Bay Area Air District

COMMUNITY ADVISORY COUNCIL
CLEAN AIR FOR ALL

BOARD OF DIRECTORS
Community Advisory Council
September 17, 2026

SEJAL BABARIA
DOMINIQUE BROOKS
ADRIANA FERNANDEZ-ARRIAGA
WILLIAM GOODWIN
MS. MARGARET GORDON
ARIEANN HARRISON
PATRICK MESSAC
CYNTHIA PRIETO-DIAZ
DOMINICK RAMIREZ
SAIDY REYES MAZAREIGOS
KEVIN RUANO HERNANDEZ
FAGAMALAMA VIOLET SAENA
JEFF SANCHEZ
HARSHEET SUBEDI
KEN SZUTU
AZJARGAL TSOGTSAIKHAN
LATASHA WASHINGTON

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

Bay Area Metro Center
1st Floor Yerba Buena
375 Beale Street
San Francisco, CA 94105

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 https://www.baaqmd.gov/bodagendas

Members of the public may participate remotely via Zoom at https://bayareametro.zoom.us/j/87693132270 or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 876 9313 2270

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 two minutes each to address the Council on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.

Written public comments can be emailed to comments@baaqmd.gov or through the Air District's website via the "Submit a Comment" feature for this meeting. Written public comments emailed by 10:00 a.m. on the business day prior to this meeting will be provided to the Council members in advance of the meeting. Written public comments emailed after that deadline will be provided to the Council members following the meeting's adjournment. Unless directed by the Chair, written public comments will not be read aloud during the meeting.

The Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the Air 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 Air District is committed to maintaining a workplace free of unlawful harassment and is mindful that Air 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
MEETING AGENDA

THURSDAY, SEPTEMBER 17, 2026
6:00 PM

Chairpersons William Goodwin, Patrick Messac, and Latasha Washington

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. 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 Air 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 Air District is committed to maintaining a workplace free of unlawful harassment and is mindful that Air 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.

3. Report of the Executive Officer/APCO

CONSENT CALENDAR (Items 4 - 6)

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.

4. Approval of the Draft Minutes of the Community Advisory Council Meeting of July 16, 2026

   The Community Advisory Council will consider approving the Draft Minutes of the Community Advisory Council meeting of July 16, 2026.

5. Community Advisory Council Charter Amendments Vote

   The Community Advisory Council will consider a vote to recommend to the Board of Directors that the Board adopt amendments to the Community Advisory Council Charter.

6. "No Coal in Oakland" Advocacy Letter

   The Community Advisory Council will consider sending a letter to the Air District Board of Directors expressing the Council's support for the positions and recommendations contained in an open letter from the advocacy organization "No Coal in Oakland" regarding a proposed coal terminal in Oakland.

INFORMATIONAL ITEM(S)

7. Permitting Overview and Air District Current Management of Cumulative Impacts

   The Community Advisory Council will discuss the air permitting process, with a focus on how cumulative impacts are considered within the current regulatory framework. The Air District's permitting programs protect public health and the environment by ensuring that stationary sources of air pollution comply with all applicable federal, state, and Air District requirements. The presentation will provide context for the (technical) Advisory Council's subsequent discussion of recommendations for strengthening cumulative impact protections in permitting. This item will be presented by Ayah Hassan, Principal Air Quality Engineer.

8. Recommendations to Address Cumulative Impacts in Permitting

The Community Advisory Council will consider and discuss a presentation on the (Technical) Advisory Council's draft recommendations on ways to address cumulative impacts in permitting. The (Technical) Advisory Council's draft recommendations focus on expanding the scope of impact assessments, tightening limits in overburdened communities, adopting precautionary approaches, and strengthening community partnerships. The (Technical) Advisory Council has the intention of presenting the draft recommendations document to the Board of Directors for consideration and seeks guidance and continued partnership with the Community Advisory Council in developing the draft. This item will be presented by Dr. Philip Martien, Chair of the (Technical) Advisory Council.

OTHER BUSINESS

9. Air District Working Groups Update

The Community Advisory Council will receive an update about the Air District's Legal Enforcement Working Group, Open Air data dashboard working group, and Permitting Efficiency Taskforce.

10. Community Advisory Council Co-Chairs and Administrative Update

The Community Advisory Council will receive an update from the Community Advisory Council Co-Chairs on Council planning and administrative matters.

11. Governance Ad Hoc Committee Update

The Community Advisory Council will receive an update from the Ad Hoc Committee Representative on the work of the Governance Ad Hoc Committee.

12. Action Plan Ad Hoc Committee Update

The Community Advisory Council will receive an update from the Ad Hoc Committee Representative on the work of the Action Plan Ad Hoc Committee.

13. Council Member Comments / Other Business

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.

14. Time and Place of Next Meeting

Thursday, October 29, 2026, at 10:00 a.m. The meeting will be held in-person at the Sheraton Sonoma 745 Baywood Drive, Petaluma, CA 94954, Great Blue Heron Room. Members of the Community Advisory Council and the public may attend in-person locations, and members of the public may also attend virtually via webcast.

15. Adjournment

The Council meeting shall be adjourned by the facilitator.

CONTACT:
MANAGER, EXECUTIVE OPERATIONS **(415) 749-4941**
375 BEALE STREET, SAN FRANCISCO, CA 94105 **FAX: (415) 928-8560**
vjohnson@baaqmd.gov **Air District 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, Kimberly Leefatt, Civil Rights Officer at (415) 749-4610 or by email at non-discriminationcoordinator@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

SEPTEMBER 2026

TYPE OF MEETING	DAY	DATE	TIME	ROOM
Board of Directors Policy, Grants and Technology Committee	Wednesday	16	10:00 a.m.	1st Floor Board Room
Board of Directors Finance and Administration Committee CANCELLED	Wednesday	16	1:00 p.m.	1st Floor Board Room
Community Advisory Council	Thursday	17	6:00 pm.	1st Floor, Yerba Buena Room

OCTOBER 2026

TYPE OF MEETING	DAY	DATE	TIME	ROOM
Advisory Council	Monday	5	9:00 a.m.	1st Floor Board Room
Board of Directors Meeting	Wednesday	7	10:00 a.m.	1st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	14	10:00 a.m.	1st Floor, Yerba Buena Room
Board of Directors Community Equity, Health, and Justice Committee	Wednesday	14	1:00 p.m.	1st Floor, Yerba Buena Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	21	10:00 a.m.	1st Floor Board Room
Board of Directors Finance and Administration Committee	Wednesday	21	1:00 p.m.	1st Floor Board Room
Community Advisory Council Retreat	Thursday	29	10:00 a.m.	Sheraton Sonoma Wine Country Petaluma Great Blue Heron Room 745 Baywood Dr. Petaluma, CA 94954

9/10/2026 – 12:01 p.m. JMB G/Board/Executive Office/Moncal

BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons William Goodwin, Patrick Messac, and Latasha Washington and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: September 17, 2026

Re: Approval of the Draft Minutes of the Community Advisory Council Meeting of July 16, 2026

RECOMMENDED ACTION

Approve the Draft Minutes of the Community Advisory Council meeting of July 16, 2026.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Community Advisory Council meeting of July 16, 2026.

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 July 16, 2026

Bay Area Air District
Bay Area Metro Center
1st Floor Yerba Buena Room
375 Beale Street
San Francisco, CA 94105

Community Advisory Council Meeting
Thursday, July 16, 2026

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air 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 in-person meeting to order at 6:03 p.m.

Roll Call:

Present, In Person: (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, CA, 94105): Co-Chairpersons Latasha Washington and Patrick Messac; and Council Members Sejal Babaria, Ms. Margaret Gordon, Arieann Harrison, Cynthia Prieto-Diaz, Saidy Reyes Mazariegos, Kevin G. Ruano Hernandez, Jeff Sanchez, Ken Szutu, and Azjargal Tsogtsaikhan.

Participated Remotely, via Zoom via Section 54953.8.3 of the Ralph M. Brown Act Open Meeting Act (Cal. Gov't Code § 54953.8.3). Remote presence does not count for quorum, but votes are counted for all action items): Co-Chairperson William Goodwin; and Council Member Dominique Brooks and Harsheet Subedi.

Absent: Council Members Adriana Fernandez-Arriaga, Dominick Ramirez, Violet Saena.

2. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Colleen Fitzgerald, Earthjustice; Diana Curiel, Oakland resident; Soliana Samson, Sierra Club; and Ryan Backus, Earthjustice.

CONSENT CALENDAR

3. REPORT OF THE EXECUTIVE OFFICER/AIR POLLUTION CONTROL

Arsenio Mataka, Deputy Executive Officer of Equity & Community Programs, announced the following:

- Through the Bay REPAIR program (Reinvesting Penalties for Air Improvement and Resilience), applications for Round 1 of the Local Community Benefits Fund closed on May 9, 2026. Round 1 will distribute funds in Benicia, Richmond, and surrounding communities.
- On June 29, 2026, The "Right to Breathe: East Oakland Community Air Quality Justice Plan," which was adopted by the Board on April 1, 2026, received final approval from the California Air Resources Board.
- $150M was recently allocated to the California Air Protection Program (Assembly Bill (AB) 617) from California's General Fund. Historical AB 617 funding allocations, from inception through recent fiscal years, relied primarily on the Greenhouse Gas Reduction Fund.

Public Comments

No requests received.

Council Comments

The Council and staff discussed claims that the Board's Stationary Source Committee delayed the Air District's Indirect Source Rule community workshops until a staff recommendation could be presented to the full Board; the Council's desire for status updates on the Air District's fugitive dust studies and Indirect Source Rule rulemaking; and appreciation for the Air District staff who advocated for the additional $150M recently allocated to AB 617 from California's General Fund.

4. **APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL MEETING OF MAY 21, 2026**

Public Comments

No requests received.

Council Comments

None.

Council Action

Council Member Ruano Hernandez made a motion, seconded by Council Member Reyes Mazariegos, to **approve** the Draft Minutes of the Community Advisory Council Meeting of May 21, 2026; and the motion **carried** by the following vote of the Council:

AYES:	Babaria, Brooks, Goodwin, Gordon, Harrison, Messac, Reyes Mazariegos, Prieto-Diaz, Ruano Hernandez, Saena, Sanchez, Szutu, Tsogtsaikhan, Washington.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Fernandez-Arriaga, Ramirez, Subedi.

DISCUSSION ITEMS

5. AIR QUALITY COMPLAINT PROGRAM OVERVIEW AND DATA UPDATE

Almira Van, Supervising Air Quality Specialist, gave the staff presentation *Air Quality Complaint Program Overview and Data Update*, including: recommended action; outline; Air Quality Complaint Program goals and objectives; Air Quality Complaint Program; how to report an air quality complaint; complaint response time goals; complaint response and investigation; investigation at potential source of emissions; investigation findings and enforcement actions; factors that influence response and investigation; how communities can help; complaint data analysis; complaints by type; cities with the most complaints; emissions present and traceable to source; factors that influence response and investigations; complaints by month and season (2023-2025); complaint reporting trends 2023-2025; complaint response time 2023-2025; complaint response time goals 2023-2025; Complaints Resulting in Enforcement Action (2023 – 2025); Complaint Summary Across Nine Counties (2023 – 2025); Complaint Summary – Assembly Bill (AB) 617 Communities (2023 – 2025); Strategic Plan goals and upcoming complaint workplan; Council's ideas for improving the Complaint Program; Open Air – expanding public access to data and community-informed design; ideas to improve the Complaint Program; tentative timeline; and questions and discussion.

Public Comments

No requests received.

Council Comments

The Council and staff discussed tangible tools and resources that are used in the field by Air District inspectors; whether the Air District monitors whether the number of complaints related to an incident declines after enforcement actions are implemented; what happens if a permitted facility continues to be issued Notices of Violations (NOVs) or has a single ongoing violation; a request for an example of a case in which the Air District obtained a court injunction requiring a permitted facility in violation of air quality regulations to cease operations; whether there is there a maximum number of violations/fines before the Air District seeks an injunction requiring a permitted facility in violation of air quality regulations to cease operations; the number of complaints or violations that it took for the Air District to seek an injunction to shut down Green Sage's diesel generators for ongoing violations at their Oakland Tinnery and Oakland Cannery facilities in 2022; the Compliance and Enforcement Division's response time goals (during regular business hours) and how 30 minutes was determined; whether the Air District plans to hire additional inspectors, how the Council can advocate for the hiring of additional inspectors, and what funding would be used for adding new positions; the suggestion of addressing the accessibility of unsourced emissions, giving members of impacted communities the opportunities to identify and learn about those sources; concerns regarding discrepancies in the number of complaints submitted in 2024; whether improvements need to be made to the ways in which the Air District enforces its woodsmoke rules; the definition of "traceable to a source"; the number of NOVs from 2024 that are currently associated with financial penalties; the difficulty in maintaining community trust and engagement in the process when there is a perception that polluters are not being held accountable for violations; the Council's desire for action resulting from violations; which

months result in the most odor, dust, and asbestos complaints; which sources are the Air District's top polluters emitting; whether odors and unsourced complaints are related (what is the breakdown); whether odors are related to health impacts; the manner in which odor complaints are processed; whether a satisfaction survey (to complainants) is going to be implemented; the concern that, although 25 inspectors were deployed to investigate Crown Hill Materials, complainants claimed that they did not receive meaningful feedback regarding the findings or outcomes of those inspections; the number of current inspector vacancies, why those vacancies have not yet been filled, and the turnaround time to make the candidates offers; the consultants' contract amounts approved by the Board, and whether those resources could instead support the hiring of additional inspectors; what it would it take to increase the proportion of Notices of Violation that result in monetary penalties, given that currently fewer than 2% lead to fines; the request that Air District staff ensures that complainants receive follow-up communication regarding the status and outcomes of their concerns; whether complaints may enter their personal contact information when they register their complaints online; whether complaints that are submitted are made public; and contributing factors to the high number of complaints that do not result in Notices of Violation.

Council Actions

No action taken.

THE COUNCIL RECESSED AT 7:57 P.M, AND RESUMED AT 8:09 P.M.

6. AMENDMENTS TO THE COMMUNITY ADVISORY COUNCIL CHARTER

Council Members Kevin Ruano Hernandez and Jeff Sanchez, Co-Chairs of the Governance Ad Hoc Committee, presented the Ad Hoc Committee's draft amendments for discussion by the Council, and the Council considered and provided direction on finalization of the draft amendments. The presentation *Amendments to the Community Advisory Council Charter* included slides entitled: recommended action; process and timeline of Charter amendments; highlights of Charter amendments; and summary table review and discussion.

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether discrimination complaints are covered under the Council's Charter, how the Air District defines "discrimination," and which entity (Air District staff or the Board of Directors) handles discrimination complaints lodged by Council Members; the differences between *Roberts Rules of Order* and *Rosenberg's Rules of Order*, and the request for a training for the Council on parliamentary procedure; whether the Council has ever published a biannual newsletter, per §6 of the Council's Charter (Community Engagement); concerns about the language in §7.6 of the Council's Charter (Meetings of CAC Members with the Air District) that states, "the CAC may designate one CAC member to participate as a non-voting CAC member in regular monthly Board meetings, *when feasible*"; the number of times that a Council Member has come before the Board of Directors to offer recommendations on behalf of the Council since the Council's inception; the request

that §16 of the Council's Charter (Compensation) be revisited; the request for the Air District's Legal Division to be involved in reviewing the civil rights and discrimination language of the Council's Charter; and the public comment period and approval timeline of the Council's Charter.

Council Actions

No action taken.

OTHER BUSINESS

7. **PEOPLE'S AIR GRANT UPDATE**

The Council received an update about the People's Air Grant, a program developed by the Council to distribute funding from a $3 million Community Benefit Fund. These funds are not derived from enforcement, penalty, or mitigation funds. The application period for the People's Air Grant Program opened on March 12, 2026, and closed on May 29, 2026. Grants will be awarded in Summer 2026 to support projects in impacted communities that improve air quality and reduce local air pollution disparities, equip impacted communities with tools and resources to reduce air pollution and improve public health outcomes, and support health care resources and services for people experiencing health impacts related to air pollution exposure. The maximum amount for an individual grant is $400,000 over two years.

Co-Chairs Goodwin and Washington reported that 64 applications were submitted across the Air District's nine-county jurisdiction. They thanked the Council for their outreach efforts to their local communities. The ten-member review panel, consisting of Council Members, Air District staff, and staff from community-based organizations and partner agencies, completed the scoring of the applications. Air District staff is now compiling the results and funding recommendations, which will be considered by the Air District's Board of Directors later in the calendar year.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the importance of reviewing lessons learned after the first grant cycle has been completed; the anticipated timeline regarding Board action; and the hope that these grants will have a significant long-term impact in their communities.

Council Action

No action taken.

8. **ACTION PLAN AD HOC COMMITTEE UPDATE**

Action Plan Ad Hoc Committee Co-Chairs, Council Members Brooks and Szutu, reported that the Action Plan Ad Hoc Committee asked the Council Members to provide their local

community concerns and issues. The three general areas of feedback that the Action Plan Ad Hoc Committee hopes the Council will put time and resources towards are:

1) Community Response and Enforcement Accountability.
    a. When complaints are filed, how are they resolved, and in what amount of time?
2) Permitting and Facility Accountability.
    a. A Permitting Ad Hoc Committee that focuses on protecting human health, rather than speedy approval, will be created. This Permitting Ad Hoc Committee also wishes to review the performance evaluation process for the Air District's permitting staff.
    b. A case study pool will also be created, focusing on Radius Recycling in Oakland, Hanson Aggregates Marine in San Francisco, and the planned AVAIO Perseus Data Center in Pittsburg. The participation of one Council Member, and one community member who is directly affected by the presence of each facility, who are willing to champion each case, is required. Facilities may be added to this pool, if Council Members can identify additional air-polluting facilities that they do not believe should be allowed to operate.
3) Community Advisory Council Capacity.
    a. The Action Plan Ad Hoc Committee plans to create a tracking system to ensure that the Council recommendations adopted by the Board are actually implemented, and that progress is monitored and reported back to the Council. A level of Air District (subject matter) staff support and access, beyond what is currently provided to the Council, is requested for this to be successful.
    b. The Council desires improvements to the Council meeting agenda facilitation. Consider reviewing the Council meeting agenda process to ensure that it supports effective discussion and engagement. Some Council Members may perceive the current format as highly procedural and mechanical, with timed comments limiting opportunities for dialogue.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the Permitting Efficiency Taskforce that was established at the direction of the Air District's Board of Directors (to support the transparent implementation of changes to permitting processes, rules, and policies as outlined in the Air District's Strategic Plan), and whether the work of the Permitting Efficiency Taskforce would overlap with the work of the proposed Permitting Ad Hoc Committee; next steps and whether the Council would be taking action on this item on July 16, 2026; ways in which the Council Members could support these proposed efforts; and the most recent instance in which the Air District required a facility to cease operations due to compliance violations.

Council Action

No action taken.

9. COMMUNITY ADVISORY COUNCIL RETREAT PLANNING UPDATE

The Council received an update about the planning for the Council's Fall special meeting retreat from Anyania Muse, Community Advisory Council Officer, announced that the Council's upcoming retreat will take place on Thursday, October 29, 2026, in either Petaluma or Oakland. The location has not yet been confirmed.

10. COUNCIL MEMBER COMMENTS

Council Member Ms. Margaret Gordon requested an enhanced level of Air District enforcement in West Oakland, due to multiple sources of air pollution (coal terminal fugitive dust, Port of Oakland turning basins, Radius Recycling.) She also asked how the Air District plans to utilize the recommendations that are being developed by the Air District's (Technical) Advisory Council's to address cumulative impacts in permitting, new and modified facilities, and community priorities. (These draft recommendations will be brought to the Board of Directors for consideration.) She asked that this issue be agenized at a future Council meeting.

