - Richmond-North Richmond-San Pablo Path to Clean Air

Toxic Risk at Existing Facilities Phase II – Regulation 11: Hazardous Pollutants, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities	
Adopted:	November 14, 2017
Last Amended:	N/A
Purpose:	<p>The Phase I amendments, currently under development, focus on process efficiency to complete Health Risk Assessments and achieve risk reduction on a faster schedule.</p> <p>Rule 11-18 was adopted by the Air District in 2017 to address facilities whose emissions of toxic air contaminants pose a significant risk to nearby residents and workers. The purpose of Rule 11-18 is to target existing facilities with the highest health impacts across the Bay Area and require them to reduce those impacts. Rule 11-18 requires existing facilities with health risks above Risk Action Level (RAL) thresholds to either reduce those health risks below the rule’s risk action thresholds or implement Best Available Retrofit Control Technology for Toxics (TBARCT) on all significant sources of health risks.</p> <p>The Risk Action Levels are 10 in a million for cancer risk and 1.0 for both acute and chronic hazard non-cancer indices.</p> <p>The Phase II amendments would increase the stringency of this rule to make it more health protective (e.g., lower Risk Action Levels). Some ideas under consideration include the following: Lowering risk reduction action levels for the most impacted communities. Considering the overall health risk “burden” (the number of individuals impacted instead of only the risk at point of highest impact). And, requiring the facility to reduce its risk below the action level regardless of availability of technology.</p>
Pollutants:	<p>Toxic air contaminants: Toxic air contaminants are “[...]ir pollutants that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health.”</p> <p>Source: Rule 2-5: New Source Review of Toxic Air Contaminants, Section 2-5-22: Toxic Air Contaminant, or TAC.</p>
Sources Affected:	Existing facilities whose emissions of toxic air contaminants may result in a significant risk level to nearby receptors, such as

	residents, workers, and students. These can include foundries, refineries, gas stations, chemical plants, metal recyclers, etc.
Air Quality Benefits: HIGH	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality–Low</u>: Regionally, risk from toxic air contaminants is dominated by cancer risk from diesel particulate matter, which is overwhelmingly from mobile sources outside the regulatory authority of the Air District. - <u>Reducing exposure to Toxic and PM pollution–High</u>: These amendments have the potential to reduce facilities’ risks and community exposures to toxic compounds. - <u>Reducing Disparities–Medium-to-High</u>: Overburdened communities host a disproportionate share of the industrial sources which would reduce emissions under this rule. But mobile sources not subject to Air District regulations still drive most of the risk from toxic air pollution in these communities.
Level of Effort: HIGH	<ul style="list-style-type: none"> - Revising this rule would be potentially costly to the affected facilities in terms of the efforts to better characterize the toxic risk and burden impacting communities and the cost of reducing that risk to acceptable levels. Those costs could raise concerns regarding potential for reductions in employment at impacted facilities and compliance costs passed along to consumers. A very detailed technical and economic analysis will be required, along with a wide-ranging outreach plan.
Impetus / Source:	<ul style="list-style-type: none"> - Strategic Plan 2.1: Community Partnership - Richmond-North Richmond-San Pablo Path to Clean Air

NEW: Refinery Nitrogen Oxides (NOx) Emissions – Regulation 9: Inorganic Pollutants, Rule (TBD)	
Adopted:	TBD
Last Amended:	N/A
Purpose:	This new rule (or rule amendments) would further limit the emissions of nitrogen oxides from various combustion sources at refineries.
Pollutants:	Nitrogen oxides (a precursor to secondary particulate matter and ozone) (NOx)
Sources Affected:	<p>Refineries, primarily combustion sources (e.g. steam boilers, process furnaces, process heaters, heat transfer operations).</p> <p>Currently, many of these refinery sources nitrogen oxides are covered by:</p> <p>Regulation 9: Inorganic Gaseous Pollutants:</p> <ul style="list-style-type: none"> - Rule 3: Nitrogen Oxides from Heat Transfer Operations (Rule 9-3)

	<ul style="list-style-type: none"> - Rule 7: Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters (Rule 9-7); and - Rule 10: Nitrogen Oxides And Carbon Monoxide from Boilers, Steam Generators and Process Heaters in Refineries (Rule 9-10)
Air Quality Benefits: HIGH	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality –High</u>: Refineries are a significant source of regional NOx emissions. These NOx emissions also combine with other pollutants in the atmosphere to form particulate matter, significantly impacting public health. - <u>Reducing exposure to Toxic and PM pollution–High</u>: Significant reductions in NOx from refineries is likely to also reduce PM exposure regionally. - <u>Reducing Disparities–Unclear</u>: NOx emissions from refineries tend to be well dispersed in the atmosphere. Computer modeling will be required to assess how much of the health benefits from reductions of nitrogen oxides would disproportionately benefit communities near refineries.
Level of Effort: HIGH	<ul style="list-style-type: none"> - Significantly reducing nitrogen oxide emissions from refineries would require wholesale review of the many combustion sources at refineries, their level of control, and a review of the control technologies and approaches available to reduce those emissions. Refiners would be extremely resistant to incurring the costs associated with these controls and, therefore, be resistant to these potential changes. - The potentially high costs of controls will raise concerns about the possibility of reductions in employment in the refining sector and about the cost impacts on gasoline consumers.
Impetus / Source:	<ul style="list-style-type: none"> - Strategic Plan 2.1: Community Partnership - Richmond-North Richmond-San Pablo Path to Clean Air

NEW: Refinery Sulfur Oxides (SOx) Emissions – Regulation 9: Inorganic Pollutants, Rule (TBD)	
Adopted:	TBD
Last Amended:	N/A
Purpose:	This rule would limit the emissions of sulfur oxides from various combustion sources at refineries.
Pollutants:	Sulfur oxides (a precursor to secondary particulate matter)(SOx)
Sources Affected:	<ul style="list-style-type: none"> - Refineries, primarily combustion sources (e.g. steam boilers, process furnaces, and process heaters). Currently, sources of sulfur dioxide at refineries are subject to Regulation 9: Inorganic

	Gaseous Pollutants, Rule 1: Sulfur Dioxide (Rule 9-1), which is a general rule for all sources of sulfur dioxide.
Air Quality Benefits: HIGH	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality–Medium to High</u>: Reducing SOx emissions would reduce the secondary formation of particulate matter which would reduce regional PM exposure. - <u>Reducing exposure to Toxic and PM pollution–High</u>: In absolute terms, we would expect the PM exposure reductions to be significant. These might be more localized benefits than from NOx given the shorter time required to SOx emissions to convert to particulate matter in the atmosphere. - <u>Reducing Disparities–Unclear</u>: SOx emissions from refineries tend to be well dispersed in the atmosphere. Computer modeling will be required to assess how much of the health benefits from reductions of sulfur dioxides would disproportionally benefit communities near refineries and other combustion sources.
Level of Effort: HIGH	<ul style="list-style-type: none"> - Significantly reducing sulfur dioxide emissions from refineries would require wholesale review of the many combustion sources at refineries, their level of control, and a review of the control technologies and approaches available to reduce those emissions. Refiners would be extremely resistant to incurring the costs associated with these controls and, therefore, be resistant to these potential changes. - The potentially high costs of controls will raise concerns about the possibility of reductions in employment in the refining sector and about the cost impacts on gasoline consumers.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan 2.1: Community Partnership - Richmond-North Richmond-San Pablo Path to Clean Air

NEW: Refinery-Specific Toxic Rules – Regulation 11: Hazardous Pollutants, Rule (TBD)	
Adopted:	TBD
Last Amended:	N/A
Purpose:	These rules would limit the emissions of toxic air contaminants from specific sources at refineries. The health risk assessment performed due to Rule 11-18 should identify any significant sources of toxic emissions from refineries. If Rule 11-18 doesn't achieve sufficient risk reductions at those sources, the development of source specific toxic risk rules would further reduce toxic emissions and risk.
Pollutants:	Toxic air contaminants
Sources Affected:	Refineries
Air Quality Benefits:	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality–Medium</u>: Refineries are some of the largest stationary sources of toxic pollution. But this won't

MEDIUM	<p>impact diesel exposure from mobile sources, which is the dominant regional source of air toxics.</p> <ul style="list-style-type: none"> - <u>Reducing exposure to Toxic and PM pollution–Medium</u>: The resulting toxic emissions and risk from this rule would be in addition to the reductions achieved by Rule 11-18. However, source specific rules can be simpler to implement since they set clear performance standards and don't rely on industry-developed, site-specific, implementation plans. - <u>Reducing Disparities–Medium-High</u>: The additional reduction of toxic emissions would limit the exposure of nearby residents, students, and workers, which would help to reduce localize disparities.
Level of Effort: HIGH	<ul style="list-style-type: none"> - It would be important to ensure the requirements of this rule work in concert with and are not duplicative of those of Rule 11-18. Further, the refineries would be likely be resistant to these requirements due to potentially high costs. - The potentially high costs of controls will raise concerns about the possibility of reductions in employment in the refining sector and about the cost impacts on gasoline consumers.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan 2.1: Community Partnership - Richmond-North Richmond-San Pablo Path to Clean Air

NEW: Health-Based Particulate Matter Rules – Regulation 6: Particulate Matter, Rule (TBD)	
Adopted:	TBD
Last Amended:	N/A
Purpose:	<p>These rules would assess and regulate localized health risks and impacts from exposure to particulate matter emitted from sources. Rule 11-18 takes a similar approach with listed TACs. This is distinct from source-specific rules which typically specify exactly how much emissions must be reduced from identified sources.</p> <p>Particulate matter is the most health-impactful pollutant in the Bay Area, but because it is not listed as a TAC, it isn't currently considered in risk-based analysis for new and modified permits or through the Rule 11-18 process.</p>
Pollutants:	Particulate matter (PM)
Sources Affected:	Existing and new commercial and industrial sources of particulate matter, e.g.: fuel refining (refineries) and other combustion sources
Air Quality Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality –Medium</u>: There are a limited number of particulate matter sources that pose a significant health impacts to nearby residents, workers, and students that

	<p>are not already sufficiently addressed by current rules or rules under development.</p> <ul style="list-style-type: none"> - <u>Reducing exposure to Toxic and PM pollution–High</u>: Because these rules would directly target sources of particulate matter, they could significantly reduce the public’s exposure to direct particulate matter, especially episodic exposures. - <u>Reducing Disparities–Medium</u>: Further reducing particulate matter emission would help to reduce disparities; however, it would not address particulate matter from mobile sources or transported from other areas. In West Oakland, for example, only about 10 percent of the particulate matter exposure was due to stationary sources in the neighborhood and most of that was from mobile sources.
Level of Effort: HIGH	<ul style="list-style-type: none"> - Regulatory development in this area could be technically and legally complex as this would be a new approach to regulating particulate matter.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan 1.1: Change Approach to Air Quality, 1.2: Stronger Regulations - Richmond-North Richmond-San Pablo Path to Clean Air - Air District staff Recommendation

NEW: Organics Materials Handling and Composting Operations - Regulation 13: Climate Pollutants, Rule 2: Organic Material Handling Operations and Rule 3: Composting Operations	
Adopted:	TBD – The formal rule development process was suspended for Rule 13-2: Organic Material Handling Operations and Rule 13-3: Composting Operations. Prior to suspension of formal rule development, the Air District presented regulatory concepts in late 2018, followed by drafts of regulatory language in June 2019 and January 2020.
Last Amended:	N/A
Purpose:	These rules would minimize emissions of methane, volatile organic and toxic compounds, and odorous substances from facilities processing organic materials, which can impact nearby residents, workers, and students.
Pollutants:	Methane, volatile organic, toxic and odor causing compounds
Sources Affected:	Solid waste processing facilities managing organic waste
Air Quality Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality –Medium</u>: Organic waste management facilities are significant sources of volatile organic compounds and toxic air contaminants. Volatile organic

	<p>compounds combine with other chemicals in the atmosphere to form ozone (smog) and particulate matter.</p> <ul style="list-style-type: none"> - <u>Reducing exposure to Toxic and PM pollution–Medium</u>: While the emissions of toxic compounds are inconsistent, they are emitted close to ground level and have the potential to cause nearby exposures. This effort would minimize those exposures. - <u>Reducing Disparities–Medium-High</u>: Reducing exposures to toxic and odorous compound emissions would improve air quality in the neighboring communities. Many of these facilities are in overburdened communities. Further analysis would be required to better understand the potential benefits for reducing disparities.
Level of Effort: MEDIUM	<ul style="list-style-type: none"> - Considerable research has already gone into this effort. Additional effort is needed that would involve reaching out to these operations, working with state and local agencies, and engaging impacted communities. Further developing requirements that are consistent with permitting requirements are needed.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan 4.1: Timely Permits, 4.2: Transparent Permit Process, 4.3: Consistent Permits - Air District staff Recommendation

Organic Storage Tanks – Regulation 8: Organic Compounds, Rule: 5 Storage of Organic Liquids	
Adopted:	January 1, 1978
Last Amended:	November 3, 2021
Purpose:	This rule regulates emissions of volatile organic compounds (VOCs) from the storage of organic liquids in tanks. Many of these compounds are toxic. It establishes requirements for tank design, vapor control equipment, inspection, and maintenance practices to minimize emissions from both new and existing storage tanks. Fugitive emissions from storage tanks can impact nearby residents, workers, or students. Many of these sources will also be addressed in Rule 11-18.
Pollutants:	Volatile organic compounds and toxic air contaminants
Sources Affected:	Above ground storage tanks over 264 gallons that store organic liquids at facilities such as refineries, chemical plants, bulk terminals, and wastewater treatment plants.
Air Quality Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality–Medium</u>: Storage tanks such as these are significant sources of volatile organic compounds, many of which are toxic. These volatile organic compounds combine with other chemicals in the air to form ozone and

	<p>particulate matter. Significant emissions reductions from tanks would be expected to have regional pollution benefits.</p> <ul style="list-style-type: none"> - <u>Reducing exposure to Toxic and PM pollution–High</u>: Emissions from tanks contain toxic compounds such as benzene, toluene, ethylbenzene and xylene, and can be emitted at air temperatures and near ground level. Because of these reasons, these sources have a high potential of exposing nearby residents, workers, and students. - <u>Reducing Disparities–Medium</u>: Many of the tanks associated with refineries are located in overburdened communities. It's likely that reductions from these sources would reduce toxic emission exposure disparities. But it will vary from refinery to refinery depending on the proximity to those communities.
Level of Effort: MEDIUM	<ul style="list-style-type: none"> - This effort was included in the Assembly Bill 617 Expedited Best Available Retrofit Control Technology Schedule and Air District staff conducted some preliminary work on the source category. Additional work is needed to continue this effort.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan: 1.1: Change Approach to Air Quality, 1.2: Stronger Regulations - Air District staff Recommendation

Industrial Boilers, Steam Generators, Process Heaters – Regulation 9: Inorganic Gaseous Pollutants, Rule 7: Nitrogen Oxides and Carbon Monoxide from Industrial, Institutional and Commercial Boilers, Steam Generators and Process Heaters	
Adopted:	Sept 16, 1992
Last Amended:	May 4, 2011
Purpose:	This rule limits nitrogen oxides and carbon monoxide emissions from boilers, steam generators, and process heaters in industrial, institutional, and commercial settings. It sets emission standards, monitoring and recordkeeping requirements, and compliance schedules to control pollution from combustion equipment.
Pollutants:	Nitrogen oxides (NOx) and carbon monoxide
Sources Affected:	Boilers, steam generators, and process heaters with heat input ratings of 1 million BTU/hour or greater—including those at food processing plants, manufacturing facilities, hospitals, universities, and commercial buildings. Refineries are subject to Rule 9-10 and are exempt from Rule 9-7.
Air Quality Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality –High</u>: Reducing nitrogen oxides from this sector is expected to reduce the secondary formation of particulate matter regionally. Potential control approaches could also reduce direct particulate and climate pollutants emissions. - <u>Reducing exposure to Toxic and PM pollution–Medium</u>: This effort would reduce secondary particulate matter formation which would have an overall regional benefit. - <u>Reducing Disparities–Unclear</u>: Because it takes time for NOx to convert to particulate matter, it's unclear where the benefits of this rule would accrue. Modeling would be required to determine if this would reduce disparities in overburdened communities.
Level of Effort: HIGH	<ul style="list-style-type: none"> - Transitioning from fossil fuel energy to electricity may result in costly modifications at the impacted facilities and operations, even for highly efficient equipment like heat pumps. - Any rule that is expensive to implement will raise concerns about impacts to employment and costs being passed on to consumers.
Impetus / Source	<ul style="list-style-type: none"> - Strategic Plan: 1.1: Change Approach to Air Quality, 1.2: Stronger Regulations - Air District staff Recommendation

