



BOARD OF DIRECTORS
COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

COMMITTEE MEMBERS

DAVINA HURT – CHAIR
MARGARET ABE-KOGA
JOHN GIOIA
SERGIO LOPEZ
STEVE YOUNG

TYRONE JUE – VICE-CHAIR
PAULINE RUSSO CUTTER
DAVID HAUBERT
NATE MILEY

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**

www.baaqmd.gov/bodagendas

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

<https://bayareametro.zoom.us/j/89211033661>

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

WEBINAR ID: 892 1103 3661

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A COMMENT CAN USE THE “RAISE HAND” FEATURE BY DIALING “*9”. IN ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE YOUR APPLICATION IS UP TO DATE**

COMMUNITY EQUITY, HEALTH, AND JUSTICE COMMITTEE MEETING AGENDA

THURSDAY, JUNE 2, 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 Community Equity, Health, and Justice Committee Meeting Minutes of May 5, 2022

The Committee will consider approving the attached draft minutes of the Community Equity, Health, and Justice Committee Meeting of May 5, 2022.

PRESENTATION(S)

5. Community Perspectives

This is an informational item only and will be presented by Mr. Ken Szutu, Air District Community Advisory Councilmember and Director of Citizen Air Monitoring Network in Vallejo, California.

6. Compliance & Enforcement Overview

This is an informational item only and will be presented by Ying Yu, Air Quality Specialist.

7. Bay Area Permitting Overview

This is an informational item only and will be presented by Kevin Oei, Supervising Air Quality Engineer.

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. Report of the Senior Deputy Executive Officer of Policy & Equity

11. Time and Place of Next Meeting

Thursday, July 7, 2022, at 9:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

12. 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

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) <u>and</u> 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 - CANCELLED	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 Stationary Source and Climate Impacts Committee	Monday	13	2:30 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) <u>and</u> 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) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee – CANCELLED & RESCHEDULED TO MONDAY, JUNE 13, 2022 AT 2:30 P.M.	Monday	20	9:00 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 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 - CANCELLED	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
Community Advisory Council Meeting	Thursday	30	6:00 p.m.	Webcast only pursuant to Assembly Bill 361

JB 5/26/2022 – 4:28 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: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 2, 2022

Re: Approval of the Community Equity, Health, and Justice Committee Meeting Minutes
of May 5, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Community Equity, Health, and Justice Committee Meeting of May 5, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Community Equity, Health, and Justice Committee Meeting of May 5, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim 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 May 5, 2022

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, May 5, 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 Chairperson Davina Hurt, called the meeting to order at 9:32 a.m., and introduced the Committee's newest members, Directors Sergio Lopez and Steve Young.

Roll Call:

Present: Committee Chairperson Davina Hurt; Committee Vice Chairperson Tyrone Jue; and Directors John Bauters, John Gioia, Sergio Lopez, and Steve Young.

Absent: Directors David Haubert and Nate Miley.

2. Pledge of Allegiance

3. Public Meeting Procedure

CONSENT CALENDAR (Item 4)

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

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Committee Vice Chairperson Jue made a motion, seconded by Director Young, to **approve** the minutes of March 3, 2022; and April 7, 2022: and the motion **carried** by the following vote of the Committee:

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

PRESENTATION(S)

5. Community Perspectives

Arieann Harrison, Executive of The Marie Harrison Community Foundation (MHCFI) Inc, gave the presentation *Community Perspectives*, including: MHCFI; #CanWeLIVE; Arieann Harrison; Marie Harrison Environmental Justice Scholarship; biomonitoring projects: tracking cancer clusters; circle of death; toxic screening chart; and what do we want.

Public Comments

Public comments were given by Esther Goolsby, Communities for a Better Environment.

Committee Comments

The Committee and staff discussed the process of how the MHCFI deals with the changing demographics in the Bay View Hunters Point community in regards to the Foundation's work; and the Foundation's relationship with the Air District.

Committee Action

None; receive and file.

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

Veronica Eady, Senior Deputy Executive Officer (SDEO) of Policy and Equity, gave the staff presentation *Appointment of City of San Pablo Planning Department Representative to Assembly Bill (AB) 617 Path to Clean Air Emissions Reduction Plan Steering Committee*, including: outcome; background; and requested action.

