



# 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



# Objectives


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- 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

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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



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# Motivation for the Roadmap to Improve Air Quality Monitoring

# What We've Heard:

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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

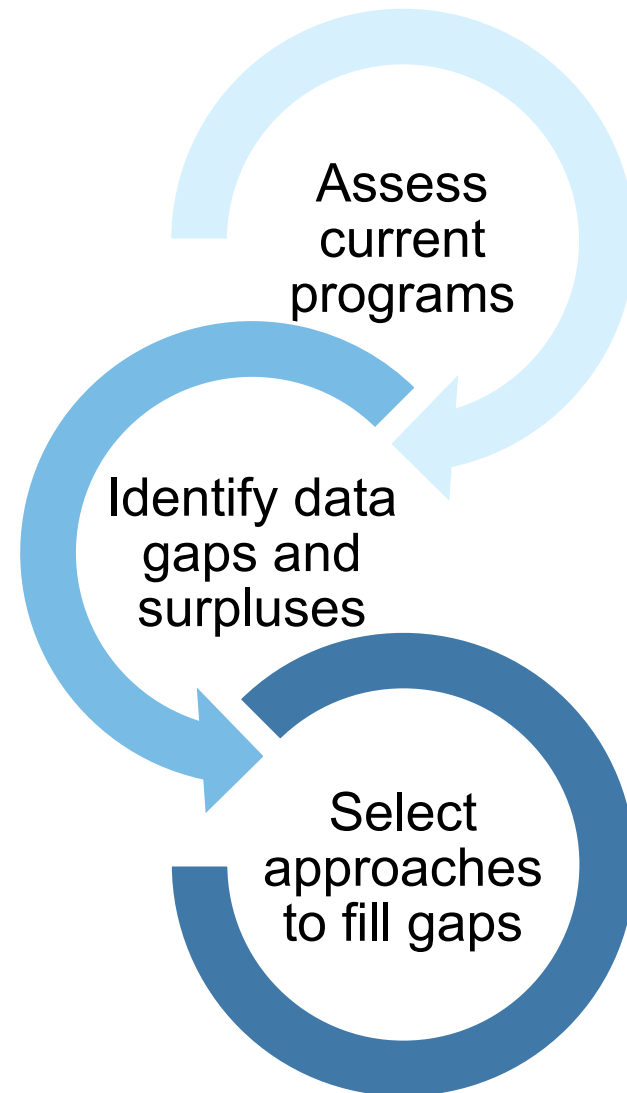
Collect data to support Air District enforcement efforts

More information about impacts from incidents

More transparency and context of collected air monitoring data

Support communities collecting their own data

# Approach



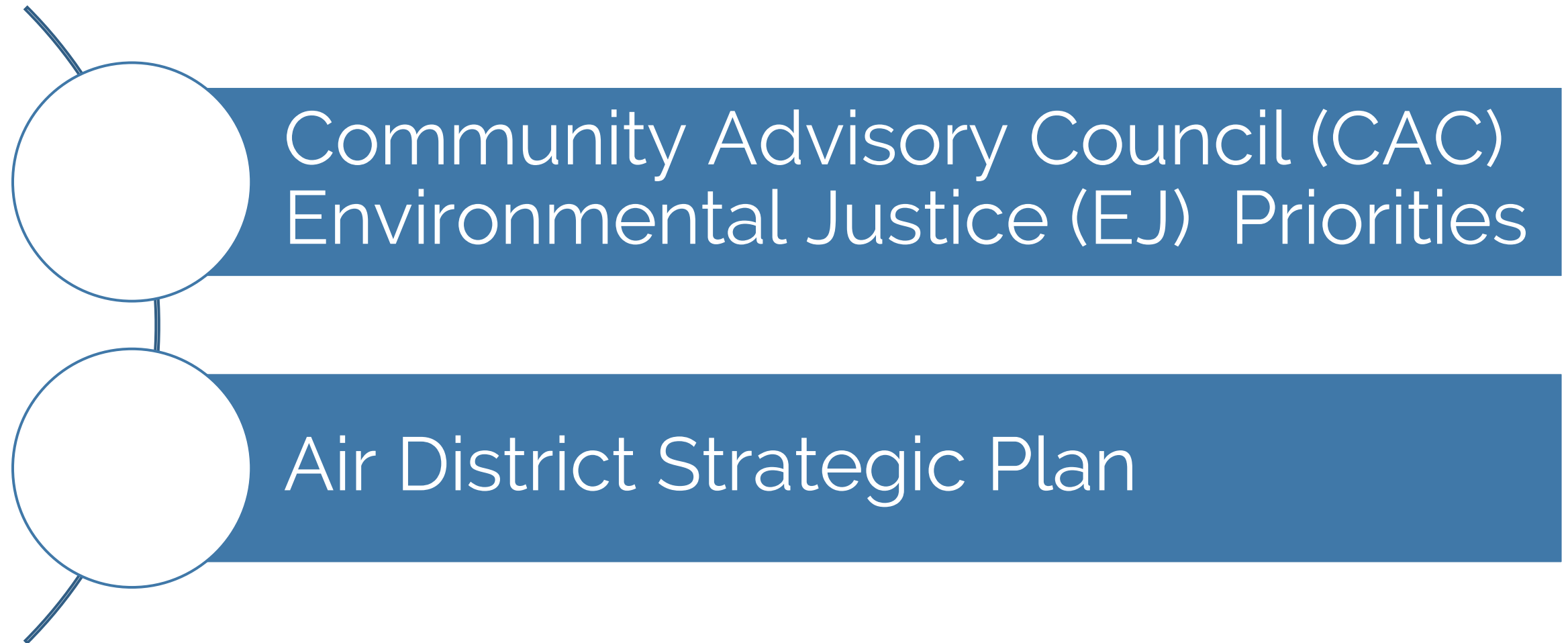
Implement changes

Free up resources

Increase responsive air monitoring programs that produce data about issues that communities are concerned about

# What Guided the Roadmap?

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# CAC EJ Priorities

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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

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- 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

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Regulatory Air  
Monitoring

Air Monitoring  
Requirements  
for Facilities

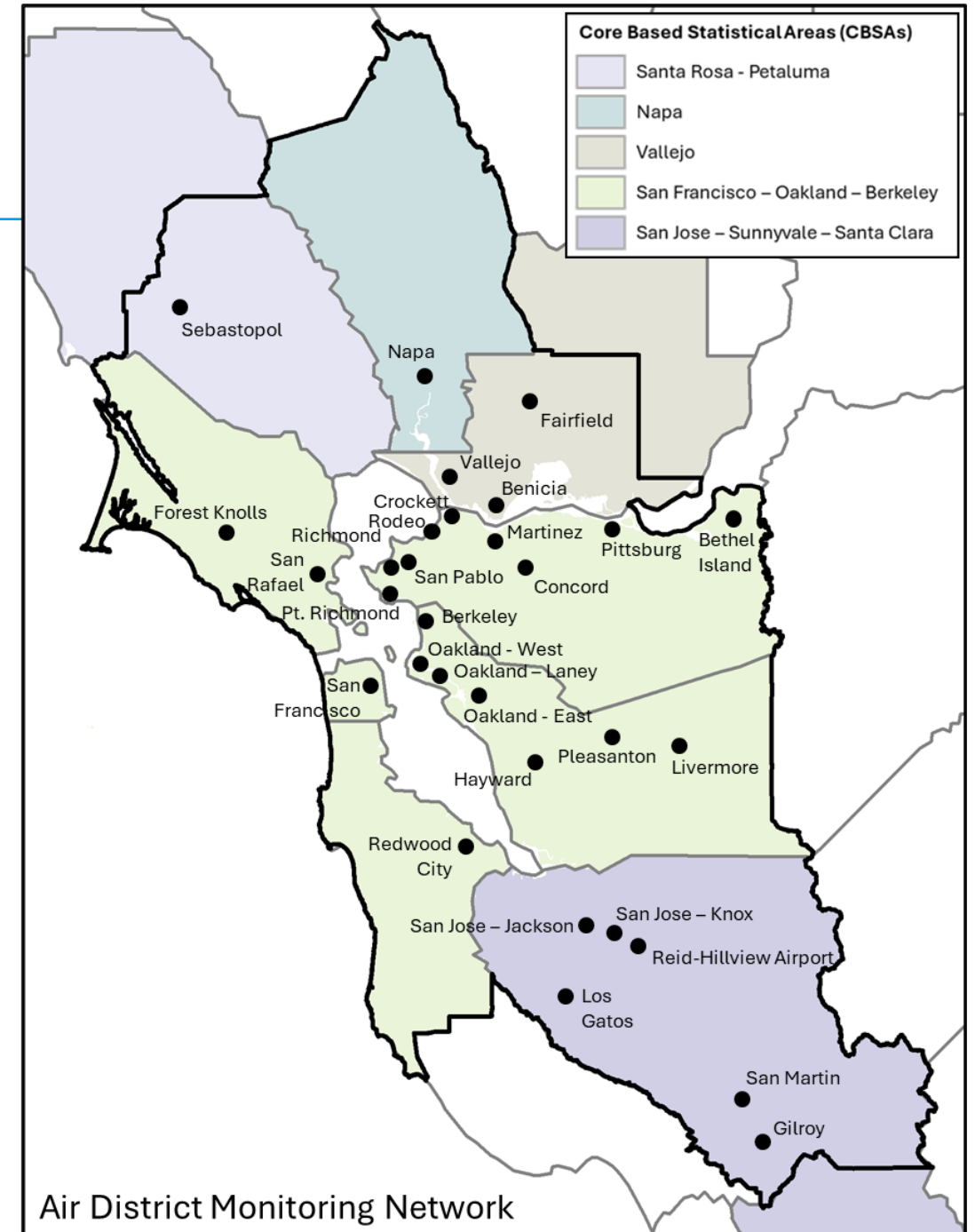
Incident  
Response Air  
Monitoring

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

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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

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- 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

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**For more information:**

Kate Hoag | Assistant Manager | [khoag@baaqmd.gov](mailto: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?

