Bay Area Air Quality Management District
Community Advisory Council Special / Retreat Meeting
Day 1: Friday, May 16, 2025
Day 2: Saturday, May 17, 2025

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

APPROVED MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at
Community Advisory Council

DAY 1
CALL TO ORDER

1. **Opening Comments:** The meeting Facilitator, Randolph Belle of Randolph Belle, Artist (RBA) Creative, called Day 1 of the Community Advisory Council (Council) Retreat to order at 1:06 p.m.

   Roll Call:

   Present, In-Person (Holiday Inn San Jose – Silicon Valley, 1350 North 1st Street, San Jose Ballroom, San Jose, CA 95112): Council Co-Chairpersons John Kevin Jefferson, Mayra Pelagio, Ken Szutu; and Council Members Dr. Juan Aguilera, Sejal Babaria, Ms. Margaret Gordon, Arieann Harrison, Patrick Messac, Cynthia Prieto-Diaz, Dominick Ramirez, Dr. Jeff Ritterman, Kevin G. Ruano Hernandez, Violet Saena, and Latasha Washington.

   Absent: Council Members William Goodwin and Rio Molina.

   Also Present: Bay Area Air District's Chair of the Board of Directors, Lynda Hopkins.

2. **WELCOME AND OPENING REMARKS**

The Bay Area Air District's Chair of the Board of Directors, Lynda Hopkins, welcomed the Council, members of the public, and Air District staff to the retreat and gave opening remarks.

CONSENT CALENDAR

3. **APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL MEETING OF MARCH 20, 2025**

Public Comment

No requests received.

Committee Comments

None.

Committee Action

Co-Chair Jefferson made a motion, seconded by Council Member Babaria, to approve the Draft Minutes of the Community Advisory Council Meeting of March 20, 2025; and the motion carried by the following vote of the Council:

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

INFORMATIONAL ITEMS

4. **COMMUNITY ADVISORY COUNCIL ENVIRONMENTAL JUSTICE PRIORITIES IN PRACTICE: TRANSPARENCY, INNOVATION, AND ADVANCING ENVIRONMENTAL JUSTICE**

A. Environmental Justice Community Voices on Air Quality Concerns

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

Speakers included: Mr. Charles Reed; East Oakland Assembly Bill (AB) 617 Community Steering Committee (CSC) Co-Chair; Paul Wenker, Citizen Air Monitoring Network of Vallejo; Marina Muñoz, East Oakland resident; and Ed Kelly, Vallejo resident.

Council Comments

The Council and staff discussed the request to dive deep into the Compliance and Enforcement Division's database and identify the top complaints within each of the nine Bay Area counties; and the suggestion that the Air District's Complaint system be updated to send people copies of their submitted complaints, as well as establishing whether the person wishes to remain anonymous earlier in the process.

B. Roadmap to Improved Air Monitoring Programs

The Council discussed a roadmap of projects planned through 2026, aimed at improving air monitoring in the Bay Area, in response to concerns raised by the Council and other community partners. The Council provided direction for prioritizing additional air monitoring improvements to begin after 2026.

Dr. Kate Hoag, Assistant Meteorology and Measurement Manager, gave the staff presentation *Roadmap to Improved Air Monitoring Programs,* including: objectives; outline; motivation for the roadmap to improve air quality monitoring; what we have heard; approach; what guided the roadmap; CAC EJ priorities; 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; air monitoring program types; regulatory air monitoring; re-align regulatory air monitoring with current priorities; air monitoring requirements for facilities; strengthen facility community fenceline air monitoring; incident response air monitoring; implement model for community-partnered air pollution sampling for incidents; methods to assess local air quality; increase community air quality investigations; support communities collecting and using data; overarching plans related to air monitoring data; how to stay connected; what improvements should come next after December 2026; and prioritizing projects beyond 2026.