Council Member Ruano Hernandez reported that during the C&H Sugar strike in Crockett, the company rerouted raw sugar shipments to the Levin Richmond Terminal in Richmond. Video footage showed piles of raw sugar stored near industrial bulk materials like coal and petroleum coke. The Levin Richmond Terminal in Richmond will cease exporting coal at the end of 2026. He also reported that Richmond city officials and community groups have pushed for a temporary halt and policy review on new data center developments in the Bay Area, as data centers are becoming an emerging topic. He also congratulated the Marie Harrison Community Foundation for the CLEAR Bayview project (Community-Led Environmental Air Research). The project designs and implements an air monitoring study that addresses the gaps in air monitoring data.

Co-Chair Messac encouraged people to visit https://nocoalinoakland.info to learn about the grassroots community group's efforts to stop the transport and export of coal through a proposed West Oakland bulk terminal. Chair Messac also expressed concerns regarding the Air District's response to the Center for Biodiversity's letter that contained recommendations on how to approach data centers. Finally, Co-Chair Messac said that he has been finding it difficult to fulfill the commitments that he made upon being elected as a Council Co-Chair, due to a lack of Air District staff engagement and responsiveness to the Council's inquiries and recommendations.

Co-Chair Goodwin reported that the City of Pittsburg will host a virtual community engagement workshop via Zoom on July 30, 2026, to educate residents on local data center development procedures, address the controversial AVAIO Digital Perseus project, and answer public questions regarding environmental and neighborhood impacts.

11. TIME AND PLACE OF NEXT MEETING

Note from the Clerk: The July 16, 2026 Community Advisory Council meeting agenda contained an error in Item 11. The time for the next meeting of September 17, 2026 was erroneously listed as "9:00 a.m." but should have been "6:00 p.m."

Thursday, September 17, 2026, at 6:00 p.m. The meeting will be held in-person at the Bay Area Metro Center and at satellite locations as may be specified on the meeting agenda using a remote teleconferencing link. Members of the Community Advisory Council and the public may attend at any of those in-person locations, and members of the public may also attend virtually via webcast.

12. **ADJOURNMENT**

The meeting was adjourned at 9:32 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons William Goodwin, Patrick Messac, and Latasha Washington and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: September 17, 2026

Re: Community Advisory Council Charter Amendments Vote

RECOMMENDED ACTION

Vote to recommend to the Board of Directors that the Board adopt the attached Community Advisory Council Charter amendments.

BACKGROUND

The Community Advisory Council (CAC) assigned Council members Cynthia Prieto-Diaz, Saidy Reyes Mazariegos, Kevin Ruano Hernandez, and Jeff Sanchez to form a Governance Ad Hoc Committee at its March 19, 2026, meeting, and charged the Ad Hoc Committee with drafting proposed amendments to the Charter for consideration by the Council. The Governance Ad Hoc Committee put forward recommended charter amendments based on weekly discussions to address CAC changes over the last four years. Proposed amendments included changes to the Charter language, policy changes to membership selection and terms, geographic representation of membership seats, and other aspects. The Ad Hoc incorporated proposed amendments and the original charter into a draft, updated Charter for CAC members to review at the July 16, 2026, CAC meeting.

The Council provided feedback at the July CAC meeting that was integrated into the Charter amendments which included a clarification in Section 5 on the equitable and transparent selection process for committees and a reference to the stipend cap in the compensation policy, as well as a new appendix on the Air District's Accessibility and Non-Discrimination Policy. The proposed Charter amendments entered a 30-day public comment period in August. Air District staff received no public comments during the comment period.

DISCUSSION

The Governance Ad Hoc Committee is bringing forth the final draft of the Charter amendments to the CAC for consideration and a vote. If approved, the CAC will recommend the Charter amendments to the Board of Directors for adoption.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Amy Smith and Lisa Flores
Reviewed by: Anyania Muse

ATTACHMENT(S):

1. 2026 Final CAC Charter

Community Advisory Council Charter

1. Purpose

The Bay Area Air Quality Management District (Air District) Board of Directors approved the formation of the Community Advisory Council (CAC) on Nov. 17, 2021. The Community Equity, Health, and Justice Committee (CEHJ) of the Air District selected the slate of candidates and recommended establishing the CAC on Nov. 4, 2021, to the Board of Directors. The purpose of the CAC is to use environmental justice principles to provide guidance to the Board of Directors on programs and policies that impact overburdened communities within the Air District's jurisdiction to ensure the fair treatment of all people living in those communities. The CAC will use environmental justice principles to identify and inform planning and decision making with the goal of mitigating and remedying projected disproportionate impacts of air pollution exposures and reducing health risks and inequities associated with poor air quality for people who live, work, and play in already vulnerable and historically marginalized, overburdened communities. The CAC will aim to meaningfully engage impacted communities to represent and address stakeholders' interests. The CAC advises Air District leadership on community-related matters to advance an equity-forward policy agenda. The CAC shall function as an independent advisory body to the Board of Directors, with authority to identify community priorities, develop recommendations, request information necessary to inform its advice, and communicate recommendations, concerns, and community-identified needs to the Board of Directors consistent with the Brown Act and this Charter.

Definitions:

- Environmental justice: The State of California defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." (California Government Code §65040.12(e).) According to the U.S. Environmental Protection Agency "fair treatment" means "no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies." (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).
- Overburdened community: an area located within a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0, as having an overall CalEnviroScreen score at or above the 70th percentile, or within 1,000 feet of any such census tract[i].
- Meaningfully engage: Meaningfully involving impacted communities is essential to addressing environmental justice. According to the U.S. Environmental Protection Agency, *meaningful involvement* means "(1) people have an opportunity to participate in decisions about activities that may affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) community concerns will be considered in the decision-making process; and (4) decision makers will seek out and facilitate the involvement of those potentially affected." (Guidance on Considering Environmental Justice During the Development of a Regulatory Action).

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The CAC will utilize the 17 Principles of Environmental Justice and Jemez Principles for Democratic Organizing, which are both available on the Air District website and hereinafter incorporated by reference in Appendix A.

2. Mission Statement

The CAC believes in protecting the fundamental right to clean air for all communities. We aim to provide access to meaningful community engagement and bring community priorities into focus at the Air District. We are committed to democratic decision making and achieving equitable solutions to the impacts of air pollution and the polluting economy. We prioritize solutions that can be applied to more than one community. We are dedicated to eliminating pollution threats both upstream and downstream, standing in solidarity, sharing power and resources, and listening to and amplifying voices from communities that are the most impacted and overburdened.

2.1 Goals

The goals of the CAC are as follows:

- To provide representation on behalf of all communities, including overburdened communities, to the Air District Board of Directors.
- To serve as a liaison between the community and the Air District Board of Directors and staff to influence decisions, policies, procedures, and processes to ensure equity, inclusion, civil rights, and environmental justice.

2.2 Guiding Principles

CAC members will provide independent and objective advice and be committed to the following principles:

- Laying a solid foundation for successful, future CAC members and ensuring long- term sustainability of the CAC's commitment to environmental justice.
- Elevating voices and advocating for communities who are not currently being represented or heard.
- Building a deep, authentic, and mutually accountable relationship among CAC members.
- Helping CAC members value, actualize, and institutionalize environmental justice principles throughout all CAC practices.
- Being recognized as partners in the fight to define how we mitigate the impacts of climate change and air pollution exposure to reduce health risks and inequities associated with poor air quality.
- Using influence, expertise, and privilege to protect our communities.
- Identifying gaps in underrepresented, community-led[ii] decision making, and avenues for well-compensated opportunities for people in the Black, Indigenous, and People of Color (BIPOC) communities.
- Striving to include cultural competence.
- Acknowledging that one methodology does not apply to all communities and seeking to address the conditions in each community as needed. Utilizing and applying resources and tools based on those differences.

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- Maintaining impartiality, fairness, and respect for all CAC members and the communities we represent.
- Following the CAC Charter and providing suggestions for updates, as needed.
- Following the CAC Environmental Justice priorities and any existing CAC action plans.

To fulfill its advisory role, the CAC may request timely access to non-confidential data, reports, presentations, staff updates, and other information reasonably necessary to evaluate Air District programs, policies, enforcement, permitting, community engagement, and equity impacts.

2.3 Civility

The members of the CAC promote authentic respect for others and strive to see common ground in order to produce our best work for the CAC and the communities that we represent. We are committed to a conscious demonstration of mutual respect — for people, their roles, and their knowledge and expertise. We seek to create a safe environment where diverse viewpoints will be heard and considered. To that end, members of the CAC will act with respect and civility when interacting with each other, the Air District Board of Directors, staff, and members of the public.

Behavior which violates the CAC's commitment to respect and civility includes, but is not limited to, yelling, cursing, interrupting, humiliating, threatening, and all forms of harassment.

Any violations of this provision will be handled as stated in the Conflict Resolution section of the CAC Procedural Guide.

2.4 Conflict Resolution

In the event that a conflict or behavior arises that violates the CAC's commitment to respect and civility between CAC members and/or between CAC members and Air District staff, regarding CAC matters:

Step 1: CAC members agree to work in a collaborative fashion and strive for consensus on the issues before they are brought to the CAC.

Step 2: In the event of an impasse or conflict that continues or becomes an official complaint (sent via email to the Co-Chairs and CAC team staff serving as the in-house mediators), the Co-Chairs and CAC Team Staff shall work with the members in conflict first as in-house mediators.

Step 3: If there continues to be an impasse between CAC Members and/or between CAC Members and Air District staff, those concerned will work with the APCO to reach an agreement.

Step 4: If agreement or resolution cannot be reached with staff or the APCO, a mutually agreed upon third-party mediator will be utilized to resolve the conflict and provide a recommended action to the Board.

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In the event of a conflict on agenda items, CAC members can agree to postpone the action or agenda item for discussion until the next meeting, from the date the issue arises, to allow for the Co-Chairs and CAC team staff to help resolve the issue. If during the meeting the facilitator cannot help the CAC reach an agreement, then the action or agenda item in question will not proceed.

Individual members cannot be compelled to participate in any action to which they do not agree. Individual members may abstain from participation in a decision when they believe it would be inappropriate for them to participate in that action or decision.

3. CAC Co-Chairs

The CAC shall elect at least two but no more than three of its members to serve as Co-Chairs.

3.1 Duties of Co-Chairs

- The Co-Chairs shall preside over bi-monthly meetings of the CAC in rotation.
    - Presiding over a meeting requires a Co-Chair to open, manage, and adjourn meetings, and to adjust the set order of speakers in collaboration with the facilitator and Air District staff.
    - In the event the Co-Chair scheduled to preside over the meeting is absent or unable to perform their duties, the Co-Chair scheduled to preside next shall preside over the meeting and perform all chair duties.
- The Co-Chairs shall oversee the preparation and distribution of the agenda and materials for the CAC meetings.
- The Co-Chairs shall work with Air District staff and the CAC meeting facilitator to plan, structure, and coordinate CAC meetings.
- The Co-Chairs shall attend and provide updates to the Air District Board of Directors as needed and/or requested and interact with the Air District Board of Directors in representation of overburdened communities within the nine Bay Area counties, and on behalf of the CAC members.
- The Co-Chairs or another Council Member shall regularly communicate CAC recommendations, proposals, requests, concerns, and community-identified priorities to the Air District Board of Directors or one of its Committees, including updates to the Community Equity, Health, and Justice Committee as needed. These communications shall represent overburdened communities within the nine Bay Area counties and the adopted positions or priorities of the CAC
- The Co-Chairs shall oversee activities of the CAC Ad Hoc Committees, standing committees, staff-led workgroups, and other related efforts.
- The Co-Chairs shall perform all other necessary and incidental duties as prescribed by the CAC Charter.
- The Co-Chairs shall communicate with each other, divide work, and share information and updates in a timely manner.
- The Co-Chairs shall address conflict within the CAC membership and leadership.
- The Co-Chairs shall ensure that CAC decisions are made in a democratic, equitable, and timely manner.

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- The Co-Chairs shall represent the CAC at the Budget Committee and provide feedback on the Air District's budget.
- The Co-Chairs shall work with Air District staff to define and oversee the CAC's annual budget.
- The Co-Chairs shall understand and adhere to the Brown Act and Rosenberg's Rules of Order.

3.2 Terms of Leadership (Co-Chairs)

Leadership is appointed for a one (1) or two (2) year term, and no member may serve as Co-Chair for more than four years.

3.3 Election of Leadership (Co-Chairs)

If a Co-Chair position becomes vacant, the CAC may vote to fill that position no later than two CAC meetings after the vacancy occurs. The Co-Chair position shall be filled through a nomination, selection, and voting process. The process will be as follows:

- Members seeking a vacant leadership position shall submit an essay, which provides a summary of their background and outlines the reasons they seek the position. The full CAC shall be presented with the essays 72 hours in advance of the meeting in which the CAC will vote on each prospective candidate. The candidate receiving the most votes will be selected to fill the vacant leadership position.

4. CAC Members

4.1 Composition of the CAC

The membership of the CAC, including Co-Chairs, shall be composed of seventeen (17) members who live or work in overburdened communities in California, as follows:

- Four (4), Alameda County
- Four (4), Contra Costa County
- One (1), San Francisco County
- One (1), San Mateo County
- Two (2), Santa Clara County
- One (1), Solano County
- One (1), Marin, Napa, or Sonoma County
- One (1), at-large
- Two (2), youth

Youth are individuals between the ages of 14 and 24 at the beginning of their term.

Regarding at-large member seats, priority should be given to individuals with special expertise, such as wildfire management.

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Air District staff cannot serve as members of the CAC.

Diversity, equity, and inclusion on the CAC are highly valued and should be reflected in the composition and decision-making process of the CAC.

4.2 Duties of Members

CAC members shall fully participate in bi-monthly meetings and be fully engaged during discussion. The CAC members shall also review materials prior to meetings and come prepared for engaged discussion, active listening, and respectful dialogue. Meeting preparation includes attending required trainings defined below and other trainings as planned by the Co-Chairs, suggested by the CAC, or required by law. Further, CAC members shall perform all other duties as prescribed by this Charter.

All Members, except CAC leadership, are expected to join at least one initiative, Committee, or workgroup annually, to ensure a balance of work for what the CAC has to accomplish, if their schedule allows. The number of hours dedicated to these efforts will align with the compensation allotted for CAC membership.

The CAC will establish a time and day for a regularly scheduled CAC meeting that works best for the majority. Staff will provide an orientation of the expectations related to the CAC membership requirements.

4.2.1 Mandatory Trainings

CAC members and leadership shall attend and participate in the following mandatory trainings:

- Brown Act Training: The Brown Act is a California law that guarantees the public's right to attend and participate in meetings of local legislative bodies.
- Rosenberg's Rules of Order Training: Rosenberg's Rules, widely known as parliamentary procedure, were developed to ensure that meetings are fair, efficient, democratic, and orderly.
- Civility Training: Civility is an essential aspect of every work environment to create and maintain a fair and professional culture. This civility training is designed to teach CAC members the norms of acceptable conduct and how to identify, prevent, and respond professionally to situations of incivility.
- Team building and conflict resolution training.
- Ethics (AB1234) and Harassment Prevention (SB1343/AB1825) Training: This training reinforces the council's commitment to integrity, accountability, and unethical behavior while ensuring compliance with state requirements to foster a respectful and inclusive environment for all.

4.2.2 Virtual, Hybrid, and In-Person Meetings

The CAC will meet in person at a location within the nine-county Bay Area. CAC members may attend remotely under specific circumstances outlined in the Brown Act and in the Attendance section of this document.

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CAC members, and members of the public with disabilities, who need accommodations consistent with Section 504 of the Rehabilitation Act to have equal opportunities to participate in CAC meetings should contact Air District staff.

Reimbursements for travel are outlined in the CAC's Meeting Compensation and Expense Reimbursement Policy.

4.3 Members Terms of Office

CAC members shall serve one four-year term and may be reappointed for a subsequent two-year term. Terms should be staggered to support continuity, institutional knowledge, and meaningful community representation. An initial four-year term recognizes that recruitment, selection, appointment, onboarding, and training can take several months, and that shorter terms can limit members' ability to develop recommendations and carry them through to Board consideration.

Members are limited to serving a cumulative total of six (6) years.

If a CAC member leaves their seat before completing their term, their replacement will be appointed to serve the remainder of their term; they will not, start a new 2- or 4-year term limit.

These provisions for the number and length of members' terms will ensure that others have the opportunity to participate in the CAC and that there is continuity of County or institutional knowledge.

4.3.1 Appointment of Members

The CAC members are appointed by the Board of Directors. When a vacancy arises, or when a member's term is coming to an end such that a vacancy will soon arise, the CAC shall recommend a candidate or candidates to the Board of Directors to fill any such vacancies. The CAC shall select candidates to recommend for appointment based on guidance and selection criteria provided by the Community Equity, Health, and Justice (CEHJ) Committee, as augmented by any additional criteria and considerations the CAC determines is appropriate. The CAC may create an Ad Hoc or standing committee to assist with the process of identifying candidates to consider for recommendation to the Board of Directors.

Priority should be given to individuals from Bay Area communities overburdened by air pollution, environmental justice communities, and/or those with a history of partnering with environmental justice communities.

5. Standing Committees, Ad Hoc Committees, and Workgroups

Upon approval by a majority of its members, the CAC may form Ad Hoc or standing committees to advise the CAC on its ongoing functions. The committee shall be composed of members of the CAC. Committee members shall vote on committee leadership during the first meeting.

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The CAC should seek to distribute committee and workgroup opportunities equitably among members and ensure that compensated opportunities are accessible to a broad range of members. These opportunities will be assigned through a transparent process. A member's compensated time shall be governed by the Meeting Compensation and Expense Reimbursement Policy. Nothing in this section is intended to limit voluntary participation where participation is otherwise consistent with the Brown Act, this Charter, and the needs of the CAC.

5.1 Standing Committees

A standing committee is considered a legislative body and is subject to Brown Act requirements of holding public meetings with staffing support, if budget allows. A standing committee should only be created when the CAC identifies a continuing need, and the Air District confirms the staffing, noticing, agenda preparation, public access, and administrative support needed for Brown Act compliance. A committee is considered "standing," irrespective of its composition, if it has a continuing subject-matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.

5.2 Ad Hoc Committees

An Ad Hoc committee is an advisory committee composed of less than a quorum of members, which will serve for a limited term or single purpose. After the duties of the Ad Hoc Committee are accomplished, and presented to and approved by the CAC, the Ad Hoc Committee will be dissolved. Ad Hoc Committees can meet under quorum outside of a public meeting. Ad Hoc Committees provide bimonthly, brief, verbal updates to the CAC at the Council's regularly scheduled meetings.

5.3 Workgroups

A workgroup is a small, temporary group composed of less than a quorum of CAC members along with staff subject-matter experts. Air District staff-led workgroups convene for a specific purpose, serve a limited term, and operate flexibly to support the Air District's internal needs.

Furthermore, Ad Hoc committees, standing committees, and workgroups, shall follow the following guidelines:

- Commitment: Once appointed, CAC members must serve on an Ad Hoc committee or workgroup until the Ad Hoc Committee or workgroup has accomplished its purpose and/or is disbanded. A CAC member cannot abandon their commitment to an Ad Hoc Committee or standing committee to join another committee.
- Accountability: If there is a vacancy in Ad Hocs, Standing Committees, and/or workgroups, interested Council Members with a track record that matches the attendance requirement set forth above for Ad Hocs, Standing Committees, and workgroups will be placed as alternates if they wish to participate in another committee.

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- Priority: CAC members not participating on an Ad Hoc committee, standing committee, or workgroup will be given priority to serve on newly formed committees (e.g., ad hoc, workgroup or standing). After which, CAC members currently participating in one (1) committee or workgroup will be given preference. Lastly, CAC members serving on two (2) committees or workgroups will be placed as alternates until one of their current committees or workgroups completes its assigned task and is dissolved.
- Exceptions: The CAC may create an Ad Hoc Committee if an emergent topic or situation demands it, which may require exceptions that supersedes the limitations and commitments outlined above. The emergency Ad Hoc Committee will remain active until the mission or task is accomplished.