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

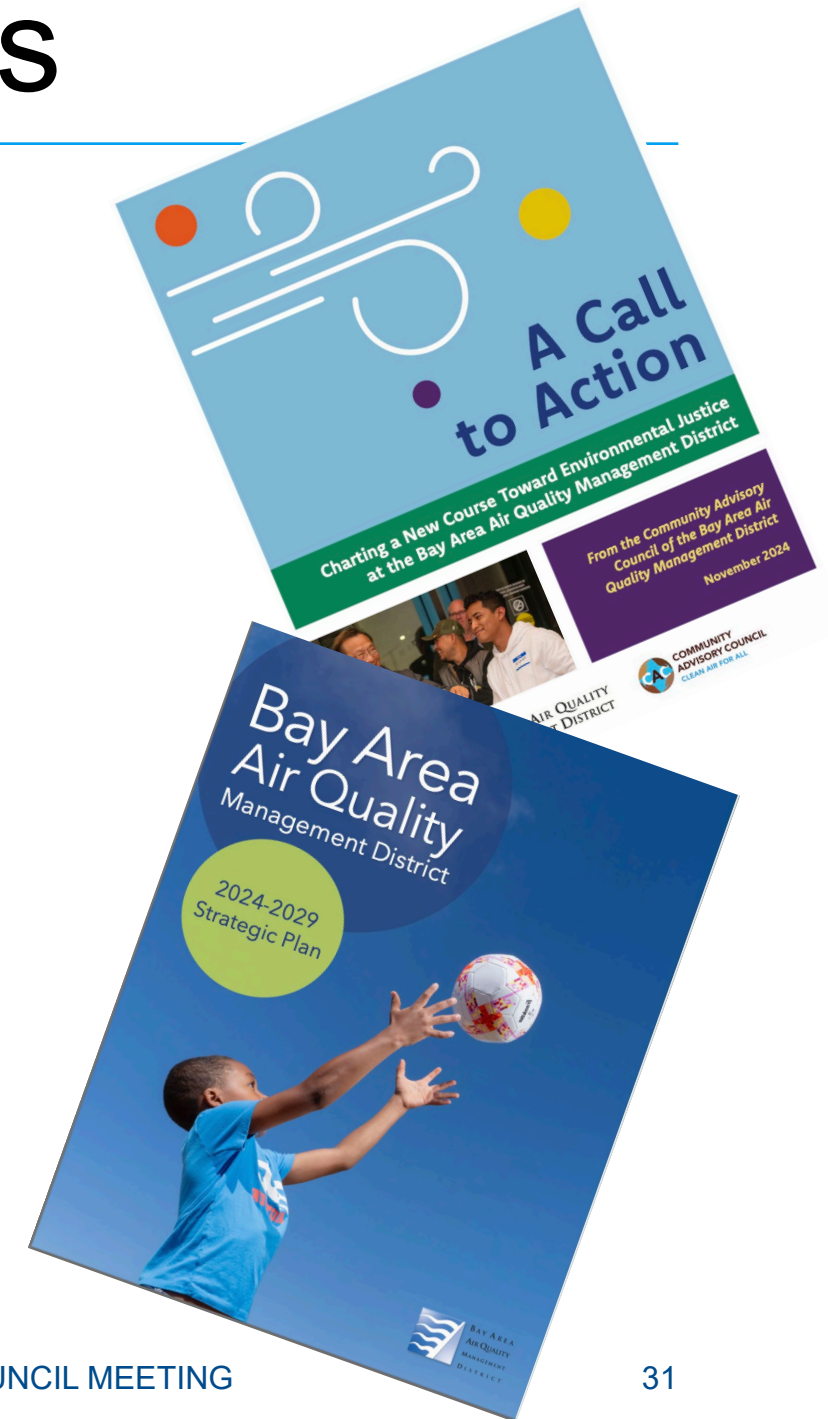
**Scientific and technical policy-  
related matters**

**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

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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.)

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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

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- 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

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**If you are an interested CAC member:**  
[communityadvisorycouncil@baaqmd.gov](mailto:communityadvisorycouncil@baaqmd.gov)



# Air Quality Complaint Data Web Tool

John Chiladakis  
Chief Technology Officer

Anja Page  
Acting Director  
Enterprise Systems



# Goals and Objective

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

## 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

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**For more information:**

Anja Page | Acting Director | [kpage@baaqmd.gov](mailto:kpage@baaqmd.gov)



# 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



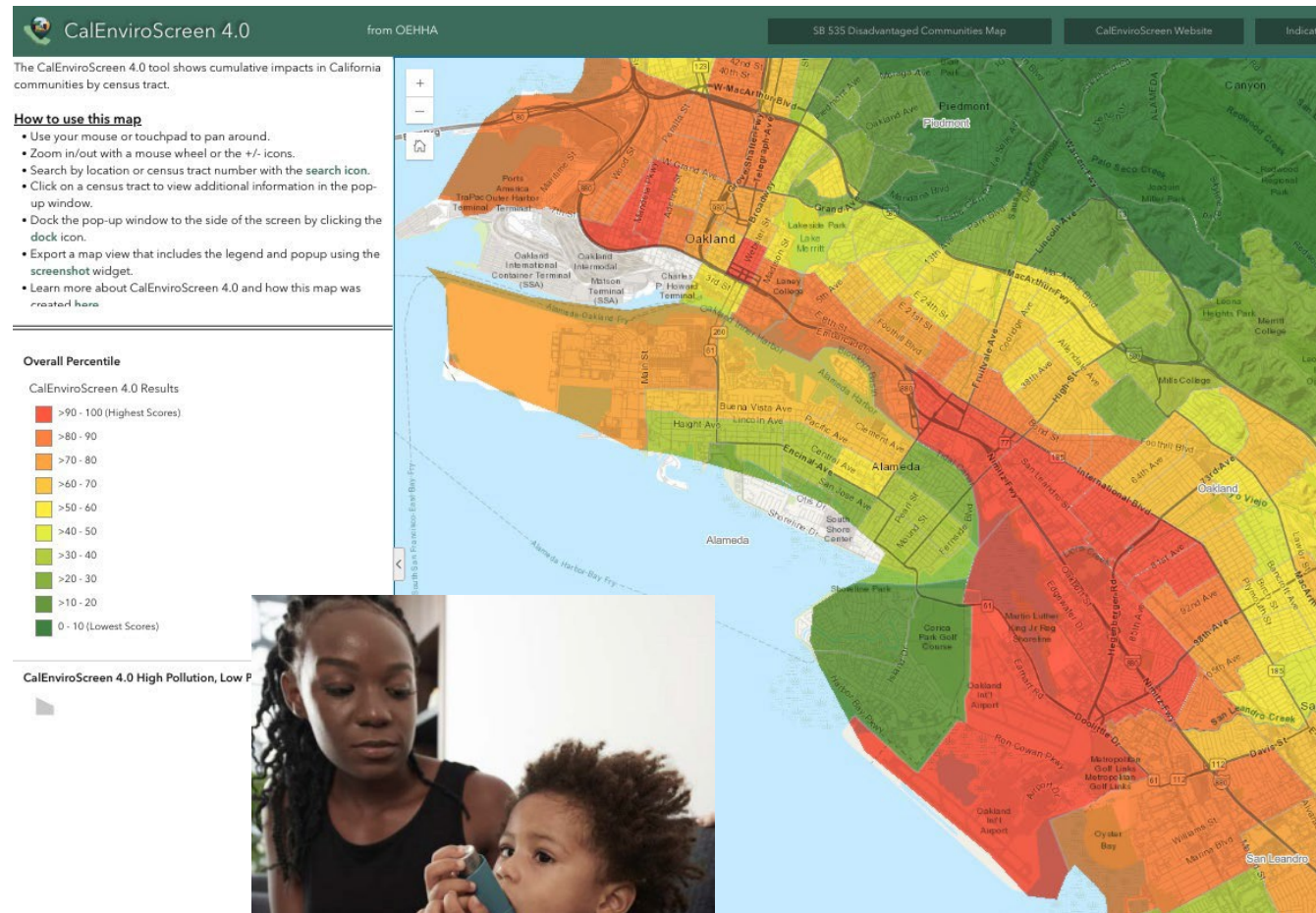
# Notice of Violation Trends & Data-Driven Insights