Council Comments

The Council and staff discussed the suggestion of allocating funds to disadvantaged communities to assist them with the upfront costs pertaining to just transition (shifting to electrification); whether the Air District has any fallback plans as federal or even State funding for environmental programs become revoked, eliminated or scarce; whether the Air District approaches air monitoring through an EJ lens (does it listen to this Council, its scientific Advisory Council, or members of impacted communities who do not serve on the Council); the Air District's involvement with the Particulate Matter (PM) sensor project in East Oakland (part of the East Oakland Air Monitoring Project); concerns regarding the Council's invitation to prioritize what monitoring improvements should come next after December 2026 (the perception of rushing the Council and providing vague language in some areas), and staff's intended objective of the activity; brands of community-deployed PM sensors that the Air District wishes to increase in overburdened communities where gaps in coverage were identified; desire for more data in staff presentations, to capture what is happening now (problem areas, limitations, and barriers), versus presentations that focus on future projections only; the way in which air monitoring holds the polluters accountable; the desire for additional air monitors in the Bay Area and the approximate cost per monitor; whether real-time title air monitoring data from Title V facilities is publicly accessible; whether the Air District uses technology that can analyze the composition of plumes (column or clouds of smoke, gases, or PM in the atmosphere); what additional community data would be needed that does not already exist, from Strategic Plan Strategy 2.2; whether the Air District has mapped the location and types of all permitted facilities; concerns about the practice of facilities being able to self-report their own data to the Air District, and suggestions on how to enforce more accountability from permitted facilities; the belief that the residents of fenceline communities should be consulted as to the placement of air monitors, rather than staff solely making the decision; the Air District's level of engagement with other agencies or companies who collect air quality data, such as Aclima; the desire to see every Bay Area fenceline community organize toxic tours; the suggestion that the Air District produces reports of air monitoring data for the community in less technical language that is easy to understand; the request for additional swipe testing conducted; and the request that "Teach community how to read

air monitoring data" be added to the projects list that the Council was invited to prioritize, following this discussion.

NOTED PRESENT: Council Member Ms. Margaret Gordon was noted present at 2:26 p.m.

NOTE: Because the schedule was running behind, an optional break was offered from 3:20 p.m. until 3:32 p.m. during discussion of Item 4B. During this time, the Council Members who wished to participate in a dot activity to prioritize future projects (due to discussion, this activity was generally waived but most Council Members identified their priorities on the board). Time was not taken out of the agenda to do this, as was originally planned.

C. Cumulative Impacts and Permitting: Update on Advisory Council Work

The Council discussed the work of the Air District's (scientific) 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.

Dr. Phil Martien, Vice Chair of the Air District's Advisory Council, gave the presentation *Cumulative Impacts and Permitting - Update on the Advisory Council,* including: who is the Advisory Council; current topic: cumulative impacts; key interim findings; focus on permitting; and next steps and goal.

Council Comments

The Council and staff discussed the desire for more frequent interaction between the Air District's Advisory Council and this Council; whether the Air District maps redlined areas of the Bay Area that include data on diabetes and high mortality rates; the Advisory Council's current primary objective, regarding Board action, and the anticipated timeline of joint meetings of both councils and Board recommendations; whether the Advisory Council would consider the elimination of facilities' ability to self-report" its emissions; the suggestion that the Advisory Council become well versed in the Air District permitting issues before analyzing cumulative impacts; the request for a facilitated orientation on permitting and self-reporting for both councils; the request for clarification on the draft workplan that the Advisory Council is tasked with developing (to provide recommendations on methods to identify, assess, and reduce the cumulative impacts of air pollution in the Bay Area), and the request for outreach plans for the workplan; whether the Advisory Council's cumulative impact policy changes would be mandated for all Title V facilities; the desire for cumulative impact studies on the resilience of those that specifically rent their homes; whether the Advisory Council wishes to shift existing policy or create new policy; the suggestion that the Advisory Council utilizes tools other than CalEnviroScreen; whether the Advisory Council utilizes the practice of bio monitoring; and whether cumulative impact studies are based on health impacts.

D. Air Quality Complaint Data Web Tool

The Council reviewed 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.

Anja Page, Assistant Enterprise Systems Manager, gave the staff presentation *Air Quality Complaint Data Web Tool,* including: goals and objective; Complaint Data Web Tool – key features; and tool demonstration.