6. Community Engagement

The CAC will aim to engage the community in the following ways:

- Outreach to community networks, which includes items that have been addressed, future meeting dates and agendas, success stories, and ways to engage with the CAC
- CAC web page
- CAC meetings
- Outreach events or workshops hosted by CAC members or the Air District
- Bi-monthly community meetings led by the Compliance and Enforcement Division of the Air District

7. Meetings

7.1 Facilitation of Meetings

An external professional meeting facilitator will assist the CAC with bimonthly CAC meetings, if budget allows. The external facilitator works directly with the CAC leadership to plan and execute the meeting plan in consultation with Air District staff. The facilitator will keep the meetings on track with guidance from the Co-Chairs and will enforce the following meeting expectations and ground rules for CAC members:

- The first expectation is **preparation**: Come prepared for meetings and review all documents that the CAC will discuss.
- Second, is **communication and language**: Communicate with respect and be mindful of individual speaking time so that everyone has the opportunity to speak in meetings. Zoom meetings are publicly accessible, so CAC members are expected to conduct themselves accordingly.
- Third, is **distractions**: Avoid distractions and stay present. Active listening is imperative to ensure that members understand other people's viewpoints.
- Fourth, is **timing**: Respect time agreements and stay on topic.
- Finally, **facilitation**: The facilitator will intervene to keep the conversation on track and on time and will remind members of these ground rules as necessary.

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The facilitator will have limited authority to open the meetings, convey the agenda item(s), confirm the meeting has quorum after the clerk takes roll call, facilitate the flow of meetings in accordance with the Brown Act and Rosenberg's Rules of Order, maintain order, and defer to the Air District legal representative or staff if needed.

7.2 Regular Meetings

The CAC shall hold at least six regular meetings per calendar year, unless otherwise approved by the CAC and Air District leadership. The meeting schedule, date, time, and location may be adjusted as necessary to support member participation, public access, and CAC priorities.

All meetings will be held in accordance with the Brown Act.

7.3 Special Meetings

A majority of Co-Chairs or a majority of the CAC members may call special meetings, following the noticing guidelines set forth in the Brown Act. An annual retreat will be held and considered as a special meeting.

7.4 Notice of Meetings

Meeting agendas and notices must be posted at the meeting site and on the Air District website in compliance with all applicable laws, including but not limited to the Ralph M. Brown Act. (Government Code Section 54950 et seq.)

Agendas and notices shall be emailed to each CAC member and any person who submits a written request to the Air District for such notice.

7.5 Adjournment or Cancellation of Meetings

The presiding Co-Chair or Air District staff may adjourn or cancel a meeting if a quorum will not be present or if the meeting date conflicts with a holiday. Notices of adjournment or cancellation shall be emailed to CAC members and posted at the meeting site and on the Air District website.

7.6 Meetings of CAC Members with the Air District

CAC members that meet with Air District staff or Board of Directors, on behalf of the CAC, should inform the CAC Co-Chairs of the discussion within 72 hours of the date the meeting is held.

Action items directed to CAC leadership from the Board of Directors should be communicated to CAC leadership within 72 hours via memo.

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The CAC shall have at least two structured opportunities each year to engage directly with the Board of Directors or Board leadership, which may include retreats, study sessions, workshops, or other noticed meetings consistent with applicable law.

In addition, the CAC may designate one CAC member to participate as a non-voting member in regular monthly Board meetings, when feasible, to monitor Board matters relevant to CAC priorities, identify opportunities for timely CAC input, communicate relevant CAC priorities and community concerns when appropriate, and report relevant updates back to CAC leadership or the full CAC.

7.7 Meetings of the Ad Hocs

Ad Hoc Committee Chairs are expected to provide a bimonthly verbal report-out on the progress of the Ad Hoc Committees to the CAC. Report-outs should be a brief summary.

7.8 Quorum Requirements

50% plus one of CAC members must be present in person to constitute a quorum and for voting to be conducted.

7.8.1 Action at a Meeting; Quorum and Required Vote

A quorum is required to take any official action beyond roll call and adjournment. The affirmative vote of a majority of the members of the CAC shall be required for the approval of all substantive matters. The public meeting ends upon losing a quorum of CAC members during the meeting.

7.8.2 Voting and Abstention

CAC meetings will be conducted in compliance with the Brown Act (Government Code Section 54950 et seq.), Rosenberg's Rules of Order, CAC Charter, and state and local laws. Participation and voting are based on Brown Act requirements and current legislation. Staff will provide an updated summary of any changes as required by law.

7.8.3 Conduct of Meetings

All meetings shall be governed by the Ralph M. Brown Act (Government Code Section 54950 et seq.), the CAC Charter, and Rosenberg's Rules of Order for decorum and parliamentary procedure.

Cell phones shall be turned off during all CAC meetings.

The Co-Chairs may issue a warning to any member of the public who is disruptive during CAC meetings. In the event of repeated disruption of any kind, the Co-Chairs shall direct the offending member of the public to leave the meeting. If the meeting is disrupted by *any* member of the public, we hold the right to remove the individual from the meeting with the assistance of security or by muting and turning off the camera of that individual.

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The chat feature will be unavailable for the full duration of Zoom meetings due to accessibility limitations.

8. Agenda Items

8.1 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 matters on the agenda will have three minutes each to address the CAC per agenda item. Members of the public who wish to speak on non-agenda items will have three minutes to address the CAC under the item "Public Comment on Non-Agenda Items". Members of the public who are speaking through an interpreter will have six minutes to address the CAC. All meetings will have a rebuttal period that allows an additional one (1) minute to any member of the public who would like to provide a rebuttal.

8.2 Agenda Preparation and Setting Process

Air District staff, in coordination with and in support of the Co-Chairs, will prepare, notice, and distribute the agenda and materials for CAC meetings consistent with the Brown Act, applicable Air District procedures, the CAC's adopted priorities and workplan, and priorities identified by CAC members.

Proposed agenda items may be submitted by CAC members, Co-Chairs, committees, Air District staff, or the Board of Directors.

Staff shall maintain a running list of requested agenda items, including the source of each request and whether the item is pending, scheduled, deferred, or completed, and share that list with the Co-Chairs on a regular basis.

The Co-Chairs shall lead the agenda-setting process in consultation with CAC members, Air District staff, and the meeting facilitator, as needed. The Co-Chairs shall structure meeting agendas in a manner that supports timely CAC deliberation, meaningful community input, and progress on CAC priorities.

When a CAC member or committee requests an agenda item, staff shall work with the requesting member or committee to prepare materials, identify presenters, and ensure the item is framed accurately. Final agenda materials shall be shared with the Co-Chairs and the requesting CAC member or committee for review before public distribution, to the extent feasible.

The CAC's agenda-setting and prioritization shall be guided by the CAC Environmental Justice priorities and any existing CAC action plans, but these guiding documents shall not limit the CAC's ability to respond to timely community concerns, enforcement matters, legislation, Board requests, budget or implementation issues, or other emerging priorities.

The Co-Chairs and the Board of Directors can amend any existing action plans, as needed when an emergency or emergent issue requires it. An emergency is defined as an event that impacts the health and safety of the community (e.g., flaring). An emergent issue is

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considered emergent if it is new and immediate action from the CAC is required (i.e. funding opportunity, legislative issue). Any current action plans are made available on the community-facing, public CAC website.

Also, the Board may require advice or recommendations of the CAC on a particular matter or issue (refer to the process outlined in 1.7.6).

9. Conflict of Interest Policy

CAC members or their immediate family members cannot benefit financially from their relationship with the Air District by way of the CAC. Any CAC member, or immediate family members of CAC members, who would directly benefit financially from a contract, must recuse themselves and not be present during a vote to avoid influencing other CAC members.

10. Meeting Minutes

Minutes shall be taken at all regular and special CAC meetings and shall comply with all applicable laws, including but not limited to the Ralph M. Brown Act (Government Code Section 54950 et seq.) and the CAC Charter. Minutes shall be approved by the majority vote of CAC members in accordance with applicable statutes.

11. Land Acknowledgement

The CAC recognizes that California Native American and other communities have also faced many environmental injustices and social inequities. These issues are hereby acknowledged as part of the CAC Charter. The following CAC Land Acknowledgement will be included in all CAC meeting agendas and is available on the CAC web page.

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 acknowledgment 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.

The Air District website will be updated in preparation for each CAC meeting with materials for discussion and, after each meeting, with meeting summaries, presentations, background materials, requested information, and meeting recordings.

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12. Dissemination of Materials

All documents, materials, and correspondence produced by or submitted to the CAC, CAC staff, or facilitator are considered public information and subject to the California Public Records Act regulations and procedures for disclosure and transparency.
Information related to the operations of the CAC will be made available to the public as requested.

13. Public Meetings

All CAC meetings will be noticed and open to the public in accordance with the Brown Act.

14. Attendance

The CAC requires active participation and attendance by members of at least 75% of all meetings during every year served. This applies to Co-Chair meetings, committee meetings, and attendance at meetings of the full CAC. CAC members will inform staff and CAC leadership of any potential absences.

14.1 Absenteeism: CAC Meetings

CAC members are allowed to miss two (2) CAC meetings in one calendar year. Continued absenteeism from CAC Meetings constitutes voluntary abandonment after three (3) meetings are missed. After two (2) CAC meetings have been missed, staff will send a courtesy letter reminding the absent member of the attendance requirements of the CAC and warning them that they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs of absent members. Staff will inform a member that they have lost their seat on the CAC after three meetings are missed. Vacant seats on the CAC will be filled as described in the Appointment section of this document. The CAC maintains the right to approve excused absences for fellow council members and can waive the counting of an absence due to emergency situations that are not covered under AB 2302 upon request by the absent CAC member.

14.2 Absenteeism: Co-Chair Meetings

Co-Chair meetings occur regularly up to four hours per month.

Co-Chairs are allowed to miss two (2) meetings every two (2) consecutive months. Continued absenteeism from Co-Chair meetings constitutes voluntary abandonment. After two (2) Co-Chair meetings have been missed, staff will send a courtesy letter reminding the absent Co-Chair of the attendance requirements of the Co-Chairs and warning them that they are at risk of losing their seat. Staff will be responsible for informing the Co-Chairs and the CAC of absent Co-Chairs. Staff will inform a Co-Chair that they have lost their seat on the CAC after three (3) meetings are missed. The Co- Chairs reserve the right to jointly adjust the schedule.

Any vacant Co-Chair appointment shall be filled following Section 3.3 (Election of Leadership (Co-Chairs)).

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14.3 Absenteeism: Ad Hoc Meetings

Ad Hoc Committee meetings will generally occur every other week (biweekly).

Ad Hoc Committee members are allowed to miss two (2) meetings every two (2) consecutive months. Continued absenteeism from Ad Hoc meetings constitutes voluntary abandonment. After two (2) Ad Hoc meetings have been missed, staff will send a courtesy letter reminding the absent Ad Hoc member of the attendance requirements of Ad Hoc members and warning them that they are at risk of losing their seat. Staff will be responsible for informing CAC members of absent members. Staff will inform CAC members that they have lost their seat on the Ad Hoc after three (3) meetings are missed. The Ad Hoc Co-Chairs reserve the right to jointly adjust the schedule.

Any vacant appointment of an Ad Hoc Committee shall be filled within two (2) meetings after the vacancy occurs through using an alternate, or through a nomination, selection, and voting process.

15. Amendment of CAC Charter

The Board of Directors may amend this Charter to ensure its relevance and effectiveness in guiding the CAC's activities. The CAC shall periodically review the Charter and consider recommending amendments for consideration by the Board of Directors. The CAC shall provide thirty (30) days' notice for public comment before adopting any recommendations for amendments to the CAC Charter. Recommended changes to this charter will not take effect until adopted by the Board of Directors.

16. Compensation

Compensation for CAC Members will be subject to attendance and in accordance with the CAC's Meeting Compensation and Expense Reimbursement Policy and the above 14 Attendance section of the Charter.

Every fiscal year, CAC members may apply for funding in support of activities that align with the Air District's and CAC's mission. For additional compensation details, refer to the Meeting Compensation and Expense Reimbursement Policy.

The CAC will periodically revisit the Meeting Compensation and Expense Reimbursement Policy, including cost-of-living adjustments, and make recommendations to the Board of Directors and Air District leadership.

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Appendix A

Delegates to the First National People of Color Environmental Leadership Summit held on October 24-27, 1991, in Washington, D.C., drafted and adopted these 17 principles of Environmental Justice. Since then, the principles have served as a defining document for the growing grassroots movement for environmental justice.
Environmental Justice Principles[1]:

1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.

2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.

3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.

4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.

5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.

7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.

8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.

9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

[1] Principles of Environmental Justice, https://www.ejnet.org/ej/principles.html. Accessed December 19, 2022.

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10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) **Environmental Justice** opposes the destructive operations of multinational corporations.

15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

Jemez Principles[2]:

- Be Inclusive
- Emphasis on Bottom-Up Organizing
- Let People Speak for Themselves
- Work Together In Solidarity and Mutuality
- Build Just Relationships Among Ourselves
- Commitment to Self-Transformation

[2] Sierra Club. Jemez Principles. https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/grand-canyon-chapter/misc- pdf/Jemez%20Principles%20Poster.pdf. Accessed December 19, 2022.

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Appendix B

Bay Area Air District 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 the 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 the 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, Kimberly Leefatt, Civil Rights Officer at (415) 749-4610 or by email at non-discriminationcoordinator@baaqmd.gov.

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Appendix C

The CAC Charter was developed using information from various sources, including:

Bay Area Air Quality Management District*. Regulation 2, Permits, Rule 1, Section 2-1-243.*

California Air Resources Board. *Partnering Agreement-West Oakland Toxic Reduction Collaborative*. (2018, February 14). https://ww2.arb.ca.gov/sites/default/files/2020-04/collaborative_partnering_agreement_west_oakland_acc.pdf. *Accessed January 3, 2023.*

City and County of San Francisco: *Power Plan Task Force By Laws*. https://sfgov.org/sfc/pppcatf/index_162_2134.html?page=162. *Accessed January 3, 2023*

Metropolitan Transportation Commission. Metropolitan Transportation Commission Resolution No. 3931.(2009, November 18). https://mtc.ca.gov/sites/default/files/documents/2022-01/RES-3931_approved.pdf. *Accessed January 3, 2023.*

Partnering Agreement-West Oakland Toxic Reduction Collaborative "Collaboration on Call."

San Francisco Bay Conservation and Development Commission. *Environmental Justice Advisors Charter*. *Accessed January 3, 2023*

San Francisco Bay Conservation and Development Commission. *San Francisco Bay Plan*. *Accessed January 3, 2023*

The Bay Area Air Quality Management District. *The Path to Clean Air in the Richmond-North Richmond-San Pablo Area Community Steering Committee Charter and Participation Agreement*. https://www.baaqmd.gov/~/media/files/ab617-community-health/richmond/ptca-charter-agreement-pdf.pdf?la=en. *Accessed January 3, 2023.*

United States Environmental Protection Agency. *Guidance on Considering Environmental Justice During the Development of Regulatory Actions.* https://19january2021snapshot.epa.gov/sites/static/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf *Accessed January 3, 2023.*

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[i] Bay Area Air Quality Management District, *Regulation 2, Rule 1, Section 2-1- 243*: https://www.baaqmd.gov/~/media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215_rg0201-pdf.pdf?rev=103cc60e706947d3ad1e4f5a090483c1&sc_lang=en

[ii] Underrepresented community-led: Underrepresented community is used to describe those who have been historically and are still systematically excluded from political and policy-making processes, which includes many disadvantaged and vulnerable communities.

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BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons William Goodwin, Patrick Messac, and Latasha Washington and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: September 17, 2026

Re: "No Coal in Oakland" Advocacy Letter

RECOMMENDED ACTION

Vote on whether to send a letter to the Air District Board of Directors from the Community Advisory Council expressing the Council's support for the positions and recommendations contained in an open letter from the advocacy organization "No Coal in Oakland" (https://nocoal.org/BAADLetter/).

BACKGROUND

No Coal in Oakland(https://nocoalinoakland.info/) is a grassroots organization based in the East Bay that advocates against coal infrastructure in Oakland. No Coal in Oakland has drafted the attached Open Letter (https://nocoal.org/BAADLetter/) to the Air District regarding the proposed Oakland Bulk and Oversized Terminal (OBOT). The letter raises concerns that coal shipment to and through a facility adjacent to the Bay Bridge Toll Plaza would significantly harm the health of Bay Area residents, both in the immediate vicinity of the facility and all along the rail route from Martinez to Oakland. The letter has been signed onto by large a number of organizations and individuals, as indicated at the end of the letter.

DISCUSSION

During the September 17, 2026, Community Advisory Council meeting, the Council will bring this item forward for a vote on whether to send the attached cover letter to the Board of Directors expressing support for the No Coal in Oakland Open Letter. If the Council votes in favor, the Co-Chairs will sign and send the letter on behalf of the Council.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Anyania Muse and Amy Smith
Reviewed by: Anyania Muse and Arsenio Mataka

ATTACHMENT(S):

1. CAC Cover Letter in Support of No Coal Open Letter

Dear Board of Directors | Bay Area Air District,

The Bay Area Air District Community Advisory Council (CAC) writes to you to express our sincere support for the attached "Open Letter to the Bay Area Air District" (https://nocoal.org/BAADLetter/) endorsed by more than sixty (60) organizations and thousands of individuals across the Bay Area, who live and work in the Bay Area Air District, urging "the Air District to fully exercise its permitting, regulatory, and enforcement authority to prevent increased fine particulate matter (PM 2.5) emissions from coal transport through the planned Oakland Bulk and Oversized Terminal (OBOT)."

The Letter from the No Coal in Oakland Coalition references a peer-reviewed study which found "*significant increases in PM 2.5 due to passing coal-carrying trains*." And concluded that the "*shipment of coal by train [...] represents a* ***significant*** *public health hazard*." These impacts would extend along the rail corridor from Martinez to Oakland and across Alameda and Contra Costa Counties, with disproportionate impacts on already overburdened communities including West Oakland, Richmond, North Richmond, and San Pablo. As the letter points out, "residents and workers (within the Bay Air District) rely on the full range of the Air District's expertise and authority to protect our health and safety. The letter offers **seven suggested actions from community members.**

The CAC recognizes the continuous work of the Air District and the Board of Directors to protect public health, air quality, and the global climate. Which is why we encourage the Air District and Board of Directors to strongly consider adopting these seven (7) community recommendations.

Thank You.

The Community Advisory Council

BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons William Goodwin, Patrick Messac, and Latasha Washington and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: September 17, 2026

Re: Permitting Overview and Air District Current Management of Cumulative Impacts

RECOMMENDED ACTION

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

BACKGROUND

The Air District's permitting program protects public health and the environment by ensuring that stationary sources of air pollution comply with all applicable State, Federal and Air District regulations. The Air District's New Source Review permitting program applies to a broad range of facilities throughout the Bay Area. The New Source Review program is a pre-construction permitting process that requires permit applicants to demonstrate that: 1) new sources of air emissions, or 2) modifications to existing sources that have the potential to increase emissions, will meet all applicable air pollution control requirements, including using state-of-the-art pollution control equipment to mitigate potential increases in emissions and public health risks.

DISCUSSION

The presentation will provide a comprehensive overview of the air permitting process, with a focus on how cumulative impacts are considered within the current regulatory framework. Air District staff will describe how permit applications are individually evaluated to determine which applicable regulations and requirements apply to a proposed project and will provide an overview of the process from application review through final permitting action. The presentation will highlight key components of the permitting process, including source and pollutant-specific requirements, Best Available Control Technology (BACT) evaluation, health risk assessments, and public notice. Staff will explain how these requirements are used to evaluate potential air quality and health impacts, establish emissions and operating limits, require appropriate controls, and provide opportunities for public participation. The Air District cannot issue permits for projects that will exceed health risk limits, or that do not comply with regulatory standards.

The purpose of this presentation is to provide the Committee with a shared understanding of the existing air permitting process and the ways in which cumulative impacts are currently considered within the regulatory framework. This discussion will provide the technical and regulatory context for the Advisory Council's subsequent discussion of recommendations for strengthening cumulative impact protections in permitting. The presentation is intended to establish a common foundation for that discussion and will not itself present recommendations for changes to the existing permitting framework.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Ayah Hassan
Reviewed by: Pamela Leong and Kelly Crawford

ATTACHMENT(S):

1. Air Permitting Overview Presentation

Bay Area Air District

Air District Permitting Overview

Community Advisory Council Meeting

September 17, 2026

Ayah Hassan
Principal Air Quality Engineer
Engineering Department

There’s Something in the Air

- Over the last 50 years, air quality across the Bay Area as a whole has improved.