Patrick Messac  
Community Advisory Council Member

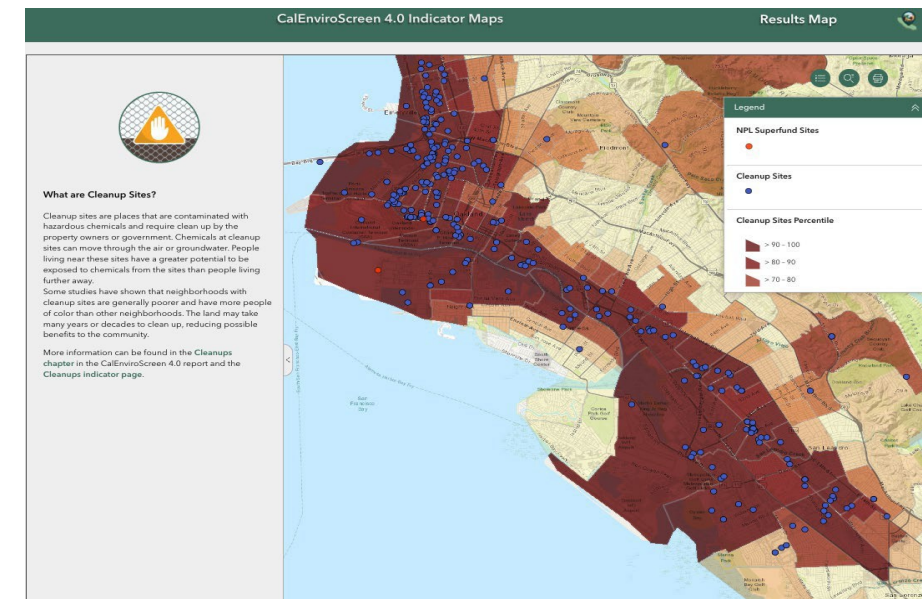
# Outline

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

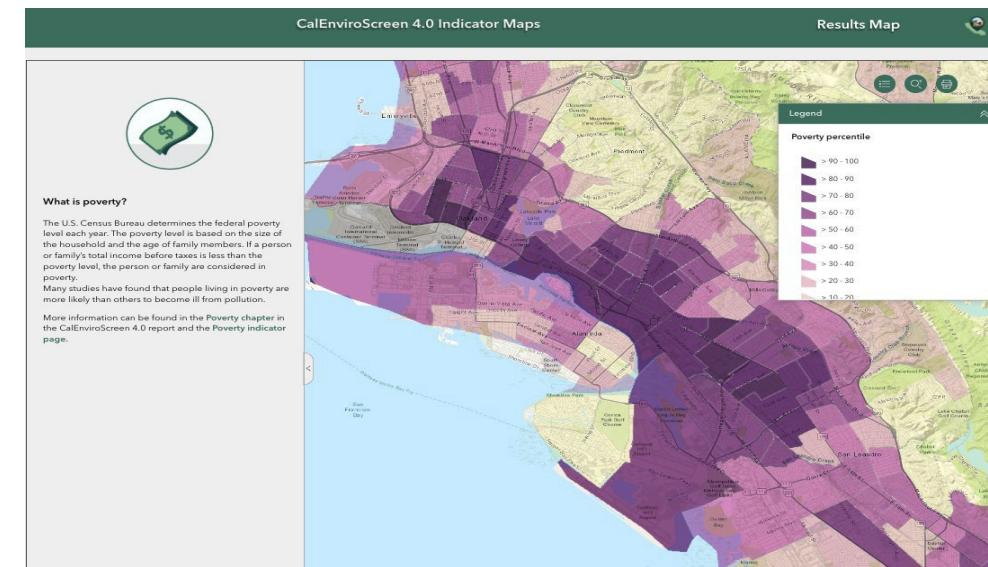
# Pollution



CalEnviroScreen 4.0



Hazardous Waste Sites

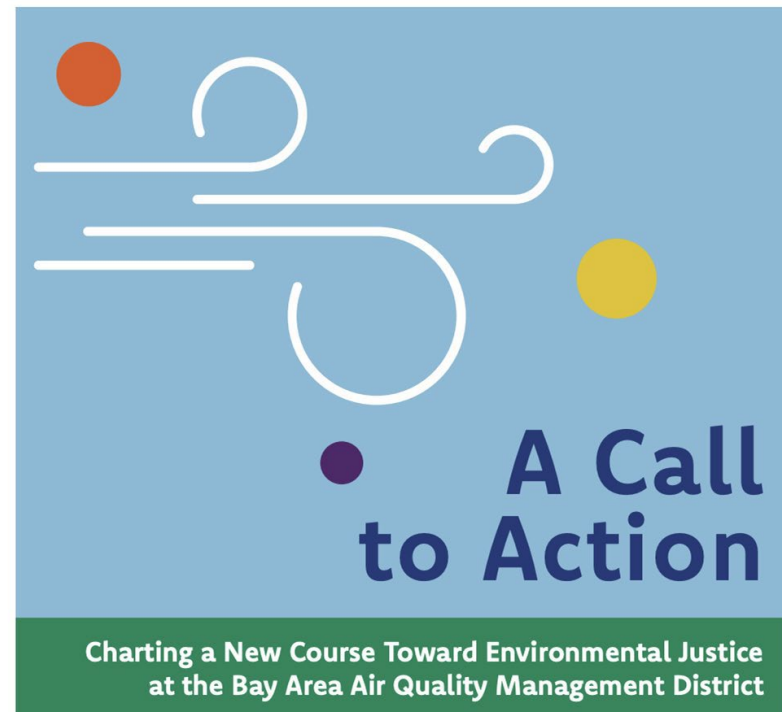


Poverty

*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

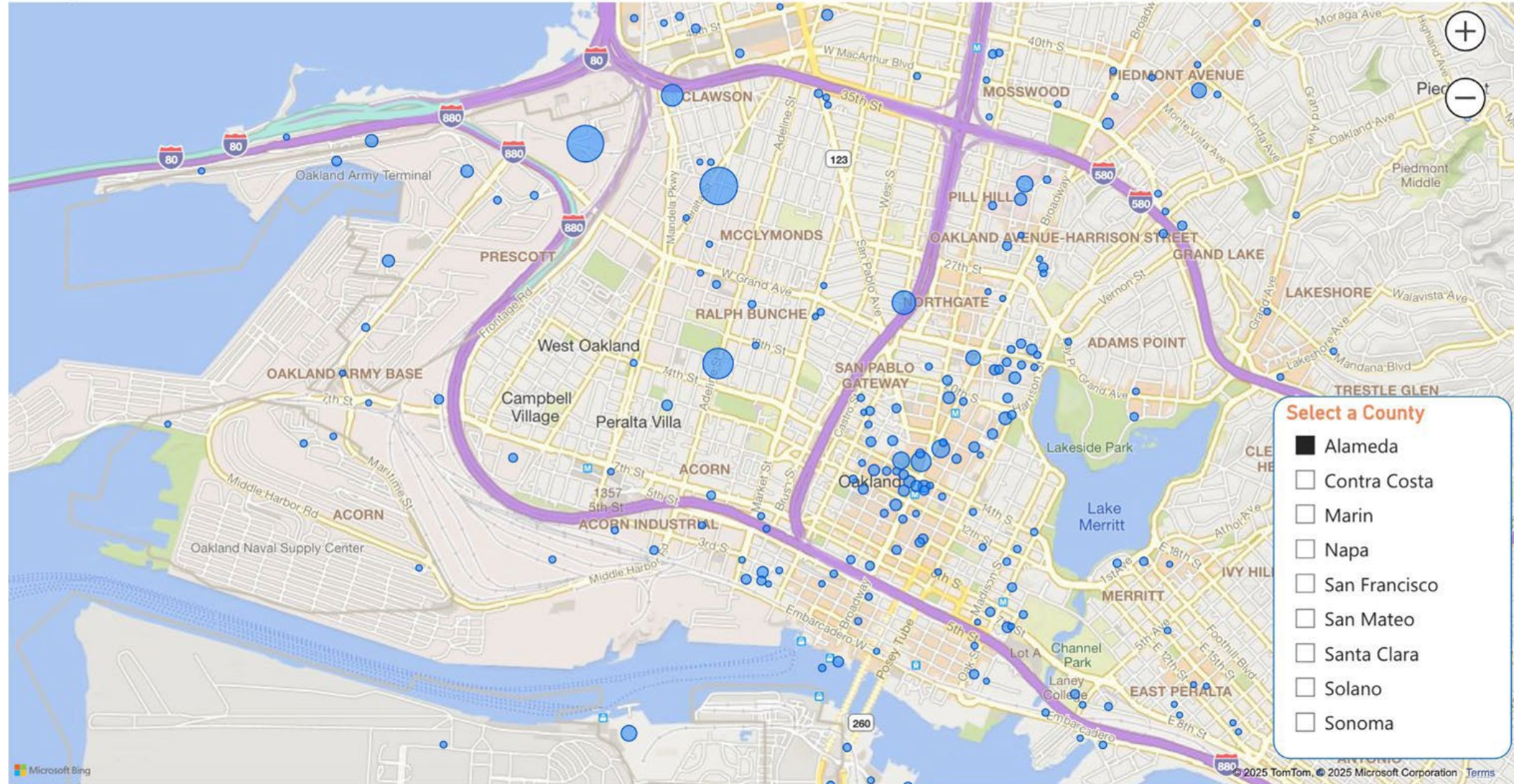
**Table 5: Summary of Project TAC Emissions**

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



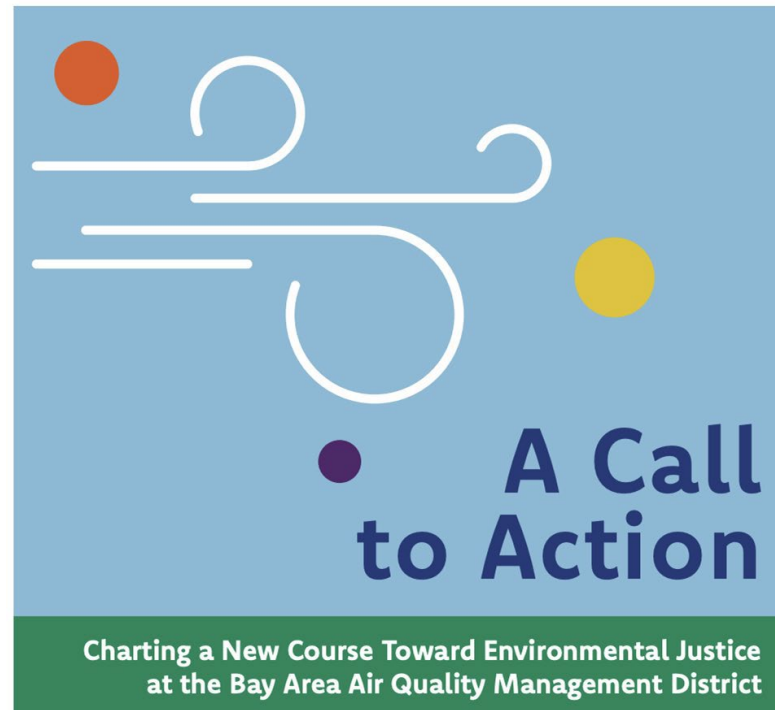
### Facility Toxic Emissions and Prioritization Tool (Year 2023)



- 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

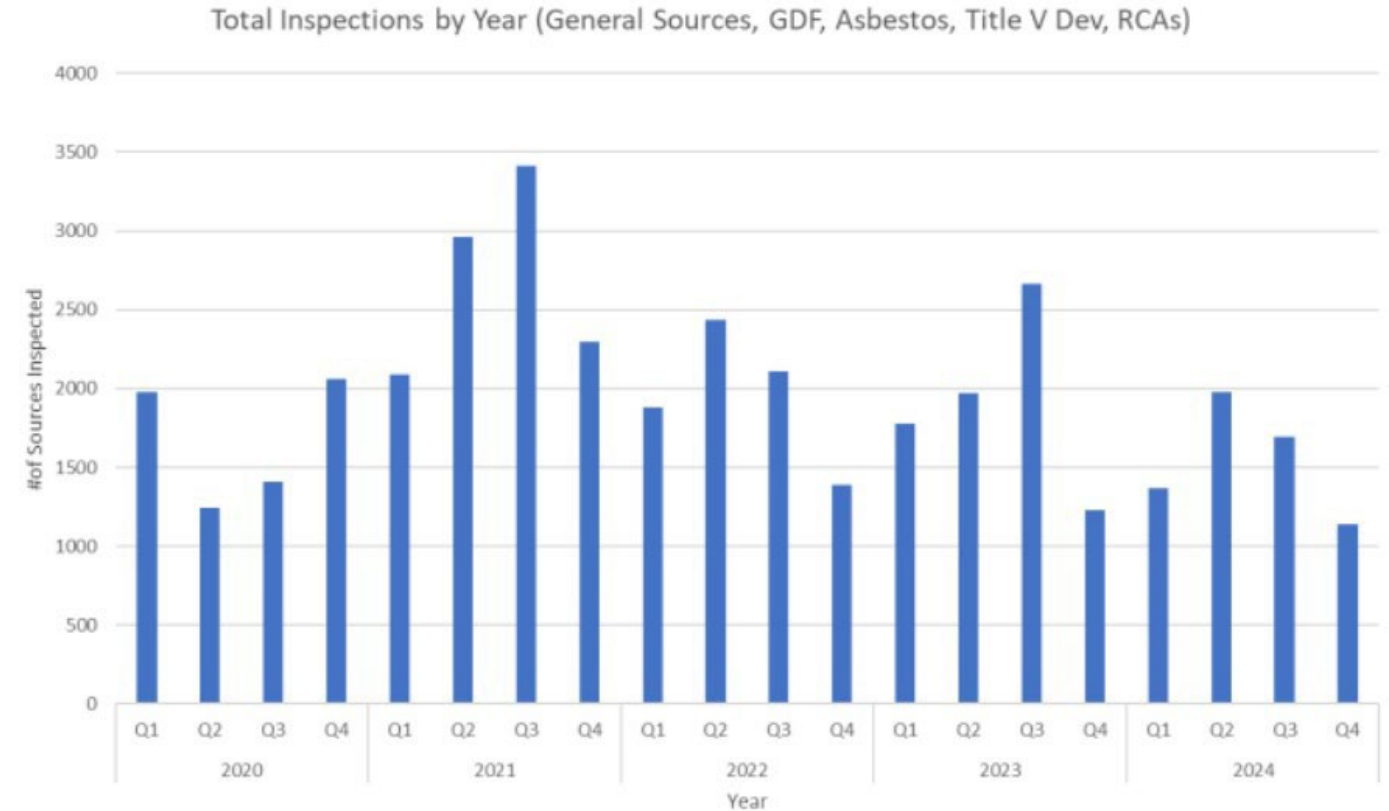
- Data collection and analysis ←
- Measuring and monitoring ←
- Permitting
- California Environmental Quality Act (CEQA) analysis
- Inspections ←
- Enforcement ←
- Legal actions, including litigation, mitigation, planning, rulemaking, and incentives funding