Council Comments

The Council and staff discussed the desire for real-time, community-facing status updates to those who submit complaints, and whether the complaint has been resolved; the desire for receipts or a copy of submitted complaints sent back to the sender; whether data that is downloaded by the public lists comments, penalty or violation information, or data metrics; concern regarding the perceived trend that the Air District creates new systems before asking for community input, and the desire for community to be involved from the beginning of the development process; whether a test pilot phase will occur before this tool is officially deployed; whether this tool was created from scratch, or based off of an existing model; the need for excellent visuals within this tool (color distinction and font size); concern that those who are not well versed in computer technology will not be able to use this tool; outreach plans for this tool; reasons why woodsmoke and smoking vehicles will be managed separately and not part of this tool; whether investigator responses are standardized; the suggestion of adding the following filter (search) options: issue type, level of severity, and number of days since complaint was submitted; the suggestion of including a map that plots complaint locations; whether this tool could interact with a permitted facilities map or real-time air quality/monitoring data; and whether this tool will be available in multiple languages.

E. Public Comment on Items 4A – 4E

Public comments were given by Mr. Charles Reed; East Oakland Assembly Bill (AB) 617 Community Steering Committee (CSC) Co-Chair; Rasheeda Foster, African-American Women for Social Justice; and Marina Muñoz, East Oakland resident.

DAY 1 of the Community Advisory Council Retreat recessed at 5:11 p.m. and resumed on May 17, 2025, at 9:07 a.m.

DAY 2
CALL TO ORDER

5. The meeting Facilitator, Randolph Belle of Randolph Belle, Artist (RBA) Creative, called Day 2 of the Community Advisory Council (Council) Retreat to order at 9:07 a.m.

Roll Call:

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

Absent: Council Members William Goodwin and Rio Molina.

Also Present: Bay Area Air District's Chair of the Board of Directors, Lynda Hopkins.

6. **WELCOME AND REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER (APCO)**

Dr. Philip M. Fine, Executive Officer/APCO, reported the following:

- There is a lot of concern regarding Congress potentially overturing California's vehicle emission waivers that effectively allow California set its own emission standards. The revocation of the waivers would impact the State's authority or even local authority.
- California's Cap and Trade Program is set to expire in 2030 and the State Legislature is currently debating its reauthorization to extend its operation beyond that date. (AB 617 funding comes from the allowances that the program auctions off.)
- At a time when the National Environmental Justice Advisory Council is dismantled, funding is pulled from environmental and environmental justice organizations, and policy changes threaten protections on the environment, the Bay Area Air District remains committed to protecting public health and the environment for everyone. We continue working to ensure that all individuals—regardless of immigration status—can safely and meaningfully participate in our efforts to improve air quality and environmental justice. The Air District has authority under State law to adopt and implement our regulations, and our rules will remain fully enforceable regardless of federal rulemaking.

NOTED PRESENT: Council Member Ms. Margaret Gordon was noted present at 9:22 a.m.

Public Comment

Public comments were given by Marina Muñoz, East Oakland resident.

Council Comments

The Council and staff discussed anticipated lobbying action from Kadesh & Associates on the Air District's behalf, and the request that the Council and James Cary Smith grant recipients receive regular updates regarding such lobbying efforts at the federal level; and what legal action the Air District is willing to take against federal agencies that threaten the State and/or Air District's authority and protection on the environment.

INFORMATONAL ITEMS

7. **COMMUNITY ADVISORY COUNCIL ENVIRONMENTAL JUSTICE 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 reviewed 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.

Council Member Patrick Messac, and Alexander Crockett, Air District General Counsel, gave the presentation *Environmental Justice Priorities in Practice: Integrate Environmental Justice into Core Functions, Community Investments, and Appropriate Legal Remedies,* including: Notice of Violation (NOV) trends and data-driven insights; outline; pollution; A Call to Action; permits; inspections; air pollution violation dashboard; penalized violations (2020 – 2025); violation map; legal authority – penalties; typical penalty amounts; status of NOVs issued 2020-2024; violations resolved – penalty breakdown; small claims cases – average and median penalties; attorney cases – average and median penalties; do you know your Bay Area Air District representative; list of Air District Board of Directors; and example of letter to Board members.

