

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

APPROVED MINUTES

Community Advisory Council
Thursday, September 8, 2022

**This meeting was conducted pursuant to procedures in accordance with Assembly Bill 361.
Members of the Council participated by teleconference.**

1. CALL TO ORDER - ROLL CALL

Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the meeting to order at 6:03 pm. Mr. Belle introduced one of the Community Advisory Council's (Council) three Co-Chairs, Latasha Washington.

Present: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, William Goodwin, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

Absent: Cecilia Mejia, Dr. Jeff Ritterman.

2. PUBLIC MEETING PROCEDURE

The Public Meeting Procedure video was played.

3. APPROVAL OF THE MINUTES OF JUNE 30, 2022

The Council members requested no edits to the Meeting Minutes of June 30, 2022.

The Clerk of the Boards, Marcy Hiratzka, acknowledged the presence of the Chair of the Board of Directors, John J. Bauters.

Public Comments

No requests received.

Council Comments

None.

Council Action

Co-Chair Ms. Margaret Gordon made a motion, seconded by Council member Ruano Hernandez, to approve the Meeting Minutes of June 30th, 2022;, and the motion carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Joy Massey, Hana Mendoza, Rio Molina, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Arieann Harrison, Cecilia Mejia, Mayra Pelagio, Dr. Jeff Ritterman.

Motion Approved.

8. APPROVAL OF PANELISTS TO INTERVIEW THE AIR DISTRICT'S AIR POLLUTION CONTROL OFFICER (APCO) CANDIDATES

Mr. Belle gave the presentation *Approval of Panelists to Interview the Air District's Air Pollution Control Officer Candidates*, including Requested Action; Background; Timeline; Self-Nominated Interviewers; and Requested Action.

Mr. Belle introduced Board Chair Bauters, who provided a brief update on the status of the APCO search process. Chair Bauters informed the Council that an Air District consultant used the input from the Council to create an 11-page brochure for the public hearing that took place one day before the Council meeting. Chair Bauters shared that the job listing for the APCO was released on September 7th, and the job posting closes on October 19th. The Board sub-committee interviews are on November 9th, and the Board of Directors will interview the final candidates on December 7th. Chair Bauters requested that the Council approve a group of 5-7 interviewers. After the interview panel is approved, the Council Co-Chairs will set up an appropriate time to meet and discuss the interview process with the consultant. Chair Bauters noted that there would be a large number of candidates being interviewed and requested that the Council only selects members who will clear their calendar for November 9th. He also suggested the Council select two alternates, in case of emergency.

Public Comments

No requests received.

Council Comments

Co-Chair Washington questioned why the Council was given the final packet only 30 minutes before the public hearing, which was not enough time to review the brochure.

Chair Bauters explained that the brochure had been publicly accessible for a week prior, and the Council not having access to the brochure must have been a staff oversight. He stated that the consultant had completed the brochure by August 22nd, and by August 29th, the Board Advisory Committee had approved the draft. He suggested that if the Council wanted materials to be sent, they should publicly make that expectation clear to staff.

Council member Mendoza echoed Co-Chair Washington's concerns and said it would have been preferable to have enough time to review the brochure.

Chair Bauters stated that the Board Ad Hoc Committee recommended they include language from the Council in the brochure and in the interview materials because they feel Council and staff input is important and that applicants will be made aware in the brochure that staff and Council input are involved in the interview process. He explained that there was an aggressive recruitment plan to solicit between 600-800 initial candidates for the position, with specific outreach to People of Color and People of Color professional associations. He also invited Council members and staff to encourage people to apply if qualified. Chair Bauters explained that Council members would be made knowledgeable about the screening and interview process.

Co-Chair Jefferson asked that staff provide necessary information one week in advance to Council members or as soon as it became available.

Council member Massey requested that Chair Bauters let the Council know the best format for selecting final candidates.

Chair Bauters responded that he wanted to give the Council the authority to decide how they wanted to select final candidates.

Council member Mendoza asked if the date to interview would be November 9th, and if the Board would have final say on who is hired. She also expressed the desire to know the demographics of the Board.

Chair Bauters affirmed that the date was November 9th and suggested that Council staff send members the webpage on the Air District website that shows all 24 board members.

Co-Chair Ms. Margaret Gordon asked to clarify the date for the interviews and asked when the interviews would end.