Autobody Operations – Regulation 8: Organic Compounds, Rule 45: Motor Vehicle and Mobile Equipment Coating Operations	
Adopted:	June 7, 1989
Last Amended:	December 3, 2008
Purpose:	This rule limits volatile organic compound (VOC) emissions from motor vehicles and mobile equipment finishing and refinishing operations. It applies to coating, surface preparation, and solvent cleaning processes used in painting vehicles. The rule sets VOC content limits for coatings and cleaning materials, requires use of high-efficiency application equipment, and establishes work practice standards to minimize emissions. The rule also incorporates the requirements of the US EPA's federal regulation: Subpart HHHHHH—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
Pollutants:	Volatile Organic Compounds (VOCs) and toxic air contaminants: methylene chloride (MeCl), chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), and cadmium (Cd)
Sources Affected:	A facility or operation involved in the coating of motor vehicles and mobile equipment: e.g.: Autobody shops, Dealerships, Fleets, Mobile refinishing units, etc. (Light and medium-duty motor vehicle assembly plants are subject to Rule 8-13 and are exempt from Rule 8-45.)
Benefits: MEDIUM	<ul style="list-style-type: none"> - <u>Improving Regional Air Quality –High</u>: Many of these operations are located in residential areas and can have localized impacts. This effort would reduce emissions for particulate matter from overspray and toxic compounds such as parachlorobenzotrifluoride (PCBTF) from these operations. With enhanced inspection combined with community awareness and action, rogue operators can be located and addressed. - <u>Reducing exposure to Toxic and PM pollution–High</u>: This effort would reduce particulate matter from overspray and toxic compounds from these operations. - <u>Reducing Disparities–medium</u>: Ensuring the impacts from these operations would greatly reduce their impacts on their neighbors, but their general benefits from reducing their emissions may not extend to the larger communities.
Level of Effort: MEDIUM	<ul style="list-style-type: none"> - Most of these operations may already be using the control techniques that will be considered. Further, CARB and the South Coast Air Quality Management District develop control approaches for these operations. These efforts could benefit

	reducing the impacts of these operations here in the Air District.
Impetus / Source	<ul style="list-style-type: none"> - West Oakland Community Action Plan; - Richmond- North Richmond,-San Pablo Path to Clean Air

Community Investments



Community Investments Office

In December 2024, the Bay Area Air District established the Community Investments Office (CIO) to develop and manage tailored programs for funding streams generated by penalties and other funds. The CIO will ensure that funds from enforcement actions directly benefit communities impacted by air pollution. This CIO administers the Community Benefits Penalty Funds Policy, and other funds from enforcement actions to direct resources back into the communities where violations occurred to improve community health and air quality. Some funding sources have specific, pre-determined parameters while guidelines for others are in the process of development. The program governing the disposition of these funds will be developed with input from the community.

Air District's Community Benefits Penalty Funds Policy & Other Funds Overview

The Air District established the Community Benefits Penalty Funds Policy to directly support communities disproportionately impacted by air pollution. When penalties are assessed against entities violating air quality regulations, this policy enables penalty funds to be reinvested directly back to communities through impactful projects. This policy sets up a formula that automatically allocates 80% of the funds to the Local Community Benefits Fund and 20% to the Regional Community Benefits Fund after meeting a pre-determined threshold and split for specific penalty amounts. For more details on the breakdown, see the Community Benefits Penalty Funds Policy.

Overview of Available Funds

AVAILABLE FUNDING SOURCE	AS OF DECEMBER 31, 2024	
Regional Community Benefits Fund	\$	20,331,984
Local Community Benefits Fund	\$	75,447,312
Other funds: Richmond Community Air Quality Fund ¹	\$	20,000,000
Total Project Funds	\$	115,779,297
9% Admin Funds	\$	9,472,678
Total Project & Admin Funding	\$	125,251,974

¹Funding availability is subject to initiation of projects.

What is the Regional Community Benefits Fund?

This fund is designated to:

- reduce air pollution or mitigate air pollution impacts in overburdened communities
- improve health outcomes in communities impacted by air pollution

What is the Local Community Benefits Fund?

This fund is designated to:

- reduce air pollution or mitigate air pollution
- improve health outcomes in the specific community affected by the air quality violations that led to the penalty

Local Community Benefits Fund as December 31, 2024

ORIGINATING COMMUNITY*	PROJECT AMOUNT
Benicia	\$ 58,631,131
Berkeley	\$ 13,680
Martinez	\$ 1,462,091
Oakland	\$ 85,783
Pleasanton	\$ 58,367
Richmond	\$ 15,148,952
San Jose	\$ 19,950
South San Francisco	\$ 22,799
Suisun City	\$ 4,560
Total Funds	\$ 75,447,312

*An originating community does not indicate that funds will be limited to a jurisdictional boundary. The geographic boundaries for distribution of funds will be determined based on Board-approved criteria.



Community Spotlight:

Penalties to benefit Benicia and overburdened communities around the Bay Area

The Bay Area Air District and California Air Resources Board fined Valero Refining Co. nearly \$82 million for air quality violations at its refinery in Benicia. The Air District received \$80.8 million and based on the Community Benefits Penalty Funds Policy, \$58,631,131 are designated for the Local Community Benefits Fund to finance projects aimed at reducing air pollution exposure, mitigating air pollution impacts and improving public health in areas surrounding the refinery. The remainder of the penalty is designated for the Regional Community Benefit Fund to support clean air projects in overburdened communities and to offset costs associated with fund administration and investigation and prosecution of future cases.

The CIO will be developing a plan to distribute these funds to communities. Sign up on our website to stay informed.

MORE DETAILS ON COMMUNITY INVESTMENTS:
baaqmd.gov/community-investments

CONTACT US:
communityinvestments@baaqmd.gov



Community Benefits Penalty Fund Policy

Definitions:

Penalty Package: Civil penalties collected through an individual settlement agreement or court judgment that requires payment from a particular regulated entity. A package can address more than one violation but must be with an individual entity.

Fiscal Year Penalty Budget Assumption:

The amount of assumed general fund revenue derived from penalties in a fiscal year's adopted budget.

Fiscal Year Penalty Budget Cap: The amount needed to meet the Fiscal Year Penalty Budget

Assumption for the current fiscal year, plus any shortfalls from the previous two years. A shortfall occurs when actual penalties collected in a fiscal year are less than the Fiscal Year Budget Assumption for that fiscal year. Once the Fiscal Year Penalty Budget Cap has been met, any additional penalties collected will be designated for regional community benefits.

Regional Community Benefits Fund: A fund that the Board of Directors has designated to reduce air pollution or mitigate the impacts of air pollution in overburdened communities or aimed at improving health outcomes in communities impacted by air pollution in the Bay Area.

Local Community Benefits Fund: Funds that the Board of Directors has designated to reduce air pollution or mitigate the impacts of air pollution or aimed at improving health outcomes in the particular community that was affected by the air quality violations leading to the Penalty Package in which the funds were collected.



Allocating Funds:

Beginning in the fiscal year ending June 30, 2024, and retroactive to the beginning of that fiscal year, net penalty funds collected² shall be allocated according to the method below.

First \$100,000: Funds will be placed in the general fund until the Fiscal Year Penalty Budget Cap for that year is met. Once the Fiscal Year Penalty Budget Cap for that year is met, the funds from these settlements shall be placed in the Regional Community Benefits fund.

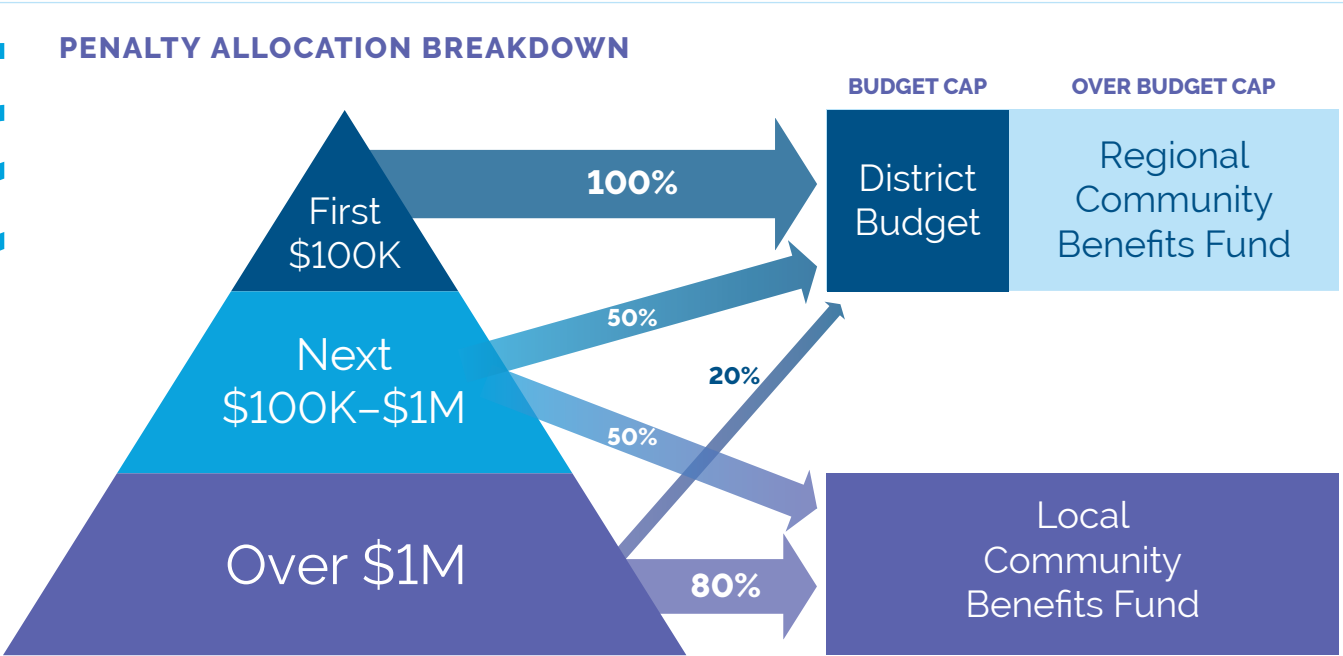
Amounts greater than \$100,000 and less than or equal to \$1,000,000: Fifty percent (50%) of the funds shall be placed in a Local Community Benefits Fund associated with the community impacted by the violations leading to the Penalty Package. Fifty percent (50%) shall be placed in the general fund or the Regional Community Benefits Fund depending on whether the Fiscal Year Penalty Budget Cap has been met.

Amounts exceeding \$1,000,000: Eighty percent (80%) of the funds shall be placed in a Local Community Benefits Fund associated with the community impacted by the violations leading to the Penalty Package. Twenty percent (20%) shall be placed in the general fund or the Regional Community Benefits Fund depending on whether the Fiscal Year Penalty Budget Cap has been met.

Annual Report:

In May of each year, staff will provide the Community Advisory Council and the Board of Directors a review of the results of this policy for the current fiscal year.

The infographic below shows the Penalty Allocation Breakdown:



²Net penalty funds collected are all penalties obtained by the Air District through settlements or court judgments, net of any external costs associated with obtaining the penalty, such as litigation costs, costs of expert witnesses or consultant, or outside attorney fees, that are not otherwise recovered.



Community Advisory Council – Environmental Justice Priorities in Practice: Integrate EJ into Core Functions, Community Investments, and Appropriate Legal Remedies

Community Advisory Council Meeting

May 17, 2025



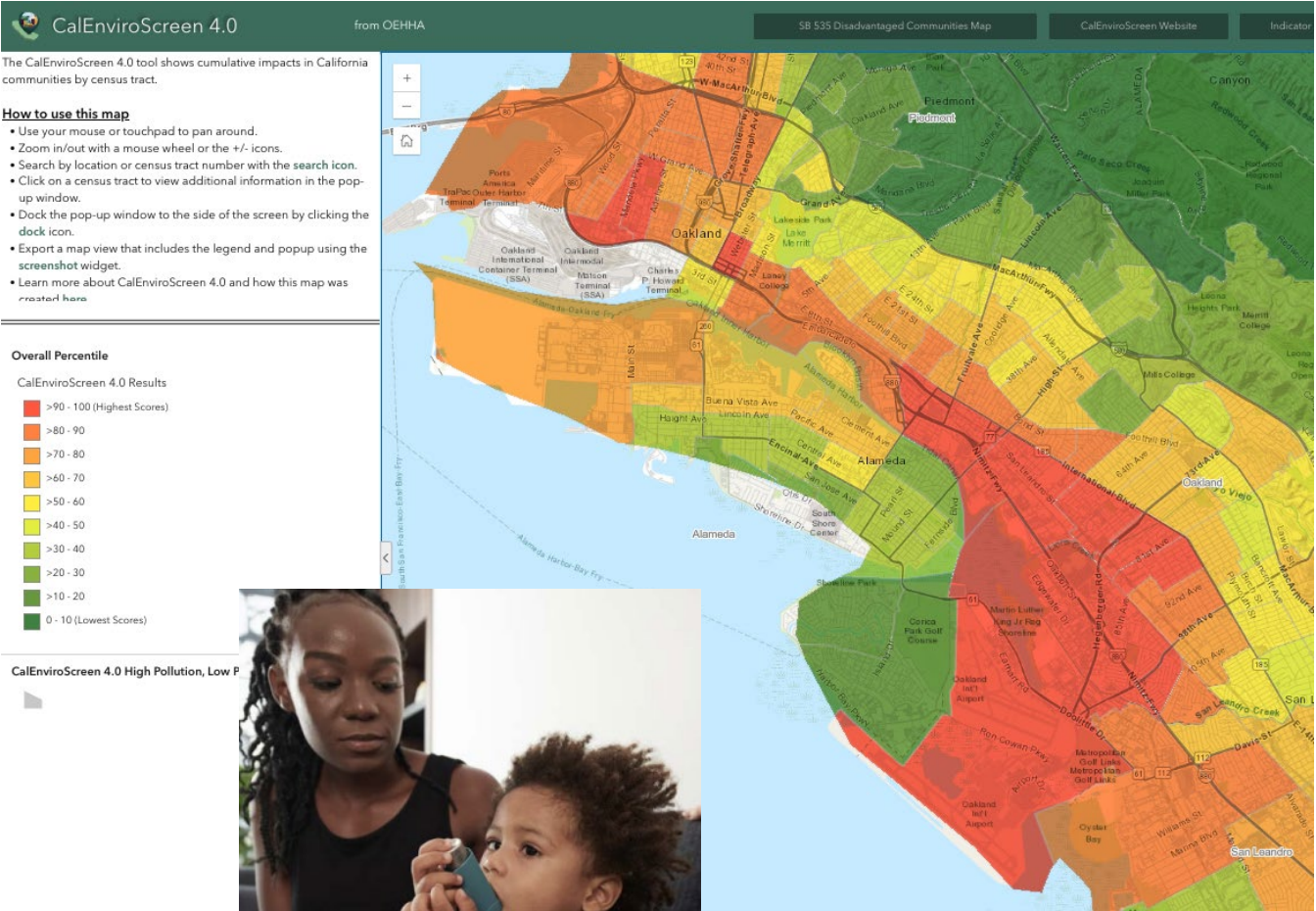
Notice of Violation Trends & Data-Driven Insights