Council Comments

The Council and staff discussed whether permitted facilities must pay for the Air District's attorneys' fees if the Air District wins a case in court; the desire for a list of permitted facilities who have violate their permit conditions multiple times over the years; whether there is a threshold of violations that would warrant the mandated ceasing of a facility's operations; whether Air District inspectors use their own equipment when conducting site tests; what steps the Council may take to guide staff, after having received this report; the desire for escalated action for repeat violators; action that the Air District is taking to address the issues identified in this presentation; the belief that the Air District's cease and desist authority, and the job description of its inspectors, are not clear to the public; the desire for new Board members to go on toxic tours of fenceline communities, and the request that staff creates outline of how to support fenceline communities who don't yet have toxic tours; the desire for more data in staff presentations, moving forward; the request for policies on penalties for small businesses; the reason for the disclosure language that added to Council Member

Messac's slides that says, "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"; whether the Air District has public-facing data on facilities that have been found to be unpermitted; and concerns about worker exposure (toxic risk).

THE COUNCIL RECESSED AT 10:51 A.M., AND RESUMED AT 11:04 A.M.

B. Development of a Targeted Inspection Program and Policy

The Council discussed the new targeted inspection program and policy and how the Air District's Strategic Plan Strategies relate to the Council's EJ priorities. Air District staff shared 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.

Dennis Quach, Air Quality Specialist, gave the staff presentation *Development of a Targeted Inspection Program and Policy,* including: outline; outcome; Strategic Plan framework; Targeted Inspection Program and Policy goals and objectives; current inspection program background; compliance inspection types; elements of a compliance inspection; overview of a Targeted Inspection Program and Policy; routine inspections by source types; 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; next steps; and discussion questions.

Council Comments

The Council and staff discussed the suggestion that fenceline communities be informed of Title V facilities within their community (shown on a map); what became of the Council's recommendation that the Air District create a budget for two EJ inspectors; whether the Air District plans to increase its number of inspectors; the desire for escalated action for repeat violators; metrics used by the Air District to measure success of such pilot programs; the belief that one-size-fits-all solutions cannot be applied to the multiple Bay Area fenceline communities; the Air District's outreach plan to ensure that Bayview Hunters Point is prepared for the pilot; the request for a report on the pilot after it has concluded, included lessons learned in Bayview Hunters Point so that the Council may see how another pilot would be conducted in a different community; the request that Air District field staff learn how to give presentations and include additional visuals in their presentations; the suggestion of the creation of a "ride along" program for members of the public to accompany inspectors in the field, and the desire for staff to ask fenceline community residents which facilities to inspect; the belief that an air pollution log seems redundant; whether the existing inspection process is efficient; the desire for inspectors to work after business hours and on weekends and holidays; the request for EJ attention in other neighborhoods/districts of San Francisco, including Mission, Fillmore, and Tenderloin; the desire for more Air District staff composed of members of fenceline communities; the suggestion of making inspection reports and results available to the public; the suggestion of identifying trends in

submitted complaints; the suggestion of identifying elementary schools with high asthma rates, drawing a radius around those markers, and inspecting facilities within that radius (a reverse approach); and the suggestion of repeating the greening of elementary schools, as was done at Brookfield Elementary School in Oakland in 2017 (a coalition of non-profits, school districts, and government agencies collaborated to reduce pollutants and improve students' health).

THE COUNCIL RECESSED AT 12:15 P.M., AND RESUMED AT 1:15 P.M.

C. Air District Five-Year Rulemaking Schedule

The Council discussed the Five-Year Rulemaking Schedule and reviewed and prioritized potential rulemaking efforts for the Schedule.

Victor Douglas, Director of Rules and Strategic Policy, gave the staff presentation *Five-Year Rulemaking Schedule,* including: overview; Strategic Plan goals and strategies; why are rules important; Air District mission and authority; rule development process; rule development and public engagement; rule development timeframes; metal recycling and shredding operations; flare minimization; fugitive dusk (particulate matter); current and planned rule development; considered rule development; and prioritization criteria.