- Not everyone has had the same access to that cleaner air—air pollution is still worse for communities of color and those with lower income levels and educational attainment.

https://magazine.gwu.edu/air-equality-all

Strategic Plan Goal 2: Advance Environmental Justice

The Air District is committed to addressing the Community Advisory Council's Environmental Justice Priorities through its 2024 – 2029 Strategic Plan.

Strategy 2.11 Cumulative Health Impacts:

- The Air District will develop a better understanding of where cumulative impacts exist and how they should be considered in our regulatory programs

Presentation Outline

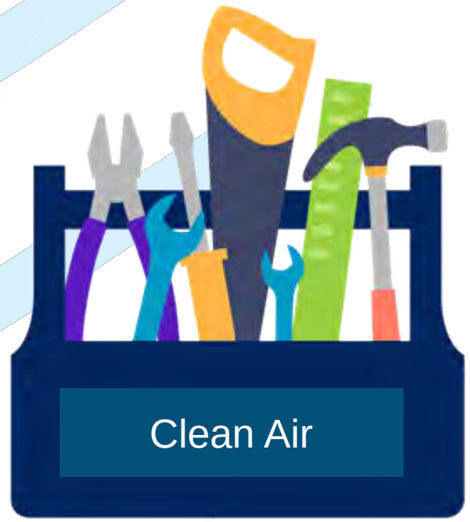
- Permitting Overview
- Evaluations in Air District Permitting, including Cumulative Impact Considerations

Bay Area Air District

1

Permitting Overview

The Air Quality Management Toolkit



Measurement Tools

- air monitoring
- source testing
- emission inventories
- health risk assessments

Regulatory Tools

- rules
- permits
- inspections
- enforcement

Non-Regulatory Tools

- voluntary programs
- incentives
- education
- compliance assistance

Permits Help Achieve Clean Air For All

The Air District's mission directly aligns with the Clean Air Act; Clean Air Act ensures continuous improvement in air quality over time

Bay Area Challenges and Opportunities:

- Historic land use and density – industry alongside neighborhoods
- Some of the most stringent air quality regulations and health protective rules in the nation
- Board of Directors has established environmental justice as a guiding principle of the 2024–29 Strategic Plan

Why Issue Air Permits?

When Permits are the right tool, they:

- Protect public health and the environment by ensuring continuous improvements to air quality over time
- Regulate emissions from stationary air pollution sources
- Protect overburdened populations from disproportionate exposure to air pollutants
- Work with applicants to ensure **federal, state, and local regulations** are met
- Allow greater transparency on local emissions for communities and businesses

What Requires a Permit?

Stationary sources that emit air pollution and are subject to air quality regulations, typically require a permit.

What does NOT require a permit?

Certain stationary sources may not require a permit if they are:

- **Exempt*** per Regulation 2-1 (Permits: General Requirements), or
- **Excluded** per Regulation 1-110 (General: Exclusions)

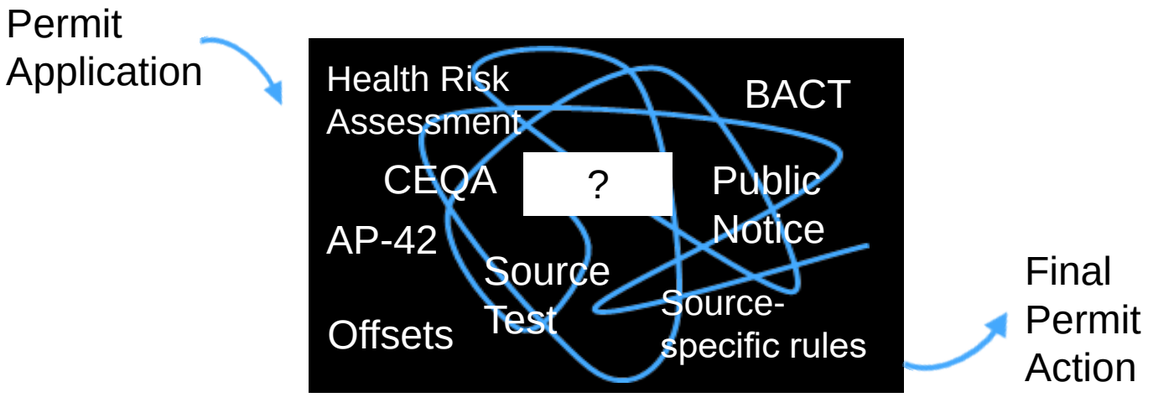
Registration: Some smaller sources that do not require individual permits may still be required to register with the Air District.

*Exempt sources are subject to and must comply with regulations.

Some mobile sources that do not require an air permit are construction equipment and locomotives. (Source: California Air Resources Board (CARB))

Evaluations Informing the Permitting Process

- Not a ”one size fits all” process – every application assessed individually
- Permitting process is iterative and becomes a coordinated effort between the Air District and Applicant, with public noticing and participation in important cases
- Detailed operational and technical information is requested, reviewed for completion and accuracy, and then the engineering evaluation involves **determining which of the 100+ Bay Area Air District rules apply**



BACT: Best Available Control Technology
CEQA: California Environmental Quality Act
AP-42: Air Pollutant Emission Factors from Stationary Sources

Permitting Process Overview

Pre Phase: Application Review

- Application Received
- Review of Information
- Application Complete

Phase 1: Preliminary Engineering Evaluation

- Calculate Emissions
- Health Risk Assessment (HRA)
- Propose emissions and operating limits

Phase 2: Final Technical Review and Public Notice

- Public Notice Distribution (if required) & Respond to Comments
- Revise Engineering Evaluation
- Finalize Permit Conditions

Phase 3: Final Determination

- Issue Authority to Construct
- Construct and Test & Review Source Test
- Make Final Determination on Permit to Operate

A permit denial may be issued at the end of the process if the project will not comply with regulatory requirements.

Bay Area Air District

2

Evaluations in Air District Permitting

Regulation 2: Permitting

Summary of Key Sections:

2-1: General Requirements

- Permits shall comply with all applicable regs
- California Environmental Quality Act Review
- Public Notice

2-2: New Source Review (NSR)

- Best Available Control Technology Evaluation
- Emission Offsets

2-5: Toxics NSR

- Health Risk Assessment
- Toxics Best Available Control Technology Evaluation

Components of Permitting Process

California Environmental Quality Act	Reg 2-1
Source-category specific & pollutant-specific rules	
Emission Controls: Best Available Control Technology	Reg 2-2
Health Risk Assessments	Reg 2-5
Public Notice	Reg 2-1
Emission Offsets	Reg 2-1

California Environmental Quality Act

CEQA requires government agencies to consider the **environmental consequences** of their actions before approving plans and policies or committing to a course of action on a project.

Assessing Air Quality Impacts in CEQA:

- Air quality impacts are inherently cumulative.
- The Air District CEQA Guidelines documents the process to assess air quality impacts. The Air District CEQA Guidelines include thresholds of significance for criteria pollutants and localized impacts including cancer risk, chronic and acute health risks, and $PM_{2.5}$ concentrations.

The Air District can be a responsible or lead agency in the CEQA review.
The Air District will not take a final action on a permit until the CEQA review is completed (per 2-1-310).

PM: Particulate Matter

When is a project exempt from CEQA?

CEQA exemptions are based on the CEQA Statute and Guidelines:

1. Categorical exemption
2. Statutory exemption
   - Ministerial exemption:

CEQA applies to discretionary projects, but not ministerial projects

Ministerial Projects:

- Projects where approval is based on fixed, objective standards such as numerical emissions limits; and
- Projects where there is no room for differences in professional opinion or judgement about whether a project complies with the applicable regulations; and
- Projects where the agency does not decide on the wisdom or appropriateness of the project.
  - Projects where the agency lacks discretion to deny or shape the project.

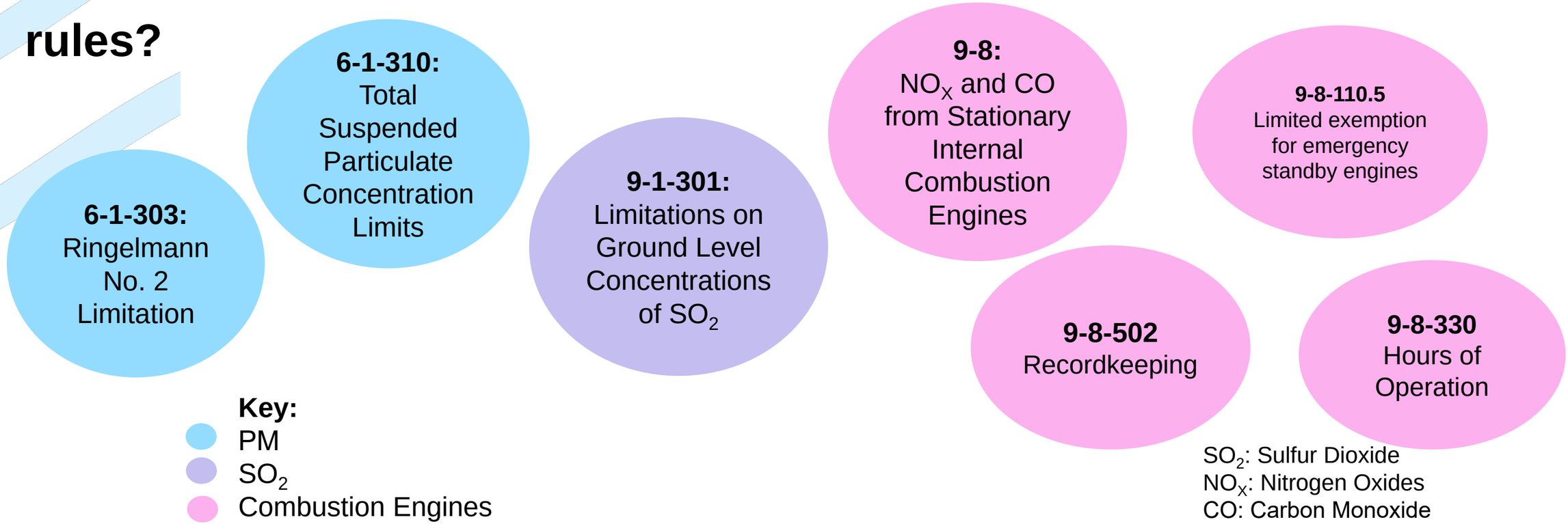
Source or Pollutant Specific Rules

- The engineer determines which of the ~100 source or pollutant specific rules apply. These can be considered **“prohibitory rules”**
- These rules support clean air plan strategies to achieve ambient air quality standards
- Emissions reductions from stationary sources are achieved through the adoption of prohibitory rules with an emissions limit meant to reduce air pollution that require the installation of best available retrofit control technology (BARCT) or reasonably achievable control technology (RACT)

Example: Backup Diesel Generator

A facility applies to install a new Tier 4 backup diesel generator.

What are the applicable pollutant specific and/or source specific rules?



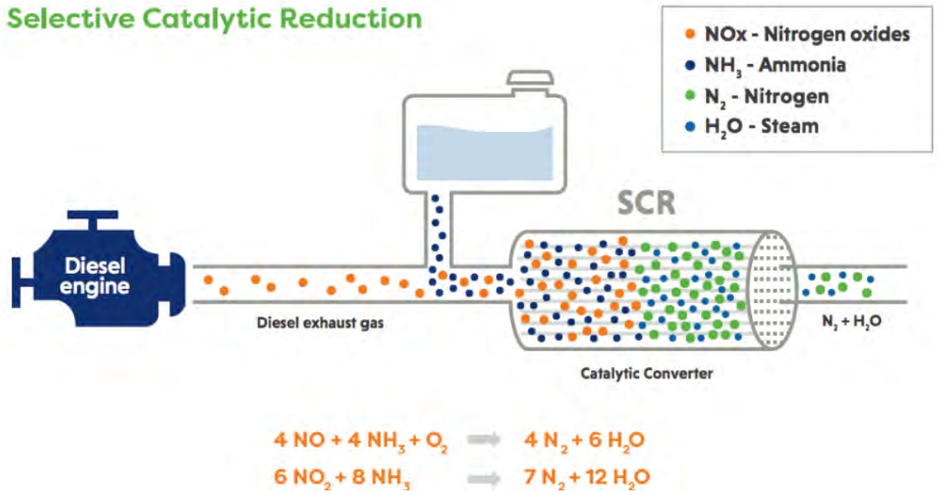
New Source Review: Best Available Control Technology

Regulation 2, Rule 2, Section 301:

BACT is required to minimize air pollution emissions from stationary sources.

How?

- Based on the maximum degree of control that can be achieved
- Considers energy, environmental and economic impact
- Add on control equipment or modification of processes or methods
- Design, equipment, work practice, or operational standard



Selective Catalytic Reduction is an example control technology to reduce NO_X emissions from diesel exhaust. Available at: https://www.aecc.eu/wp-content/uploads/2020/10/selective-catalyctic-reduction-1-980x548.png

Toxics NSR: Health Risk Assessment (HRA)

HRAs assess the potential health impact from exposure to toxic air contaminants.

Toxics NSR: Health Risk Assessment

Requirements and Risk Thresholds

HRA Requirements:

- HRA required when annual or hourly emissions from the Project exceed Regulation 2-5 thresholds
- The Project (and therefore HRA) includes emissions from permit applications from the past 5 years

Risk Thresholds and Outcomes

- Cancer Risk ≤ 10 in a million
  - **Overburdened communities: ≤ 6 in a million**
- Acute and Chronic Hazard Index ≤ 1.0
- If not met, the project will need to be modified to bring risks below thresholds, or denied

Example: Toxics NSR: Health Risk Assessment

A facility located in an overburdened community (OBC) applies to install a new Tier 4 backup diesel generator. There is 1 other generator onsite that was permitted within the last 5 years.

- **Emissions:** Calculate toxic air contaminant emissions for both generators, assuming 50 hours of maintenance testing per year
  - **Outcome**: The total Diesel Particulate Matter (DPM) emissions exceed Reg 2-5 thresholds, and therefore an HRA is required
- **Health Risk Assessment:**
  - Model the concentration of emissions at nearby resident, school, and worker receptors. Calculate the associated health risk
  - **Outcome:** The cancer risk associated with DPM emissions from the two generators is 1.5 in a million, which is below the 6 in a million threshold in an OBC

Finding: The project complies with Regulation 2-5 and the new generator will be limited to 50 hours of maintenance testing per year.

Toxics NSR: TBACT

The source-specific HRA results are also used to determine if Best Available Control Technology for Toxic Air Contaminants (TBACT) is required.

TBACT is required for any new or modified source of toxic air contaminants when the source risk is:

- Cancer risk greater than 1.0 in one million, and/or
- Chronic hazard index greater than 0.20

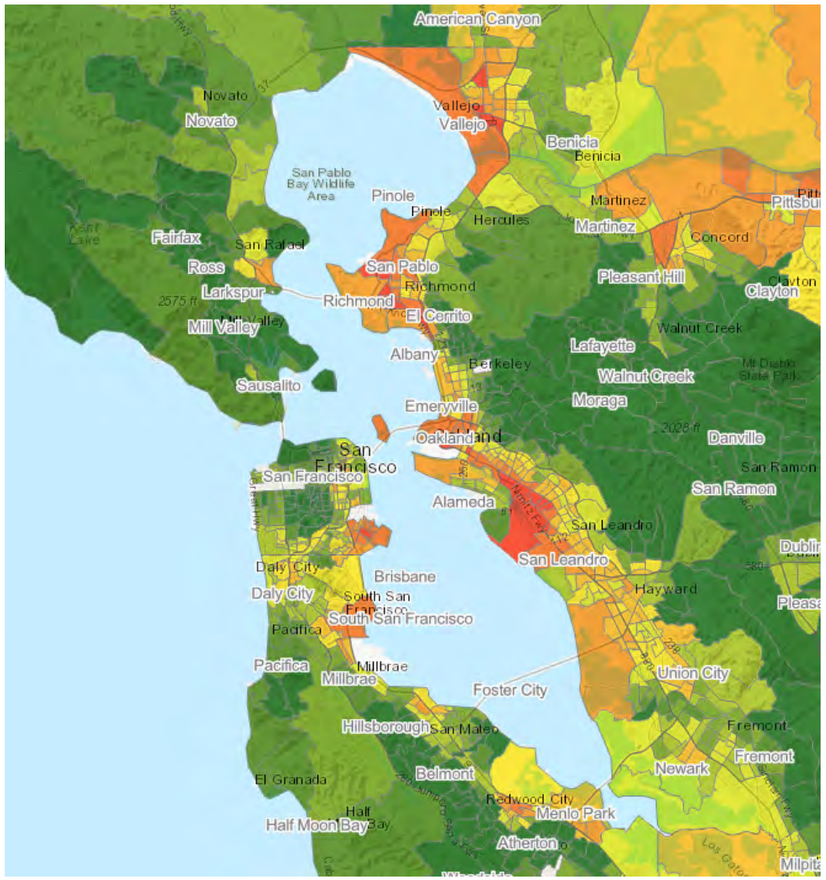
When triggered, TBACT is required by the Air District to minimize toxic emissions.

NSR: Overburdened Community Definition

CalEnviroScreen is a screening tool that analyzes a combination of environmental hazards, public health factors, and socioeconomic data to produce a score for each census tract in California.

How is an Overburdened Community defined?

An Overburdened Community is defined by an overall CalEnviroScreen4.0 score at or above a certain threshold, which covers about 10% of the Bay Area population.



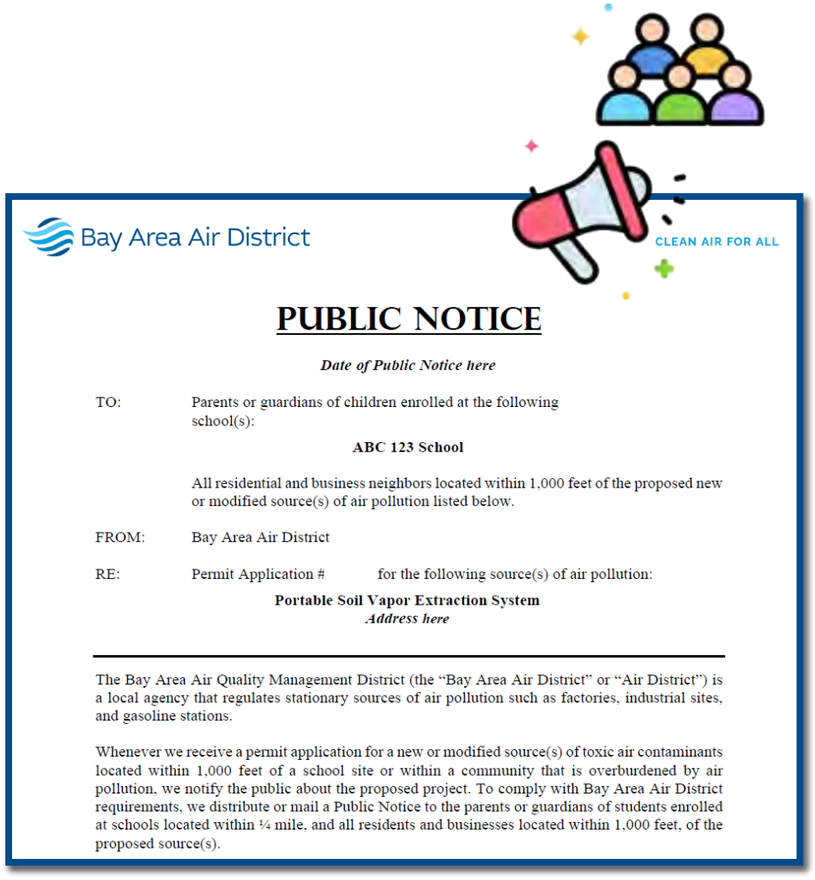
Source: CalEnviroScreen 4.0, https://oehha.ca.gov/calenviroscreen

Public Notice

Public Notice and 30-day public comment period:

- Project within 1,000 feet of a K-12 school, or
- Project triggers a HRA and is in an overburdened community, or
- Project with significant emission increases or banking

Translated, mailed to residences, available online, distributed via email notification.



