



Summary of Air Quality Complaint Program Enhancements

The Air District appreciates all the comments and suggestions received to help improve the Air Quality Complaint Program. Extensive considerations were made to address questions and concerns, incorporate community feedback and provide clarity in how we respond to and investigate air quality complaints. The purpose of this document is to provide an overview of the major changes to the policy and procedures, as well as additional enhancements that seek to improve the Air Quality Complaint Program. The Air Quality Complaint Policy and Procedures were updated to:

- **Expand Air District ability to confirm complaints.** This is a significant policy change that is intended to remove barriers in our complaint investigation process, enhance the Inspector's ability to confirm complaints, and investigate and resolve complaints more efficiently. Although we always encourage the complainant to meet and verify complaint details and observations with the Inspector, we no longer require an in-person, face-to-face meeting with the Inspector to confirm a complaint. Complaints may be confirmed if supporting evidence, such as information and statements provided by the complainant, allows the Inspector to verify the alleged emissions independently of the complainant and trace the emissions to a site or facility.
- **Provide clarity and additional guidance on the complaint response and investigation process.** Air quality complaint scenarios are very dynamic, and it is important to the Air District that each complaint is met with a timely response and thorough investigation. The policy was updated to provide more detailed guidance on the entire complaint process beginning from when an air quality complaint is first received, to the steps Inspectors must follow to respond to and investigate the complaint, and the types of enforcement actions to take if violations of applicable air quality regulations are discovered. The policy outlines detailed complaint reporting requirements and includes specific questions Inspectors should ask when speaking with the complainant and the facility contact during the complaint investigation. Clear guidance and training help ensure Inspectors understand Air District goals and objectives and efficiently respond to and investigate complaints.
- **Clarify Public Nuisance authority.** The updated policy clarifies that Air District Regulation 1-301 is consistent with the California Health & Safety Code Section 41700. Public Nuisances are determined based on the investigation findings by the Inspector, the magnitude of emissions impact, and other supporting evidence as provided by the complainant. The updated policy also removes past reference to the threshold of five confirmed complaints to determine a Public Nuisance. California Health & Safety Code Section 41700 and Air District Regulation 1-301 do not require nor specify that an explicit number of confirmed complaints must be reached in order to determine a Public Nuisance. The Air District reviews all supporting evidence when determining the appropriate type and level of enforcement action.

- **Explain the types of enforcement actions.** Air quality complaints are very important to the Air District because they identify potential compliance issues and lead to enforcement actions, where appropriate. The updated policy explains the different types of enforcement actions the Air District may undertake such as Notices of Violations or Notices to Comply when applicable Air District, State or Federal air quality regulations or permit conditions have been violated. Through air quality complaint investigations, Inspectors may take enforcement action if a site or facility is discovered to be operating in violation of an air quality regulation. However, a confirmed complaint status alone does not automatically constitute a violation of applicable regulation. Conversely, an unconfirmed complaint status does not mean that the complaint is invalid or not further investigated because a violation was not immediately determined.
- **Address confidentiality concerns.** The Air District recognizes the concerns regarding confidentiality when reporting an air quality complaint. The updated policy explains how the Air District handles personal information and maintains confidentiality to the fullest extent permitted by law. The updated policy also provides clarity and guidance to Inspectors that anonymous complaints are accepted and must be thoroughly investigated, and additional precautionary steps should be taken to ensure the complainant's identity is protected. This includes guidance to Inspectors that adjustments must be made during the investigation to ensure anonymity of the complainant when an alleged facility is in close proximity to the complainant's location.
- **Enhance accessibility to information and resources.** The Air District is committed to providing information and assistance to underserved communities and non-English speakers in the Bay Area. The policy was updated to clarify that Air District staff and members of the public can utilize the Air District's language interpretation service, available in more than 150 languages, when reporting a complaint by phone and communicating with the Inspector. The updated policy also includes references and links to enhance the accessibility to relevant resources and information.

Other Air Quality Complaint Program enhancements that complement the updated policy include:

- New online complaint reporting system to improve public interface when reporting an air quality complaint. The new complaint reporting system allows detailed information to be provided by the complainant for the investigation.
- Improvements to the Air Quality Complaint webpage to enhance accessibility to relevant information. Air District information and materials are now available on the Air Quality Complaint webpage in multiple languages.
- General brochure and fact sheet about the Air Quality Complaint Program and tips for reporting an air quality complaint.
- New informational video series about the complaint reporting and investigation process.