# Inspections

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

## Compliance Inspections Completed

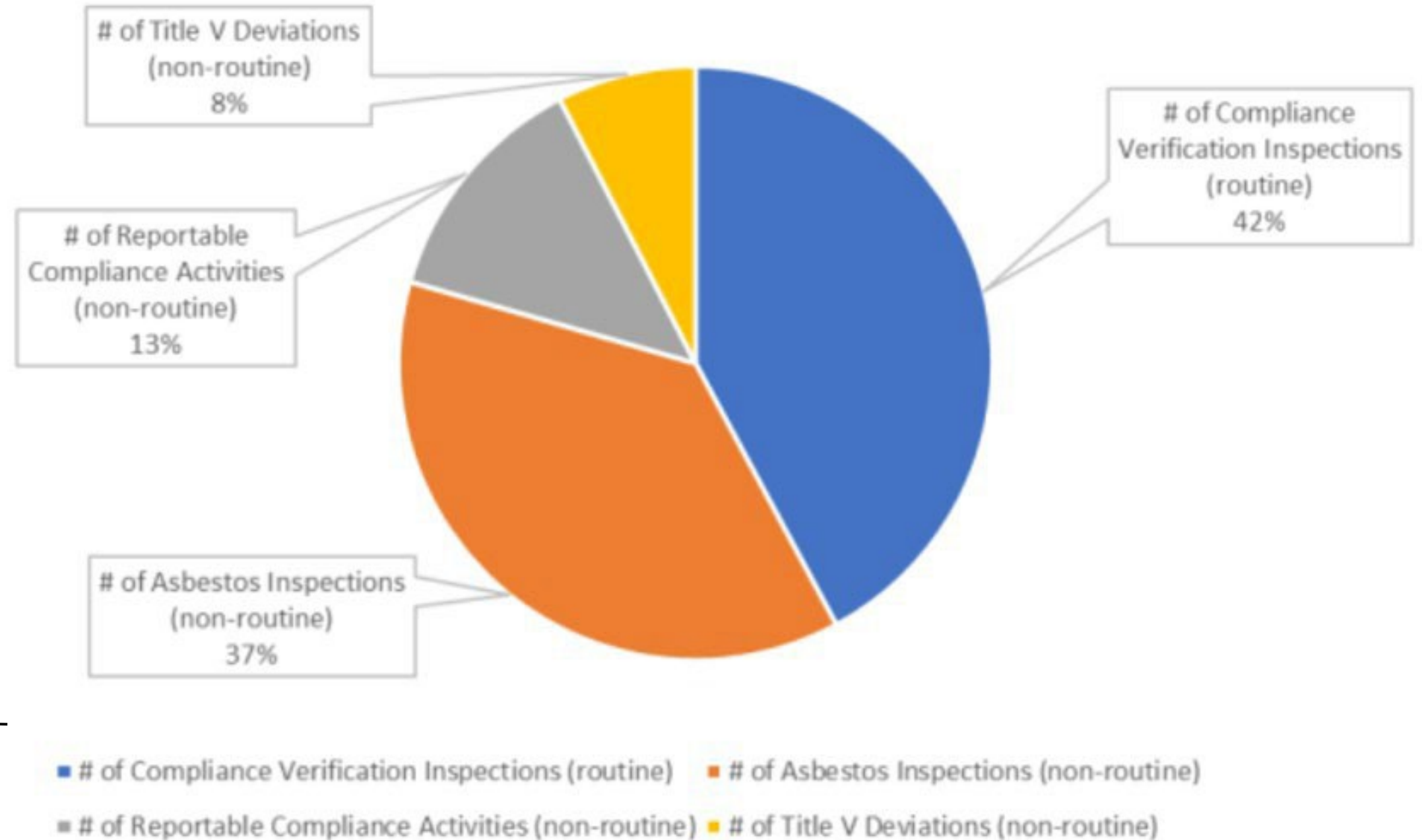
- 2020: 12,357
- 2021: 16,526
- 2022: 14,431
- 2023: 12,977
- 2024: Estimate 13,000
- 5-Year Total: 69,291



## 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

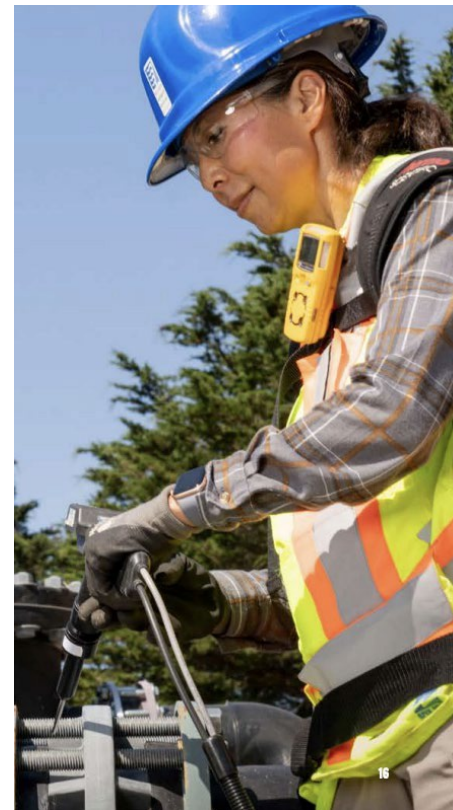
More than half of all inspections are triggered by a deviation, complaint, or potential violation (non-routine)





## 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

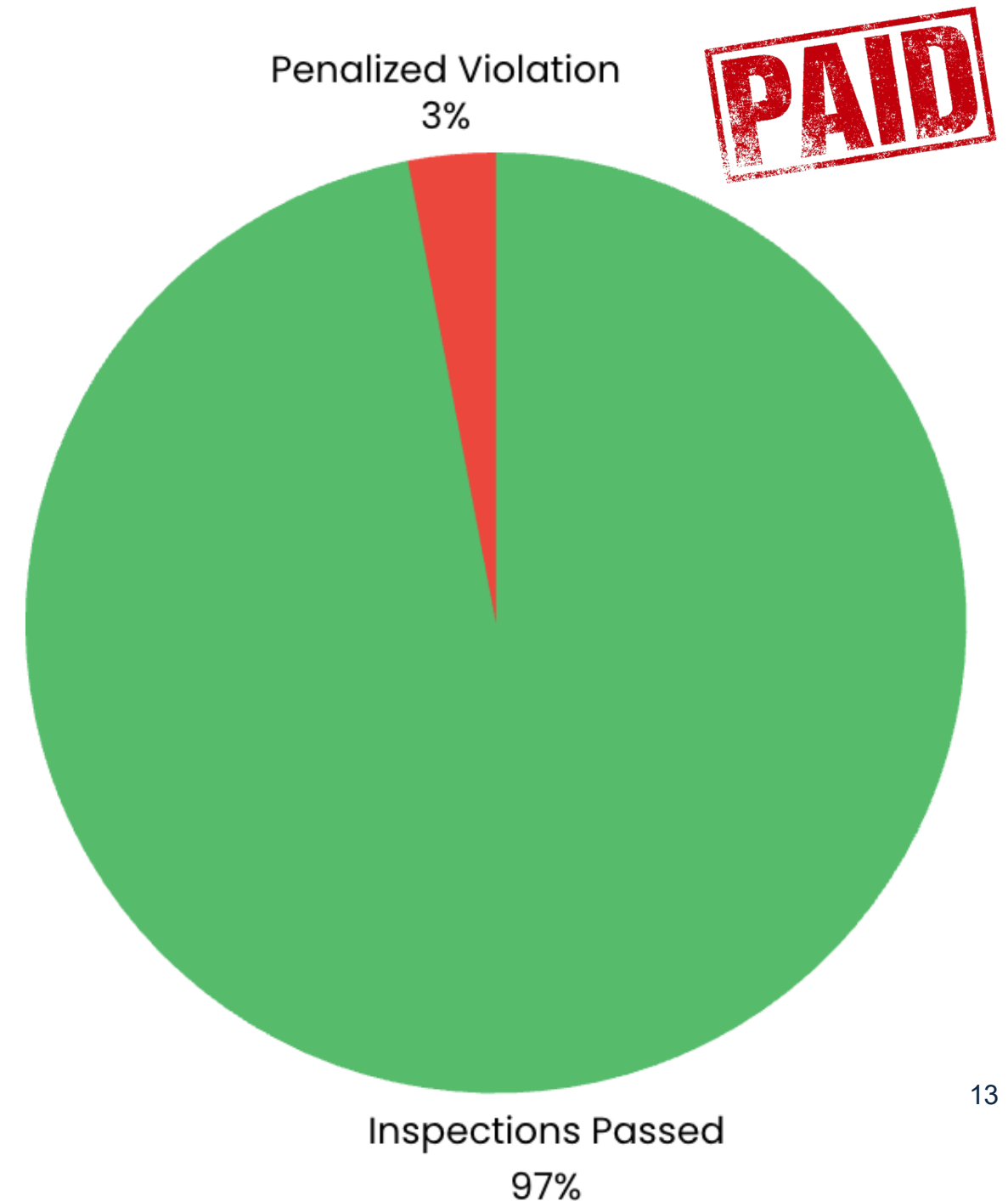
# Penalized Violations (2020 – 2025)