Chair Bauters explained that the interviews would happen on the day of the 9th, with interviewees being brought in person to interview. Interview groups would write up their thoughts and give their recommendations to the Board. Because the APCO answers to the Board, the Board is legally obligated to officially hire them. He explained that the consultant would provide a packet to the

Board from the Council's interviews and that 2-3 finalists would be interviewed for the final selection.

Co-Chair Ms. Margaret Gordon asked when the Council would confirm with the Board on their interviews.

Chair Bauters explained that legally, the Board has the responsibility to hire the APCO since the APCO is beholden to the Board. Staff, Council, and peers were encouraged to offer input on the interview process, and Chair Bauters highlighted that most other air quality agencies do not do that. He stressed that the Air District is attempting to pioneer inclusiveness in the hiring process.

Co-Chair Ms. Margaret Gordon expressed the desire for the Council to have a direct conversation with the Board and that she felt that there was a gap in communication between the two groups. She continued to say that she understood if it was a legal issue but questioned why they weren't conferring with each other directly.

Chair Bauters expressed that the interview process was a Human Resources process and was in writing and stated that as such, discussion of it should not happen in a public meeting. He explained the interview process in detail and that the Air District wanted the interview process to be as fair and equitable as possible. He also expressed the desire to be communicative with the Council.

Council member Reed clarified that the Council wanted to build a relationship with the community and ensure that the community had the chance to offer its opinion on the APCO selection. He stressed the desire for equity and transparency in the process.

Chair Bauters said he would let the Board know of the Council's feedback.

Co-Chair Jefferson asked if anyone wanted to be an alternate. Council member Massey stated that she wanted to be an alternate. Council member Molina also expressed interest in being an alternate.

The Clerk asked if the panelists were pre-selected. Co-Chair Washington explained that at the previous Council meeting, members were asked to self-nominate by submitting an essay to staff and that tonight the Council is approving the panelists and also choosing two alternates.

Council Action

The panelist selected are as follows:

1. Co-Chair Latasha Washington
2. Co-Chair Kevin Jefferson
3. Co-Chair Ms. Margaret Gordon
4. Council member Arieann Harrison
5. Council member Hana Mendoza
6. Council member Charles Reed
7. Council member Kevin G. Ruano Hernandez
8. Council member Joy Massey (alternate)
9. Council member Rio Molina (alternate)

Co-Chair Washington made a motion, seconded by Council member Reed, to approve the panelists and alternates to interview the Air District's Air Pollution Control Officer Candidates as listed above, and the motion carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Joy Massey, Hana Mendoza, Rio Molina, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Arieann Harrison, Cecilia Mejia, Mayra Pelagio, Dr. Jeff Ritterman.

Motion Approved.

11. REPORT OF THE INTERIM EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)

NOTED PRESENT: Council member Goodwin was noted present at 6:14pm.

Mr. Belle introduced Interim Executive Officer/APCO Sharon L. Landers, who reported that there were six Spare the Air days issued between September 3 and 8. There will also be an air quality advisory issued, starting Friday, September 9th, for wildfire smoke impacts. There have been and will be extensive social media coverage for both the advisory and the Spare the Air alerts.

APCO Landers reported that Air District staff are partnering with Communities for a Better Environment (CBE) to create a 27-member East Oakland Community Emissions Reduction Plan Steering Committee, under Assembly Bill (AB) 617 (Community Health Protection Program), which will have a kickoff meeting on September 15th from 6 to 8 pm. The agenda and the link for the meeting will be on the BAAQMD and AB 617 websites, and a press release will be sent out next week to announce the kickoff. APCO Landers thanked Board Director Nate Miley of Alameda County, who will provide welcome remarks at the kickoff meeting.

APCO Landers also noted that the California Legislature adjourned on August 31st and that Governor Newsom has until September 30th to sign or veto the bills passed by the California Assembly and Senate. APCO Landers noted several state bills that would impact the Air District, including AB 2449, which would tighten remote meeting participation, and AB 1749, which would allow for AB 617 steering committees and Air Districts to request up to a year to develop their Equipment Replacement Programs (ERPs). There is also a bill that expands the life of power plants in California and places new targets on renewable energy.

Public Comments

No requests received.

Council Comments

Co-Chair Washington asked if APCO Landers meets with the Board of Directors (Board).