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Young, made a motion, seconded by Director Gioia, to recommend the Board **appoint** Elizebeth Tyler as City of San Pablo representative to AB 617 Path to Clean Air Community Emission Reduction Plan Steering Committee; and the motion **carried** by the following vote of the Committee:

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

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

Adan Schwartz, Acting District Council, gave the staff presentation, *California Air District Hearing Boards*, including: the Hearing Board; permit appeals; variances; orders of abatement; and public participation at the Hearing Board.

Public Comments

Public comments were given by Arieann Harrison, MHCFL.

Committee Comments

The Committee and staff discussed a Committee member's disappointment with the proceedings at the hearing regarding the stipulated order of abatement between the Air District and Valero, as details were not provided, as the public had anticipated; the consequences of facilities' non-compliance, the decision-making process to determine if a court mandated injunction is needed after a matter has gone before the Hearing Board, and how the Board of Directors would be informed of such matters; the reasoning behind the anticipated increase of the utilization of the Hearing Board, and how this may affect the amount of fines and penalties collected by the Air District; and concerns that private settlements have resulted in decreased penalties and no oversight.

Committee Action

None; receive and file.

OTHER BUSINESS

8. Public Comment on Non-Agenda Matters

No requests received.

9. Committee Member Comments

Director Bauters asked whether the Committee will meet during the summer months.

10. Time and Place of Next Meeting

The next meeting will be on Thursday, June 2, 2022, at 9:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with AB 361 (Rivas 2021).

11. Adjournment

The meeting adjourned at 10:50 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: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 2, 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 member's unique experience.

Established before AB 617 was enacted into law, the Citizen Air Monitoring Network (CAMN) is a group of Vallejo residents working together to make the air and environment better for all. CAMN hosts monthly meetings open to all and welcomes diverse participation from all Vallejo residents, including youth voices. CAMN has worked to build a network of air monitors in Vallejo to help identify when there is unsafe air, and to help the community learn about potential air quality issues and advocate for better air quality.

DISCUSSION

Mr. Ken Szutu is the founder and Director of Citizen Air Monitoring Network (CAMN) in Vallejo and serves as an Air District Community Advisory Council (CAC) member. He will discuss his suggestions regarding community-engaged enforcement. Mr. Szutu advocates that more community engagement can deliver several benefits, including:

- Empowering communities to own local air quality issues and contribute to the problem-solving process with the Air District;
- More efficient enforcement with support from community members.

Mr. Szutu believes compliance and enforcement is a core component of Environmental Justice (EJ) and compared to affluent communities, EJ communities are more prone to pollution and less equipped to address these issues. Therefore, the welfare of the EJ communities depends on rigorous enforcement.

Mr. Szutu has also served on the Particulate Matter Design Team and Refinery Rules Technical Working Group for the Air District. He has a Master's degree in Electrical Engineering from the State University of New York in Buffalo, where he specialized in computer engineering. He is currently the Vice President of St. Vincent's Hill Neighborhood Coalition and serves on the steering committee for California Environmental Justice Coalition (CEJC).

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tim Williams
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: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 2, 2022

Re: Compliance & Enforcement Overview

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Compliance and Enforcement (C&E) Division ensures the mission of the Air District is realized through a robust inspection and enforcement program of approximately 24,000 stationary sources permitted across the Bay Area region. The C&E Division comprises of field and operations staff that enforce applicable Federal, State, and local Air District rules and regulations and permit requirements. Staff evaluate compliance and conduct inspections at a variety of sources such as, but not limited to gasoline dispensing operations, back-up generators, boilers, solvent and coating operations, storage tanks, landfills, power plants, chemical plants, and refineries. Staff also receive and investigate air quality complaints and episodic events that involve excess emissions reported by facilities and collaborate with local and state regulatory agencies to address compliance concerns and ongoing violations. Enforcement actions are taken in collaboration with other divisions across the Air District to help resolve violations and reduce emissions that impact local communities.