Estimated Total Inspections: **69,291**

Total NOV: **4,653**

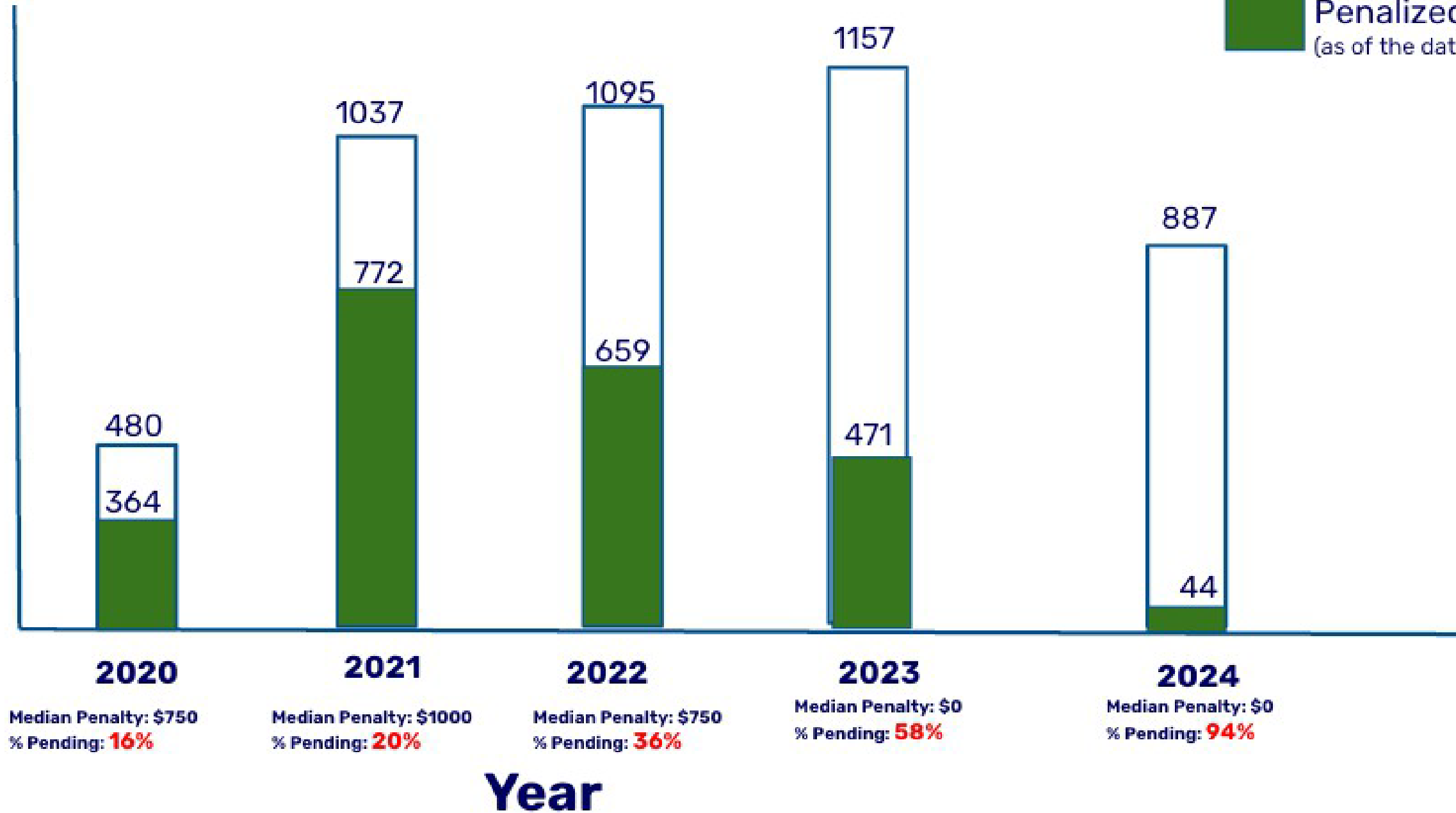
Total Penalized Violations: **2,291**

**% of Inspections Resulting in a Penalized Violations: 3%**



# Penalized Notices of Violation

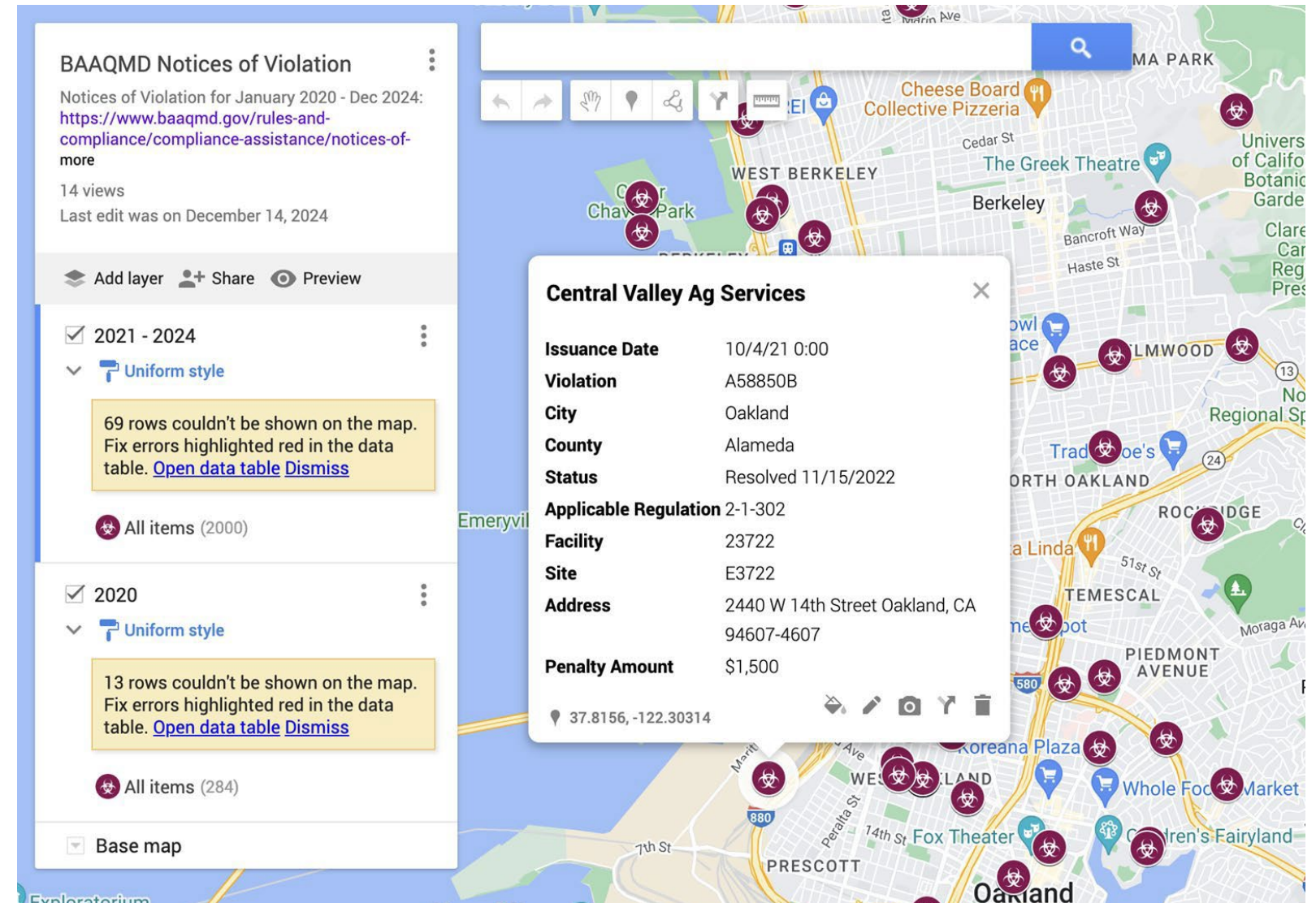
Total NOVs





# 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:

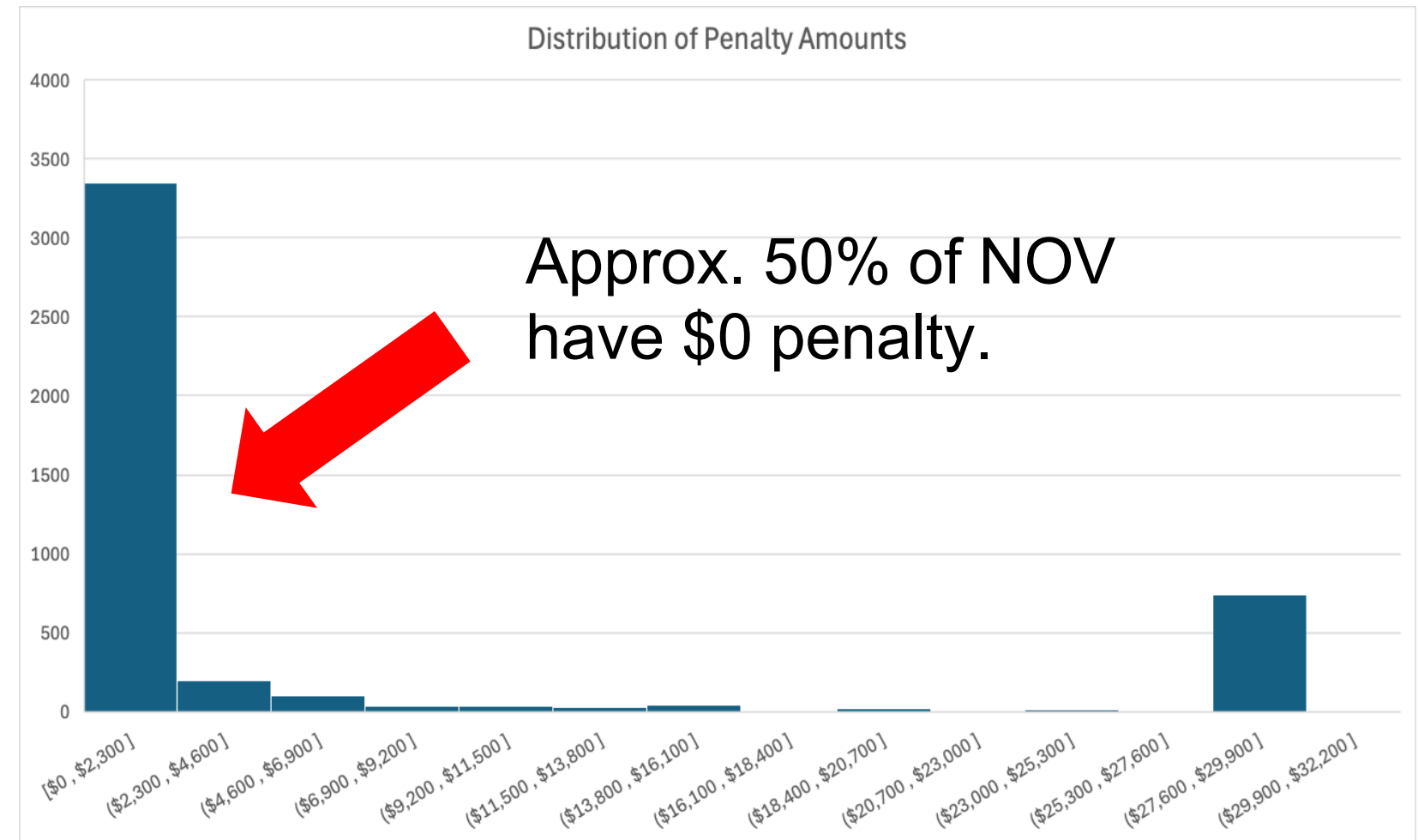
2020: \$750

2021: \$1,000

2022: \$750

2023: \$0

2024: \$0



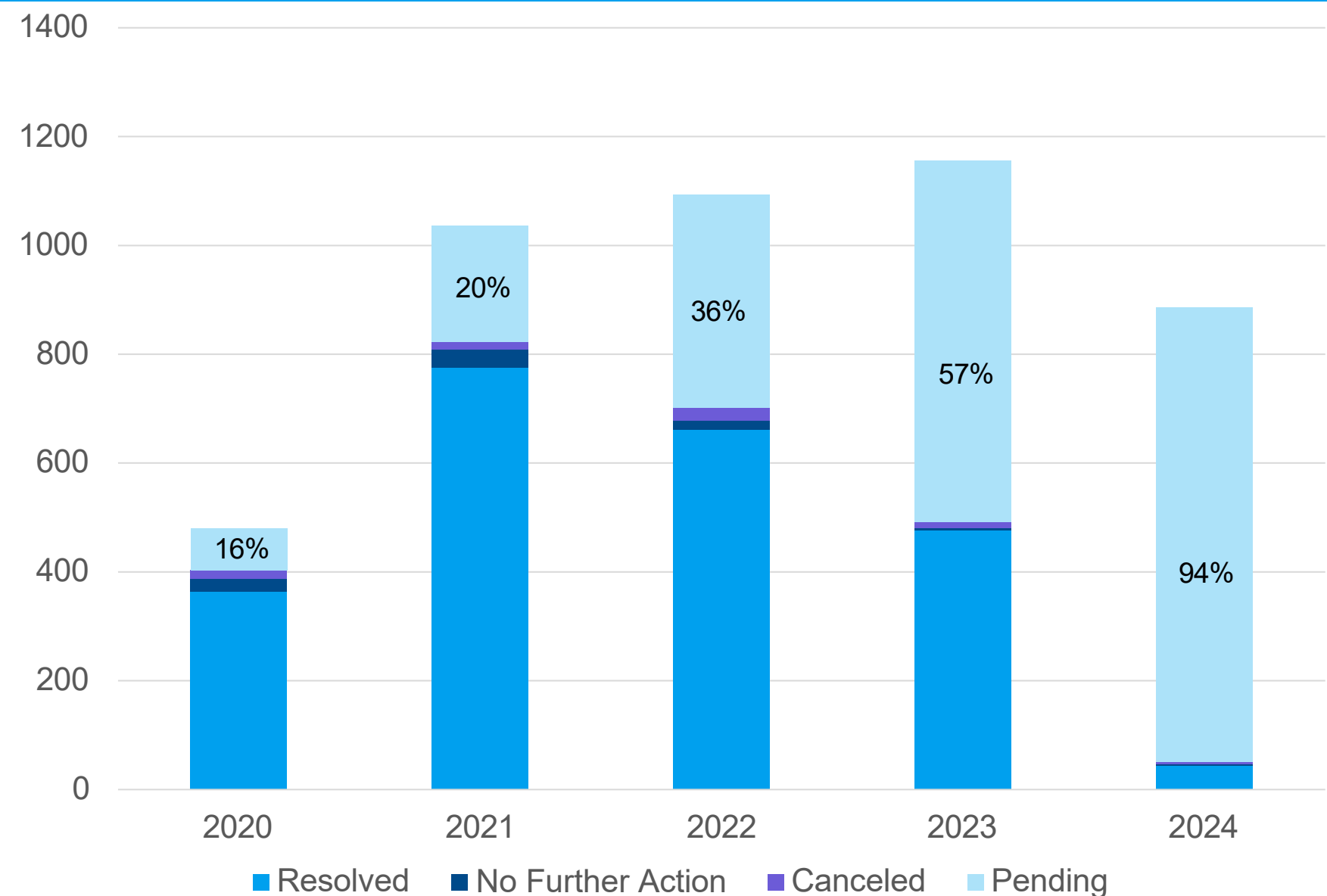


