



BOARD OF DIRECTORS
COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

COMMITTEE MEMBERS

DAVINA HURT – CHAIR
JOHN BAUTERS
DAVID HAUBERT
NATE MILEY

TYRONE JUE – VICE-CHAIR
JOHN GIOIA
SERGIO LOPEZ
STEVE YOUNG

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT’S AGENDA WEBPAGE AT**

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- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE**

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(669) 900-6833 or (408) 638-0968

WEBINAR ID: 810 8695 6752

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COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE MEETING AGENDA

THURSDAY, MAY 5, 2022

9:30 AM

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

The Committee Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***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 for the meeting, will have two minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

CONSENT CALENDAR (Item 4)

4. Approval of the Minutes of March 3, 2022 and April 7, 2022

The Committee will consider approving the attached draft minutes of the Community Equity, Health, and Justice Committee meeting of March 3, 2022 and April 7, 2022.

PRESENTATION(S)

5. Community Perspectives

This is an informational item only and will be presented by Arieann Harrison, Executive Director of the Marie Harrison Community Foundation.

6. Appointment of City of San Pablo Representative to Assembly Bill (AB) 617 Path to Clean Air Emission Reduction Plan Steering Committee

This is an action item for the Committee to consider the appointment of a representative from the City of San Pablo to the Path to Clean Air Community Emissions Reduction Plan (CERP) Community Steering Committee for the Board of Directors' consideration and approval. This item will be presented by Veronica Eady, Senior Deputy Executive Officer.

7. Overview of the Hearing Board of the Bay Area Air Quality Management District

This is an informational item only and will be presented by Adan Schwartz, Acting Air District Counsel.

OTHER BUSINESS

8. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

Members of the public who wish to speak on matters not on the agenda for the meeting, will have two minutes each to address the Committee.

9. Committee Member Comments

Any member of the Committee, or its staff, 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. (Gov't Code § 54954.2)

10. Time and Place of Next Meeting

Thursday, June 2, 2022, at 9:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

11. Adjournment

The Committee meeting shall be adjourned by the Chair.

CONTACT:

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

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

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

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management 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, Suma Peesapati, at (415) 749-4967 or by email at speesapati@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

MAY 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting Budget Hearing	Wednesday	4	8:30 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	4	9:00 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	5	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	9	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Technology Implementation Office (TIO) Steering Committee	Friday	13	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	16	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	16	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	18	9:00 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	18	11:00 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee	Wednesday	25	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	26	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

JUNE 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	1	9:00 a.m.	1 st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	2	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting	Monday	13	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	13	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	15	9:00 a.m.	1 st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	15	11:00 a.m.	1 st Floor, Board Room (In person option available) and REMOTE pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	20	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee	Wednesday	22	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	23	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	27	5:30 p.m.	Webcast only pursuant to Assembly Bill 361

ADG 4/28/2022 – 12:24 P.M.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: May 5, 2022

Re: Approval of the Minutes of March 3, 2022 and April 7, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Community Equity, Health and Justice Committee (Committee) meetings of March 3, 2022 and April 7, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Community Equity, Health and Justice Committee (Committee) meetings of March 3, 2022 and April 7, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Community Equity, Health and Justice Committee Meeting of March 3, 2022
2. Draft Minutes of the Community Equity, Health and Justice Committee Meeting of April 7, 2022

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105
(415) 749-5073

Community Equity, Health and Justice Committee Meeting
Thursday, March 3, 2022

DRAFT MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
www.baaqmd.gov/bodagendas*

This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Community Equity, Health and Justice (CEHJ) Committee (Committee) Chairperson, Davina Hurt, called the meeting to order at 9:34 a.m.

Roll Call:

Present: Chairperson Davina Hurt; Vice Chairperson Tyrone Jue; and Directors John Bauters, Rich Constantine, John Gioia, David Haubert, and Nate Miley.

Absent: None.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. APPROVAL OF THE MINUTES OF DECEMBER 2, 2021

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Gioia made a motion, seconded by Director Bauters, to **approve** the Minutes of December 2, 2021, and the motion carried by the following vote of the Committee:

AYES: Bauters, Constantine, Gioia, Haubert, Hurt, Jue, Miley.
NOES: None.
ABSTAIN: None.
ABSENT: None.