Patrick Messac
Community Advisory Council Member

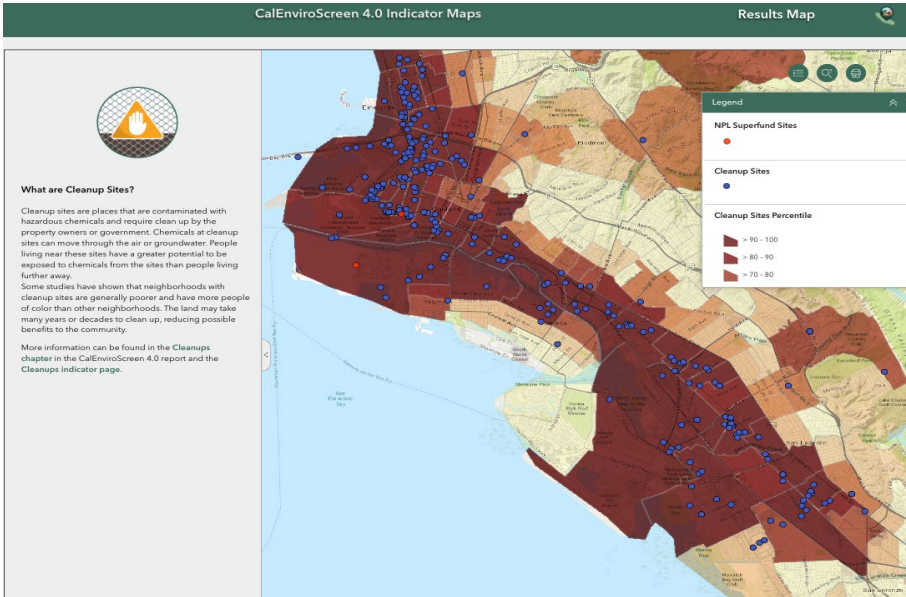
Outline

- Background on Notice of Violation (NOV)
- Air District Inspection and Enforcement Activities
- Data Overview: NOV Trends and Penalty Outcomes
- Key Observations

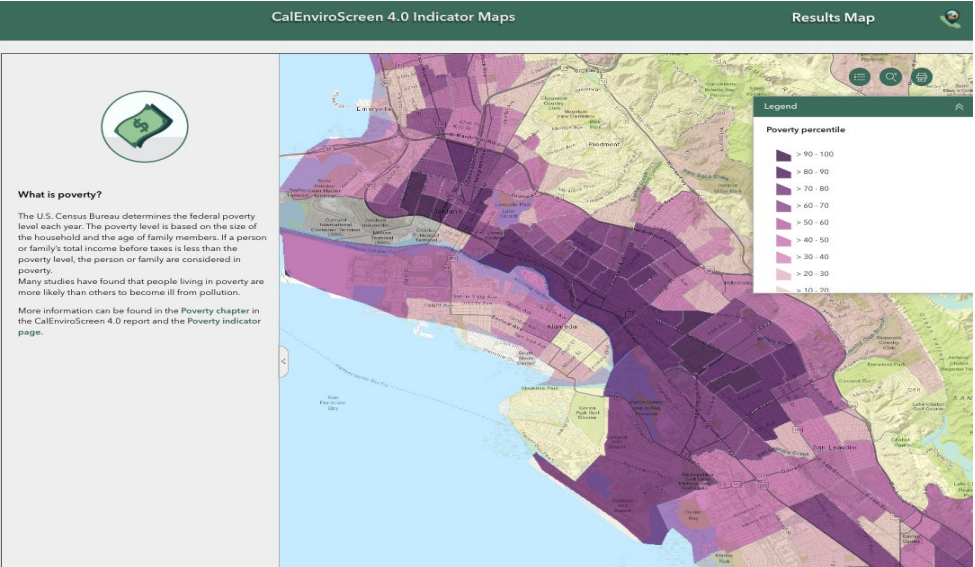
Pollution



CalEnviroscreen 4.0



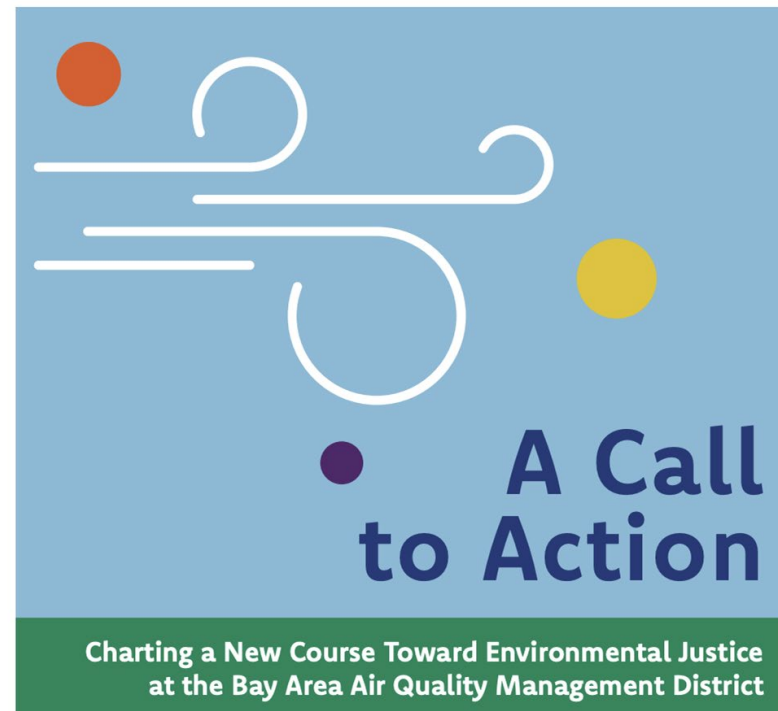
Hazardous Waste Sites



Poverty

The views and opinions expressed in this presentation are those of CAC Member Messac and do not necessarily reflect the official policy, position, or endorsement of the Bay Area Air District.

A Call To Action



From the Community Advisory
Council of the Bay Area Air
Quality Management District

November 2024



Seven Areas Where the Air District Should Implement Environmental Justice Best Practices

- Data collection and analysis ←
- Measuring and monitoring
- Permitting ←
- California Environmental Quality Act (CEQA) analysis
- Inspections
- Enforcement
- Legal actions, including litigation, mitigation, planning, rulemaking, and incentives funding

Permits

The Air District permits stationary sources of air pollution:

- Total Permitted Facilities: **10,432**
- Permitted Devices & Operations: **23,325**

Currently Unavailable Data Points:

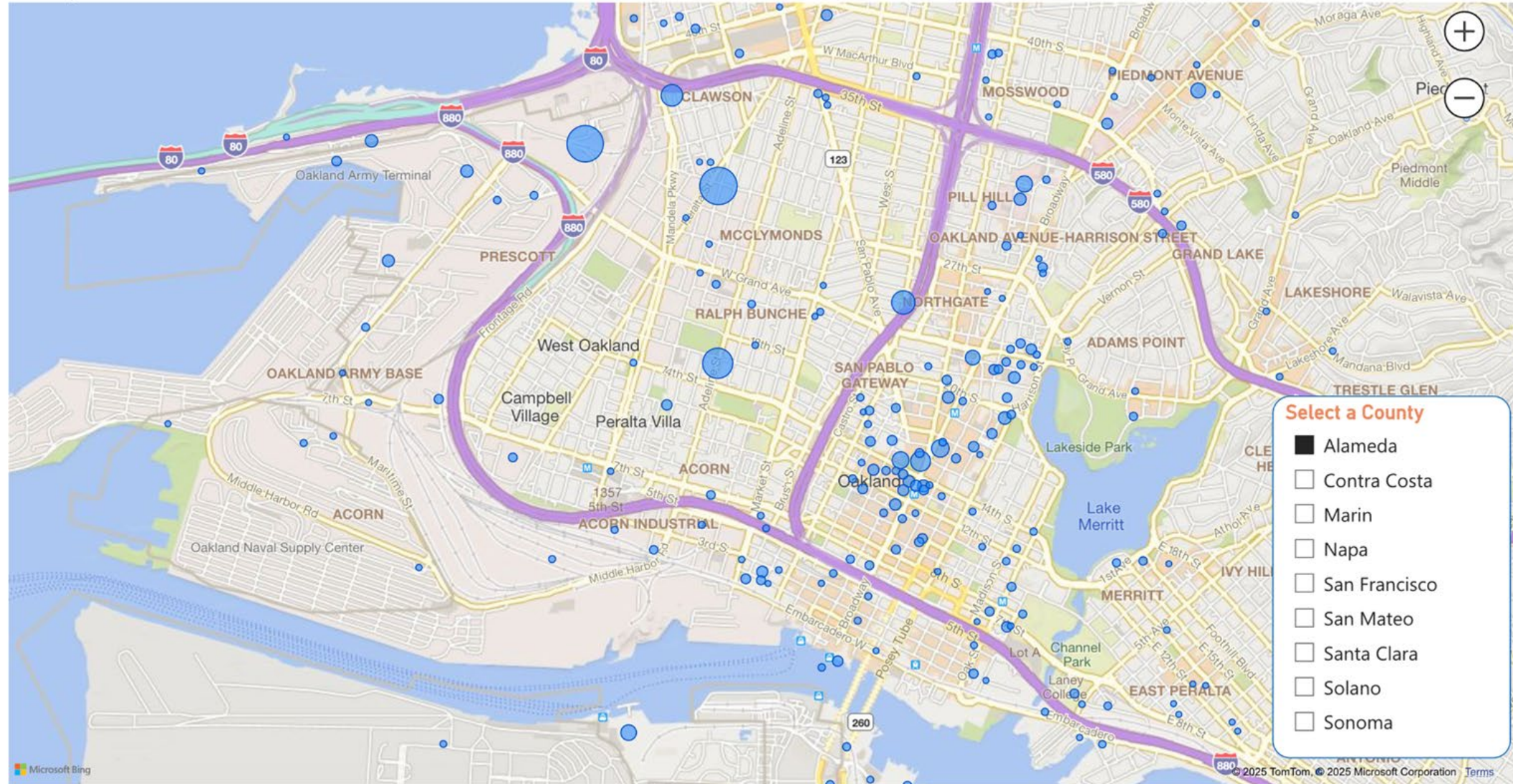
- Permit Rejection Rate
- Permit Approval Rate
- Permit Amend Rate
- Permit Revoke Rate

Table 5: Summary of Project TAC Emissions

TAC	Emissions		Table 2-5-1 Thresholds	
	Hourly (lb/hour)	Annual (lbs/year)	Acute (lb/hour)	Chronic (lbs/year)
Acetaldehyde	2.30E-04	2.02E+00	2.10E-01	2.90E+01
Acrolein	3.18E-05	2.78E-01	1.10E-03	1.40E+01
Arsenic	3.79E-08	3.32E-04	8.80E-05	1.60E-03
Benzene	1.53E-04	1.34E+00	1.20E-02	2.90E+00
Beryllium	8.26E-08	7.24E-04	None	3.40E-02
1,3-Butadiene	1.04E-07	9.13E-04	2.90E-01	4.80E-01
Cadmium	3.23E-07	2.83E-03	None	1.90E-02
Chromium 6+	3.16E-08	2.77E-04	None	5.10E-04
Copper	3.02E-06	2.65E-02	4.40E-02	None
Ethyl Benzene	3.02E-05	2.65E-01	None	3.30E+01
Formaldehyde	2.60E-03	2.28E+01	2.40E-02	1.40E+01

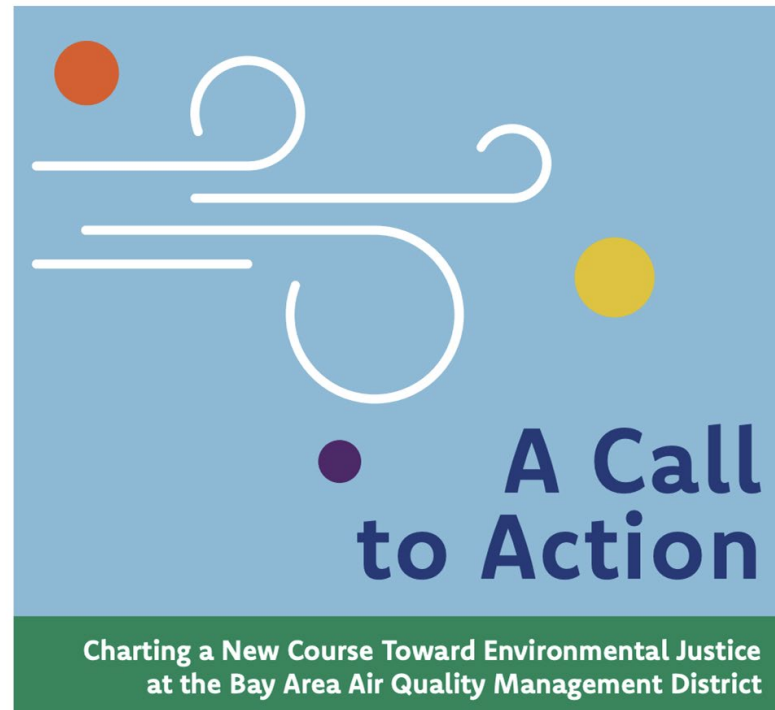
Engineering evaluation
projects emissions

Facility Toxic Emissions and Prioritization Tool (Year 2023)



- Cumulative impact is **not** considered in permitting decisions
- **Not** all polluters are required to get a permit

A Call To Action



From the Community Advisory Council of the Bay Area Air Quality Management District
November 2024



Seven Areas Where the Air District Should Implement Environmental Justice Best Practices

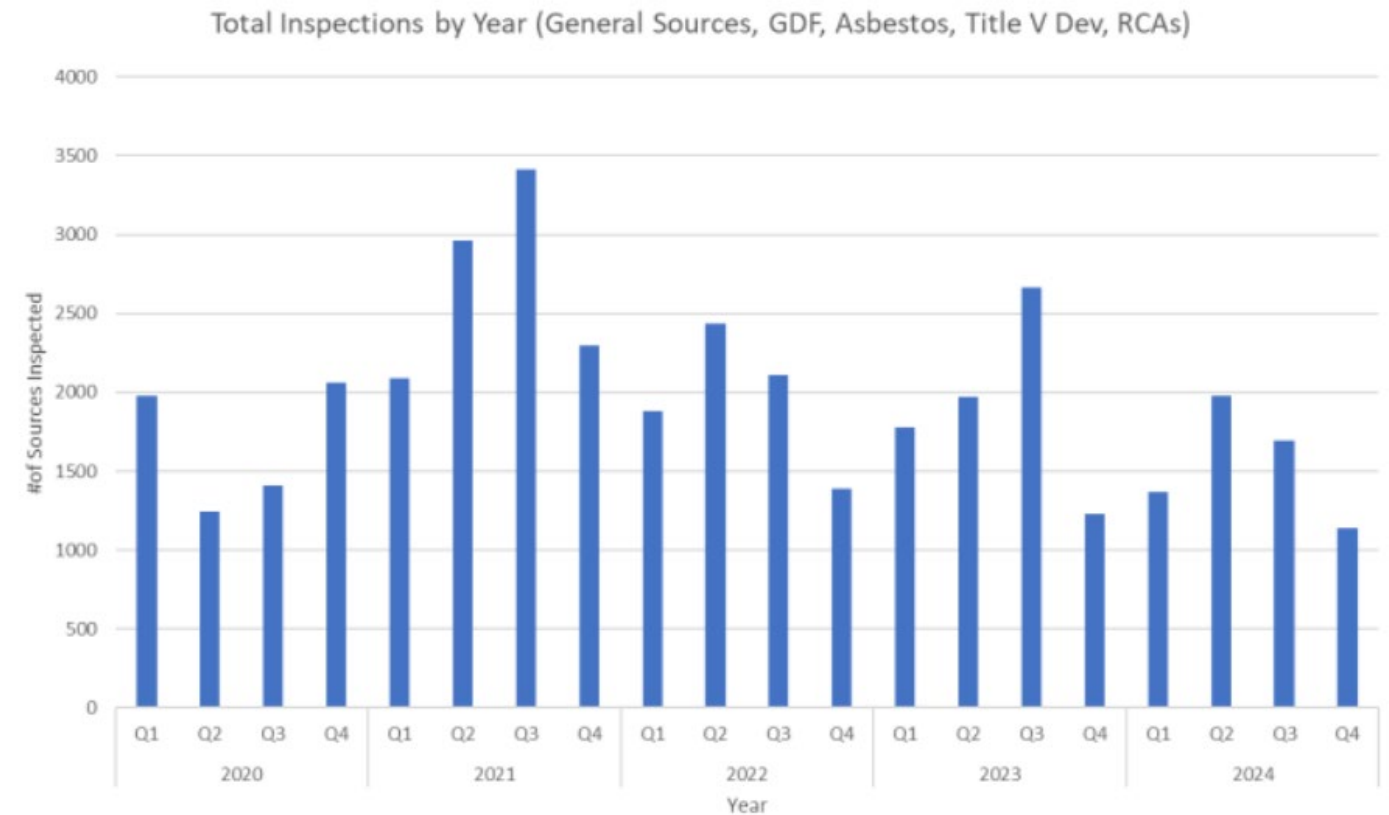
- Data collection and analysis ←
- Measuring and monitoring ←
- Permitting
- California Environmental Quality Act (CEQA) analysis
- Inspections ←
- Enforcement ←
- Legal actions, including litigation, mitigation, planning, rulemaking, and incentives funding