Council Comments

The Council and staff discussed which existing Air District regulations *staff* believe need to be amended, due to how long ago they were adopted; the request for examples of ideal and more stringent regulations from other California air districts; the suggestion that staff use the Compliance and Enforcement database and list of permitted facilities that repeat violations to determine which rules should be prioritized; the importance of inspectors' knowledge on how to enforce adopted regulations; anxiety about permitting efficiency; how frequently backup generators are used (how often can they be used before they are no longer a backup); whether Air District whitepapers are produced internally; whether newly adopted rules are to be applied to facilities retroactively; the suggestion that newly adopted rules take into consideration ISO standards (internationally agreed-upon guidelines that outline best practices for specific tasks, such as product manufacturing, service delivery, or process management); the request for clarification on Air District Regulation 1-301, Public Nuisance; whether the Air District plays a role in dismantling brownfields, or has jurisdiction over Parcel G in Bayview Hunters Point that will begin demolition; and whether soil must be wetted for consideration of dust, asbestos, or radionucleotides (during demolition.)

At this time, the Council engaged in a dot voting activity, to prioritize the 12 potential Air District rulemakings over the next five years.

D. Managing Community Investments

The Council learned about local and regional funds administered by the Community Investments Office, priorities identified by the community, and the plan to distribute funds.

Miriam Torres, Senior Advanced Projects Advisor, gave the staff presentation *Managing Community Investments,* including: outline; background; CAC EJ priorities; managing community investments alignment with Strategic Plan; managing community investments action plan; Community Investments Office goals; funds overview; policy definitions; penalty allocation breakdown; overview of available funds; and Local Community Benefits Fund (as of December 3, 2024).

Council Comments

The Council and staff discussed whether Fiscal Year penalty budget caps have been set for 2026 and 2027; the fact that Oakland and South San Francisco have less allocated funds within the Local Community Benefits Fund, questions about whether the City of San Francisco receives any funds at all, and concerns about the allocation for Oakland, which is believed to be too low based on lived experience with pollution; the manner in which the closure of the Valero refinery in Benicia in 2026 may impact allocations to Benicia; the reason why the Board considers adoption of the Community Investments Action Plan in September 2025, but implementation is not anticipated to begin until December 2026); concerns regarding timing constraints (by when the allocated funds must be spent), and the suggestion of implementing a regulated disbursement of funds; whether the Air District plans to engage with elected officials in the communities that are awarded funds; caution against protecting funds from well-intentioned project applicants whose work is not immediately related to EJ; the desire for funds to be allocated to low-income areas first; the number of Community Investments Surveys that were collected, and whether the Local Community Benefits Fund can help incentivize people to take the survey; and the suggestion that the Air District engages with environmental non-government organizations to help distribute surveys or offer incentives for people to take the surveys.

E. Public Comment on Items 7A – 7E

No requests received.

OTHER BUSINESS

8. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

No requests received.

9. **COUNCIL MEMBER COMMENTS ON NON-AGENDA ITEMS**

The Council Members were asked to share one thing that was important to them from the retreat, or they were invited to make comments on non-agenda items. Topics spoken on included:

- Disappointment in lack of Council Member recruitment of EJ community activists at the retreat.
- Desire for more toxic tours, fireside chats, and town hall meetings in impacted communities, where members of impacted communities can meet with Air District staff and Board members.
- Desire for more collaboration between the Council and staff
- Desire for more data in staff presentations, moving forward
- Request for future agenda item: formal proposal on how to onboard new Council Members
- Request for future agenda item: deep dive on Compliance and Enforcement Division's database and identify the top complaints within each of the nine Bay Area counties
- Desire for more improved engagement, transparency, and openness between the Council and Air District staff. Appreciation for difficult conversations and efforts to improve Council/staff. Discussion seems to be stifled in the name of doing futile activities. Request for future agenda item that addresses the Council's concerns over limitations imposed by the Ralph M. Brown Act and the Council's desire for more freedom of discourse (the ability to dialogue with staff, no timed comments, the way in which Council meetings are run, expectations, etc.)

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 retreat was adjourned at 3:29 p.m.

/S/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Board