5. COMMUNITY PERSPECTIVES

The Committee received a presentation on "The Listening Project", from Marisol Cantu and Alfredo Rafael Angulo, members of the Richmond Progressive Alliance. Slides included: our work; our team; our process; our impact; our stories. our voices; and listening activity. The goal of The Listening Project is to better understand the concerns and needs of Richmond communities that have historically suffered the greatest harm from generations of fossil fuel operations in Richmond. Ms. Cantu then continued a listening exercise that she lead the Board in at the February 2, 2022 Board meeting. Clips of interviews of Richmond residents were played and Board members were asked to convey what they heard.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the number of people that the Air District has engaged with regarding the climate crisis in Richmond, and when the results of The Listening Project will be published.

Committee Action

None; receive and file.

6. COMMUNITY PERSPECTIVE FROM COMMUNITIES FOR A BETTER ENVIRONMENT

Veronica Eady, Senior Deputy Executive Officer (SDEO) of Policy and Equity, introduced Ernesto Arevalo, Northern California Program Director at Communities for a Better Environment (CBE). Mr. Arevalo described the variety of hardships experienced by residents of East Oakland; the history of CBE’s collaboration with the Air District and Assembly Bill 617 (Community Air Protection Program); and CBE’s desire for improvements to the AB 617 program, as the community of East Oakland was recently selected by the California Air Resources Board to be the next Bay Area community to develop a community emissions reduction program, and CBE will be working with the Air District to oversee this development.

Public Comments

Public comments were given by Maria Dominguez; and Alfredo Rafael Angulo, Richmond Progressive Alliance.

Committee Comments

The Committee and staff discussed the request for a tour of East Oakland for both the Board members and members of the public, in collaboration with CBE (virtual if necessary); and how having uncomfortable conversations and being willing to be held accountable can create improvement and growth.

Committee Action

None; receive and file.

7. UPDATE ON THE COMMUNITY ADVISORY COUNCIL

Suma Peesapati, Environmental Justice and Community Engagement Officer, gave the staff presentation *Update on the Community Advisory Council (CAC)*, including: outcome; background; first Council meeting; key takeaways; and next steps.

Public Comments

Public comments were given by Dr. Jeff Ritterman (CAC member).

Committee Comments

The Committee and staff discussed whether CAC meetings would be held virtually and whether CAC meetings would become hybrid (both in person and virtually); whether the CAC members would like Air District tours of over-burdened communities (Richmond, East Oakland, Bayview Hunters Point, etc.); and the desire for the appointment of a Board liaison for the CAC.

Committee Action

None; receive and file.

8. DISCUSSION OF THE 2022 CEHJ COMMITTEE WORK PLAN

Ms. Eady gave the staff presentation *Discussion of the 2022 CEHJ Committee Work Plan*, including: 2022 CEHJ Work Plan (March through December).

Public Comments

No requests received.

Committee Comments

No requests received.

Committee Action

None; receive and file.

9. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

10. COMMITTEE MEMBER COMMENTS

None.

11. TIME AND PLACE OF NEXT MEETING

Thursday, April 7, 2022, at 9:30 a.m., via webcast, pursuant to procedures in accordance with Assembly Bill 361 (Rivas).

12. ADJOURNMENT

The meeting was adjourned at 11:08 a.m.

Luis Espino
Acting Clerk of the Boards

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Community Equity, Health, and Justice Committee Meeting
Thursday, April 7, 2022

DRAFT MINUTES

Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

This meeting was conducted under procedures in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.

1. CALL TO ORDER - ROLL CALL

Opening Comments: Community Equity, Health, and Justice Committee, Vice Chairperson Jue, called the meeting to order at 9:34 a.m.

Roll Call:

Present: Committee Vice Chairperson Tyrone Jue; and Directors John Bauters, John Gioia, David Haubert, and Nate Miley.

Absent: Committee Chairperson Davina Hurt.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. COMMUNITY PERSPECTIVES (OUT OF ORDER, ITEM 5)

Cecilia Mejia, Program Coordinator of Brightline Defense, gave the presentation *Community Perspectives*, including: a little bit about me; education and work background; Brightline's Program Coordinator; environmental justice is climate justice; and James Cary Smith: our community, our air alliance.