Co-Chair Washington expressed concern that APCO Landers had not formally introduced herself to the Council and asked her to do so, noting the importance of establishing a relationship between the APCO and the Council, especially Council leadership. APCO Landers stated that she would introduce herself to the Council and shared that she recently returned to work from an unexpected medical leave and is interested in building a relationship with the Council.

Air District Assistant Counsel, Marcia Raymond, noted that for APCO Landers to join a Council meeting, it would need to be during a publicized meeting, or else it would be a Brown Act violation, and suggested adding an agenda item for APCO Landers to introduce herself.

Council member Mendoza noted she supports Co-Chair Washington's comments and wants to build a relationship with APCO Landers, and she extended wishes for a full recovery to APCO Landers.

Council Action

None; Receive and file.

4. SELECTION OF AN ENVIRONMENTAL JUSTICE (EJ) POLICY AD HOC COMMITTEE

NOTED PRESENT: Council member Harrison was noted present at 7:20pm. Council member Reed was noted present at 8:00pm.

Mr. Belle introduced Environmental Justice and Community Engagement Officer, Suma Peesapati, and Executive Vice President for Environmental Justice and Social Justice Metropolitan Group, Vernice Miller-Travis, who gave the presentation *Selection of an Environmental Justice Policy Ad Hoc Committee*, including Requested Action; Vernice Miller-Travis; Background on Metropolitan Group; Background; Bay Area Air Quality Management District (BAAQMD) EJ Policy Framework; Environmental Justice Policy; and Ad Hoc Committee Selection.

Public Comments

No requests received.

Council Comments

Co-Chair Ms. Margaret Gordon stated that she was concerned that no Board members would be members of this new ad hoc committee, perpetuating the lack of collaboration between the Board and Council, and resulting in a process that is not equitable and instead is separatory.

Ms. Peesapati explained that the Council had the exact expertise and lived experiences that the Air District needed to develop a robust EJ policy and stressed that she wanted to ensure more engagement between the Board and the Council.

Co-Chair Ms. Margaret Gordon expressed that she felt it was incorrect not to sit together and talk directly with the Board.

Council member Reed echoed Co-Chair Ms. Margaret Gordon's sentiments and expressed a desire for more direct and equitable communication with the Board.

Ms. Peesapati responded that staff would be happy to take the Council's proposal to the Board but that the Council's participation on the EJ Policy Ad Hoc Committee is key.

Council member Ruano Hernandez noted that the Council was still in its early stages of development and was still determining its purpose and priorities .

Council member Mendoza said that she was excited to learn more about environmental justice as part of the EJ Policy Ad Hoc Committee.

Ms. Miller-Travis explained that the EJ Policy Ad Hoc Committee would be a collaborative effort to build policy that reflected community needs and priorities and gave examples of collaborative environmental justice work from the Environmental Protection Agency (EPA).

Co-Chair Jefferson asked that Board members regularly attend the EJ Policy Ad Hoc Committee meetings.

Council member Szutu asked how various members on the EJ Policy Ad Hoc Committee would work together.

Ms. Peesapati stated that she understands the Council's wishes to have the Board participate in the development of the EJ Policy with the EJ Policy Ad Hoc Committee rather than after the EJ Policy Ad Hoc Committee develops the policy.

Council member Saena expressed concern that these processes still felt like a separation between the Council and the Board and asked if the Board was fully committed to supporting what would come out of the policy. She also wanted to have more discussions and learn more through the committee. Co-Chair Ms. Margaret Gordon echoed these sentiments.

Ms. Peesapati stressed that the purpose of an EJ Policy Ad Hoc Committee is to determine what conversations need to occur between the Board and the Council and establish a communication policy.

Council member Harrison echoed the sentiments expressed by previous Council members and stressed that she wants more community involvement in Air District processes. She also expressed the desire for more resources to enforce existing environmental laws, as well as an interest in generally understanding the process of enforcement and environmental justice.

Ms. Peesapati stated that she feels this is a question of reprioritizing existing resources, and not one of finding more resources for enforcement.

Mr. Belle asked those interested in participating in the EJ Policy Ad Hoc Committee to identify themselves and the county they in which they reside.

Council member Massey asked what the definition of “diversity” was, in this context. Mr. Belle clarified that this meant geographic diversity.

Co-Chair Ms. Margaret Gordon and Co-chair Jefferson wanted clarification on which counties were not represented. It was noted that San Mateo, Marin, Sonoma, and Napa counties did not have explicit representation on the EJ Policy Ad Hoc.