# Notice of Violation Trends & Data-Driven Insights

Alexander Crockett  
General Counsel

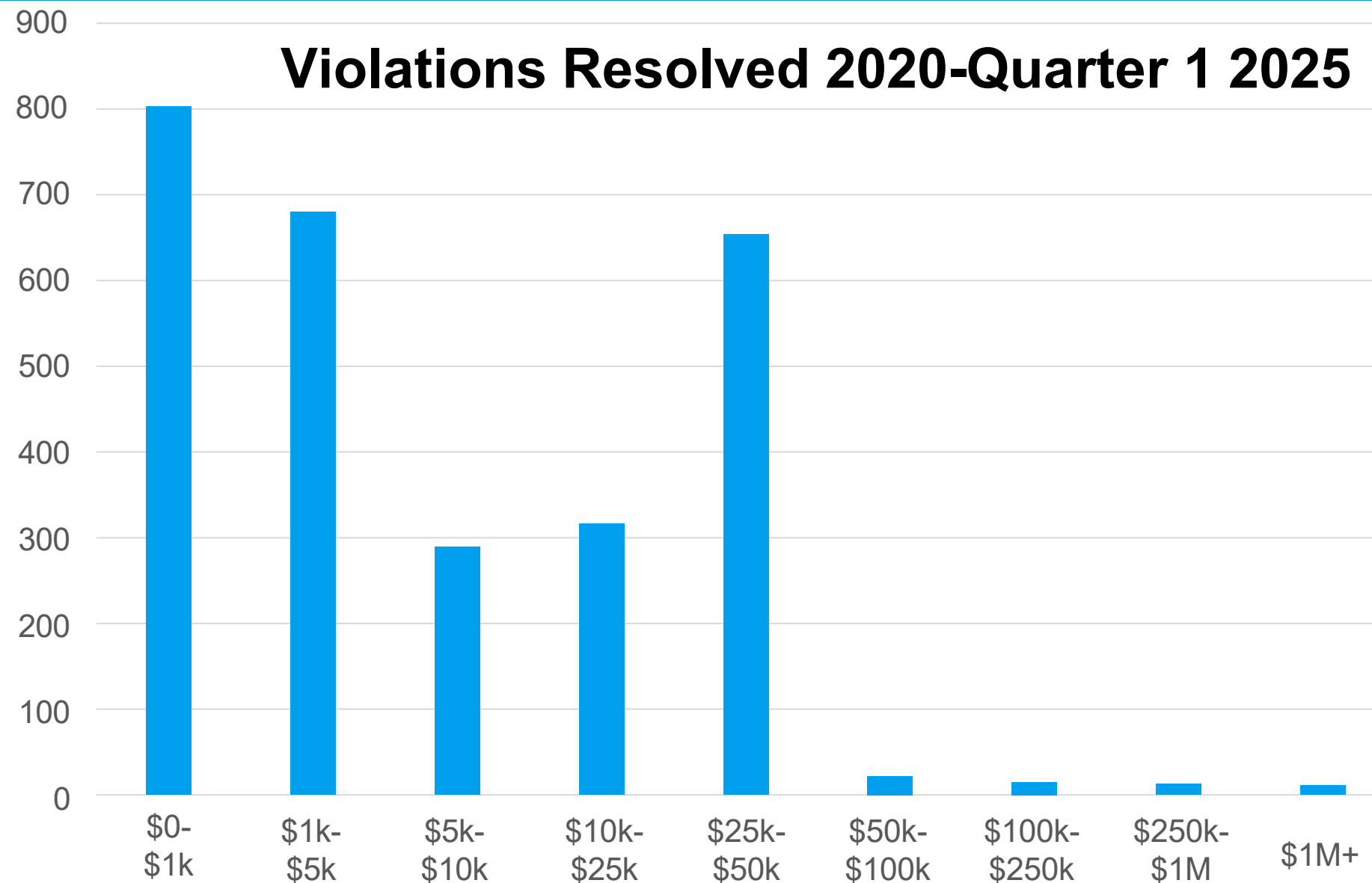
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# Status of Notices of Violations Issued 2020-2024

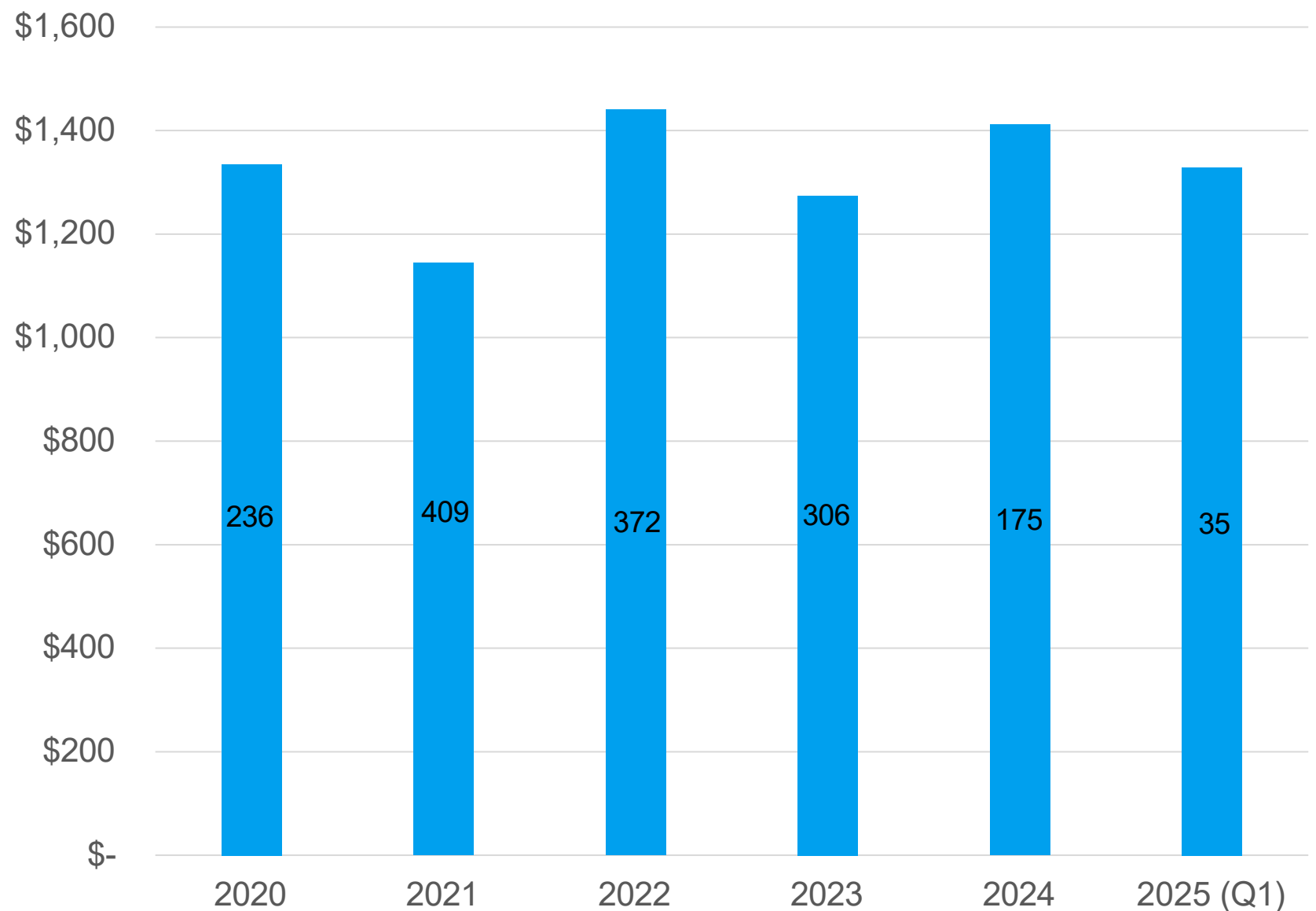


Percentages show proportion of violations from each year that are still pending resolution

# Violations Resolved – Penalty Breakdown



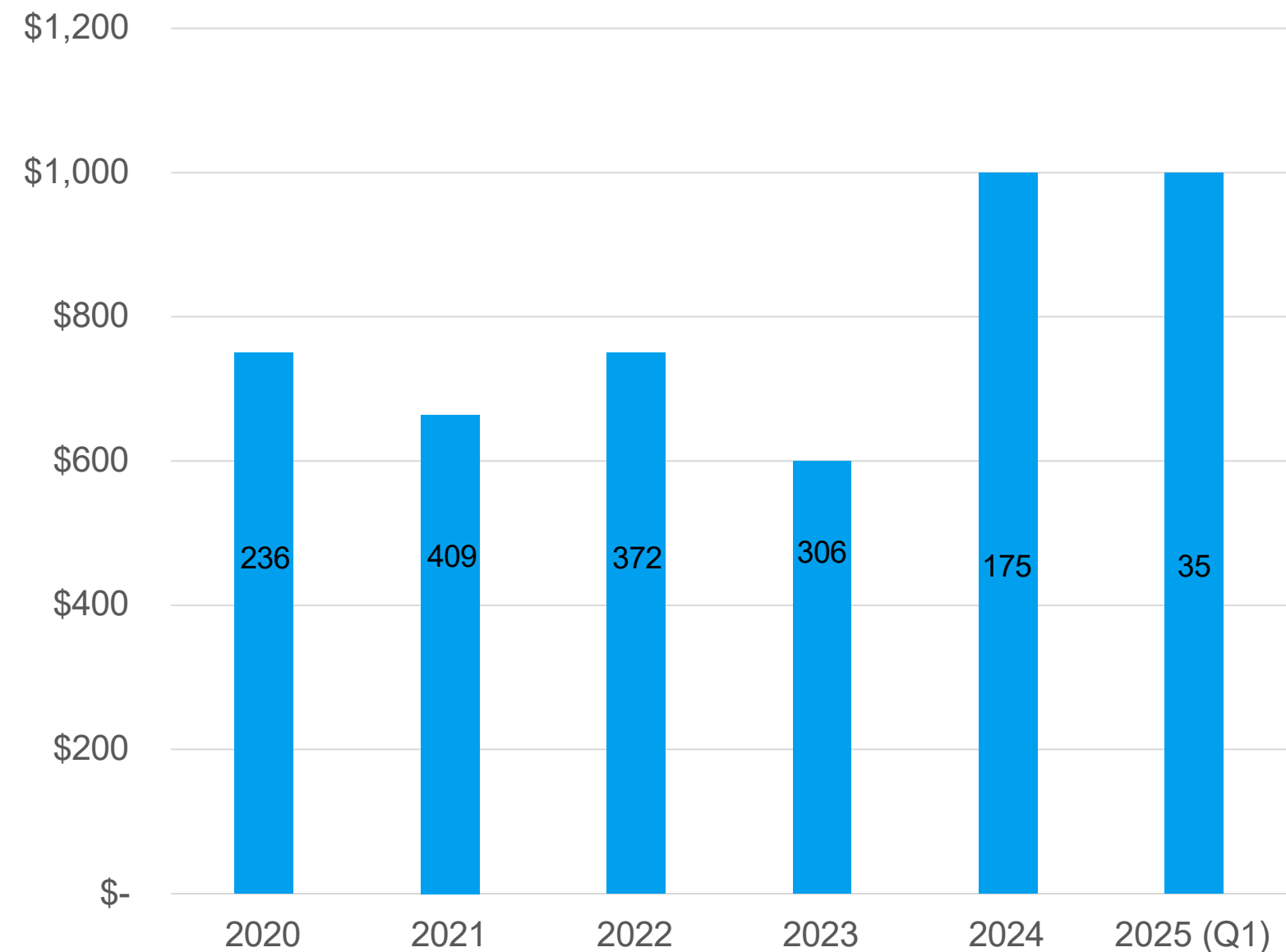
# Small Claims Cases – Average Penalties