Inspections

Number of Field Inspectors: **40/350** Bay Area Air District Staff

Compliance Inspections Completed

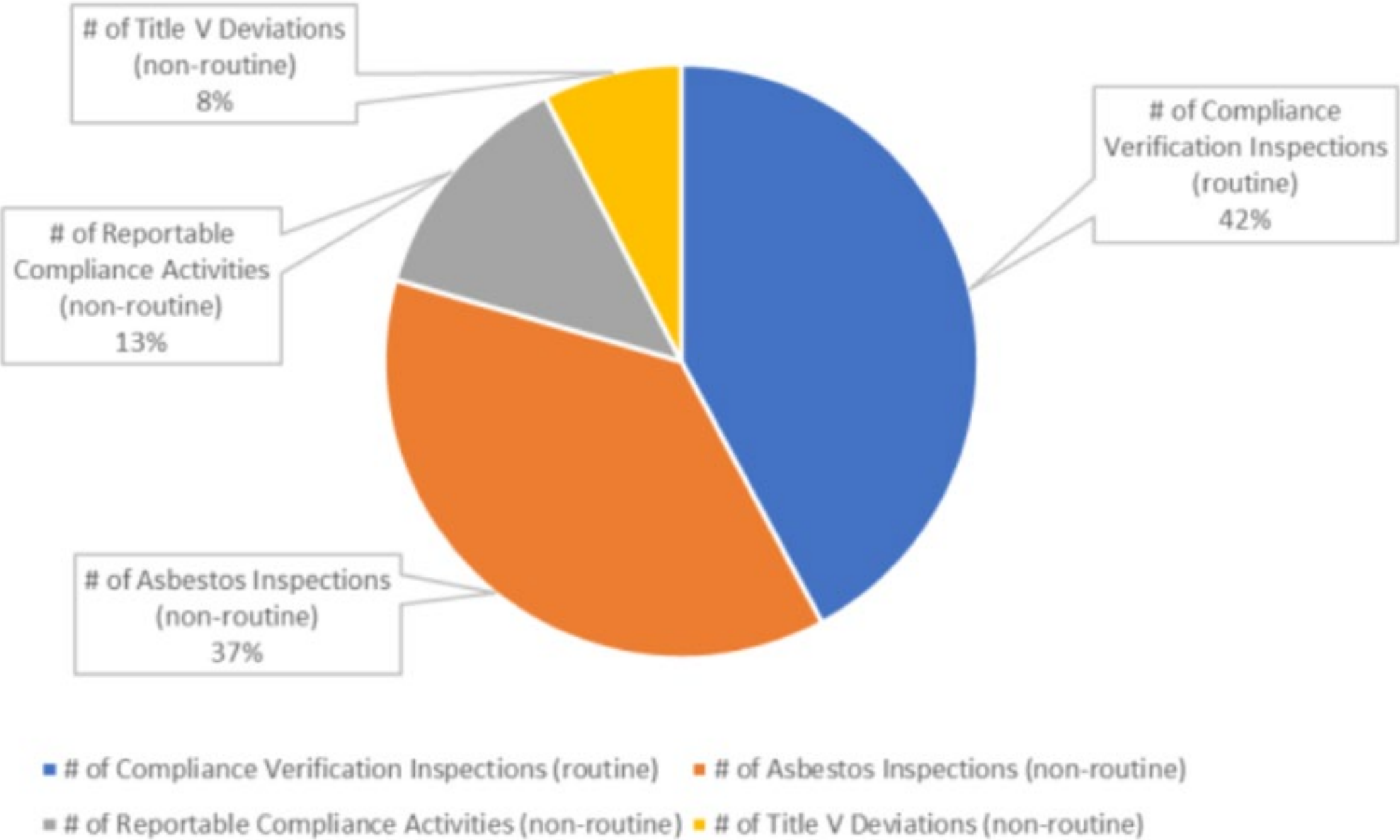
- 2020: 12,357
- 2021: 16,526
- 2022: 14,431
- 2023: 12,977
- 2024: Estimate 13,000
- 5-Year Total: 69,291



Enforcement Activities (routine vs. non-routine)
2020 - 2024

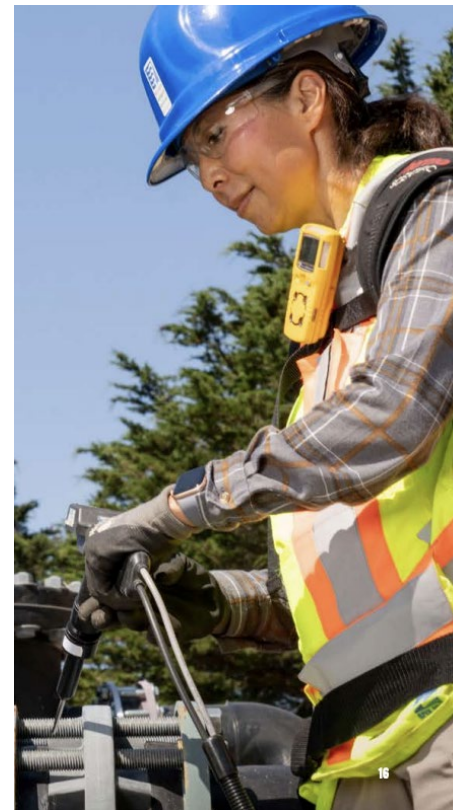
Title V Deviations and Reportable Compliance Activities are violations from Major Polluters (e.g., Refineries) that must be **SELF REPORTED** by polluter

More than half of all inspections are triggered by a deviation, complaint, or potential violation (non-routine)



Source Test Activity Compliance Rates (2023):

- Refinery Source Test: 100%
- Title V Source Test: 95%
- Other facility: 89%
- Gasoline Dispensing Facilities: 53%



Air Pollution Violation Dashboard

September 2023 - Air District launches web tool to make air quality violation information publicly available.

Notices of Violation

SEARCH & FILTERS ▲ Collapse to hide search or filter options

TABLE INFO

DOWNLOAD CSV

Search ?

Date Range ?

From

To

City

County

CLEAR SEARCH & FILTERS

◀◀ 1 2 3 4 ... 466 ▶▶

Items per Page: 10 ▼

4652 items in 466 pages

	Issuance Date	Violation	Name	City
+	12/31/2024	A63240A	Courtney Coles Clodagh	San Bruno
+	12/31/2024	A63976A	Grand Petroleum Inc	Concord
+	12/31/2024	A63239A	SFD	Antioch
+	12/30/2024	A61900A	San Jose-Santa Clara Regional Wastewater Facility	San Jose
+	12/30/2024	A63237A	SFD	Oakland

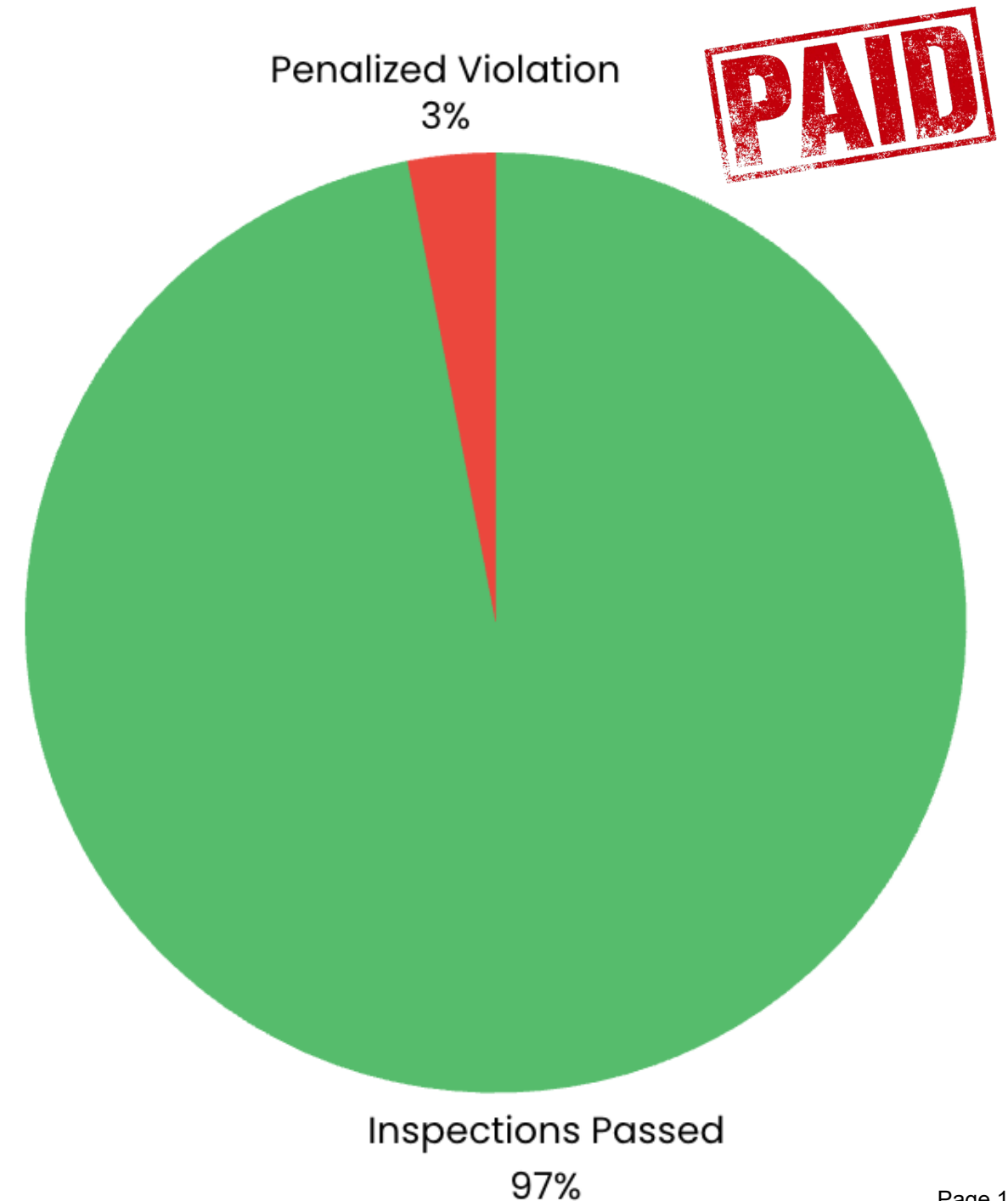
Penalized Violations (2020 – 2025)