Bay Area Air District

CLEAN AIR FOR ALL

PUBLIC NOTICE

Date of Public Notice here

TO: Parents or guardians of children enrolled at the following school(s):

ABC 123 School

All residential and business neighbors located within 1,000 feet of the proposed new or modified source(s) of air pollution listed below.

FROM: Bay Area Air District

RE: Permit Application # for the following source(s) of air pollution:

Portable Soil Vapor Extraction System
Address here

The Bay Area Air Quality Management District (the "Bay Area Air District" or "Air District") is a local agency that regulates stationary sources of air pollution such as factories, industrial sites, and gasoline stations.

Whenever we receive a permit application for a new or modified source(s) of toxic air contaminants located within 1,000 feet of a school site or within a community that is overburdened by air pollution, we notify the public about the proposed project. To comply with Bay Area Air District requirements, we distribute or mail a Public Notice to the parents or guardians of students enrolled at schools located within ¼ mile, and all residents and businesses located within 1,000 feet, of the proposed source(s).

Bay Area Air District

3

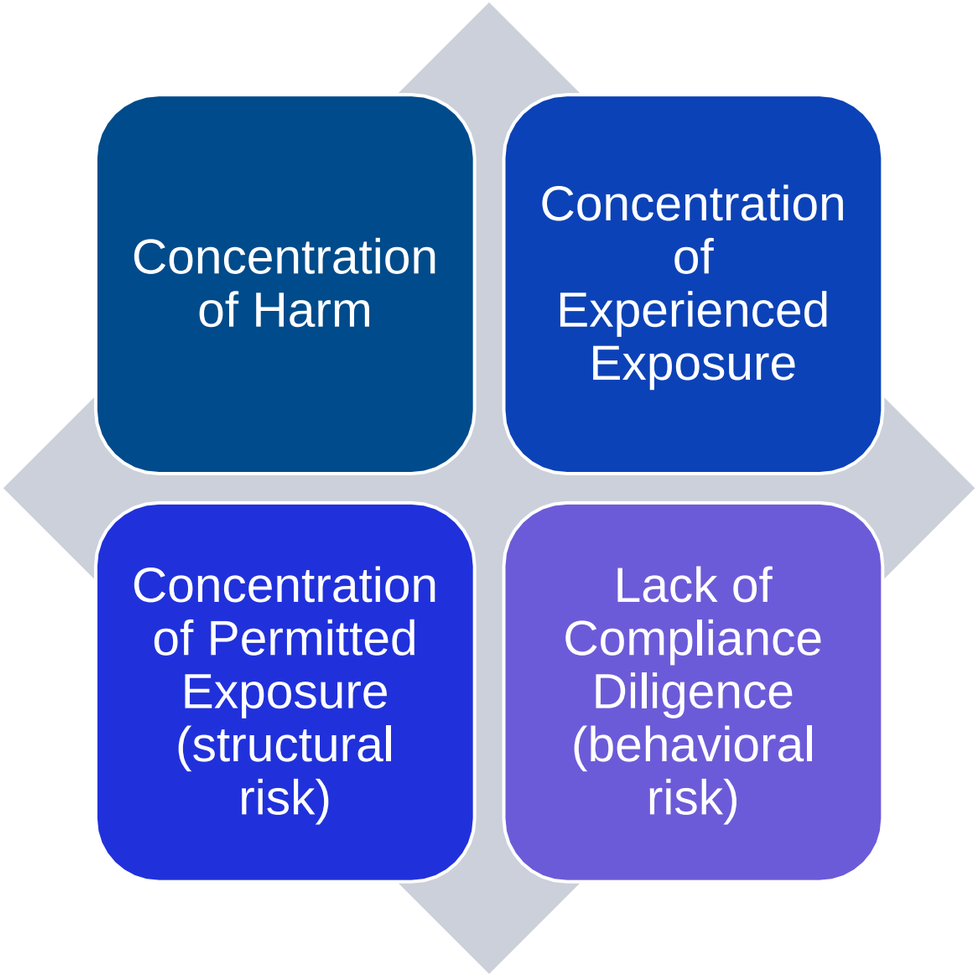
Cumulative Impacts In Permitting

Core Principles: Regulatory Design & Justice

Regulatory design focuses on how systems are structured to reduce harm, not simply enforce rules

Success is defined by outcomes (reduced emissions), not activity (number of permits)

Decision-Making As A Design Choice



Summary of Cumulative Impact Considerations in Permitting

CEQA Review

- Considers the combined environmental effect of a project with other closely related past, present, and reasonably foreseeable future projects
- Air Quality thresholds for nonattainment criteria pollutants, cancer risk, acute and chronic hazard, and $PM_{2.5}$ concentrations

Toxics NSR HRA (Rule 2-5)

- HRA includes:
  - Risk from the Project
  - Risk from related projects in the last 5 years
  - Risk from sources on Authority to Construct and not yet on Permit to Operate
- Lower cancer risk thresholds in **Overburdened Communities**
- Multi-pollutant and multi-pathway HRA

Facility-wide HRA (Rule 11-18)

- Facility-wide HRA for all existing sources
- Required to reduce impacts if shown to exceed the health protective thresholds in the regulation

Questions & Discussion

For more information:

Ayah Hassan | Principal Air Quality Engineer | ahassan@baaqmd.gov

Pamela Leong | Director of Engineering | pleong@baaqmd.gov

BAY AREA AIR DISTRICT
Memorandum

To: Chairpersons William Goodwin, Patrick Messac, and Latasha Washington and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: September 17, 2026

Re: Recommendations to Address Cumulative Impacts in Permitting

RECOMMENDED ACTION

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

BACKGROUND

In 2025, the (Technical) Advisory Council developed a workplan to provide a blueprint for developing recommendations on methods to identify, assess, and reduce the cumulative impacts of air pollution in the Bay Area, where such methods would account for impacts of both chemical and non-chemical stressors on health, wellbeing, and quality of life. Cumulative impacts of air pollution are most profound for frontline environmental justice communities.

In developing the workplan, members of the (Technical) Advisory Council engaged with members of the Community Advisory Council on several occasions: the Vice-Chair of the (Technical) Advisory Council presented at the Community Advisory Council's May 2025 retreat; the Chair and Vice-Chair met with three members of the Community Advisory Council to discuss the draft workplan; and two members of the Community Advisory Council attended a meeting of the (Technical) Advisory Council to provide additional review and comments on the workplan.

In 2026, using the workplan as a guide, the (Technical) Advisory Council developed a draft recommendations document, *Draft Recommendations for Addressing Cumulative Impacts in Permitting New and Modified Sources of Air Pollution*.

DISCUSSION

The Chair of the (Technical) Advisory Council will discuss the draft recommendations on ways to address cumulative impacts in permitting. The presentation will focus on expanding the scope of impact assessments, tightening limits in overburdened communities, adopting precautionary approaches, and strengthening community partnerships. The presenter will seek guidance and continued partnership with the

Community Advisory Council in developing the draft set of recommendations for consideration by the Air District's Board of Directors in early 2027.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Philip Martien, (Technical) Advisory Council Chairperson
Reviewed by: Song Bai and David Holstius

ATTACHMENT(S):

1. 2026-09-17 CAC Revised Draft Recommendations Presentation
2. 2026-06-15 AC Draft Recommendations Clean

DRAFT
Recommendations to Address Cumulative Impacts in Permitting

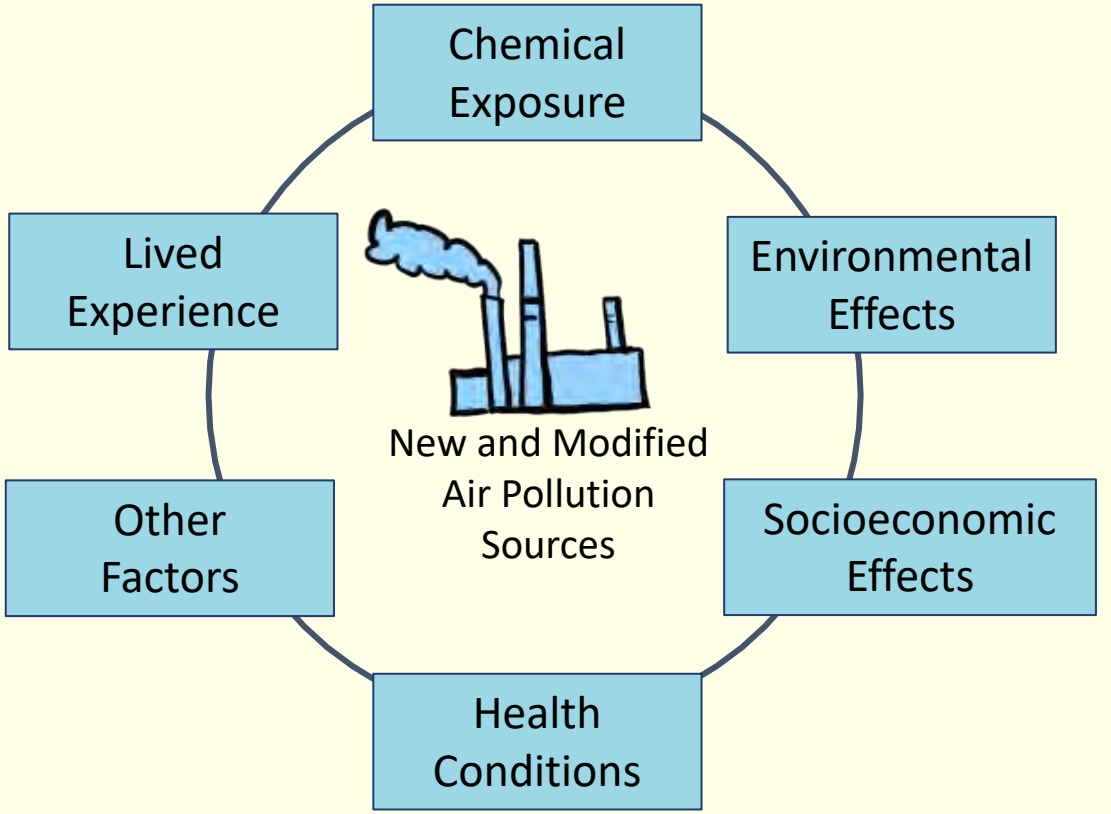
Bay Area Air District
Community Advisory Council

September 17, 2026

Phil Martien, PhD, Chair of (Technical) Advisory Council

(Technical) Advisory Council Currently Focused on Cumulative Impacts in Permitting

- We are seven members with backgrounds in air pollution and health science, plus the Board Chair
- We've had several prior meetings with members of the Community Advisory Council



Cumulative Impacts

Seeking Guidance and Continued Collaboration with CAC

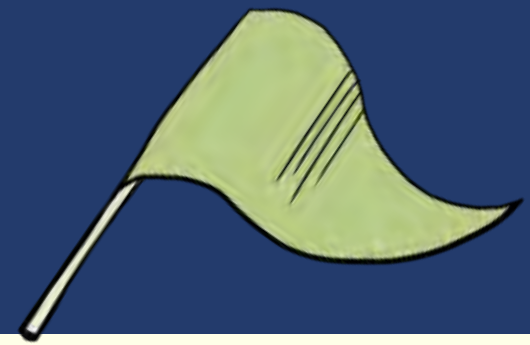
- Corrections, modifications to draft recommendations?
- Ways to meaningfully include community representation, beyond comments at meetings?
- Ways to communicate the recommendations?
- Interest in partnering to finalize draft recommendations?

Goals to Guide the Recommendations

- Minimize added burden to areas already suffering cumulative impacts
- Reduce differential exposure to air pollution
- Consider non-chemical stressors
- Reflect community concerns and understanding

Focus on OUTCOMES, not just ACTIONS

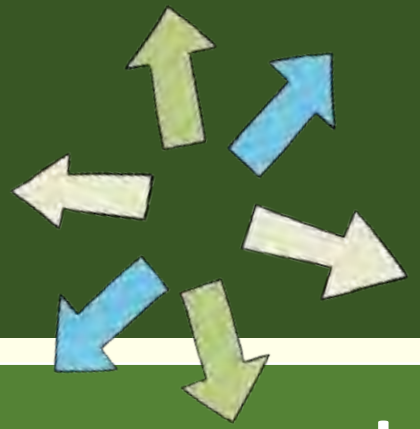
Some Action Already Taken by the Air District



Current Permitting Steps	What They Aim to Accomplish
Use CalEnviroScreen to map overburdened communities	Find areas with greater impacts
Apply standard risk assessment methods for toxic air contaminants	Estimate added harm (cancer risk)
Tighten risks limits in overburdened communities	Less additional cancer risk allowed

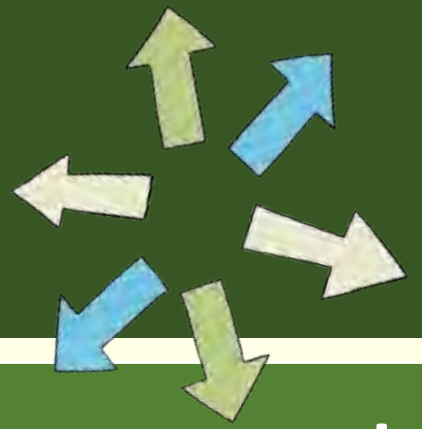
The Air District and other jurisdictions are using “place-based” methods.

Recommendations: Change What Counts



Current Limitation	Advisory Council Recommendation
New pollution considered apart from pollution already there	Account for existing background pollution
Assessments focused only on the highest modeled individual risk	Consider how many people are exposed and the overall community burden
Near-source fine particles ($PM_{2.5}$) not included in risk assessments	Address local $PM_{2.5}$ health impacts

More Recommendations on Changing What Counts



Current Limitation	Advisory Council Recommendation
Limited accounting for non-cancer toxic impacts	Better account for pollutants effects on multiple body parts
Community vulnerability outside impact assessments	Consider factors that can make pollution more harmful to some communities
Existing maps may miss some impacted areas	Improve how communities needing additional protection are identified

Recommendations: Change What Happens When a Community is Overburdened

Recommendation	What It Could Mean in Practice
Tighten health-risk limits for non-cancerous air toxins	Less additional health burden from air toxins allowed
Lower BACT* triggers and strengthen TBACT** triggers	Cleaner controls required sooner
Lower triggers for public notice and environmental review	More project require community notice and receive reviews

*BACT = Best Available Control Technology; **TBACT is Best Available Control Technology for Toxic Compounds

More Recommendations on Changing What Happens When a Community is Overburdened

Recommendation	What It Could Mean in Practice
Consider compliance history	Repeated violations matter when a facility wants to expand
Facility pollution caps; no net increase	Expansion cannot increase overall facility pollution
Selected permit prohibitions	Some high-polluting new or modified sources may not be allowed

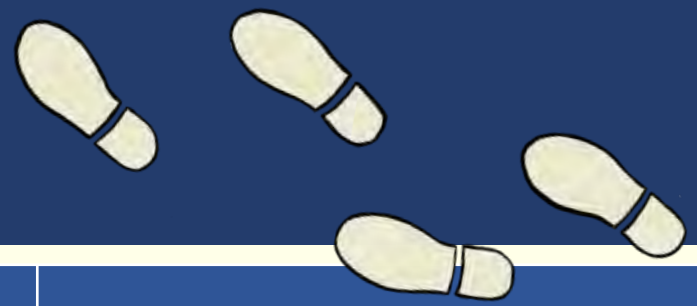
Recommendation: Explore Alternate Approaches

Recommendation	Where It Could Lead
Adopt precautionary approaches	Less need to quantify harm before requiring reductions; harm may be reasonably assumed
Shift agency focus toward harm reduction	More focus on harm-reducing outcomes in permitting and other activities
Increase engagement with community members	▪ Improved ways to identify “community” and the stakeholders to engage ▪ Improved ways / forms of communication to reach diverse community members ➢ Improved permitting outcomes

More Approaches to Explore

Recommendation	Where It Could Lead
Track ways that other agencies / jurisdictions redirect resources to overburdened communities	Productive examples may emerge
Use monitoring and modeling to estimate toxic air contaminant emissions and concentrations in the Bay Area, with an initial focus on AB 617 communities	▪ More insight into pollutants of concern ▪ Better maps of overburdened communities ▪ Better estimates of background concentrations

Next Steps and Draft Timeline



Next Steps	Dates
Continue to discuss draft recommendations with the Community Advisory Council and with Air District staff	2026
Complete draft recommendations document	2026
Present draft recommendations to Board of Directors	Early 2027
Complete final recommendations document	Mid 2027

Seeking Guidance and Continued Collaboration with CAC

- Corrections, modifications to draft recommendations?
- Ways to meaningfully include community representation, beyond comments at meetings?
- Ways to communicate the recommendations?
- Interest in partnering to finalize draft recommendations?

Recommendations for Addressing Cumulative Impacts in Permitting New and Modified Sources of Air Pollution

Bay Area Air District Advisory Council

DRAFT – June 2026

Introduction

Purpose

This document provides the Bay Area Air District and the public with recommendations from the Air District's Advisory Council on ways to recognize and more fully address cumulative impacts in policies and regulations related to permitting new and modified sources of air pollution. Specifically, this document offers recommendations on methods to identify, assess, and reduce cumulative impacts, where such methods account for impacts of both chemical and non-chemical stressors on health, well-being, and quality of life.

Recognizing that cumulative impacts of air pollution are most profound for frontline environmental justice communities, in developing these recommendations the Advisory Council sought guidance and review from the Community Advisory Council, an advisory body to the Air District that represents the Bay Area's frontline communities.

This document will be presented to the Air District's Board of Directors for them to consider adopting. It may also serve as a resource for Air District staff considering alternatives for reducing cumulative impacts in permitting and other agency practices and programs.

Key Findings and Recommendations

Following an extensive multi-year review process, the Advisory Council has drafted a set of core findings confirming that the cumulative health burden of environmental, climate, and non-chemical stressors can be significantly greater than the sum of individual effects, which often overwhelmingly disadvantages frontline communities.

The Council concludes that the current environmental science is robust enough to justify immediate, science-based policy changes without requiring overly complex modeling before taking action. These findings emphasize that effective methods to account for and reduce cumulative impacts can be simplified to target specific permitting actions. The Council also stresses that the subsequent courses of action must be co-developed in deep partnership with the community members who experience these lived disparities.

Authors and Contributors

The primary authors of this document are Bay Area Air District's Advisory Council—the Chair of the Bay Area Air District Board of Directors serves as an ex-officio member, and seven members with expertise in air pollution science, climate change, or the health impacts of air pollution. Council members developed the document over a three-year period, following a public process that included extensive discussion among Council members during Advisory Council meetings and significant contributions from subject matter experts, who presented their findings at these meetings. The document benefits from input and expertise shared by Air District staff, as well as guidance and comments from the Community Advisory Council.

Contents

This **Introduction** section is followed by five additional sections. A **Background** section briefly summarizes key information about cumulative impacts, how current Air District programs currently consider them, and how the Air District's strategic planning addresses them. A **Methods** section presents principles, roles, and general processes that guided the Advisory Council's work. A **Findings and Recommendations** section first lists key findings of the Advisory Council related to cumulative impacts. Second, it offers recommendations on methods for identifying and accounting for cumulative impacts. Third, it presents ways to reduce cumulative impacts in permitting new and modified sources of air pollution. A **Summary** section recaps earlier sections, summarizes Advisory Council meeting materials and deliberations related to the development of the recommendations, and offers initial thoughts on how these recommendations might be extended to policies and programs in addition to permitting. Finally, an **Appendix** contains supplemental and supporting information.