Senior Deputy Executive Officer of Policy & Equity, Veronica Eady, explained that those counties fell under “at large,” so the “at large” Council Members, such as Council member Molina, did not have a specific county designation.

Co-Chair Washington noted that Dr. Aguilera was from San Mateo and was welcome to take the eighth position available on the Committee. Mr. Belle clarified that they would not be voting on whether Dr. Aguilera would be part of the EJ Policy Ad Hoc Committee.

Co-Chair Washington expressed interest in Council member Ruano Hernandez being part of the Committee in order to have youth representation. Council member Ruano Hernandez expressed interest in being part of the Committee.

Co-Chair Washington noted that Co-Chair Jefferson was already part of the Governance Ad Hoc Committee and instead suggested Council member Molina to serve on the Committee in the “at large” capacity.

Co-Chair Ms. Margaret Gordon asked for clarification on whether the EJ Policy Ad Hoc Committee would have open public meetings, and expressed the desire that the community be able to participate in the meetings.

Ms. Peesapati clarified that the EJ Policy Ad Hoc Committee did not fall under the Brown Act and therefore did not need to publicize every meeting. Co-Chair Jefferson added that the EJ Policy Ad Hoc Committee could report on its progress during the public Council meetings.

Ms. Raymond affirmed that because the EJ Policy Ad Hoc Committee would be kept at eight members, not every meeting needed to be given public notice.

Council member Szutu expressed the desire to continue what Co-Chair Ms. Margaret Gordon was saying, and asked if Council members could invite the public into the meetings. He expressed that the community could provide input to the Ad Hoc Committee.

Ms. Peesapati noted that it was possible for the public to participate but asked for counsel from Legal. Ms. Raymond stated that because the EJ Policy Ad Hoc Committee was not constrained by the Brown Act, they were free to invite the public into those meetings.

Council Action

The interested Council members are as follows:

1. Co-Chair Kevin Jefferson (at large)
2. Co-Chair Latasha Washington (Contra Costa County)
3. Council member Violet Saena (Santa Clara County)
4. Council member Hana Mendoza (Alameda County)
5. Council member Rio Molina (at large; North Bay counties, excluding Solano)
6. Council member Kevin Szutu (Solano County)
7. Council member Arieann Harrison (San Francisco County, Bayview Hunters Point)
8. Council member Kevin G. Ruano Hernandez (at large, youth)
9. Council member Charles Reed (Alameda County) — possible alternate
10. Council member Joy Massey (Alameda County) — possible alternate

Co-Chair Washington made a motion, seconded by Council member Massey to approve the committee members for the EJ Policy Ad Hoc Committee, and the motion carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman.

Motion Approved.

The Council recessed at 8:10 a.m. and resumed at 8:17 p.m.

5. REVISED COMMUNITY ADVISORY COUNCIL MEETING LAND ACKNOWLEDGEMENT OR ALTERNATIVE STATEMENT IN LIEU OF PLEDGE OF ALLEGIANCE

Mr. Belle introduced Council member Ruano Hernandez; who gave the presentation *Community Advisory Council Meeting Land Acknowledgement In Lieu of Pledge of Allegiance*, including Requested Action; What is a Land Acknowledgment?; Why is it important?; Option 1: Revised Land Acknowledgement; Proposed Map; Land Acknowledgment Resources; Option 2: Alternative Mission and Equity Statement; and Option 2: Alternative Statement.

At a previous Council meeting, the Council had been asked to consider accepting a land acknowledgement statement that would replace the Pledge of Allegiance, however, additional time was requested to continue finalizing the language. At the September 8th meeting, two options were brought before the Council: 1) a Land Acknowledgement (Option 1) would recognize and pay respect to the Indigenous People as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories, also recognizing the challenges that People of Color and other disadvantaged communities have endured in this country as a result of white supremacy; and an Alternative Mission and Equity statement (Option 2) that focuses on Council's commitments and objectives, which could serve to guide the Council's discussion and work.

Public Comments

No requests received.

Council Comments

Co-Chair Jefferson asked for clarity on what the Council was voting for because he had been under the impression that the recommendation was to accept the land acknowledgment as part of the Council's meeting protocol. He expressed that Council member Szutu's mission statement was excellent and should be included in the charter.

Council member Massey expressed agreement with Co-Chair Jefferson and expressed the desire for equity to be a collaborative and ongoing process.