Estimated Total Inspections: **69,291**

Total NOV: **4,653**

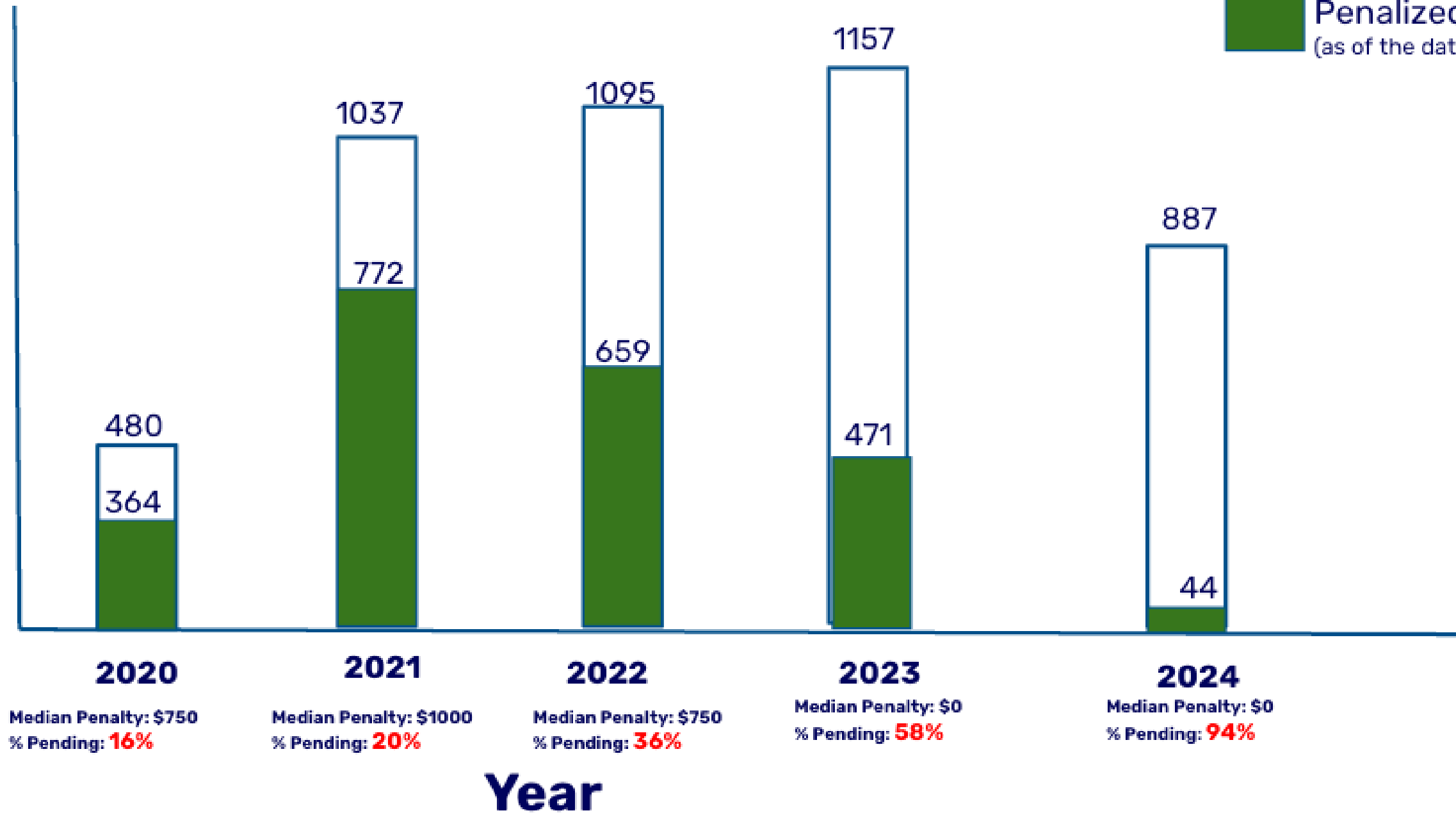
Total Penalized Violations: **2,291**

% of Inspections Resulting in a Penalized Violations: 3%



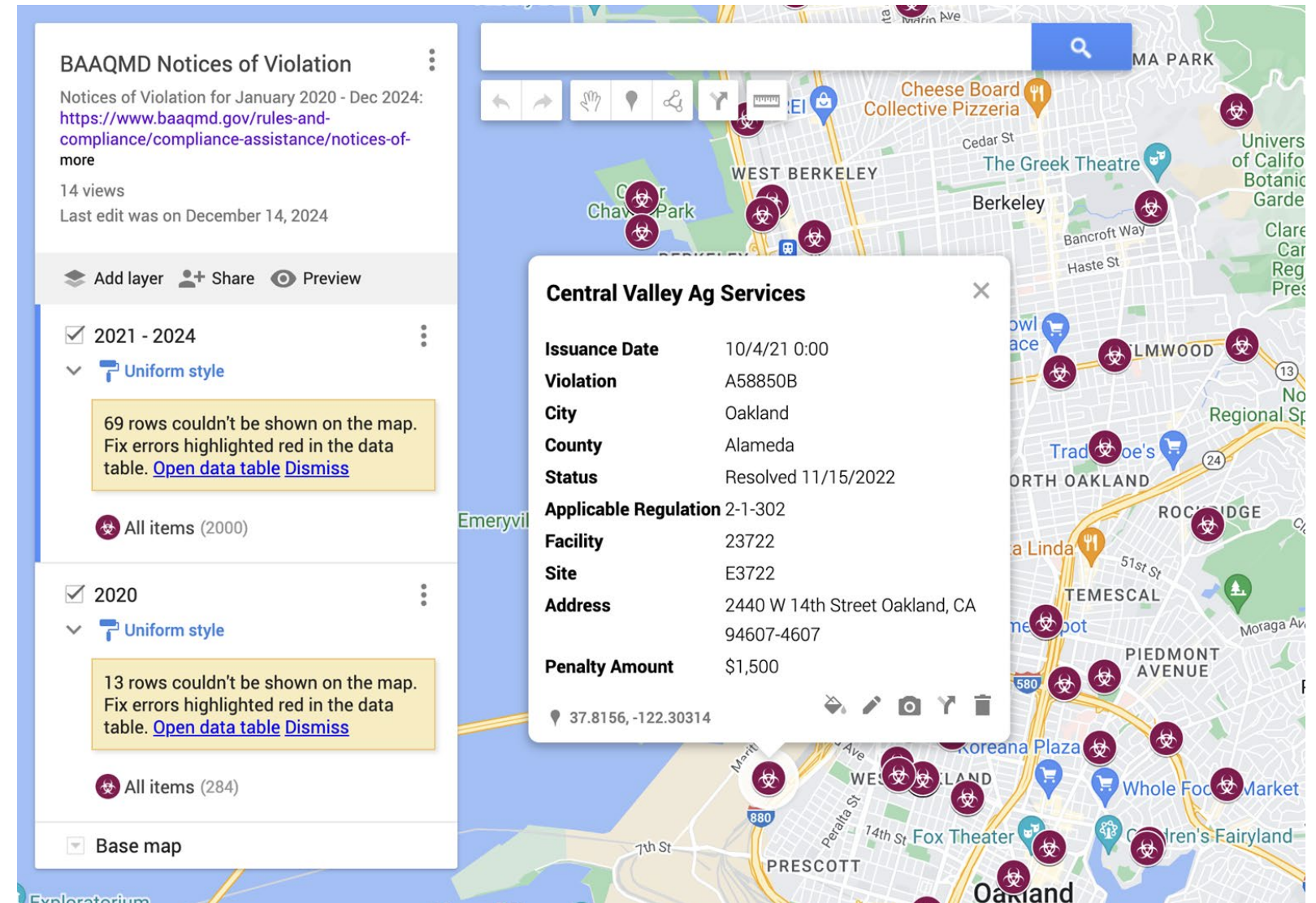
Penalized Notices of Violation

Total NOVs



Violation Map

NOV Map shows 2291 penalized violations between 2020-2025.



Legal Authority: Penalties

Statutory Penalty Range – Maximum Penalties a Judge Could Award*

- Willful & Intentional air pollution emissions (HSC 42402.3)
 - **\$0-\$75,000** per day basic penalty
 - Increased penalties for situations implicating great bodily harm or death
- Knowledge of emissions and failure to take corrective action (HSC 42402.2)
 - **\$0-\$40,000** per day basic penalty
 - Increased penalties for situations implicating great bodily harm or death
- Negligent air pollution emissions (HSC 42402.1)
 - **\$0-\$25,000** per day basic penalty
 - Increased penalties for situations implicating great bodily harm or death
- No Negligence & administrative violations (HSC 42402.1)
 - **\$0-\$10,000** per day basic penalty
 - **\$0-\$15,000** per day basic penalty for public nuisance that causes actual injury
 - **\$0-\$5,000** per day for non-Major facilities if violator proves intentional/negligent conduct

** Penalty amounts are adjusted for inflation since 2019 – currently about 10% above*

Legal Authority: Penalties

Penalty Adjustment Factors – Specific penalty within the statutory range must be based on the mitigating and aggravating factors:

- The **extent of harm** caused by the violation
- The **nature and persistence** of the violation
- The **length of time** over which the violation occurs
- The **frequency of past violations**
- The **record of maintenance**
- The **unproven or innovative nature** of the control equipment
- Any **action taken to mitigate** the violation (e.g., cleanup)
- The **financial burden** to the defendant
- Any **other relevant circumstances**

Typical Penalty Amounts

Dating back to 2020, nearly half of NOV have no penalty assigned yet.

Median Penalty:

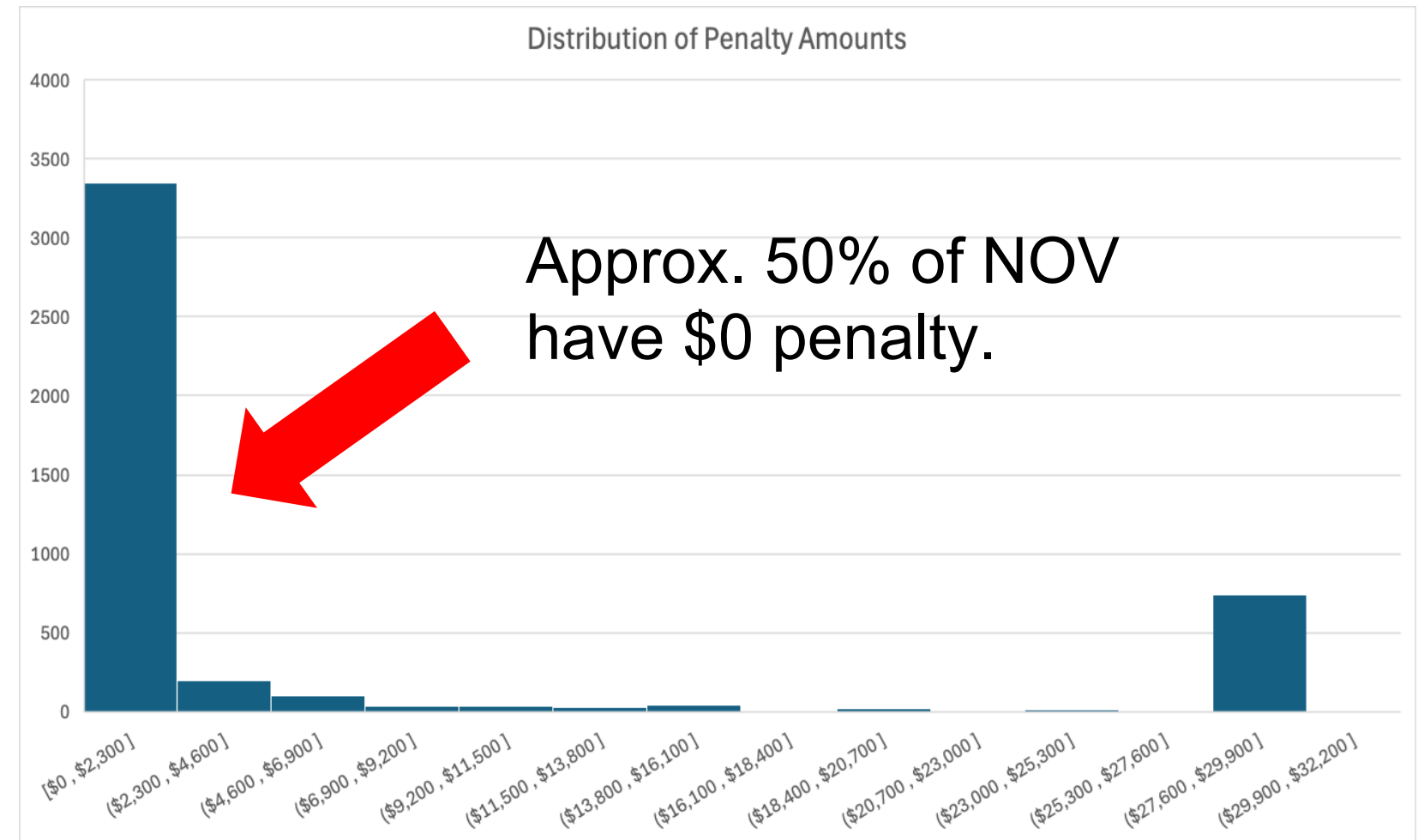
2020: \$750

2021: \$1,000

2022: \$750

2023: \$0

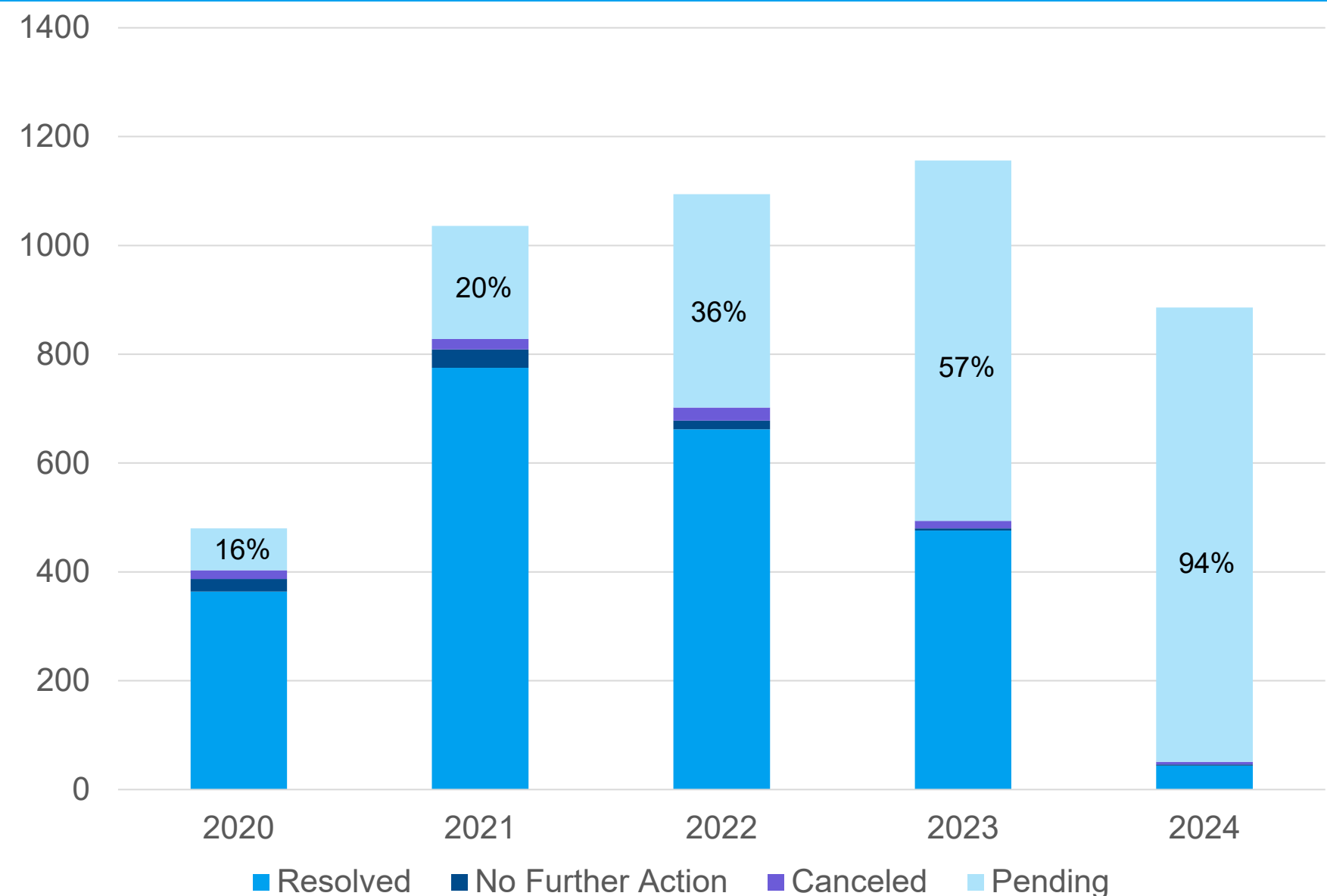
2024: \$0



Notice of Violation Trends & Data-Driven Insights

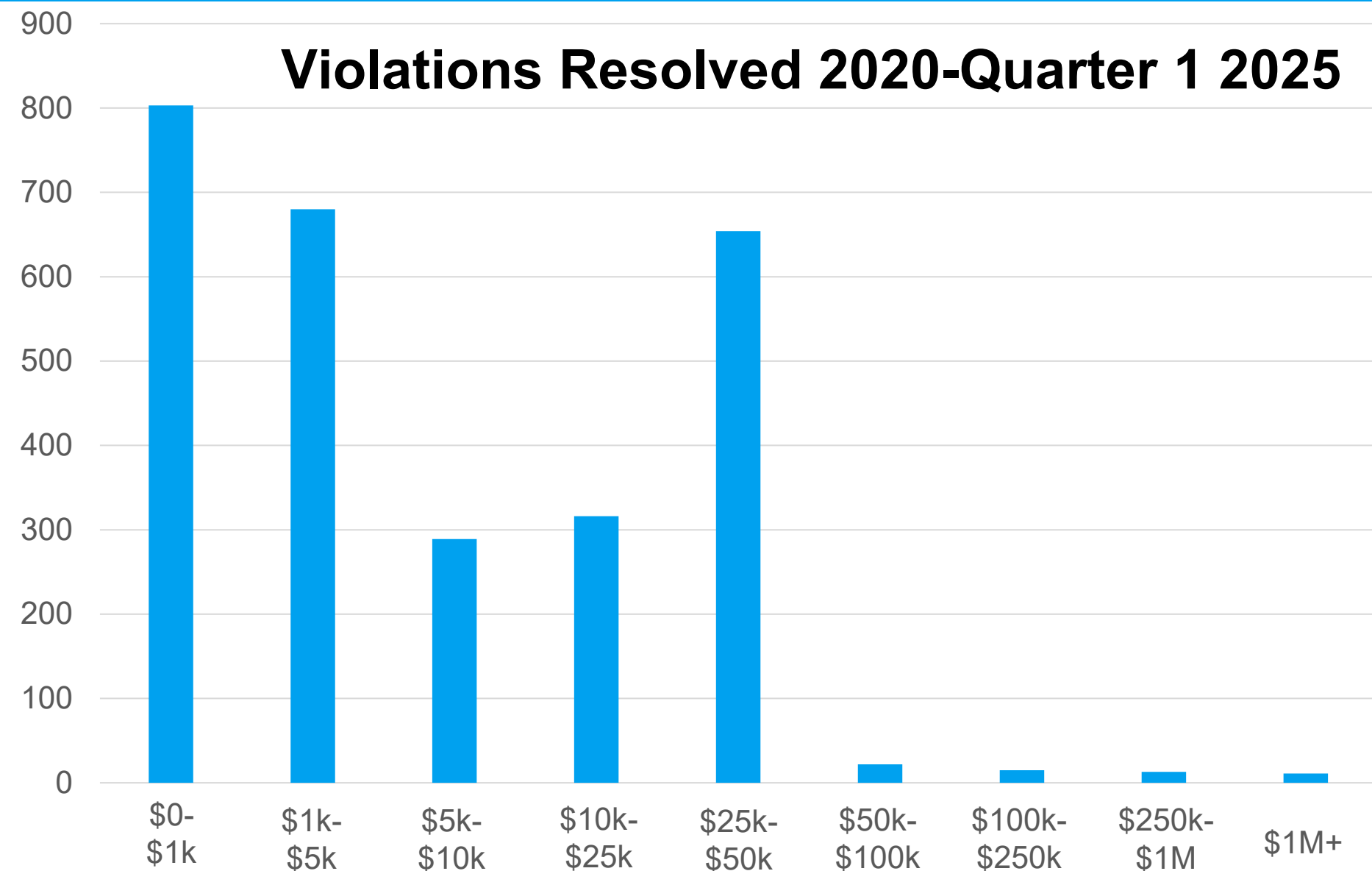
Alexander Crockett
General Counsel

Status of Notices of Violations Issued 2020-2024

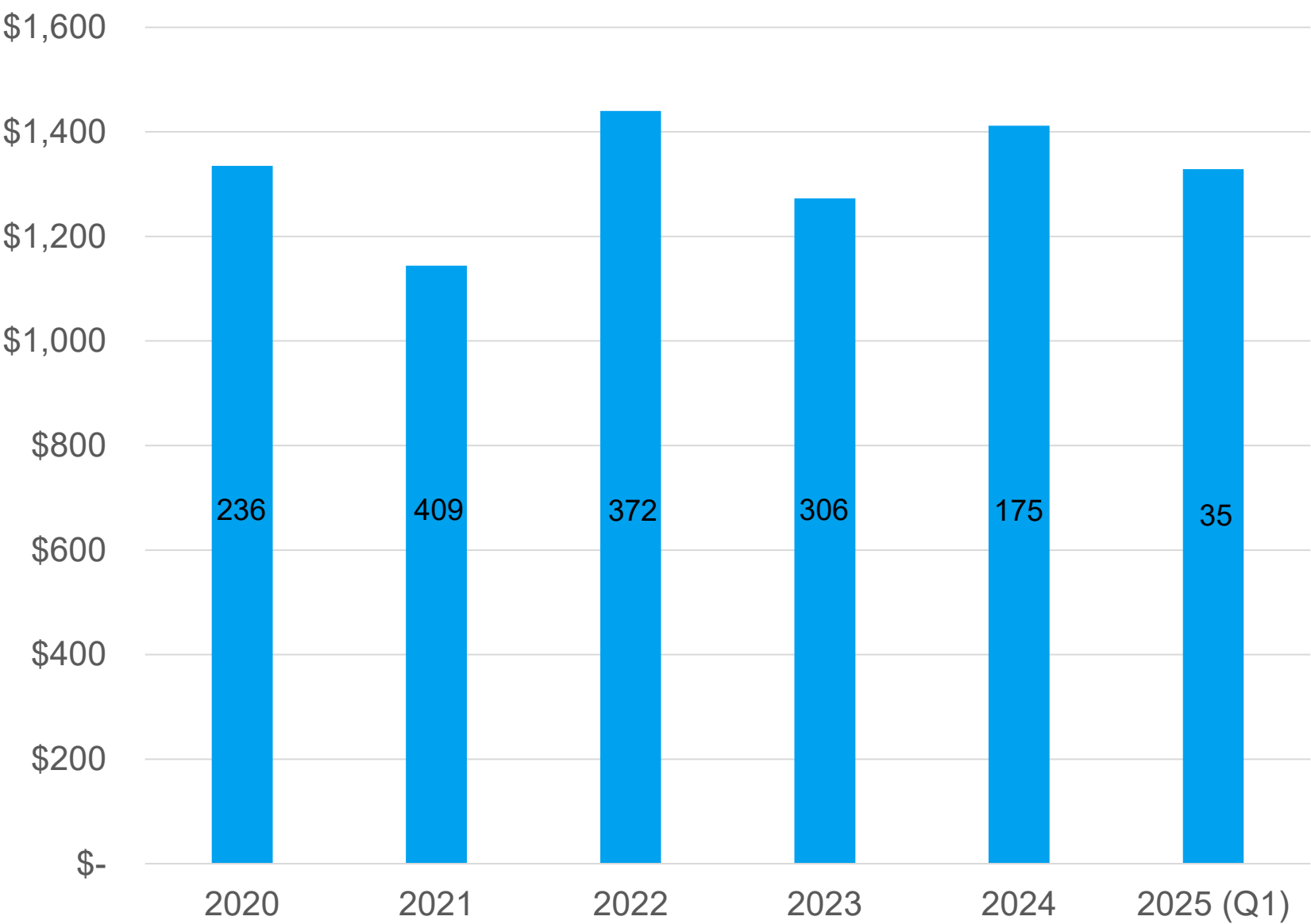


Percentages show proportion of violations from each year that are still pending resolution

Violations Resolved – Penalty Breakdown



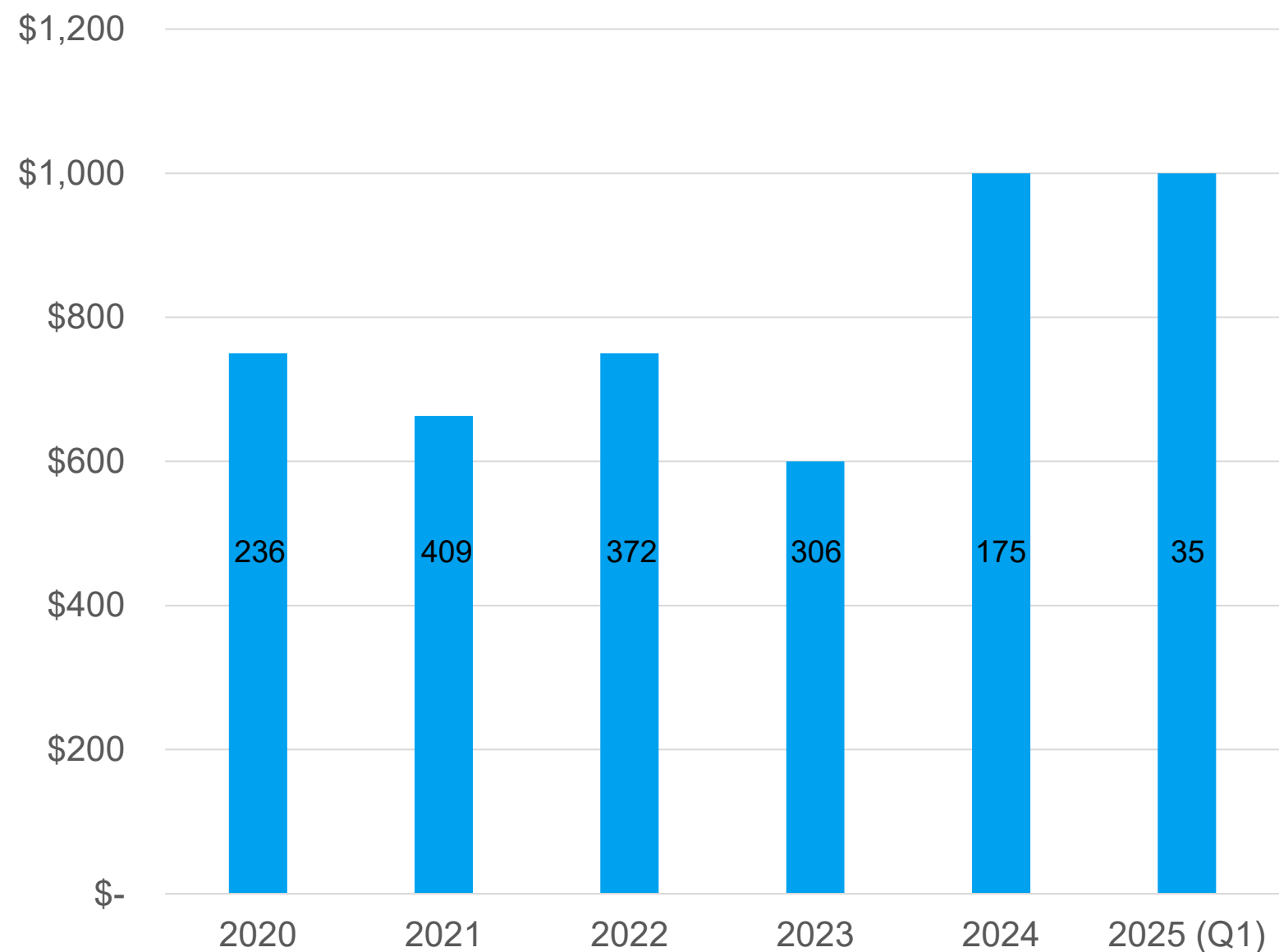
Small Claims Cases – Average Penalties



Numbers in each bar show total number of violations resolved each year

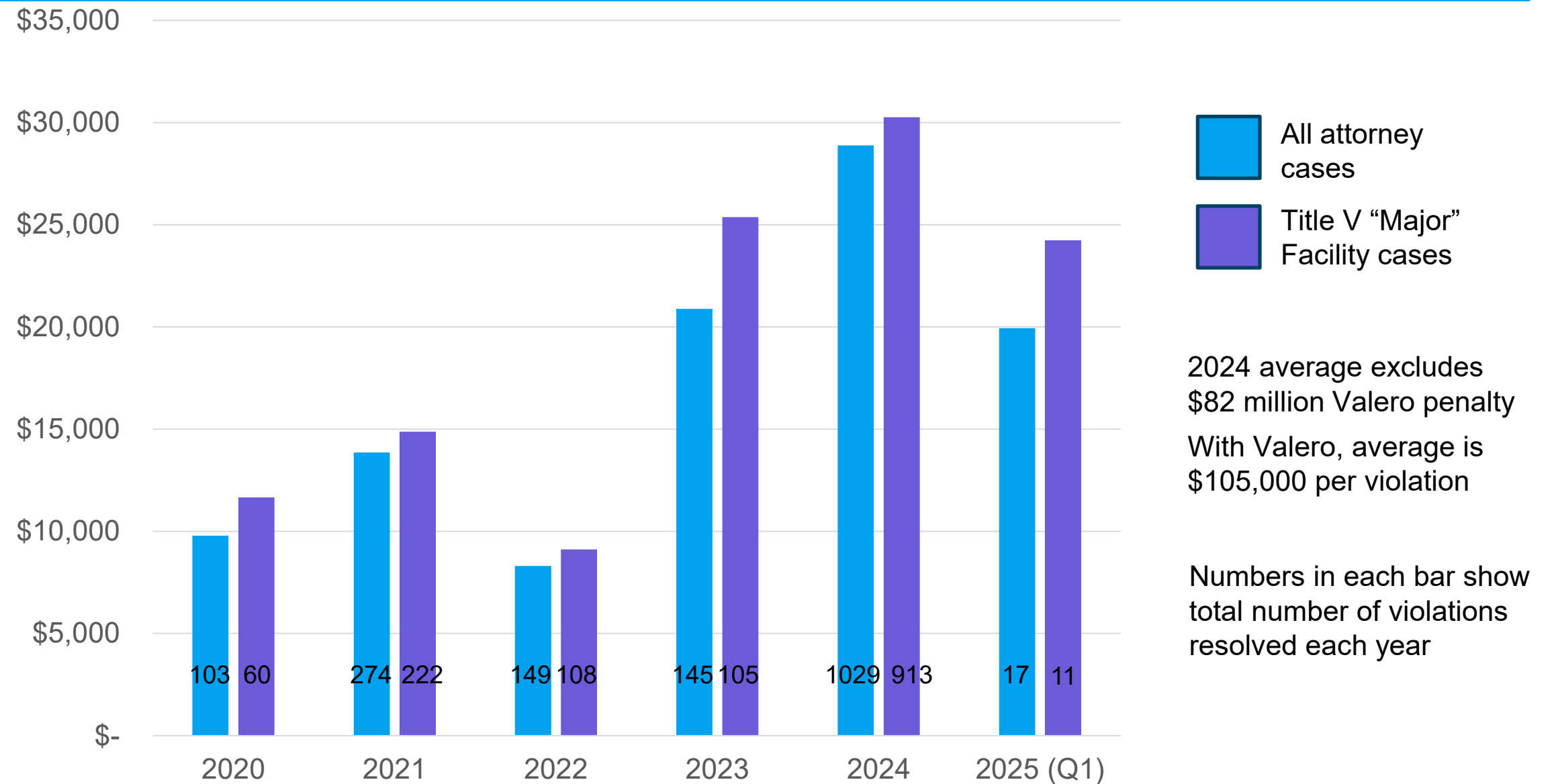
Q: Quarter

Small Claims Cases – Median Penalties

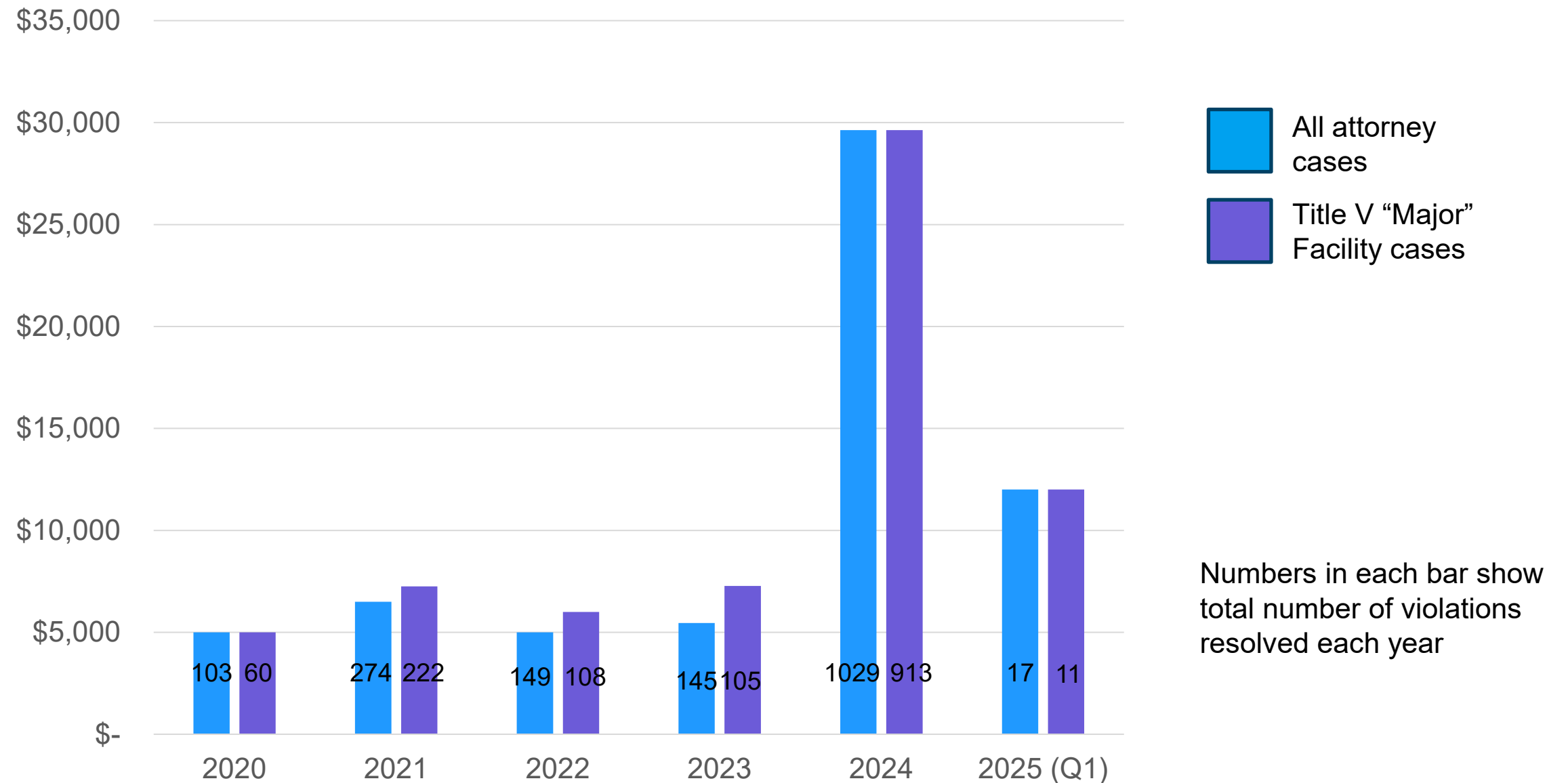


Numbers in each bar show total number of violations resolved each year

Attorney Cases – Average Penalties



Attorney Cases – Median Penalties



Do you know your Bay Area Air District representative?

List of Air District Board of Directors



**Scan the QR Code to see
the list of Air District
Board of Directors**

Example

Dear [Policymaker Name]

My name is _____, and I am [affiliation & constituent status – if applicable].