Background

Cumulative Impacts Overview

Definitions and challenges. Cumulative impacts can be understood as describing the total picture of environmental stressors that shape people's health and quality of life. Instead of looking at one chemical pollutant at a time, a cumulative impacts perspective emphasizes the totality of exposures that people face: toxic air contaminants, water quality degradation, noise, heat, etc., as well as social factors like poverty or inadequate housing. It also emphasizes that, as research has shown, these factors can interact in ways that amplify harm. For example, psychosocial stress can make people more vulnerable to pollution, while poor housing quality can worsen exposures indoors. Yet U.S. environmental regulation has largely been constructed around one-by-one considerations of pollutants, sources, exposures, and standards. Lack of tools or data are cited as reasons why more decisive action on cumulative impacts is not possible. Related challenges include how to show sufficient proof of harm, how to agree on priorities, and how responsibility is distributed among various authorities.

History, progress, and present efforts. The idea of cumulative impacts has grown out of decades of scientific inquiry and community experience, closely linked with the environmental justice movement. Today, states across the U.S. are developing environmental justice screening tools and cumulative impact laws to identify and reduce disproportionate burdens. In the Appendix, noted are specific legal precedents from New Jersey, Minnesota, Massachusetts and New York Regulators increasingly recognize that consideration of cumulative impacts does not need to be prohibitively complex or purely quantitative. Many of the emerging approaches are place-based, meaning that maps are drawn of areas, or places, where cumulative impacts are greatest. Laws and regulations are being developed for targeted interventions, tighter standards, or other health-protective actions within these mapped places.

Existing Air District Programs

The Air District currently considers certain aspects of cumulative impacts through existing programs and policies, including the use of CalEnviroScreen, a state tool that ranks and maps census tracts in Californian based on types of pollutant exposures and a collection of socioeconomic factors. The federal Clean Air Act and state law set overarching requirements,

but the Air District has discretion: it can tighten certain standards or adopt region-specific rules, so long as these are grounded in evidence and can withstand legal and economic scrutiny

Measurement and Modeling of Ambient Air. The Air District's monitoring network is designed to measure the combined mixture of pollution from many sources. The network's primary goals are to track exposure across the region. Combining measurement with modeling provides some information about what sources might bear responsibility for levels and distributions of pollution in ambient air across the region. Community-focused monitoring efforts, as in AB 617 communities, add additional layers of information. Evidence and information gained from measurements and modeling support regional-scale efforts which aim to protect public health with an adequate margin of safety. Interventions aimed at meeting and maintaining standards differ by source type, with the most notable split being between state and federal jurisdiction (over mobile sources) and Air Districts (over stationary sources).

Regulation of Stationary Sources, Including Permitting. While the impacts of all sources are cumulative, permitting programs for stationary sources generally consider them one at a time. When an application for a new or modified source is submitted to the Air District, staff rely on standardized protocols to identify a set of pollutants and estimate emission rates, given the nature and size of the source. This scope generally applies to normal operations, not including emergencies.

Under the Bay Area Air District's Rule 2-5, a permit to create or modify a source expected to emit toxic air contaminants (TACs) requires a health risk assessment (HRA), unless the estimated TAC emissions are below pollutant-specific trigger levels codified in Rule 2-5. The Air District has discretion over some aspects of HRA processes, such as threshold levels. Other aspects are mandated by external requirements. In the middle are aspects determined by guidance that the Air District has elected to adopt. For example, whether an assessment is source-specific or facility-wide, the Air District relies on additive risk frameworks and key parameters specified in guidance from California's Office of Environmental Health Hazard Assessment (OEHHA) for calculating cancer and non-cancer risk. In considering where to calculate these and what benchmarks to use, the Air District's process focuses on maximum values across nearby receptor locations (rather than, e.g., local averages), and applies stricter cancer-risk thresholds and enhanced public notification in areas identified using CalEnviroScreen.

With limited exceptions, contributions from other equipment at the same facility, or other facilities, are outside the scope of these HRAs. An important exception to the source-by-source approach is the Air District's Rule 11-18, which targets existing TAC emissions from a high-impact facility in its entirety, including TACs that might not have been part of scoping processes when sources there were initially permitted. Such facilities are frequently located in overburdened communities.

For pollutants that are not classified as TACs, such as ozone or fine particulate matter ($PM_{2.5}$), the permitting process follows a different approach, relying mainly on regional attainment planning and offset requirements. Under this approach, requirements are framed in terms of expected emissions. Control of emissions is still emphasized: "Best Available Control Technology" (BACT) refers to the most stringent emission limit or commercially available

technology that has been successfully applied to similar sources, considering both cost and practicality. The Air District has some latitude in determining what "best available" entails, as well as how uniform that standard might be across the region. After controls are applied, significant increases in anticipated rates of emissions of these pollutants, or their precursors, must be balanced by reductions somewhere else in the Bay Area. This is known as offsetting, and its lack of locality has often drawn objections from communities who point out that regional trade-offs do little to relieve their own situations.

Incentive Programs. Incentive programs also consider cumulative impacts, mainly by using place-based designations to prioritize and guide funding for initiatives like cleaner heavy-duty vehicle fleets or improving local infrastructure in disadvantaged/overburdened communities.

Guidance for Cities and Counties. Under the California Environmental Quality Act (CEQA), the Air District publishes non-binding guidance that cities and counties rely on when reviewing projects. This guidance includes thresholds of significance. Project-level analyses consider the impacts of new emissions in the context of impacts from all other sources in the area, and a project's impact can be considered significant if it would cause the combined total to exceed a health-based standard or threshold. This means that a modest increase in emissions may be deemed significant where pollution levels are already high.

Alignment with Ongoing Air District Activities

This subsection identifies portions of the Air District's *2024-2029 Strategic Plan* and the Community Advisory Council's 2024 *Call to Action* that are most relevant to the Advisory Council's recommendations on cumulative impacts.

Air District's *2024-2029 Strategic Plan*

The *2024-2029 Strategic Plan* includes[1]

> ***Cumulative Health Impacts**: [The Air District] will develop [its] understanding of the cumulative effects of air pollution and other stressors and use this information to focus regulatory efforts in areas experiencing the most serious air pollution and related cumulative impacts.*
>
> ***Change Approach to Air Quality**: [The Air District] will change [its] approach to reducing air pollution so that [it] achieve[s] more meaningful improvements to air quality in communities, with a focus on those overburdened by air pollution.*

Community Advisory Council's *A Call to Action, Charting a New Course Toward Environmental Justice at the Bay Area Air Quality Management District,* 2024

The Community Council's *A Call to Action* includes nine environmental justice priorities including:

> ***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;*

[1] In the Strategic Plan, these are Strategies 2.11 and 1.1, respectively.

enforcement; and legal actions including litigation, mitigation, planning, rulemaking, and incentives funding.

Methods

Principles

The Advisory Council adopted the following principles to guide the development of its recommendations:

- Follow a collaborative development process. Specifically, align with the Air District's *2024–2029 Strategic Plan,* the Community Advisory Council's 2024 *Call to Action* and seek community perspectives to help drive the process.
- Favor protective actions over delay, even when faced with uncertainty. Prioritize work that can lead to tangible benefits for communities in a feasible time frame.
- Be transparent about how work is done and how decisions are reached.
- Identify resource needs, including staffing, budget, and monitoring equipment, for work product options.
- Favor simple methods over more complex ones. Simple methods are more easily understood, adopted, defended, and maintained than complex ones.
- Adopt "best practices," as described in the Community Advisory Council's *2024 Call to Action.*

Focus Area

At the October 30, 2024, Advisory Council meeting, the Council decided to focus on permitting. Meaningful consideration of cumulative impacts in permitting was highlighted as a top priority for community groups. Permitting was identified by the Community Advisory Council as one of seven areas where Environmental Justice best practices should be implemented. Strategy 4.3 of The Community Advisory Council's *Call to Action* demands that air quality permits be "clear, consistent and enforceable so that air pollution affecting communities is minimized".

The framework developed for considering cumulative impacts in permitting may also apply to other focus areas. Such applications may be discussed by the Advisory Council, during this term or a future one. A list of all focus areas considered by the Advisory Council is included in Appendix A.

Roles and Process

Following the October 30, 2024, Advisory Council meeting, an ad hoc committee was formed to develop a work plan to help guide the development of initial recommendations and to set a schedule for developing this document.

The Advisory Council has met with members of the Community Advisory Council to discuss this work and seek direction:

- A member of the Advisory Council attended and presented at the Community Advisory Council's retreat on May 16-17, 2025, discussing the Advisory Council plans for this term and seeking Community Advisory Council members who might be willing to engage with the Advisory Council to develop draft ideas. An agenda for that meeting is here. The presentation, agenda item 4.C., is available here (presentation with Q&A times: 2:26:00 - 3:12:18).

- The Advisory Council ad hoc committee met with two Community Advisory Council members who expressed interest at the retreat to discuss this work and solicit preliminary guidance.

- The Advisory Council scheduled time in Meeting 2 for discussions between the full Advisory Council and two Community Advisory Council members.

Following the March 16, 2026, Advisory Council meeting, the work plan ad hoc was disbanded, and a second ad hoc committee was formed to refine the recommendations and complete this document.

Draft products have been presented at public Advisory Council meetings, and the full Advisory Council has revised drafts and made decisions from options presented. A final draft set of recommendations will be presented to the Air District's Board of Directors for changes and/or finalization and adoption.

Goals and Deliverables

The following products or output from the Advisory Council are discussed in this document:

- A list of Advisory Council findings for Air District staff and others to reference
- Recommendations for methods that will:
    - minimize added burden to areas already suffering cumulative impacts,
    - reduce differential exposure to air pollution,
    - consider non-chemical stressors, and
    - reflect community concerns and understanding.
- A summary of the minutes of the Advisory Council meetings on the topics of cumulative impacts.

The authors intended that this document should be understandable by a broad audience, including members of the Advisory Council, Air District staff, the Community Advisory Council, and members of the public. This document was prepared with the intent that the Air District's Board of Directors may consider approving it.

Findings and Recommendations

This section presents findings and recommendations on identifying, assessing, and reducing cumulative impacts.

Findings

On July 19, 2024, the Advisory Council developed the findings listed in this section. These findings were considered interim at the time they were developed but they have since been reviewed, discussed, and finalized by Advisory Council members.

These findings recognize the health burden of cumulative impacts and are founded on science strong enough to support policy changes to reduce those impacts. The findings further recognize that, while there are multiple contributors to cumulative impacts, steps toward addressing them need not be complex.

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.

5. Additional quantitative, and qualitative data and methods, as well as community perspectives, are needed, even 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.

Top-Level Recommendations

These top-level recommendations supersede or apply to all the other recommendations the Advisory Council supports. In developing the recommendations in sections below, it will be important to consider alternatives that move to action more directly and important to develop deep community partnerships to understand lived experiences.

1. While some of recommendations in later section extend quantitative evaluations, continuing current practices of health risk assessment, the **Advisory Council supports precautionary approaches that move directly to action** without quantification of harm, especially where harm might be reasonably assumed in overburdened communities. (See Appendix B for more discussion.)

2. The Air District should **continue to engage with its community partners to understand their perspectives and lived experiences**, especially in overburdened communities, and explore opportunities to expand engagement when developing and applying assessment methods. Specifically, the Air District should consider expanding engagement creation and distribution to reach more members of disadvantaged communities, such as considering new forms of media or developing additional public outreach in non-English language mediums.

Recommendations on Identifying and Assessing Cumulative Impacts

Recommendations on identifying and assessing impacts discussed in this section fall roughly into one of two categories. In the first category are place-based approaches that recognize the

persistent spatial patterns of disparate impacts evident in the Bay Area as in the rest of the U.S. These approaches designate areas for targeted interventions, tighter standards, or other health-protective actions and de-emphasize complex, causative models aimed at quantifying disparate harm. In the second category are recommendations that call for the continued use of causative models but suggest expanding their scope in various ways to address cumulative impacts.

Some recommendations discussed in this section may be combined; that is, adopting one option does not exclude another. More background related to this section and a more detailed discussion on approaches for enhancing the consideration of cumulative impacts in the Air District's permitting process are included in Appendix B. Appendix C highlights several examples of jurisdictions that have adopted or are in the process of adopting regulations that address cumulative impacts in permitting, including the Air District.

3. **The Advisory Council supports the use of place-based approaches** to identify communities for more health-protective actions in the permitting process. However, a place-based approach alone is insufficient to address cumulative impacts in the Bay Area without the additional activities described below.

    a. **The Advisory Council supports the use of CalEnvironScreen**, at least initially, to identify overburdened communities in place-based approaches.

    b. The Air District should **consider options for modifying and/or expanding CalEnvironScreen maps** for use in place-based approaches, where defensible. The Air District additionally should consider updating its permit screening maps within 1 year of any new version releases of CalEnviroScreen, to keep analysis in line with best available data and methodology. Specifically, an option to explore is a process for communities to self-identify as an area needing targeted interventions. To this end, a clear and transparent methodology must be developed to allow communities to self-identify, such as minimum local resident participation.

4. The Advisory Council supports **expanding the scope of assessments**, to the extent that they continue to be used in permitting processes, to account for more factors that add to cumulative impacts.

    a. Using both monitoring and modeling, the Air District should **estimate ambient TAC emissions and concentrations throughout the region**, with an initial focus on AB 617 communities, followed by areas designated by the Air District as overburdened communities, but with the goal of estimating air concentrations across all of the Bay Area. Going forward, these estimates should be regularly updated. This work could be useful in identifying overburdened communities but also, specifically, for recommendation 4c.

    b. Use measures of **population burden** to characterize impacts of toxic air contaminants, in addition to measures of peak exposure.

    c. For assessments that compare source contributions of a pollutant to a reference concentration, the Air District should **account for the existing background levels of the pollutant**. That is, additional emissions from new or modified source should be

considered additive with respect to background levels, to account for the cumulative impacts of existing air pollution. (See Appendix B for details.)

d. The Air District should work with academic partners and the California Office of Environmental Health Hazard Assessment (OEHHA) to develop a Working Group to solidify a formal approach to **calculate hazard indices using multiple target organ systems** rather than only the most sensitive organ system target for each chemical. This will capture more of the cumulative impacts of multiple chemicals in non-cancer risk assessments. (See Appendix B for details).

e. The Air District should work with academic partners and the California Office of Environmental Health Hazard Assessment (OEHHA) and CARB to **quantify the contributions of non-chemical stressors** in estimates of cancerous and non-cancerous air pollutant impacts. (See Appendix B for details.)

f. The Air District should **develop and apply methods to account for local, near-source impacts of fine particulate matter ($PM_{2.5}$)**, especially in overburdened communities. Possible methods for regulating near-source impacts of $PM_{2.5}$ have been discussed during prior terms of the Advisory Council. Such methods include a risk-based approach, a hazard index approach, or a no net increase approach.

Recommendations on Actions to Reduce Cumulative Impacts

As described above, regulators increasingly recognize that the actions to reduce cumulative impacts need not be complex nor are detailed quantitative assessments necessary before actions can be taken. While some of the recommendations in this section rely on standard health risk assessment approaches, some seek to simplify the steps toward action.

5. **The Advisory Council supports** adjusting thresholds, limits, and trigger levels to reduce cumulative impacts.

   a. The Air District should **tighten limits for cancer risk in overburdened communities** when conducting health risk assessments for new permitting new and modified sources. This measure is currently implemented in Air District Rule 2-5: New Source Review of Toxic Air Contaminants.

   b. The Air District should also **tighten limits for acute and chronic non-cancer health risk** when conducting health risk assessments for permitting new and modified sources. Specifically, this recommendation calls for tighter requirements for project risk as expressed by hazard indices, especially in overburdened communities at least until assessment recommendations #5-7 can be adopted. (See Appendix B for details).

   c. The Air District should **reduce near-source impacts of fine particulate matter ($PM_{2.5}$)** from new and modified sources, especially in overburdened communities. Possible methods for regulating near-source impacts of $PM_{2.5}$ have been discussed during prior terms of the Advisory Council. (See Appendix B for details.)

   d. The Air District should adopt **lower emissions thresholds for best available control technology (BACT)** inside overburdened communities.

e. The Air District should **use emissions limits as triggers for requiring best available control technology for toxics (TBACT)** for new or modified sources in overburdened communities. Currently, the Air District applies risk-based thresholds for requiring TBACT. (See Appendix B for details).

f. The Air District should **set lower emission thresholds and tighten other screening criteria to trigger an environmental review**, such as required by CEQA, for projects inside overburdened communities. Such reviews may result in project modifications to reduce emissions of and exposures to air pollution.

g. The Air District **should set lower trigger levels for public notification for projects** inside overburdened communities for some source types. The Air District should additionally commit to delivering public notifications into the primary non-English languages that are most common in the notified overburdened communities.

6. As mentioned above, the **Advisory Council supports precautionary approaches that move more directly to action**. Recommendations below introduce precautionary measures.

   a. The Air District should **consider a company's compliance history in issuing permits**. For companies with troublesome compliance histories, such as repeated violations, tighten project requirements for new and modified sources, especially in overburdened communities. The Air District should also consider defining clear criteria for the poor compliance history trigger, i.e., number of high-priority violations or unresolved notices within a rolling 12-month period.

   b. The Air District should **establish facility-emission caps for toxic air contaminants and for $PM_{2.5}$.** This could entail calculating an emissions budget for facilities in overburdened communities. No new or modified source could contribute emissions that would result in a net increase in emissions for the facility. In other words, require no net increase in emissions.

   c. The Air District should **consider prohibiting select categories of permits, for some new and modified source types**, in overburdened communities. This moves away from assessment and analysis and moves directly to action. The Air District could consider developing a clear tiered framework – i.e., Tier 1: Immediate Prohibition for high-emitting source categories, Tier 2: Conditional review for mid-tier modifications, etc.

The Advisory Council supports exploring new ways to reduce impacts related to permitting new and modified sources of air pollution. The recommendations below support such explorations.

7. **The Advisory Council supports the protection of frontline communities via a "layered" approach" to enforcement**, that focuses Compliance and Enforcement resources on communities near polluting facilities to promote harm reduction.

8. **The Air District should track community benefit agreements**, keeping an eye on programs within other agencies and jurisdictions to see if they produce useful outcomes. While the Advisory Council has stopped short of recommending CBAs because the effort seems to outweigh the benefits in cases reviewed to date, productive examples may yet

emerge. The Advisory Council should commit to tracking Minnesota's ongoing cumulative impacts rulemaking regarding CBAs, and subsequently develop pilot frameworks, as appropriate, for the Bay Area.

Summary

This section recaps earlier sections, summarizes Advisory Council meeting materials and deliberations related to the development of the recommendations, and offers initial thoughts on how these recommendations might be extended to policies and programs in addition to permitting.

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Appendix

The Appendix contains supporting information. It includes the following:

- Appendix A: Focus Areas Considered
- Appendix B: Details and Notes on Considering Cumulative Impacts in Permitting
- Appendix C: Existing Examples of Considering Cumulative Impact in Permitting
- Appendix D: Selected References on Cumulative Impacts

A. Focus Areas Considered

Each item in this list could be an area of focus for the Advisory Council. For each, work products may include suggested methods to identify cumulative impacts, to assess the extent and character of the impacts, and to facilitate policies or actions to reduce the impacts.

- Permits (New and Modified Facilities)
  - Provide additional justification and documentation for the current regulatory approach (Air District Rule 2-5) of stricter risk limits in overburdened communities.
  - Make recommendations for streamlining the current health risk assessment methodology while addressing cumulative impacts. New methods may be less quantitative and/or may mix quantitative and qualitative methods.
  - Recommend ways to include the local, near-source impacts of $PM_{2.5}$, in addition to those from toxic air contaminants. This would incorporate prior work developed under the Advisory Council.

- Stationary Source Regulations (Existing Facilities)
  - Recommend ways to consider cumulative impacts when setting emission standards.
  - Recommend ways to simplify and streamline the current approach of implementing Air District Rule 11-18.
  - Recommend ways to include the local, near-source impacts of $PM_{2.5}$, in addition to those from toxic air contaminants. This would incorporate prior work developed under the Advisory Council.

- Air Quality Planning
  - Make recommendations for a community focused approach to air quality planning.

- California Environmental Quality Act (CEQA)
  - Make recommendations for more thorough consideration of cumulative impacts, balancing infill development with protecting community health.

- Compliance / Enforcement

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- Make recommendations for a community-focused approach to enforcement activities and the distribution of penalty funds.
- Recommend ways to leverage compliance / enforcement data: for example, to inform other activities such as emissions characterization.