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

Q: Quarter

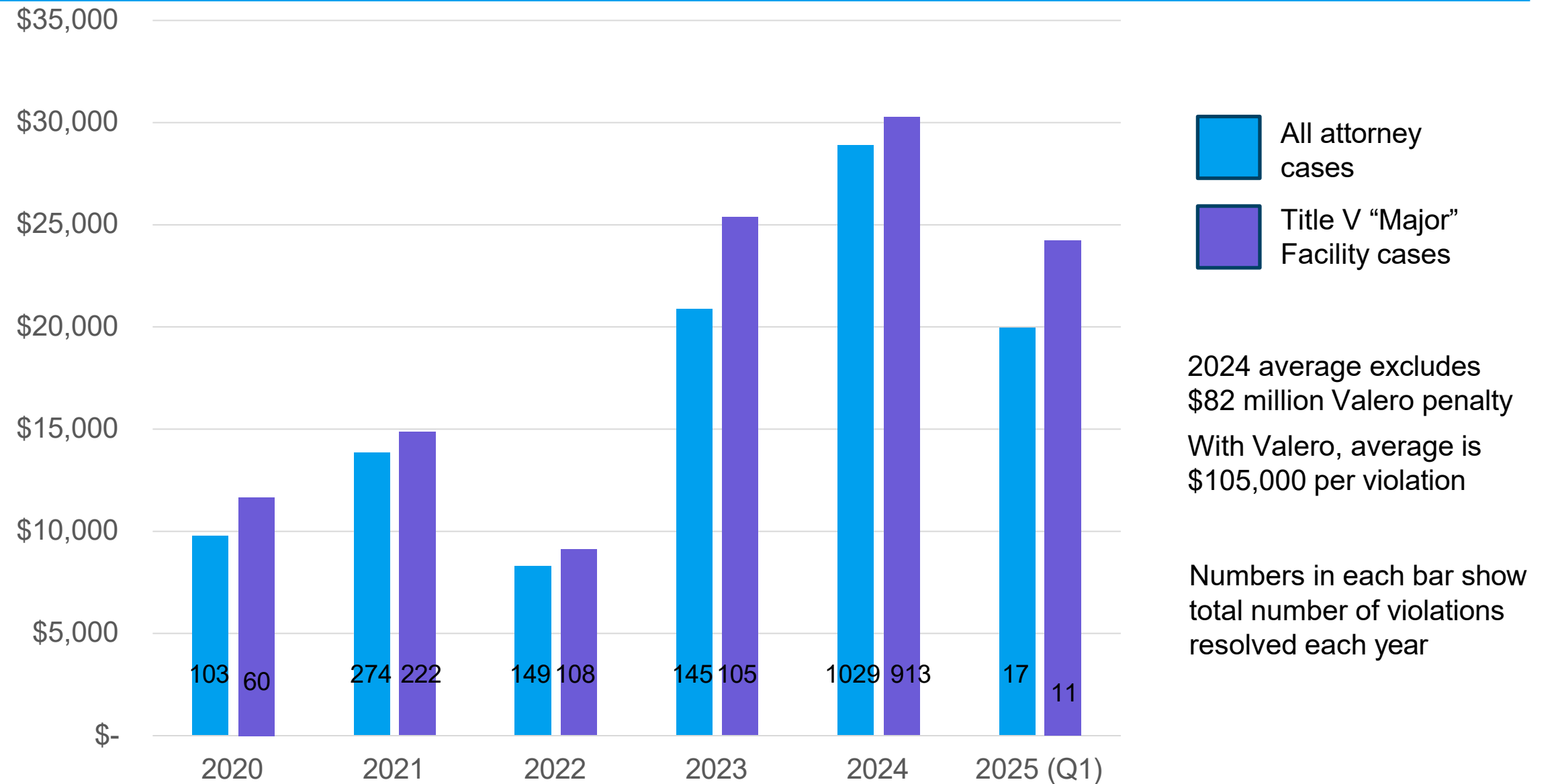
# Small Claims Cases – Median Penalties



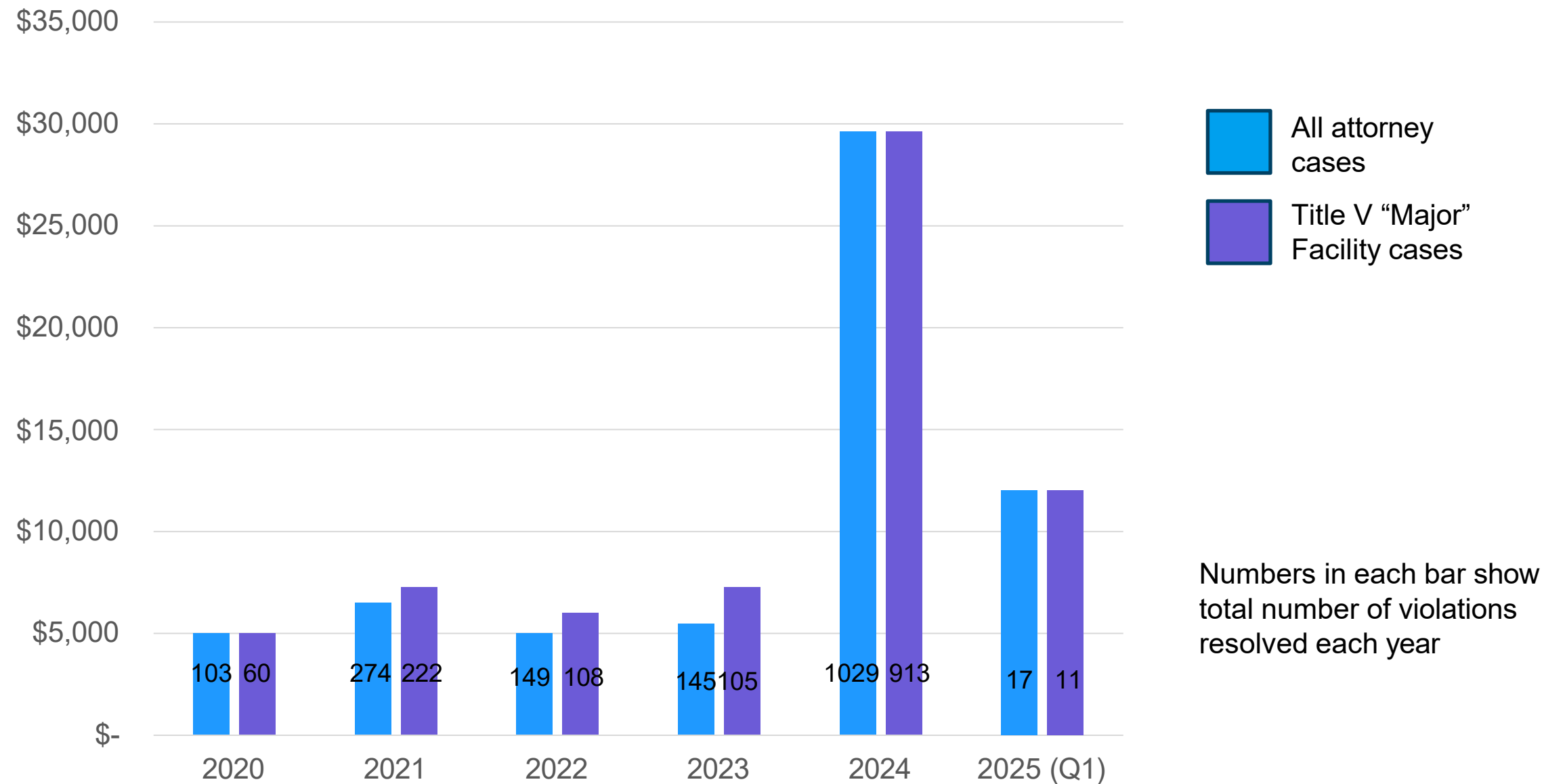
Numbers in each bar show total number of violations resolved each year



# 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

A decorative graphic on the right side of the slide. It consists of several thick, wavy lines in white and light blue, arranged in a vertical column. To the right of these lines is a large, dark blue capital letter 'B'.