I'm contacting you today to [purpose]

- Introduce yourself
- Set up a Zoom meeting – provide times
- Ask questions
 - What are your priorities?
 - What are you going to do to fix [unsolved problem]?
- Share insight on policy priority
- Share community concern and ask for support
- Support/Oppose policy or legislation

Development of a Targeted Inspection Program & Policy

Dennis Quach
Air Quality Specialist
Compliance and Enforcement Division



B

Presentation Outline

- Strategic Plan Framework
- Targeted Inspection Program and Policy: Goals and Objectives
- Current Inspection Program Background
- Overview of Targeted Inspection Program and Policy
 - General Inspection Program Priorities
 - Enhanced Inspection Priorities in Overburdened Communities
 - Analyze Compliance Data to Target Inspections
 - Community Engagement and Partnership
 - Additional Strategies Associated with Policy Changes
 - Pilot Project in Bayview-Hunters Point (BVHP)
- Next Steps
- Discussion Questions

Presentation Outcome

- Program overview, including its goals, strategies and structure, and how it supports environmental justice (EJ) in overburdened communities
- Meaningful conversation around discussion questions

Strategic Plan Framework

MISSION The Air District improves air quality to protect public health, reduce historical and current environmental inequities, and mitigate climate change and its impacts.

CORE VALUES



5-YEAR VISION Over the next 5 years, the Air District will transform its workforce, operations, community engagement, and programs to improve air quality, increase public trust, and demonstrate leadership in equity-centered environmental stewardship.

Environmental Justice Priorities

5-YEAR GOALS



Strategy 1.6: New Enforcement Policy

Strategy 4.5: Improve Compliance Investigations

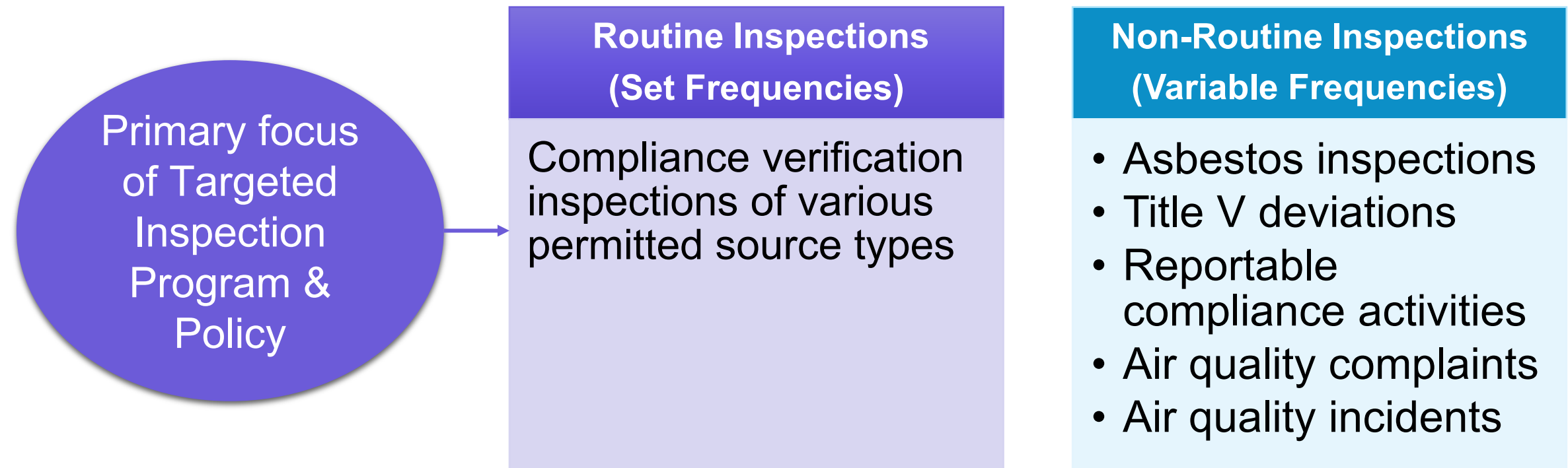
Targeted Inspection Program and Policy Goals & Objectives

- Align with the Air District Strategic Plan to provide **transparency** into how routine compliance work is prioritized across the nine Bay Area counties and with a key focus, on overburdened communities, starting with Assembly Bill (AB) 617 communities
- Improve inspection program by incorporating **routine data review and analysis** to identify sites/facilities in AB 617 communities that require additional enforcement efforts
- Integrate internal and external information and **utilize community knowledge and experiences** to pinpoint compliance issues
- Direct staffing resources **more efficiently and effectively** to target non-compliance and repeat violators, and resolve community concerns in AB 617 areas

Current Inspection Program Background

- Permitted sources have set routine inspection frequencies based on:
 - Non-attainment status for Ozone from the '90s
 - Volatile organic compounds such as solvent and coating operations, printing, petroleum refining, electronics, and chemical manufacturing, etc.
- The set inspection frequencies are now outdated and do not effectively address other pollutants of concern, changing compliance issues and community concerns

Compliance Inspection Types



Elements of a Compliance Inspection

An **inspection** typically includes the following activities:

Review Permits

- Review Air District permit for accuracy and applicable regulations

Onsite Inspection

- Inspection of equipment, operations, abatement devices, and controls, including general housekeeping

Records Review

- Ensure compliance with recordkeeping requirements (e.g., usage logs and permit condition limits, emissions testing, monitoring, maintenance, etc.)

Inspection Report

- Document inspection findings in a compliance report with a determination of compliance or NOV

Overview of a Targeted Inspection Program and Policy



General Inspection Program Priorities (*Air District-wide*)

- Update inspection frequencies across the nine counties based on various source types, facilities, and operations
 - Title V facilities
 - Sites/facilities with elevated health risk



AB 617 Priority Areas

- Prioritizes and identifies community concerns
- Incorporates information-driven compliance strategies to target non-compliance

Routine Inspections by Source Types

Title V & Synthetic Minor Facilities

- **Major Facility (Title V):** A facility with the potential to emit 100 tons/yr of criteria air pollutants or 10 tons/yr of Hazardous Air Pollutant
- **Synthetic Minor:** A facility that emits or has the potential to emit at or above 80% of the Title V threshold
- Federal Environmental Protection Agency (US EPA) Compliance Monitoring Strategy recommends the following inspection frequency
 - **Title V:** Every **2 fiscal years**
 - **Synthetic Minor:** Every **5 fiscal years**

Permitted Sites and Facilities	Fixed Inspection Frequencies	
	Title V & Synthetic Minor Facilities	1.5 years
	Facilities with Elevated Health Risks	1.5 years
	Industrial Sources and Operations (<i>non-Title V/Synthetic Minor Facilities</i>)	
	<ul style="list-style-type: none">• Landfills and Organic Material Handling Operations• Tanks, Terminals, and Bulk Plants• Metal Shredding and Recycling Operations• Aggregate, Cement, and Asphalt Plants	2 years
	<ul style="list-style-type: none">• Surface Coating and Prep, Solvent, Adhesive and Resin Operations• Wastewater Treatment Operations• Chrome Plating Operations• Combustion Sources• Gasoline Dispensing Facilities (Retail)	3 years
	<ul style="list-style-type: none">• Auto Body Coating Operations• Printing Operations• Soil Groundwater Remediation / Soil Vapor Extraction• Food & Agricultural Processes• Dry Cleaners	4 years
	<ul style="list-style-type: none">• Gasoline Dispensing Facilities (Non-Retail)	5 years

Routine Inspections by Source Types (cont.)

Facilities with Elevated Health Risks

- Focus compliance efforts on facilities that have been identified with elevated health risks
 - Utilize prioritization scores to guide inspection priorities
 - Prioritization scores are based on the quantity of toxic air contaminants (TACs), the relative toxicity of the TACs emitted, and the proximity of the facility to possible receptors
 - Prioritization scores are updated annually

Fixed Inspection Frequencies	
Title V & Synthetic Minor Facilities	1.5 years
Facilities with Elevated Health Risks	1.5 years
Industrial Sources and Operations (non-Title V/Synthetic Minor Facilities)	
<ul style="list-style-type: none">• Landfills and Organic Material Handling Operations• Tanks, Terminals, and Bulk Plants• Metal Shredding and Recycling Operations• Aggregate, Cement, and Asphalt Plants	2 years
<ul style="list-style-type: none">• Surface Coating and Prep, Solvent, Adhesive and Resin Operations• Wastewater Treatment Operations• Chrome Plating Operations• Combustion Sources• Gasoline Dispensing Facilities (Retail)	3 years
<ul style="list-style-type: none">• Auto Body Coating Operations• Printing Operations• Soil Groundwater Remediation / Soil Vapor Extraction• Food & Agricultural Processes• Dry Cleaners	4 years
<ul style="list-style-type: none">• Gasoline Dispensing Facilities (Non-Retail)	5 years

Routine Inspections by Source Types (cont.)

- Compliance priorities are based on the type of site, facility, and sources of operation
- Inspection frequencies and source categories to be inspected may occasionally be adjusted or augmented to address:
 - Known causes for potential compliance concerns
 - Community-identified site/facility of significance

Fixed Inspection Frequencies	
Title V & Synthetic Minor Facilities	1.5 years
Facilities with Elevated Health Risks	1.5 years
Industrial Sources and Operations (non-Title V/Synthetic Minor Facilities)	
<ul style="list-style-type: none">• Landfills and Organic Material Handling Operations• Tanks, Terminals, and Bulk Plants• Metal Shredding and Recycling Operations• Aggregate, Cement, and Asphalt Plants	2 years
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<ul style="list-style-type: none">• Gasoline Dispensing Facilities (Non-Retail)	5 years

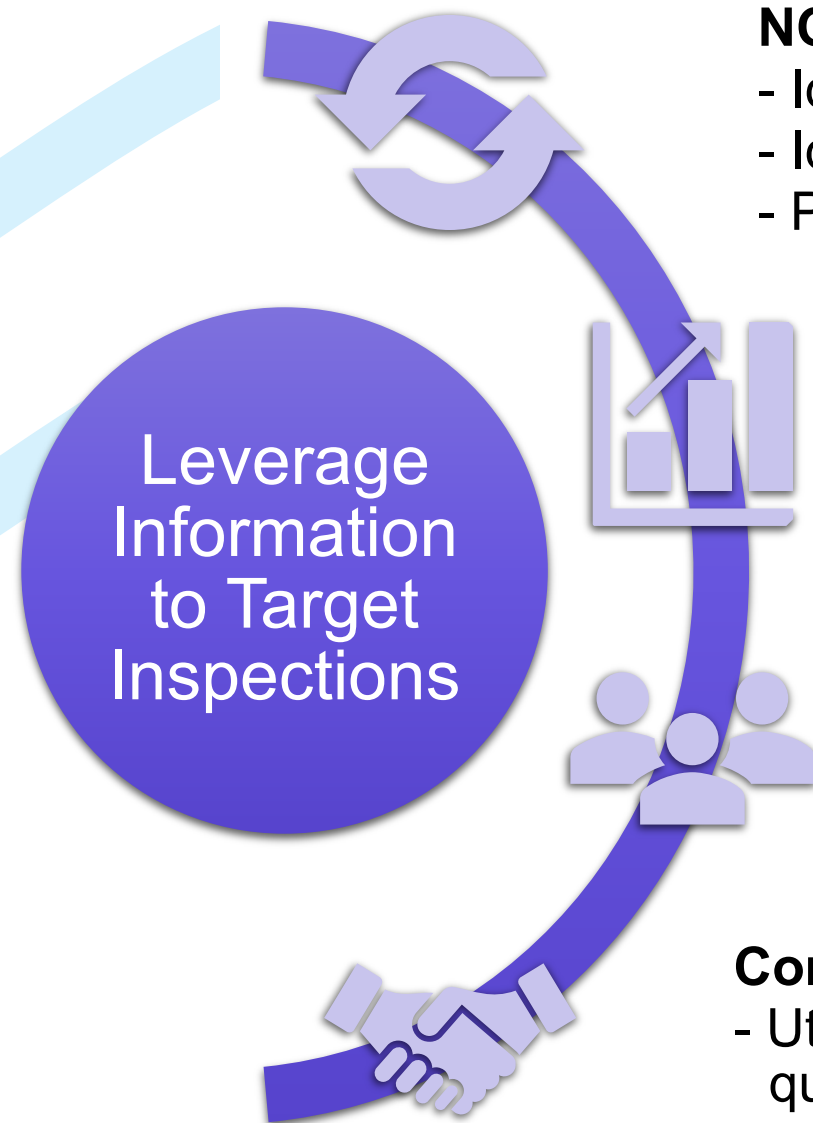
Enhanced Inspection Priorities in Overburdened Communities



Methodology in Information-Driven Compliance Strategies

- **Utilize community knowledge and understanding** of local air quality issues to better address compliance concerns
- Review and **analyze the last three years of compliance data** such as NOV, Air Quality Complaint, and inspection history data
- **Identify non-compliance trends** for inspections and additional actions
 - Allocate staffing resources towards areas or sites/facilities that have patterns of non-compliance for further investigation/inspection

Analyze Compliance Data to Target Inspections



NOV Data & Inspection History

- Identify sites/facilities with reoccurring violations
- Identify reoccurring non-compliance issues at the same sources/operations
- Prioritize additional inspections/investigations

Air Quality Complaint Data

- Identify hotspots, patterns and reoccurrences of emissions
- Prioritize area patrols, and inspections

Collaborative Identification

- Enhance internal collaboration and align priorities across the Air District
- Coordinate with external partners and local regulators

Community Engagement and Partnership

- Utilize community knowledge and understanding of local air quality issues to target compliance concerns

Community Engagement and Partnership

Collaborate with EJ Division to solicit community knowledge and experiences to target air quality concerns

- Identify community partners
- Develop tools for the community to interact with the Air District to collect data on air quality issues (e.g. Air Pollution Log)
- Establish scope, protocol, timeline, and resource commitment, and set expectations



Additional Strategies Associated with Policy Changes

- Expand staff coverage *outside of business hours*
- New Data Collection Tools
 - Air Pollution Log
 - Develop a “Whistleblower” Tip Line
- Utilize data to support work across the Air District (e.g., prioritize and inform emissions monitoring and other data analyses)
- Continue to update Targeted Inspection Program & Policy goals and methodologies
- Increase inspection transparency by providing compliance updates on the website

Pilot Project in BVHP

- **Enforcement Data Analysis**
 - Redirect staffing resources to inspect an additional 33 priority sites/facilities in BVHP
- **Enhance Internal and External Collaboration**
 - Identify other potential compliance concerns
- **Expand Enforcement Activities Beyond Regular Business Hours**
 - Data and information-driven
- **Inspect New Sources and Facilities Prior to Start-Up**
- **Air Pollution Log**
 - New community data collection tool

Community-Identified Concerns

BVHP community provided a list of 43 sites/facilities of concern

Investigation Results

4 violations issued

4 unpermitted or not registered

2 have permits

32 exempt from permits

5 pending further review (records)

Next Steps



Discussion Questions

1. How should we prioritize communities for the next phase of the program rollout?

- Richmond/San Pablo, East Oakland, or West Oakland?
- All AB 617 communities?
- Other overburdened communities?

2. What does success look like for AB 617 communities with this program?

- Increased number of inspections?
- More oversight at a community-identified facility of concern?
- Other?

Questions & Discussion

For more information:

Dennis Quach | Air Quality Specialist | dquach@baaqmd.gov

Air District Five-Year Rulemaking Schedule

Victor Douglas
Director
Rules & Strategic Policy

Overview

- Strategic Plan Goals and Rule Development
- Rulemaking Process Overview
- Community-Facing Rule Development Efforts
- 18-month Rule Development Workplan
- Rule Prioritization Approach
- Community-Focused Rule Development Efforts
- Community Advisory Council (CAC) Exercise: Recommendations for Five-Year Rulemaking Schedule

Strategic Plan Goals



Four Primary Goals:

- Achieve Impact
- Advance Environmental Justice
- Foster Cohesion and Inclusion
- Maintain an Effective, Accountable, and Customer-Oriented Organization

Strategic Plan Goals and Strategies

Effective rules are critical to achieving Goals 1 and 2

Our rules and regulatory development efforts are powerful tools that will help achieve beneficial impacts and further address Environmental Justice concerns



Photo courtesy of Victor Douglas

Why Are Rules Important?

Rules are the Air District's primary means of:

- Reducing harmful emissions from various sources
- Minimizing exposure to toxic compounds
- Improving overall air quality
- Addressing disparities in local air quality

Air District Mission and Authority

Mission:

“The Air District improves air quality to protect public health, reduce historical and current environmental inequities, and mitigate climate change and its impacts.”