Public Comments

Public comments were given by Eddie Ahn, Brightline Defense; and Maria Dominguez, Alameda County Public Health Department.

Committee Comments

The Committee and staff discussed the presenter's process of developing emergency air filtration programs, and ways to improve outreach to monolingual communities.

Committee Action

None; receive and file.

5. PARTICIPATORY BUDGETING OVERVIEW (ITEM 6)

Veronica Eady, Senior Deputy Executive Officer (SDEO) of Policy and Equity, and Kristiana DeLeon, Co-Executive Director of The Participatory Budget Project, gave the presentation *Participatory Budgeting Overview*, including: requested action; outline; what is participatory budgeting?; participatory budgeting process; participatory budgeting opportunity; participatory budgeting opportunities; and next steps.

NOTED PRESENT: Director Haubert at 10:05 a.m.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed a Committee member's appreciation of participatory initiative funding, and whether the Air District will be proposing infrastructure projects, as opposed to advocacy regarding geographic equity with a focus on disproportionate impacts; the request that the Committee receives regular status updates pertaining to this issue, and the request that the Air District's Community Advisory Council, and not staff, dictates participatory budgeting policies; the differences between discretionary and restrictive funding, and the anticipated amount of time it will take the Air District to report back to the Board regarding the review of the \$3M allocation; which Bay Area Assembly Bill (AB) 617 communities would receive participatory budget funds, should AB 617 become the vehicle that develops the Air District's participatory budget policy; and whether the Air District would follow the participatory budget model recently adopted in King County.

Committee Action

None; receive and file.

6. BAYVIEW HUNTERS POINT ENFORCEMENT UPDATE (ITEM 7)

Patrick Wenzinger, Supervising Air Quality Specialist, gave the staff presentation *Bayview Hunters Point (BVHP) Enforcement Update*, including: outcome; outline; requested action; enforcement process; regulated facilities and Naturally Occurring Asbestos (NOA) sites in BVHP; general air quality concerns; Focus Area 1 - Amador Road; concrete batching; CEMEX construction materials;

central concrete supply; material handling; Hanson Aggregates Pier 92 & 94; Recology Pier 94; Focus Area 2 - Gilman Avenue; Precision Engineering & M2; Bauman Concrete; Gilman Avenue activities; inspector daily surveillance patrol; and other activities.

Public Comments

Public comments were given by Tanya Monique Boyce; Lonnie Mason, First Generation Environmental Health & Economic Development; LaDonna Williams, All Positives Possible; and Dr. Raymond Tompkins, African-American Community Health Equity Council.

Committee Comments

The Committee and staff discussed the historical background regarding the permitting of a shelter for the unhoused in the BVHP area, and the Air District's response to the community's concerns; the origin of the maps presented; the operating status of the Recology facility, and its impact on the shelter for the unhoused; whether the Air District or the City of San Francisco was responsible for the issuance of permits for the Recology facility and the placement of the shelter for the unhoused, and the differences between land usage permitting and regulatory permitting.

Committee Action

None; receive and file.

7. APPROVAL OF THE COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE MINUTES OF MARCH 3, 2022 (ITEM 4)

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Due to lack of quorum, this Item could not be considered for approval, and was continued to the next meeting.

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Dr. Raymond Tompkins, African-American Community Health Equity Council; LaDonna Williams, All Positives Possible; Maria Dominguez, Alameda County Public Health Department; and Lonnie Mason, First Generation Environmental Health & Economic

Development.

9. COMMITTEE MEMBER COMMENTS

Director Gioia spoke of a tour of East Oakland that was led by Communities For a Better Environment, and the Office of Supervisor Miley, expressing his concern over the odor which came from the AB&I Foundry facility. He asked when that facility would be closing. He asked how the Air District is tracking the location of projects being planned around areas of pollution.

10. TIME AND PLACE OF NEXT MEETING

The next meeting will be Thursday, May 5, 2022, at 9:30 a.m. via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas).

11. ADJOURNMENT

Vice Chairperson Jue adjourned the meeting at 11:35 a.m.

Luis Espino
Acting Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: May 5, 2022

Re: Community Perspectives

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Equity, Health and Justice Committee provides local and regional community environmental justice advocates and local leaders a platform to present and share their expertise and/or lived experiences. Specific subjects/topics will vary based upon each community perspective member's unique experience.