DISCUSSION

As part of this agenda item, staff will provide an overview of the C&E Division and review division goals, core programs, priorities, and staff resources. Staff will highlight key programs including a comprehensive compliance inspection program, an air quality complaint program to respond to and investigate air pollution complaints and community concerns, and a field operations and investigation program to conduct audits and identify sources of non-compliance following incidents and potential air emission releases of hazardous chemicals and pollutants. Through a robust enforcement program, Notices of Violations are issued to sites/facilities that do not comply with air quality regulations and enforcement actions are taken in collaboration with other divisions across the Air District and other regulatory agencies with jurisdiction. In addition to enforcement activities, C&E focuses on enhancing industry compliance through the

development and implementation of new rules, compliance advisories, policies and strategies that complement a wide range of compliance and enforcement efforts. The presentation will also cover current staffing resources and priorities into 2022 to ensure compliance across the nine-county Bay Area.

2022 Priorities

- Enhance focus on Title V major facility inspections
- Increase efforts to conduct comprehensive audits and investigations at Title V facilities or other source categories where there are compliance concerns
- Target enforcement efforts in impacted communities (AB 617 Communities in Richmond San Pablo, West Oakland and East Oakland, Bay View Hunters Point)
- Address chronic violations via the Air District Hearing Board
- Develop a new Air District webpage that makes Notice of Violation information accessible to the public
- Continue cross-training staff to build a robust C&E team

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Ying Yu, Paul Hibser, and Tracy Lee
Reviewed by: Jeffrey Gove

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: June 2, 2022

Re: Bay Area Permitting Overview

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District permits protect public health by assuring that stationary sources of air pollution comply with all applicable Air District regulations through its permitting programs. The Air District's New Source Review and Title V permitting programs apply to a broad range of facilities throughout the Bay Area. The New Source Review program is a pre-construction permitting requirement that requires permit applicants to demonstrate that new sources of air emissions, and modifications to existing sources that will increase emissions, will meet all applicable air pollution control requirements, including using state-of-the-art pollution control equipment and mitigating potential increases in public health risks. The Title V program is an operating permit requirement applicable to major emissions sources that consolidates all of the various regulatory requirements applicable to a facility into a single, comprehensive permitting document to improve transparency, enforceability, and facility compliance. These programs are set forth in five Rules in Regulation 2 (Permits), Rule 1 (General Requirements); Rule 2 (New Source Review); Rule 4 (Emissions Banking); Rule 5 (New Source Review of Toxic Air Contaminants); and Rule 6 (Major Facility Review).

DISCUSSION

Regulation 2 (Permits) includes the Air District's rules that govern New Source Review, which is a comprehensive permitting program that applies to entities within the boundaries of the Bay Area Air Quality Management District when they install new equipment or make modifications to existing equipment that will increase air pollution emissions. Prior to installing a new source of air pollution or modifying an existing source that will increase emissions above the Air District's applicability thresholds, they must obtain a permit from the Air District. To obtain a permit from the Air District, the permit applicant must control emissions or exposure to people nearby if emissions or exposures exceed established thresholds. The Air District cannot issue

permits for projects that will exceed health risk limits, or that do not comply with regulatory standards.

On December 15, 2021, the Air District Board of Directors adopted amendments to Regulation 2 (Permits), Rule 1 (General Requirements) and Rule 5 (New Source Review of Toxic Air Contaminants). The adopted amendments address how the Air District issues permits for sources of air pollution, with particular emphasis on increasing health protection in communities overburdened by pollution and health vulnerabilities. The adopted amendments will:

- Make health risk limits for new and modified projects more stringent if the project is located in an Overburdened Community – a change that recognizes the fact that air quality, health burdens, and exposures to other environmental contaminants are concentrated in certain parts of the Bay Area – particularly in communities with the highest concentrations of Black and Brown residents. In Overburdened Communities, the acceptable health risk limit will be reduced from ten in one million to six in one million.
- Expand the Air District’s public notice requirement in Overburdened Communities to require notification of nearby residents and businesses of proposed projects if the project will require a health risk assessment because of toxic air contaminant emissions.

Overburdened Communities are defined as census tracts that score at or above the 70th percentile in CalEnviroScreen, Version 4.0, as well as areas that are within 1,000 feet of the boundaries of those census tracts.

The Community Equity Health and Justice Committee will receive a presentation on the Air District’s current permitting program and the enhancements that will be introduced by the adopted amendments to Regulation 2 (Permits), Rule 1 (General Requirements) and Rule 5 (New Source Review of Toxic Air Contaminants), effective July 1, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Kevin Oei
Reviewed by: Pamela Leong and Damian Breen

ATTACHMENTS:

None