- Incentives
  - Recommend ways to expand, standardize, and/or streamline consideration of cumulative impacts across incentive programs.

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B. Details and Notes on Considering Cumulative Impacts in Permitting

Introduction

This appendix section presents details on methods for assessing and reducing cumulative impacts in a permitting context. In most cases, these methods have been implemented or discussed in regulatory contexts, either at the Air District or within other jurisdictions. In a few cases, new methods are also explored. These details lay groundwork for the Advisory Council's recommendations.

This appendix section starts with an overview of impact assessments typical for air quality permitting. Next is a discussion of ways that cumulative impacts can be incorporated into such assessments. Then there is an overview of general preventative actions to reduce or avoid impacts followed by a discussion focused on ways to tailor actions to account for cumulative impacts.

Impact Assessments

Definition of Terms

Many of the terms used in the context of impact assessment sound similar but have specialized, specific meanings. Since the usage of these terms can vary, some definitions used in this document are listed in Table B.1 below.

Table B.1. Definitions of terms used in the context of impact assessment.

Term	Definition
Impact	A generic adverse outcome, a harm to public health or the environment
Hazard	The potential of a substance to cause harm, to cause an impact
Risk	The calculated probability, or chance, that a hazard will cause harm, often to a specific or a hypothetical maximally exposed individual under a specific set of conditions
Burden	A quantification of the impact of diseases and injuries on a population. It measures the overall health loss due to specific risk factors for the population

Hazard Assessment

A *hazard assessment* is generally the first step in understanding the potential for impacts. For example, in a permitting context, a hazard assessment might determine whether a significant amount of air pollutants would be emitted in a location where people could be exposed and could suffer impacts.

Health Risk Assessment

A *health risk assessment* in the context of air pollution permitting typically refers to quantitative estimates of impact[2].

[2] New Approach Methods (NAMs) are being developed to update traditional risk assessments. These methods are building on work at the National Research Council (NRC) and the National Academies of Sciences, Engineering, and Medicine for developing, improving, and validating NAMs to integrate and use the emerging results in evaluating chemical risk. See National Academies of Sciences, Engineering, and Medicine. 2022. New Approach Methods

1. *Cancer Risk* is the estimated probability, or chance, that an individual will develop a cancer from long-term exposure risk to carcinogenic pollutants where the assumed duration of the exposure can depend on the type of assessment. Cancer risk from individual pollutants is summed to develop an overall cancer risk.
2. *Acute Hazard Index* is a measure of the potential for an individual to experience non-cancer health impacts resulting from a short-term (often one hour) exposure to toxic substances. The acute hazard index is a sum of impacts across different pollutants that have similar health endpoints; it is not a sum across different health endpoints for a given pollutant.
3. *Chronic Hazard Index* is a measure of the potential for an individual to experience long-term non-cancer health impacts, where the assessment period is greater than an hour and up to a year. The chronic hazard index is a sum of impacts across different pollutants that have similar health endpoints; it is not a sum across different health endpoints for a given pollutant.

Developing a health risk assessment requires significantly more information than identifying a hazard. For each of the three types of impacts in a health risk assessment, it is necessary to take additional steps beyond the hazard assessment:

1. An *exposure assessment* is needed to determine where people are exposed to a given pollutant, for how long, and at what concentrations. Typically, through a set of assumptions, one identifies an individual who is *most exposed*. The exposure assessment is usually done using computer-based modeling and requires information such as emission amounts and release characteristics, meteorological information—winds, atmospheric stability, and temperatures—and locations of people nearby.
2. A *dose-response assessment* for which one needs information about pollutant toxicity and characteristics of people exposed. For example, factors such as a compound's carcinogenicity and acute and chronic reference exposure levels along with breathing rates and individual sensitivities are needed.
3. A *risk characterization* combines the information from the steps above, to estimate the cancer risk and hazard indices, as described above. This step should also include a description of the assumptions and the information used to develop the risk assessment, and an estimate or characterization of the uncertainty associated with the assessment that may be considered by the public and by decision makers.

Burden Assessment

A *burden assessment* quantifies the impact of diseases and injuries for a defined population. It estimates the overall health loss due to specific risk factors. For example, a burden assessment might estimate the total number of additional cancer cases from the period of exposure, the number of premature deaths, or the number of extra emergency room visits for a population. As for a health risk assessment, the information needed for a burden assessment is substantial. An exposure assessment and an assessment of the toxicity or health impact of the pollutant is

(NAMs) for Human Health Risk Assessment: Proceedings of a Workshop–in Brief. Washington, DC: The National Academies Press. https://doi.org/10.17226/26496.

needed. Table B.2 below compares the focus and data needs of the three types of assessments discussed above.

Table B.2. Characteristics of common types of impact assessment.

Impact Assessment Type	Purpose	Relative Data Needs
Hazard Assessment	Identify the potential for impacts	Low
Health Risk Assessment	Estimate the probability of specific impacts	High
Burden Assessment	Estimate the number of specific health impacts for a population	High

Public Participation

Impact assessments often include public engagement. The level of engagement depends on the application and the organization developing the assessment. The practice of public engagement is evolving but the Air District has documented different levels of engagement. An appreciation of these different levels was developed, as shown in Table B.3, through reviews of public participation practices at other agencies and through discussions with community groups about meaningful engagement in different contexts. The Advisory Council may consider these levels in recommending a framework for considering cumulative impacts.

Table B.3. Levels of public engagement.

Level of Engagement	Description
Inform	Make the public aware of programs, policies, or decisions
Connect	Provide information for the public to understand programs, policies, or decisions
Comment	Create opportunities for the public to comment on programs, policies, or decisions
Involve	Hold meetings to allow the public to help shape programs, policies, or decisions
Collaborate	Co-develop programs, policies, and decisions with the public
Partner	Co-develop programs, policies, and decisions with the public via planned and structured relationships

Considering Cumulative Impacts in Impact Assessments

Developing a framework for incorporating cumulative impacts into impact assessments can be accomplished in different ways. One way would be to extend current quantitative methods by modeling causative links between various dimensions of existing impacts, both chemical and non-chemical, and revising quantitative measures of impact. Alternatively, one could develop a framework based on alternate types of analyses, more qualitative and precautionary in nature, to be more proactive in moving to action where cumulative impacts are identified or considered likely. Finally, one could also develop a framework that combined causative modeling with more precautionary approaches.

Causative Modeling and the Tension with Completeness

In impact assessments, quantifying impacts with numerical metrics is helpful, especially when determining whether an impact is significant. By establishing a causal link or model between a hazard and its health effects, decision-makers can feel confident that their choices are based on solid science.

Another key factor in impact assessments is completeness. This refers to ensuring that all relevant elements necessary to answer a specific question are included. Completeness is vital for making assessments reliable and ensuring that decisions grounded in those assessments are well-founded.

Both quantification via causative modeling and completeness are desirable aspects of an impact assessment but, in practice, there is often a tension between having the information needed for quantification with modeling and ensuring all the important information is represented. Current impact assessments are generally quantitative but incomplete, leaving out important factors and impacts for which causative models cannot be applied, either due to incomplete information or underdeveloped understanding.

Developing causative, quantitative models for incorporating cumulative impacts has been discussed for decades but there are still significant gaps in the information base needed due to the complexity of incorporating all the potentially relevant factors. In this sense, there is also a tension between developing causative models and acting sooner than later.

For the Advisory Council it was important to recognize these tensions and develop recommendations that will neither face delays required for significant scientific advances in causative modeling nor omit important factors. To that end, the rest of this section focuses on approaches that broaden the scope of existing approaches by including additional factors; approaches for characterizing and incorporating cumulative impacts have been developed sufficiently to apply; and more precautionary hazard-assessment-type approaches that often include more community perspectives and representation.

Table 1 below lists options for expanding or changing **impact assessments** related to permitting new and modified sources of air pollution to provide more consideration of cumulative impacts (options IA1-IA8). Table 2 below lists options for **actions to reduce cumulative impacts** (options AC1-AC11). Many actions in Table 2 assume that a place-based approach is adopted to identify overburdened communities.

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Table 1. *OUT OF DATE—IF WE WANT TO INCLUDE THIS TABLE, WE WILL NEED TO UPDATE IT. Descriptions of options for expanding or changing impact assessments conducted in permitting new and modified sources of air pollution.*

Impact Assessment Option	ID	Description
Add a background concentration	IA-1	Accounting for background exposure concentration levels in calculating hazard indices in health risk assessments could help account for cumulative impacts.
Sum over multiple target organs	IA-2	The traditional approach to estimating hazard indices uses a single reference concentration (RfC), which considers the most sensitive target organ system only. Chiger et al (2025) showed that it is possible to extend this approach by summing hazard indices for multiple target organ systems associated with a chemical.
Include systematically exempted but quantifiable emissions	IA-3	More completely include emissions associated with startup, shutdowns, and accidental releases. In some cases, these non-routine emissions are significant and can be estimated approximately with reasonable assumptions.
Consider un-inventoried emission sources	IA-4	An assumption of zero emissions for un-inventoried sources may be unjustified for some source categories. Evaluations of case histories across various industry types could reveal more accurate estimates of emissions that may be missing.
Adopt a place-based approach	IA-5	This approach uses indicators to represent both chemical and non-chemical stressors and create maps of overburdened areas. All efforts to address cumulative impacts in permitting have used a place-based approach. Maps of overburdened communities, like CalEnviroScreen, are a starting point. Assessment of excessive impact and actions to reduce impacts are different within mapped areas than outside them. Note: Under this option, plans would be needed to prepare for updates in the boundaries to an overburdened community.
Include recognized stressors in precautionary hazard assessments	IA-6	For some source categories there are stressors and other factors not generally considered that could be used to trigger action in a hazard assessment. Such factors include odor, flaring, history of accidents, and a history of permit violations.
Conduct health impact assessments	IA-7	A *health impact assessment* is a combination of procedures, methods, and tools aimed at evaluating the potential effects of a proposed project, plan, or policy on the health of a population and the distribution of those effects within the population.
Increase community representation in conducting assessments	IA-8	For some source types and within overburdened communities (under a place-based approach) consider increasing the opportunities for nearby community members to express concerns and help identify stressors or other elements to the impact assessment.

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Table 2. *OUT OF DATE—IF WE WANT TO INCLUDE THIS TABLE, WE WILL NEED TO UPDATE IT. Descriptions of options for actions to reduce cumulative impacts in permitting new and modified sources of air pollution.*

Action Option	ID	Description
Lower emissions thresholds for BACT	AC-1	Require best available control technology (BACT) at a lower level of emissions inside overburdened communities than outside.
Use emissions thresholds for TBACT	AC-2	Inside overburdened communities, require the best available control technology for toxics (TBACT) if emissions of toxic air contaminants for a new or modified source has the potential to exceed an established emissions limit (trigger level). Currently, the Air District applies risk-based thresholds for TBACT.
Tighten criteria for environmental review	AC-3	Set lower emission thresholds and tighten other screening criteria needed to trigger an environmental review, such as required by CEQA, inside overburdened communities. Such reviews may result in project modifications to reduce emissions of and exposures to air pollution.
Enhanced public engagement	AC-4	Inside overburdened communities, for some source types, lower trigger levels for public notification.
Consider facility compliance history	AC-5	For facilities with a poor compliance history, use emission trigger levels instead of risk thresholds as the basis for denying permits.
Limits on near-source $PM_{2.5}$ impacts	AC-6	Using assessment methods appropriate for a near-source analysis, set concentration requirements for $PM_{2.5}$ from new or modified sources inside overburdened communities. Set permit requirements for modeled PM increments over a set level of significance.
No-net-increase emission caps	AC-7	Within overburdened communities, establish emission caps for toxic air contaminants and $PM_{2.5}$. This could entail developing an emissions budget for facilities in overburdened communities. For some facility types, require no net increase in emissions.
Lower risk thresholds	AC-8	The Air District currently requires stricter cancer risk limits on new or modified sources located within an overburdened community. The Advisory Council may consider supporting lower cancer risk limits and may lower limits for chronic/acute hazard indices.
Renew efforts on reducing risk at existing facilities	AC-9	The Air District is currently amending its Regulation 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities, which is needed to make progress in implementing this useful rule. The Advisory Council may consider whether the proposed amendments are sufficient.
Community benefit agreements	AC-10	A community benefit agreement could require measures to mitigate environmental impacts related to emissions from a permitted facility and changes designed to improve community health. See rule development underway in Minnesota, as discussed in Appendix C.

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Prohibit select categories of permits	AC-11	Prohibit some permit types in overburdened communities.

Broaden the Scope of Current Impact Assessments

Hazard Indices—Add a Background Concentration (AI-1)

As discussed above, calculations of acute and chronic hazard indices are part of traditional health risk assessments. The hazard indices are calculated as a sum of *hazard quotients*, where the hazard quotient is the typically the ratio of an exposure concentration increment of a toxic pollutant divided by a *reference concentration* for that pollutant:

$$HQ_i = \Delta EC_i / RfC_i,$$

where HQ_i is the hazard quotient for pollutant i, ΔEC_i is the increment in exposure concentration for pollutant i contributed by a modeled source, and RfC_i is the reference concentration for pollutant i, a "safe level" below which no health effects are expected. Hazard indices are calculated for each target organ system by summing the HQs from all chemicals with an RfC for that target organ system as follows:

$$HI = \sum_i HQ_i,$$

where HI_i is the hazard index for pollutant I for the target organ system. Per U.S. EPA guidance, adverse health effects are possible if any hazard quotient or hazard index is above 1 (i.e., the environmental exposure is greater than the level determined to be likely without appreciable risk). But in the hazard quotient formula above, there is an assumption of zero background concentration for pollutant i:

$$EC_{i,total} = \Delta EC_i,$$

where $EC_{i,total}$ is the total exposure concentration for pollutant i. In fenceline communities with multiple air pollution sources nearby, a zero-background assumption may not be appropriate. Instead, a modeled increment in concentration added to an existing background concentration would be more appropriate:

$$EC_{i,total} = \Delta EC_i + EC_{i,background}.$$

Accounting for background exposure concentration levels in calculating hazard indices for traditional health risk assessments could help account for cumulative impacts.

Hazard Indices—Sum Over Multiple Target Organ Systems (AI-2)

As discussed above, in the traditional approach to health risk assessment, a hazard index is formed by summing hazard quotients across multiple chemicals, each with a reference concentration (RfC), which considers the most sensitive target organ system only. There may be other health endpoints, other than the most sensitive system, but generally RfCs are only available for the most sensitive system for a given pollutant. However, it is possible to expand the traditional approach by considering multiple target organ systems associated with a chemical.

Chiger et al (2025) created a multi-effects toxicity database by compiling toxicological and epidemiological data from the Agency for Toxic Substances and Disease Registry's (ATSDR) Toxicological Profiles and the Environmental Protection Agency CompTox Chemicals Dashboard

and developed a tiering system to prioritize identified data for use in developing toxicity values. They demonstrated differences between the traditional approach and their expanded approach, finding neurological, renal, respiratory, endocrine, and systemic risks (with hazard index >1) with their expanded approach in a fenceline community, whereas no risks were identified using a traditional approach limited to RfCs for the most sensitive target organ systems only.

Include Systematically Exempted but Quantifiable Emissions (AI-3)
In health risk assessments described above, the emissions used to estimate increments in exposure concentrations are emissions resulting from "routine" operations. Not included are emissions associated with startup, shutdowns, and accidental releases. In some cases, these non-routine emissions are significant and can be estimated approximately with reasonable assumptions.

Consider Un-inventoried Emission Sources (AI-4)
One way that traditional causative modeling approaches are incomplete is that some emission sources may not be identified, are not included in the emissions inventory, and are assumed to be zero. Given the history of identifying sources and pollutant compounds after a permit evaluation, at the Air District and at similar agencies across the nation, an assumption of zero emissions for un-inventoried sources seems unjustified, at least for some source categories. Evaluations of case histories across various industry types could reveal more reliable estimates of emissions that could be missing from the inventory.

Adopt a Place-Based Approach (AI-5)
Available examples for addressing cumulative impacts in permitting applications, at the Air District and at other jurisdictions, employ a "place-based" approach, whereby maps of overburdened communities, or maps of indicators associated with cumulative impacts, are a starting point. Assessment of excessive impact, rules to address those impacts, and associated actions are different within mapped areas than outside them.

Some implementations of place-based methods have used existing maps and methodologies. Other implementations create new maps from available datasets to suit their purposes. In all place-based approaches, the maps and associated methodologies come first, and the assessments of cumulative impacts and the actions to address the cumulative impacts follow, using the maps.

This approach, an alternative to a causative modeling approach, uses indicators that have been demonstrated or likely to be stressors, including both socio-economic stressors and chemical stressors to create maps of overburdened areas.

Some jurisdictions using this approach have cautioned that plans should be made in advance to prepare for updates to the boundaries of overburdened communities when conditions or methods change.

Include Recognized Stressors in Precautionary Hazard Assessments (AI-6)
Traditional approaches include hazard assessments based on the level of emissions from a source under consideration for permitting. In some cases, such hazard assessments also consider the proximity of people to the source. But, for some source categories there are other

known stressors that are not considered but that could trigger action under a hazard assessment. Some known stressors that are not typically considered in hazard assessments include the following:

- Odor. Is the source likely to emit smelly compounds, even if emissions are under trigger levels?
- Flaring. Even if flares do not emit significant levels of toxic compounds, if they are visible, they can be a source of stress.
- History of Accidents. If the facility has a history of accidents, or if similar facilities have a history of accidents, adding sources to the facility may be a source of stress.
- Permit Violations. If a facility has a history of violating permit conditions for existing sources, adding to the sources could be a source of stress.

Consider Applying Elements of Health Impact Assessments

A *health impact assessment*[3] is a combination of procedures, methods, and tools aimed at evaluating the potential effects of a proposed project, plan, or policy on the health of a population and the distribution of those effects within the population. While the purpose of a health risk assessment, as described above, is to quantify the health risk from a change in exposure to a particular set of pollutants, the purpose of a health impact assessment is to make evidence-based judgments on the health impacts of a decision and to make health-promoting recommendations. Sometimes the only evidence available is qualitative. But to be complete, qualitative evidence can be part of a robust decision-making process. Health impact assessments should engage affected populations, especially during scoping and assessment steps.

Increase Community Perspective and Representation in Conducting Assessments

For some source types and within overburdened communities (under a place-based approach) consider increasing the opportunities for nearby community members to express concerns and help identify stressors or other elements to the impact assessment.

General Actions to Reduce or Avoid Impacts

This section summarizes general actions, that is, actions that are in effect generally, not including considerations in overburdened communities, and focusing on actions at the Air District currently to reduce or avoid impacts from a new or modified air pollution source under consideration for a permit. These actions are often triggered by exceeding thresholds as determined by an impact assessment. Actions listed below are organized by the type of impact assessment used to determine the need for the action.

Actions Triggered by Hazard-Based Thresholds

Require Best Available Control Technology

[3] For a discussion of health impact assessments and examples, see Winkler MS, Viliani F, Knoblauch AM, Cave B Divall, M Ramesh G, et al., Health Impact Assessment, International Best Practice Principles. *Int Assoc Impact Assess* (2021) 2021(5):551–5.

The Air District requires best available control technology (BACT) if emissions of designated pollutants for a new or modified source have the potential to exceed an established emissions limit.

Environmental Review
Based upon emission levels and other screening criteria, a permit applicant may be required to conduct an environmental review, such as required by the California Environmental Control Act (CEQA). Such reviews may result in project modifications to reduce emissions of and exposures to air pollution.

Prevention of Significant Deterioration[4]
The Air District requires an impact analysis to demonstrate that emissions of criteria pollutants from a new or modified source will not cause or contribute to a violation of any applicable state or federal ambient air quality standards or contribute a significant increment in ambient concentrations as prescribed by the Prevention of Significant Deterioration (PSD) federal requirements. These requirements are triggered by estimates of emissions levels for the new or modified project. PSD requirements are intended to preserve *regional-scale* air quality but are expected to have local health benefits as well, though the assessments conducted to make PSD determinations are generally not useful for determining impacts at a *community scale*.