The Marie Harrison Community Foundation works on behalf of the residents of Bayview Hunters Point to advocate for environmental and social justice while providing resources to the community. The foundation continues the legacy of Marie Harrison. Marie Harrison spent decades working to bring environmental, health and social justice to the Bayview Hunters Point community in San Francisco. She passed away in May 2019. Her actions inspired environmental justice communities throughout the Bay Area and California.

DISCUSSION

Arieann Harrison, Executive Director of the Marie Harrison Community Foundation, holds a seat on the Air District's Community Advisory Council. Ms. Harrison collaborates with City of San Francisco government departments and local community-based organizations to find solutions to a myriad of social and environmental justice issues faced by impacted Bayview Hunters Point residents. In addition to her leadership role at the Marie Harrison Community Foundation, she is also well known in the Bayview Hunters Point community for her work at United Council for Human Services. Locally known as Mother Brown's, the namesake of its founder, it has served as a community touchstone and resource hub for over 35 years.

Ms. Harrison works closely with Air District staff on the development of the Marie Harrison Scholarship. A trailblazing program supported by the Air District, the Marie Harrison Scholarship will provide financial support to college students from environmental justice communities attending school beginning in the Fall of 2022. This scholarship will support those who demonstrate a passion for improving environmental health and air quality in the overburdened frontline communities of the Bay Area.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Joshua Abraham
Reviewed by: Suma Peesapati & Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: May 5, 2022

Re: Appointment of City of San Pablo Representative to Assembly Bill (AB) 617 Path to
Clean Air Emission Reduction Plan Steering Committee

RECOMMENDED ACTION

The Community Equity, Health and Justice Committee will consider recommending appointment of a representative from the City of San Pablo to the Path to Clean Air Community Emissions Reduction Plan (CERP) Community Steering Committee for Board of Directors' consideration and approval.

BACKGROUND

On March 3, 2022, Amanda Booth, the Senior Planner representing the City of San Pablo on the CERP Steering Committee notified staff their intention to step down and be replaced. The City of San Pablo has asked for Elizabeth "Libby" Tyler, the City's Community Development Director to replace the member who is stepping down. Libby Tyler's application and conflict of interest forms have been submitted as additional attachments for the Committee's review.

This will be the second time the Committee has been requested to replace a member in a seat set aside for a formal stakeholder designation – the first being the appointment of Luz Gomez on April 1, 2021.

DISCUSSION

The Community Equity, Health and Justice Committee shall review the application and Conflict of Interest form for the City of San Pablo Services representative to determine whether to appoint them to the Path to Clean Air Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Kevin Olp
Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Alexander Crockett
Interim Acting Executive Officer/APCO

Date: May 5, 2022

Re: Overview of the Hearing Board of the Bay Area Air Quality Management District

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Hearing Board is established by state law and consists of five members and their alternates. Membership is composed of an attorney, a professional engineer, a member from the medical profession and two members of the public. The Hearing Board is a quasi-judicial body that rules on particular cases that affect only individual facilities. It is authorized to hear requests for variance relief, permit revocation, abatement orders, and appeals by permit applicants, or by interested third parties, concerning the issuance or denial of permits.

Air District legal counsel will provide an overview of the Hearing Board and its authorities.

DISCUSSION

The Hearing Board acts like an Administrative Law board of judges, hears appeals of Air District permit decisions, and issues variances and orders of abatement. The Hearing Board has limited authority. The Hearing Board can issue an Abatement Order to require a facility to comply with a state, local or Air District regulation or law; however, the Hearing Board cannot issue an Abatement Order to bring a facility into compliance with any federal law or regulation unless that federal law is incorporated into a state law.

Within its legal framework, the Hearing Board hears both proposed stipulated Abatement Orders and contested Abatement Orders. The Hearing Board has the power to subpoena witnesses and take evidence. The Hearing Board can also take written and oral testimony from the public. The Hearing Board takes public comments and testimony after the parties' opening statements and presentation of evidence through witnesses or exhibits, and before the parties' closing statements.

The Hearing Board cannot impose any financial penalties or fines on any facility because fines are outside the Hearing Board's legal authority.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett
Interim Acting Executive Officer/APCO

Prepared by: Joel Freid
Reviewed by: Adan Schwartz

ATTACHMENTS:

None