Authority:

Air Districts have primary authority to regulate stationary sources of air pollution. Regulations are required to reduce emissions or require other actions from these sources. Sometimes existing regulations do not sufficiently protect public health and need to be amended.

Rule Development Process

- Identify Air Quality Issue
- Prepare a technical assessment
- Host stakeholder meetings
- Prepare draft proposal and preliminary staff report
- Conduct Public workshops
- Perform California Environmental Quality Act determination
- Conduct socioeconomic impact analysis and prepare a report
- Conduct a public hearing

Rule Development and Public Engagement

Identified Air Quality Issue

- CERPs
- Community Concerns
- New Health Information
- Legal Mandates
- New Technology



Months to
Years



Weeks to
Months



6 to 12
Months



3 to 4
Weeks



3 to 6
Months



Min 45
days



Adoption Hearing

Stakeholder Meetings

- CSCs
- CAC
- Community Groups
- Industry

Public Workshops

- Community Members
- Industry
- NGOs, CBOs, Industry Associations

Technical Assessment

- White Paper
- Rule Concepts
- Air Quality Plans

Draft Proposal

- Draft Rule Language
- Preliminary Staff Report

Rule Proposal

- Proposed Rule Language
- Staff Report
- Socioeconomic Analysis
- Environmental Analysis

Note:

CBO: Community-Based Organization
CSC: Community Steering Committees

CERP: Community Emission Reduction Plans
NGO: Non-Governmental Organization

Rule Development Timeframes

Air District Effort due to Complexity, Costs, Impacts and Politics	Duration	Example Rulemaking
Highly Complex / Politically Challenging	>2.5 yrs	Appliance Nitrogen Oxide Emissions (Rules 9-4 & 9-6)
Complex / Political Concerns	1.5 – 2.5 yrs	Fluidized Catalytic Cracking Units (Rule 6-5)
Straightforward / Some Political Concerns	1 – 2 yrs	Residential Woodburning (Rule 6-3)
Clean-Up / Politically Neutral	0.5 – 1.5 yrs	Definition of “Refinery”

Metal Recycling and Shredding Operations

Rule 6-4 – Adopted May 2013:

- Community concerns over foundries, forges, and recycling facilities
- West Oakland “Owning Our Air” Strategy #68
- Rapid Response Task Force Participation
- White Paper: November 2024
- Workshop Planning with West Oakland Environmental Indicators Project

Flare Minimization

Rules 12-11: Flare Monitoring and 12-12: Flare Management

- Adopted in 2003 and 2005 respectively
 - Monthly Flaring Reports
 - Causal Reports
 - Flare Minimization Plans
- Richmond, North Richmond, San Pablo “Path to Clean Air (PTCA)” Strategy Fuel Refining #2
- Strategic Plan Strategy 1.3: Minimize Flaring

Flare Minimization (cont.)

Rules 12-11: Flare Monitoring and 12-12: Flare Management

- Rule Development:
 - Sulfur dioxide (SO₂) and Refinery Nitrogen Oxides (NO_x) performance targets
 - Improved monitoring, reporting, and notification (incl. causal analysis)
 - Progressive compliance requirements
- Refinery Technical Working Group
 - Community, Refiners, Unions, Industrial Safety staff, Air District staff
 - “Flaring 101”
 - Discuss rule concepts and technical information

Fugitive Dust (Particulate Matter)

Rules 6-1: General Requirements and 6-6: Prohibition of Trackout

- Set standards for fugitive dust and minimizing trackout
- Concerns raised in several communities
- Particulate Matter Health Impacts
- Dust White Paper:
 - Best management practices
 - Reduced Particulate Matter threshold document
 - Registration Program
 - Dust Control Plans
 - “Notice of Requirements”
 - Fenceline monitoring

Current & Planned Rule Development

Project	Impetus / Source
Fugitive Dust (Rules 6-1 & 6-6)	Strategic Plan 1.1, 1.2; WOCAP; PTCA; Advisory Council (see note below)
Metal Recycling and Shredding Operations (Rule 6-4)	Strategic Plan 1.1, 1.2; WOCAP; PTCA
Toxic Risk at Existing Facilities Phase I (Rule 11-18)	Strategic Plan 1.1, 1.2; PTCA
Appliance Rules Flexibility (Rules 9-4 & 9-6)	Strategic Plan 1.1, 1.2; Health Protection; Particulate Matter Attainment
Woodburning Devices (Rule 6-3) and Open Burning (Reg 5)	Strategic Plan 1.1, 1.2; WOCAP; PTCA
Minimize Flaring (Rules 12-11 & 12-12)	Strategic Plan 1.3, PTCA

Note:

- **Strategic Plan 1.2:** Stronger Regulations
- **Strategic Plan 1.3:** Minimize Flaring
- **WOCAP:** West Oakland Community Action Plan

Current & Planned Rule Development (cont.)

Project	Impetus / Source
Indirect Source Rule (Reg 11 or 12)	Strategic Plan 2.1, BOD, WOCAP, PTCA
Refinery Fenceline Monitoring (Rule 12-15)	Strategic Plan 2.2, 4.4, PTCA, Staff
Refinery Emissions Inventory (Rule 12-15)	Strategic Plan 2.1, 2.2, 4.1, PTCA, Staff
Backup Generators (Rules 2-1& 2-5)	PTCA, Air District Staff
State Implementation Plan (SIP) - (Federal Clean Air Act Requirements) Amendment Package	RACT/RACM

Note:

- **Strategic Plan 2.1:** Community Partnership
- **Strategic Plan 2.2:** Collect Community Data
- **Strategic Plan 4.1:** Timely Permits
- **Strategic Plan 4.4:** Improve Air Monitoring
- **RACT:** Reasonably Available Control Technology
- **RACM:** Reasonably Available Control Measure

Considered Rule Development

Project	Impetus / Source
Permitting Efficiencies / BACT (Rules 2-1 & 2-2)	Strategic Plan 4.1, 4.2, 4.3, 4.7
Backup Generators / Data Centers (new)	Strategic Plan 2.1, PTCA
Toxic Risk at Existing Facilities Phase II (Rule 11-18)	Strategic Plan 2.1, PTCA
NOx Emissions (new)	Strategic Plan 2.1, PTCA
Refinery Sulfur Oxides (SOx) Emissions (new)	Strategic Plan 2.1, PTCA

Note:

- **BACT:** Best Available Control Technology
- **Strategic Plan 1.3:** Minimizing Flaring
- **Strategic Plan 2.1:** Community Partnership
- **Strategic Plan 4.1:** Timely Permits
- **Strategic Plan 4.2:** Transparent Permit Process
- **Strategic Plan 4.3:** Consistent Permits
- **Strategic Plan 4.7:** Customer Service

Considered Rule Development (cont.)

Project	Impetus / Source
Refinery-Specific Toxic Rules (new)	<ul style="list-style-type: none"> Strategic Plan 2.1, PTCA
Health-Based Particulate Matter Rules (new)	<ul style="list-style-type: none"> Strategic Plan 1.1, 1.2; PTCA; Staff
Toxic New Source Review / Cumulative Impacts (Rule 2-5)	<ul style="list-style-type: none"> Strategic Plan 1.1, 1.2; PTCA; Staff
Organics Materials Handling and Composting Operations	<ul style="list-style-type: none"> Strategic Plan 4.1, 4.2, 4.3; Staff
Organic Storage Tanks (Rule 8-5)	<ul style="list-style-type: none"> Strategic Plan 1.1, 1.2; Staff
Industrial Boilers, Steam Generators, Process Heaters (Rule 9-7)	<ul style="list-style-type: none"> Strategic Plan 1.1, 1.2; Staff
Autobody Operations (Rule 8-45)	<ul style="list-style-type: none"> WOCAP, PTCA

Note:

- **Strategic Plan 1.1:** Change Approach to Air Quality
- **Strategic Plan 1.2:** Stronger Regulations
- **Strategic Plan 4.1:** Timely Permits
- **Strategic Plan 4.2:** Transparent Permit Process
- **Strategic Plan 4.3:** Consistent Permits

Prioritization Criteria

- Board Direction
- Air Quality Benefits & Impacts
- Air Quality Mandates (e.g., State Implementation Plan, legislation)
- Community Concerns / Stakeholder Input
- Community Emissions Reduction Plan
- Strategic Plan Alignment
- Air District Resource Constraints



Questions & Discussion

For more information:

Victor Douglas | Director | vdouglas@baaqmd.gov

Managing Community Investments

Miriam Torres
Senior Advanced Policy Advisor
Executive Office

Outline

- Background
- CAC Environmental Justice Priorities
- Managing Community Investments Alignment with Strategic Plan
- Managing Community Investments Action Plan
- Community Investments Office Goals
- Funds Overview
- Definitions
- Penalty Allocation Breakdown
- Overview of Available Funds
- Local Community Benefits Fund

Background

- The Air District collects penalties from entities that violate our regulations
- In May 2024, the Board approved the Community Benefits Penalty Funds Policy to direct resources back to the communities where violations occurred and communities most impacted by air pollution
- In December 2024, the Board approved staff positions for a new Community Investments Office to develop and manage tailored programs for funding streams generated by enforcement actions

CAC Environmental Justice (EJ) Priorities

1. Advance Environmental Justice

2. Provide Meaningful Agency Support

3. Integrate EJ Considerations in Core Functions

4. Implement EJ Best Practices and Innovations

5. Communicate with Clarity, Transparency, and Integrity

6. Grow Capacity of Air District Staff and Board Members to Integrate EJ

7. Grow Capacity of EJ Organizations and Communities

8. Seek Appropriate Legal Remedies and Coordinate with EJ Communities

9. Provide Technical Assistance to Local Governments

Managing Community Investments Alignment with Strategic Plan



Managing Community Investments Action Plan



Community Investments Office Goals

- Direct funding to projects that improve air quality and public health in areas disproportionately impacted by air pollution
- Increase equitable access to resources, projects, and programs
- Collaborate with impacted communities to identify and prioritize air quality related needs and solutions
- Ensure investments are aligned with community needs by engaging local leaders, non-profits, businesses, and community members
- Provide timely, clear, and accessible public information regarding penalty assessments and fund availability

Funds Overview

- The Air District fines entities that violate our regulations and collects penalties
- Most individual penalty packages are between \$10-\$50k (58%)
- Most of the penalty dollars collected are from a few large penalty packages exceeding \$1 million
- Penalties over \$1 million are paid primarily by petroleum refineries and related industry
- Over 90% of the penalties collected in recent years are from this sector
- The Community Benefits Penalty Funds Policy and related settlement funds have generated over \$124 million

Policy Definitions

Fiscal Year Penalty Budget Assumption: The amount of assumed general fund revenue derived from penalties in a fiscal year's adopted budget.

Fiscal Year Penalty Budget Cap: The amount needed to meet the Fiscal Year Penalty Budget Assumption for the current fiscal year, plus any shortfalls from the previous two years. A shortfall occurs when actual penalties collected in a fiscal year are less than the Fiscal Year Budget Assumption for that Fiscal Year. Once the Fiscal Year Penalty Budget Cap has been met, any additional penalties collected will be designated for regional community benefits.

Definitions

Regional Community Benefits Fund - This fund is designated to:

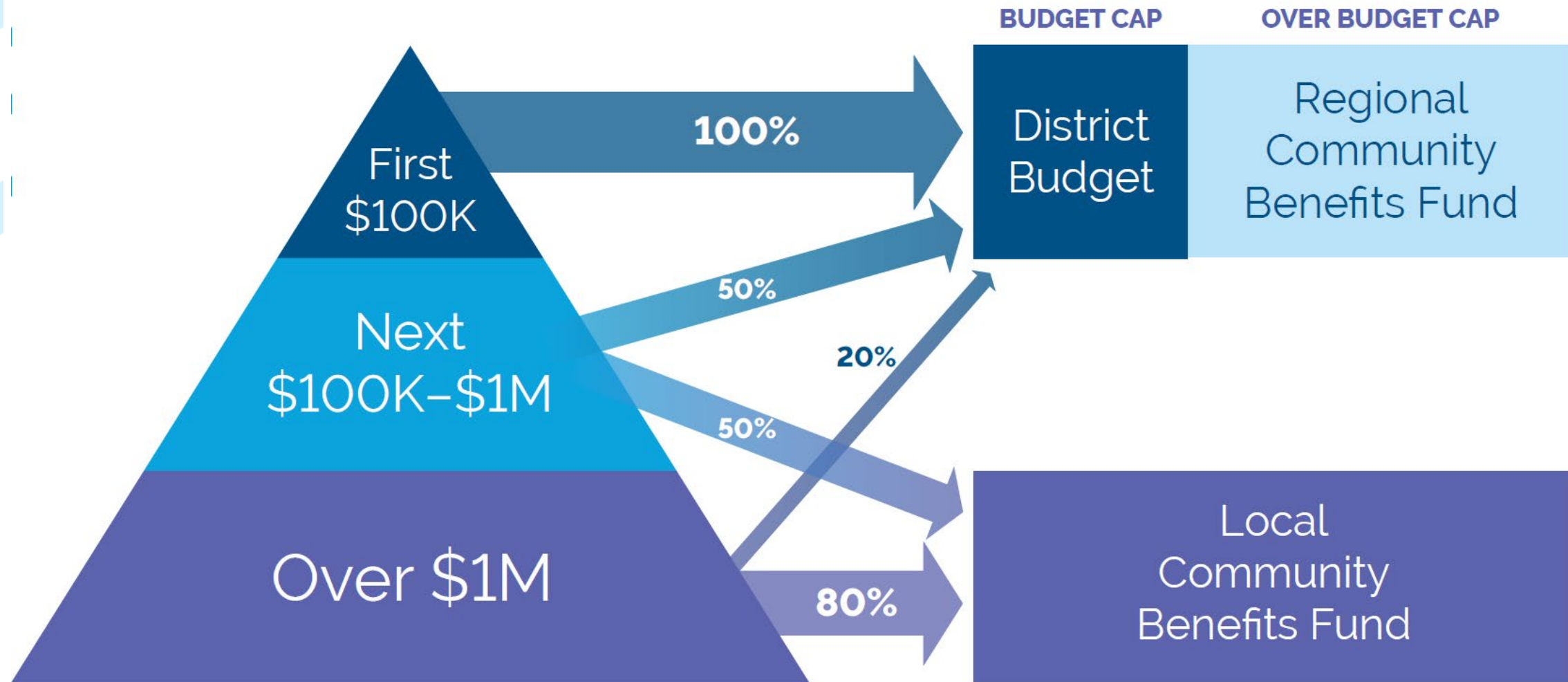
- Reduce air pollution or mitigate air pollution impacts in overburdened communities.
- Improve health outcomes in communities impacted by air pollution

Local Community Benefits Fund - This fund is designated to:

- Reduce air pollution or mitigate air pollution impacts in overburdened communities.
- Improve health outcomes in the specific community affected by air pollution from the violating facility.



PENALTY ALLOCATION BREAKDOWN



Overview of Available Funds

AVAILABLE FUNDING SOURCE	AS OF DECEMBER 31, 2024	
Regional Community Benefits Fund	\$	20,331,984
Local Community Benefits Fund	\$	75,447,312
Other funds: Richmond Community Air Quality Fund ¹	\$	20,000,000
Total Project Funds	\$	115,779,297
9% Admin Funds	\$	9,472,678
Total Project & Admin Funding	\$	125,251,974

¹Funding availability is subject to initiation of projects.

Local Community Benefits Fund

(as of December 31, 2024)

*An originating community does not indicate that funds will be limited to a jurisdictional boundary. The geographic boundaries for distribution of funds will be determined based on Board approved criteria.

ORIGINATING COMMUNITY*	PROJECT AMOUNT
Benicia	\$ 58,631,131
Berkeley	\$ 13,680
Martinez	\$ 1,462,091
Oakland	\$ 85,783
Pleasanton	\$ 58,367
Richmond	\$ 15,148,952
San Jose	\$ 19,950
South San Francisco	\$ 22,799
Suisun City	\$ 4,560
Total Funds	\$ 75,447,312

Questions & Discussion

For more information:

communityinvestments@baaqmd.gov