Note that there typically are no regulations for permitted sources that address the local impacts of criteria pollutants. However, for evaluating new mobile sources, such as a new freeway, localized modeling is required as part of a *hotspot analysis* for fine and coarse particles, which compares the local contributions plus background contributions to ambient air quality standards.

Publication of Notice and Opportunity for Public Comment
If the project is expected to increase in emissions of criteria pollutants over a specified emissions limit, the Air District will invite public comment and provide the opportunity of a public hearing on the project.

California state law has set requirements for sources of hazardous air pollutants near schools. Proposed new or modified sources of "hazardous air emissions" located within 1,000 feet of a school must give public notice to the parents or guardians of children enrolled in schools located within one-quarter mile of the source and to all addresses within a 1,000-foot radius.

<u>Actions Triggered by Risk-Based Thresholds</u>
The Air District's regulation for new or modified sources of toxic air contaminants requires the application of best available control for toxics (TBACT) where, as determined by a health risk assessment, the source would result in a cancer risk greater than one (1.0) in a million or in a chronic hazard index greater than 0.20.
Under the same regulation, the Air District must deny the permits if cancer risk exceeds 10.0 in one million, a chronic hazard index exceeds 1.0, or an acute hazard index exceeds 1.0.

Considering Cumulative Impacts in Actions

[4] PSD evaluations require an assessment of concentrations, which may be considered a hazard-based assessment from the perspective that typically no evaluation of health impacts is included.

This section examines existing examples and drafts new ideas for incorporating cumulative impacts into impact assessments into actions that work to reduce impacts. Many actions in this section are listed by the type of impact assessment used to determine the need for the action, as in the section above, while others are listed as "general considerations." Many of the draft actions in this section assume that a place-based approach is adopted to identify overburdened communities.

Some of the options listed below may be considered in combination. Other options are mutually exclusive.

Actions Triggered by Hazard-Based Thresholds

Lower Emissions Thresholds for Best Available Control Technology. (AC-1)
Require best available control technology (BACT) at a lower level of emissions inside overburdened communities than outside.

Emissions Thresholds for Best Available Control Technology for Toxics. (AC-2)
Inside overburdened communities, require the best available control technology for toxics (TBACT) if toxic emissions of toxic air contaminants for a new or modified source have the potential to exceed an established emissions limit (trigger level). Currently, the Air District applies risk-based thresholds for TBACT.

Tighten Criteria for Environmental Review (AC-3)
Set lower emission thresholds and relax other screening criteria needed to trigger an environmental review, such as required by CEQA, inside overburdened communities. Such reviews may result in project modifications to reduce emissions of and exposures to air pollution.

Enhanced Public Processes (AC-4)
The Air District currently requires that for a new or modified source located within an overburdened community for which a health risk assessment is required, the agency will prepare a public notice that describes the proposed source and its emissions. The notice is distributed to each address located within 1,000 feet of any source within the project. The agency has committed to review and consider all comments received during the 30 days after the notice is distributed and shall include a written response to the comments in the permit application file prior to taking final action on the application.

Lower emission trigger levels inside of overburdened communities, requiring a health risk assessment and public notification at lower emission levels than outside.

Consider Facility Compliance and Enforcement History (AC-5)
For facilities with a poor compliance history, with metrics for poor compliance to be determined by the Air District, use emission trigger levels instead of risk thresholds as the basis for denying permits. This option may be applied to some selected source types.

Limits on Near-Source $PM_{2.5}$ Impacts (AC-6)
Using assessment methods appropriate for a near-source analysis, set concentration requirements for $PM_{2.5}$ from new or modified sources inside overburdened communities. Set

permit requirements for modeled PM increments over a set level of significance. Considering the past the Advisory Council's findings on health impacts from $PM_{2.5}$, a level of significance for this application should not exceed 0.1 mg/m^3. This option may be applied to some selected source types.

No-Net-Increase Emission Caps (AC-7)
Within overburdened communities, establish emission caps for toxic air contaminants and for $PM_{2.5}$. This could entail calculating an emissions budget for facilities in overburdened communities. No new or modified source could contribute emissions that would result in a net increase in emissions for the facility. In other words, require no net increase in emissions. This option may be applied to selected source or facility types.

Actions Triggered by Risk-Based Thresholds
Lower Risk Thresholds (AC-8)
The Air District currently requires that a new or modified source located within an overburdened community face more stringent limits on cancer risk. Sources inside an overburdened community cannot exceed an estimated cancer risk of six per million, whereas outside of overburdened communities the risk threshold is 10 per million.

The Advisory Council may consider justification to support this specific lower level, or a different level, based on reviews of scientific literature.

The Advisory Council may also consider support for a lower level for chronic and acute hazard indices within overburdened communities. As well as support for methodological revisions to the calculation of hazard indices, as suggested above.

Other Actions and General Considerations
Amendments to Regulations for Existing Facilities—Regulation 11-18 (AC-9)
Though not a permitting regulation, the Air District's Regulation 11-18 (Reduction of Risk from Air Toxic Emissions at Existing Facilities) is included as an option in this section because of its potential relevance for reducing impacts in overburdened communities from permitted sources. Regulation 11-18 is intended to identify existing facilities whose emissions of toxic air contaminants pose an elevated risk and require emission reductions from them. However, it has faced implementation challenges, including extreme delays in completing facility risk assessments and risk reduction plans. To address these challenges, the Air District is developing amendments to Regulation 11-18 in phases: (1) a current phase to improve transparency and efficiency and (2) a future phase to evaluate and potentially increase stringency. More consideration of impacts in overburdened communities could be an option for the future phase. For more details on Regulation 11-18 see the "Existing Examples of Addressing Cumulative Impacts in Permitting" section below.

Community Benefit Agreements (AC-10)
Community benefits agreements are emerging as a tool in some fields for improving projects' environmental justice outcomes. They are legal agreements, often between a project proponent or developer and community-based organizations, stipulating the benefits that a developer must provide to a community during and after project implementation. Done well,

community benefit agreements could be a powerful tool for achieving more equitable outcomes in air pollution permitting applications. Staff at the Minnesota Pollution Control Agency have been working with the public to develop a community benefit agreement process that actively engages and encourages affected residents to participate in developing an agreement unique to each neighborhood and community.

Prohibit Select Category of Permits (AC-11)
Prohibit some permit types in overburdened communities.

C. Existing Examples of Addressing Cumulative Impacts in Permitting

This appendix section highlights several noteworthy examples of jurisdictions—in New Jersey, Massachusetts, Minnesota, New York, and the Bay Area Air District—that have adopted, or are in the process of adopting, regulations to address cumulative impacts in permitting. All the highlighted examples related to permitting adopt place-based approaches. For additional information, consult the extensive catalog of related state regulations and activities produced by the Tishman Environmental and Design Center at The New School in New York.

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State of New Jersey and the New Jersey Department of Environmental Protection

New Jersey's Environmental Justice Law was the first of its kind and has been recognized as one of the nation's most empowering examples of environmental justice legislation. Other states have modeled similar laws after that of New Jersey.

Instrument/ status	S 32 (Enacted 2020) and N.J.A.C. 7:1C (Adopted 2023)
Scope	Permit applicants of major pollution sources in overburdened communities are subject to additional requirements: · Prepare an environmental justice impact statement that assesses the potential environmental and public health stressors associated with a new or modified source, or with an existing major source, as applicable · Transmit the environmental justice to the department and to the municipality in which the overburdened community is located for publication. · Conduct a public hearing in the overburdened community, publishing the hearing in at least two newspapers, including one local non-English language newspaper. "…the department shall…deny a permit for a new facility upon finding that approval of the permit would, together with other environmental or public health stressors affecting the overburdened community, cause or contribute to adverse cumulative environmental or public health stressors in the overburdened community that are higher than those borne by other communities within the State…except that where the department determines that a new facility will serve a compelling public interest in the community where it is to be located…" "…the department may grant a permit that imposes conditions on the construction and operation of the facility to protect public health."
Pollutant types	The EJ impact statement requires a health risk assessment for hazardous air pollutants. More review is needed to understand to what extent other pollutants, such as $PM_{2.5}$, are also considered.
Applicable facilities	Eight facility types are included: (1) Major source of air pollution; (2) Resource recovery facility or incinerator; (3) Sludge processing facility, combustor, or incinerator; 4() Larger sewage treatment plants; (5) Transfer station or other solid waste facility; (6) Scrap metal facilities; (7) Landfills; and (8) Some medical waste incinerators.
Overburdened communities	A census block group, as determined in accordance with the most recent US Census, in which: (1) at least 35 percent of the households qualify as low-income households; (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency.

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Massachusetts Department of Environmental Protection (MassDEP)

MassDEP's regulation requires projects in or near environmental justice populations to conduct a cumulative impact analysis. MassDEP can deny a permit to such projects if the cumulative risk analysis reveals cancer and non-cancer risks exceeding specified thresholds.

Instrument/ status	310 CMR 7.02: Cumulative Impact Final Analysis Amendments (Adopted 2024)

Scope	For plan approval the Department must consider a cumulative impact analysis, if applicable. The Department may impose any reasonable conditions in a plan approval to reduce, minimize, or mitigate cumulative impacts. ● A cumulative impact analysis shall be required for a comprehensive plan application for a proposed new facility or emission unit that is (1) in an EJ population; (2) a non-major source within 1 mile of an EJ population; or (3) a major source within 5 miles of an EJ population. ● A cumulative impact analysis shall be required for a comprehensive plan application for an existing facility or emission unit if the proposal is to increase facility-wide potential emissions of criteria pollutants, hazardous air pollutants, or air toxics, excluding CO2e, individually or in the aggregate, by an amount equal to or greater than 1 ton per year, and the existing facility or emission unit is located (1) in an EJ population or (2) a non-major source within 1 mile of an EJ population; or (3) a major source within 5 miles of an EJ population. ● A 60-day public comment period is required if a cumulative impact analysis is required.

Pollutant types	Requires air dispersion modeling of criteria air pollutant and air toxic emissions to support the application. However, more review is needed to understand the criteria for determining impacts since no calculation of cumulative impacts is provided in the rule. The only thresholds for MassDEP to deny a plan application are if the cancer risk limit is greater than or equal to 10 per million or if a hazard index is greater than 1.

Applicable facilities	A plan approval is needed for any construction, substantial reconstruction, alteration or subsequent operation of a facility or emission unit that crosses a certain capacity threshold or potential to emit threshold. This includes sources with potential annual process (i.e., non-combustion) emissions ≥ 10 tons per year; combustion units that meet certain fuel input thresholds (e.g., ≥ 40 mmBTU/hour natural gas boiler); and non-emergency engines. A facility is a major source if it has potential annual emissions of: ● 50 tons of nitrogen oxides or volatile organic compounds, ● 100 tons of any other criteria pollutant (i.e., sulfur dioxide, particulate matter, carbon monoxide, lead), ● 25 tons of combined hazardous air pollutants (HAPs), ● 10 tons of any individual HAP.

EJ population	A neighborhood that meets one or more of the following criteria: (1) the annual median household income at or below 65% of the statewide annual median household income; (2) minorities comprise 40% or more of the population; (3) 25% or more of households lack English language proficiency; (4) minorities comprise 25% or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150% of the statewide annual median household income; or if a neighborhood does not meet these criteria, the secretary may designate that a geographic portion of the neighborhood as an EJ population upon the petition of at least 10 residents of the geographic portion of that neighborhood but with limits on the income, education, pollution levels, natural resources of the area. "Neighborhood" means "a census block group as defined by the US Census Bureau, excluding people who live in college dormitories and people who are under formally authorized, supervised care or custody, including federal, state or county prisons.

Minnesota Pollution Control Agency (MPCA)

The MPCA is developing new law to address Minnesotans' disproportionate exposure to pollutants. The law defines environmental justice areas and requires the MPCA to conduct a rulemaking process to address the cumulative impacts of pollution in its permitting processes.

Instrument/ status	MPCA rule development underway, pursuant to state law H.F. 2310, with a deadline set for 2026

Scope	Applies to permits for facilities that are: (1) located in or within one mile of a census tract that is part of an environmental justice (EJ) area; and (2) located: (i) in the Twin Cities seven-counties metro; or (ii) in a city of the first class (more than 100,000 residents. Additionally, if the permit application is in Indian Country, MPCA must consult with the Tribal government. A cumulative impacts analysis **is required** if: (1) facility is above benchmarks set in rule; or (2) MPCA determines that issuing the permit may substantially impact the environment or health of the residents of an environmental justice area. A cumulative impacts analysis **may be required** if: (1) the facility is below all the benchmarks established for conducting a cumulative impacts analysis and the commissioner determines that a cumulative impacts analysis is necessary and supported by material evidence; or (2) by petition by residents or property owners in the environmental justice area impacted by the facility and is supported by material evidence that demonstrates a potential adverse cumulative impact. Future rulemaking will include establishing benchmarks for determining the need for a cumulative impacts analysis and the methodology for that analysis. The rulemaking will also define substantial adverse impact. It will also establish content for **community benefits agreements**.

Pollutant types	The contents of the cumulative impacts analysis are still under development but could include evaluations of both criteria pollutants and toxic compounds.

Applicable facilities	Applies to major (Title V) and state air permit applications, includes new facilities, facility expansions, and reissuing a permit for an existing facility.

EJ areas	Census tracts in Minnesota: (1) in which, based on the most recent decennial US Census: (i) 40% or more of the population is nonwhite; (ii) 35% or more of the households have an income at or below 200% of the federal poverty level; or (iii) 40% or more of the population over the age of five has limited English proficiency; or (2) located within Indian Country.

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New York

New York's Environmental Justice Siting Law, or Cumulative Impacts Law, requires the consideration of impacts and existing burdens in disadvantaged communities in some environmental decision-making. New York' Department of Environmental Conservation (DEC) was tasked with implementing the EJSL and developing guidelines and criteria for evaluating projects under this law.

Instrument/ status	Senate Bill 1317 (Enacted 2023), DEP 24-1 (Adopted 2024)

Scope	A project will be considered "likely to affect" a disadvantaged community if within one-half mile of each other or are otherwise in "close proximity" based on spatial data or air dispersion impact modeling. Project applicants must analyze whether DEC's approval of the permit would disproportionately burden a disadvantaged community. The analysis will be subject to enhanced public participation opportunities and must: (1) identify the direct and indirect greenhouse and co-pollutant emissions from the project that are likely to affect a disadvantaged community, (2) identify available and relevant baseline data on existing burdens in the community, (3) evaluate qualitatively and, if possible, quantitatively whether, and to what extent, the project's emissions would result in any air quality or air-related health effects on the community or increase an existing air quality or air-related health community burden, and (4) for any such increase, submit proposals for project design considerations that are "real, quantifiable, permanent, verifiable, and enforceable" to "reduce or eliminate disproportionate burdens." The policy provides certain examples of potential project design measures, including financial and operational mitigation options, and stipulates that design measures may be required for a project beyond what is already required by law or regulation.

Pollutant types	Evaluates impacts of increases in greenhouse gases or co-pollutants.

Applicable permits	Applies to certain permit applications designated as "major" project types including: (1) Applications for Air Title V permits and for certain types of Air State Facility permits, including projects that are subject to New Source Review, that involve emission sources subject to the National Emission Standards for Hazardous Air Pollutants, that require emission reduction credits, or that require the use of a federal enforceable emission cap, among others. This category may include not only industrial manufacturing facilities, but also expansion projects for existing facilities, such as hospitals and universities. (2) Permit applications for solid waste and industrial hazardous waste management, such as landfills, transfer stations, municipal solid waste processing facilities, composting facilities, and other material recovery facilities. (3) Permit applications for liquified natural gas and petroleum gas projects. (4) Permit applications for water withdrawal and use of over 20 million gallons of water for cooling purposes. In addition, the policy applies to any project requiring any permit from DEC involving the construction of energy production, generation, transmission, or storage facilities, and any project requiring any permit from DEC with sources and activities that may result in greenhouse emissions or co-pollutants, directly or indirectly, including those from mobile emissions from vehicular traffic.

Disadvantaged communities	Identified based on 25 indicators of population characteristics and health vulnerabilities, including indicators of income, race and ethnicity, health outcomes and sensitivities, housing and communications. https://climate.ny.gov/resources/disadvantaged-communities-criteria/

Bay Area Air District – Permitting

Amendments to Bay Area Air District Regulation 2-5 (New Source Review of Toxic Air Contaminants) include stricter cancer risk limits in overburdened communities.

Instrument/ status	Air District Regulation 2-5, (amended December 2021, effective July 2022)

Scope	Under adopted Regulation 2-5, permit applications for projects located within an overburdened community (as defined in Regulation 2-1), are subject to additional requirements for toxic air contaminants: · Additional fees (Regulation 3). · More stringent cancer risk limitations (Regulation 2-5). Sources inside an overburdened community cannot exceed an estimated cancer risk of 6 per million, whereas outside of overburdened communities the risk threshold is 10 per million. · Public notification requirements (Regulation 2-1).

Pollutant types	Toxic air contaminants only.

Applicable Facilities	All new and modified sources of toxic air contaminants subject to limited exemptions, for example for emissions below specified trigger levels and for emergency standby engines.

Overburdened communities	An area located (1) within or (2) within 1,000 feet of a census tract identified by the California Communities Environmental Health Screening Tool (CalEnviroScreen), Version 4.0, as having an overall CalEnviroScreen score at or above the 70th percentile. The Air District has developed an interactive mapping tool to allow users to determine if a project location is within an overburdened community: https://www.baaqmd.gov/en/about-air-quality/interactive-data-maps

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Bay Area Air District – Existing Facilities

Though not a permitting regulation, the Air District's Regulation 11-18 (Reduction of Risk from Air Toxic Emissions at Existing Facilities) is included among these examples because of its potential relevance for reducing impacts in overburdened communities from permitted sources. Regulation 11-18 is intended to identify existing facilities whose emissions of toxic air contaminants pose an elevated risk and require emission reductions from them. However, it has faced implementation challenges, including extreme delays in completing facility risk assessments and risk reduction plans. To address these challenges, the Air District is developing amendments to Regulation 11-18 in two phases: (1) a current phase to improve transparency and efficiency and (2) a future phase to evaluate and potentially increase stringency.

Instrument/ status	Air District Regulation 11-18 (adopted 2017 with amendments in development)

Scope	Requires any existing facility with calculated health risk indicators above a defined risk action levels to reduce their impacts. The risk action levels are defined as a cancer risk of 10 per million, an acute hazard index of 1.0, or a chronic hazard index of 1.0. Affected facilities must either: (1) Reduce facility-wide health risks below all risk action levels; or (2) If the facility-wide health risk cannot be reduced below the RAL, install Best Available Retrofit Control Technology for Toxics (TBARCT) on all significant sources, defined as specific air toxics sources within the facility that exceed a cancer risk of 1 per million or an acute or chronic hazard index of 0.2.

Pollutant types	Toxic air contaminants only.

Applicable Facilities	With some narrow exceptions, Regulation 11-18 applies to all facilities whose emissions of toxic air contaminants may result in an elevated risk to nearby receptors. This includes a broad range of commercial, industrial, and municipal facilities, including refineries, chemical plants, wastewater treatment facilities, foundries, forges, landfill operations, hospitals, crematoria, power plants, colleges and universities, military installations, and airline operations.

Overburdened communities	Draft amendments to Regulation 11-18 seek to clarify that the Air District may prioritize health risk assessments for facilities located in overburdened communities, as defined in Regulation 2-1, and in communities selected for California Assembly Bill 617 Community Risk Reduction Plans.

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Air District Advisory Council

Selected References on Cumulative Impacts

This document is a living document; Air District staff will continue to update as needed. This short list of selected references is intended to provide concise, broad information on the subject. It may also serve as a starting point for a more formal or extensive review.

Last updated: 2025-07-07. New entries (since the last meeting of the Advisory Council) are formatted in **blue** and marked with "**+**".

The living document can be found here: https://www.baaqmd.gov/en/about-the-air-district/advisory-council/reports

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- See also the current (2024–2025) docket, with public comments: https://www.regulations.gov/docket/EPA-HQ-OLEM-2024-0360/document

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