# Presentation Outline

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- 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

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- 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

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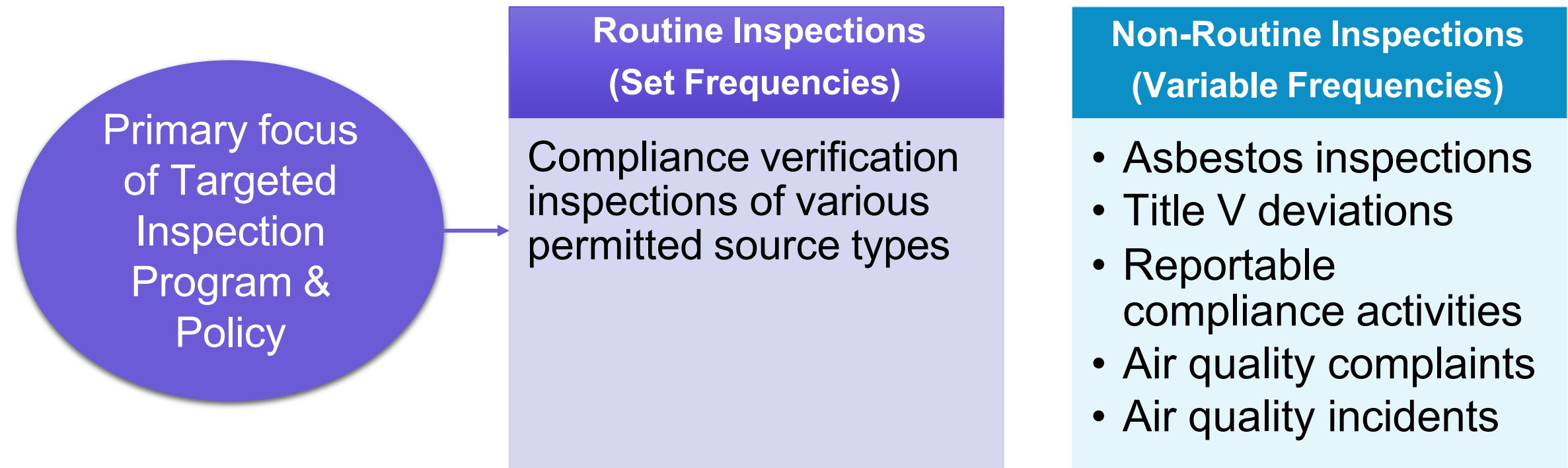
- Align with the Air District Strategic Plan to provide **transparency** into how routine compliance work is prioritized across the nine Bay Area counties and with a key focus, on overburdened communities, starting with Assembly Bill (AB) 617 communities
- Improve inspection program by incorporating **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

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

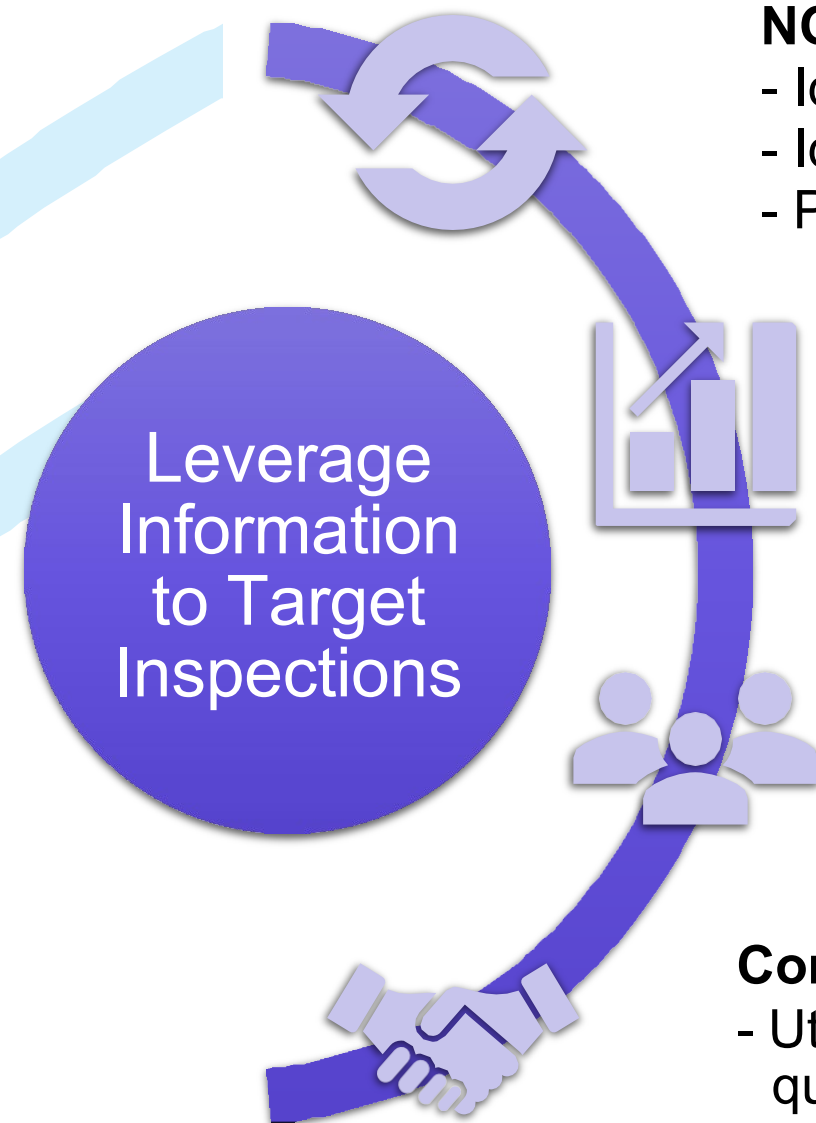
# Enhanced Inspection Priorities in Overburdened Communities



## 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

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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

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- 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

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- **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

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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

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**For more information:**

Dennis Quach | Air Quality Specialist | [dquach@baaqmd.gov](mailto:dquach@baaqmd.gov)



# Air District Five-Year Rulemaking Schedule

Victor Douglas  
Director  
Rules & Strategic Policy

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# Overview

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- 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

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## **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?

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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

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## **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

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- 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

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## 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

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## 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.)

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

- Rule Development:
  - Sulfur dioxide (SO<sub>2</sub>) and Refinery Nitrogen Oxides (NO<sub>x</sub>) 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)

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## 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
<b>Fugitive Dust (Rules 6-1 &amp; 6-6)</b>	Strategic Plan 1.1, 1.2; WOCAP; PTCA; Advisory Council (see note below)
<b>Metal Recycling and Shredding Operations (Rule 6-4)</b>	Strategic Plan 1.1, 1.2; WOCAP; PTCA
<b>Toxic Risk at Existing Facilities Phase I (Rule 11-18)</b>	Strategic Plan 1.1, 1.2; PTCA
<b>Appliance Rules Flexibility (Rules 9-4 &amp; 9-6)</b>	Strategic Plan 1.1, 1.2; Health Protection; Particulate Matter Attainment
<b>Woodburning Devices (Rule 6-3) and Open Burning (Reg 5)</b>	Strategic Plan 1.1, 1.2; WOCAP; PTCA
<b>Minimize Flaring (Rules 12-11 &amp; 12-12)</b>	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"> <li>Strategic Plan 2.1, PTCA</li> </ul>
Health-Based Particulate Matter Rules (new)	<ul style="list-style-type: none"> <li>Strategic Plan 1.1, 1.2; PTCA; Staff</li> </ul>
Toxic New Source Review / Cumulative Impacts (Rule 2-5)	<ul style="list-style-type: none"> <li>Strategic Plan 1.1, 1.2; PTCA; Staff</li> </ul>
Organics Materials Handling and Composting Operations	<ul style="list-style-type: none"> <li>Strategic Plan 4.1, 4.2, 4.3; Staff</li> </ul>
Organic Storage Tanks (Rule 8-5)	<ul style="list-style-type: none"> <li>Strategic Plan 1.1, 1.2; Staff</li> </ul>
Industrial Boilers, Steam Generators, Process Heaters (Rule 9-7)	<ul style="list-style-type: none"> <li>Strategic Plan 1.1, 1.2; Staff</li> </ul>
Autobody Operations (Rule 8-45)	<ul style="list-style-type: none"> <li>WOCAP, PTCA</li> </ul>

**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

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- 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

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**For more information:**

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# Managing Community Investments

Miriam Torres  
Senior Advanced Policy Advisor  
Executive Office

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# Outline

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- 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

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- 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

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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  
Environmental Justice  
Human Resources  
Finance  
Strategic Incentives  
Legal  
Communications

## Managing Community Investments

Assess community funding priorities by **May 2025**.

Develop proposal for Air District Board for a community investment program and strategy by **September 2025**.

Implement pilot community investment initiative by **December 2026**

Divisions Working Together

Action Plan

Sample Actions

# Community Investments Office Goals

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- 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

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- 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

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**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

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**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

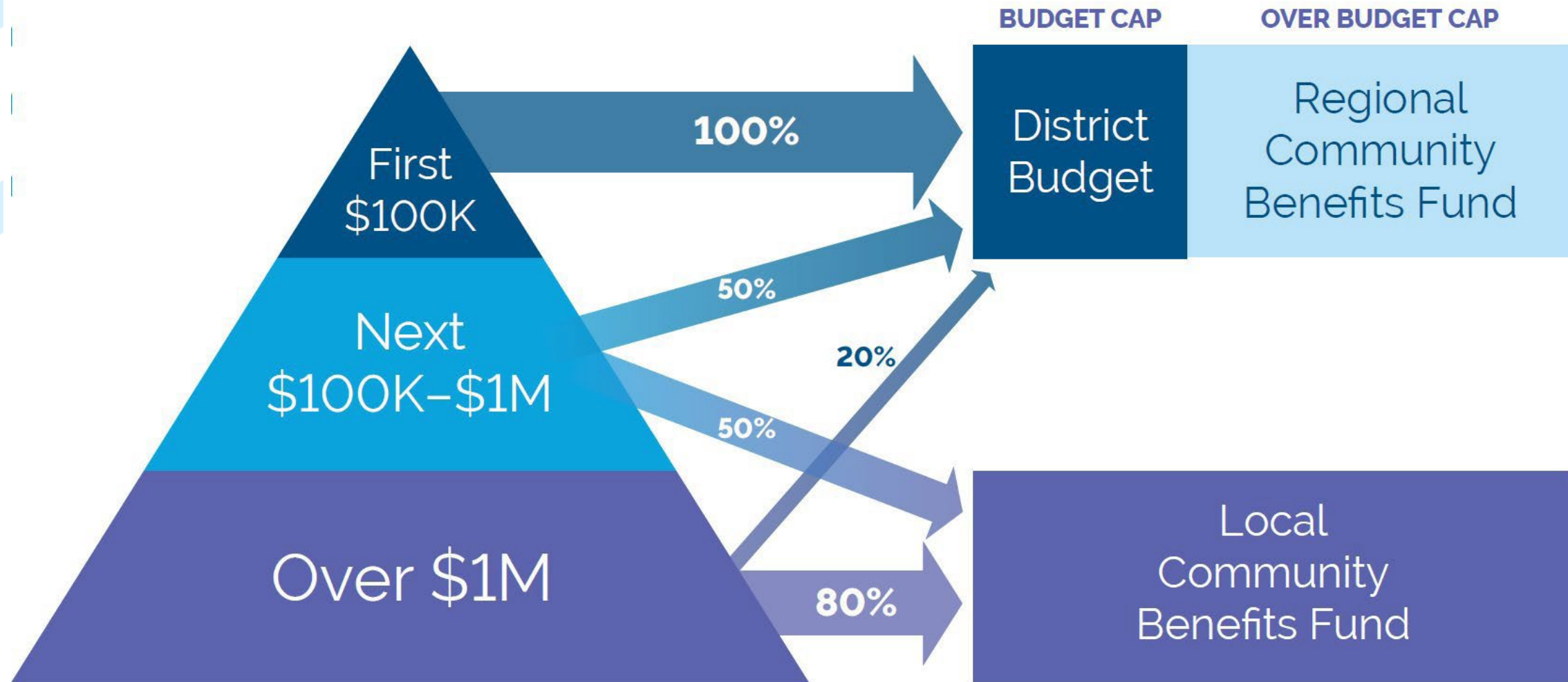
**Local Community Benefits Fund** - This fund is designated to:

- 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 <sup>1</sup>	\$	20,000,000
<b>Total Project Funds</b>	<b>\$</b>	<b>115,779,297</b>
<b>9% Admin Funds</b>	<b>\$</b>	<b>9,472,678</b>
<b>Total Project &amp; Admin Funding</b>	<b>\$</b>	<b>125,251,974</b>

<sup>1</sup>Funding 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

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**For more information:**

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