Council member Harrison asked to clarify if the land acknowledgment would be read during every meeting or be posted on the website. Co-Chair Jefferson clarified that the Council was voting to have the land acknowledgment be part of every meeting and that Council member Szutu's mission statement be included on the website. Council member Szutu clarified that the proposals would be in lieu of the pledge of allegiance.

Co-Chair Washington asked for clarification on whether the Council was tasked with simply accepting the language of both, which Mr. Belle affirmed.

Co-Chair Washington stated that she wanted to include both the mission statement and the land acknowledgment as part of the Council's website, instead of reading it at every meeting.

Council member Molina expressed a desire to distinguish between the land acknowledgment and the equity statement. He noted that there was a lot of reluctance to acknowledge or recite the land acknowledgment but also noted that indigenous and other disadvantaged groups are heavily impacted by air pollution exposure. He expressed a desire to speak truth to power and that reciting the land acknowledgment was a way to do that.

Council member Ruano Hernandez asked to clarify if the motion was to have the mission statement and acknowledgment as part of the agenda but not read; Co-Chair Jefferson confirmed affirmatively.

Council member Pelagio suggested sending the mission statement to the Governance Ad Hoc Committee so they can workshop it and represent community desires more accurately.

Council member Szutu asked if the motion was to put the land acknowledgment and mission statement on the website and not on the agenda, which was echoed by Council member Massey.

Council member Mendoza shared the desire to read the mission statement together as a group.

Co-Chair Washington asserted that neither the land acknowledgment nor the mission statement needed to be read at every meeting but agreed with the sentiment of both. She also expressed a desire to continue working on the mission statement together.

Council member Reed expressed that he wanted to make the time during the meetings as productive as possible, and Council member Harrison agreed that she wanted meetings to be more strategic and productive.

Council member Harrison stated that she agreed with the mission statement and the land acknowledgment, but wants the Council meetings to be strategic and productive.

Council member Pelagio expressed the concern that the emphasis on productivity was tied to white supremacy and desired that the Council critically consider how white supremacy impacts their work.

The Clerk clarified that the Council's motion did not reflect Co-Chair Ms. Margaret Gordon's suggested changes.

Council Action

A motion made by Co-Chair Jefferson, seconded by Council member Mendoza, to accept the revised land acknowledgement and have it read at the beginning of each Council meeting, **failed**.

AYES: Co-Chair Kevin Jefferson, Fernando Campos, Hana Mendoza, Rio Molina, Kevin G. Ruano Hernandez.

NOES: Co-Chair Ms. Margaret Gordon, Co-Chair Latasha Washington, Dr. Juan Aguilera, Arieann Harrison, Joy Massey, Mayra Pelagio, Charles Reed, Violet Saena, Ken Szutu.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman.

Motion did not carry.

Co-Chair Ms. Margaret Gordon made a motion, seconded by Co-Chair Jefferson to: 1) **Approve** the revised land acknowledgment and reference it within the Council's bylaws, on Council agendas, and on the Council's webpage; and 2) **Consider the approval** of the proposed Mission & Equity statement after it has been revised by the Council's Governance Ad Hoc Committee (to be later referenced within the Council's bylaws, on Council agendas, and on the Council's webpage.) The motion **carried** by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin John Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, Ken Szutu.

NOES: Mayra Pelagio.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman.

Motion approved.

6. AIR DISTRICT'S SERVICES TO ADDRESS COMMUNITY-IDENTIFIED AIR QUALITY CONCERNS – OVERVIEW OF THE AIR QUALITY COMPLAINT PROGRAM AND INVESTIGATION PROCESS

Mr. Belle introduced Senior Deputy Executive Officer of Operations, Damien Breen, who gave the presentation *Air District's Services to Address Community-Identified Air Quality Concerns*; including Outcome; Outline; Requested Action; Air Quality Complaint Program Goals and Objectives; Steps in the Complaint Process; How to Report an Air Quality Complaint; and Documentation of Investigation Findings and Enforcement Actions.

Public Comments

Tony Fisher from the Coalition for Clean Air recommended that the Air District work with real-time air monitoring networks, such as PurpleAir, to determine if the air quality data found justified additional activity and monitoring. He explained that the Air District may not get complaints from areas that are heavily impacted by air pollution, but that the real-time data showed that air quality was poor in those areas.

Council Comments

Co-Chair Ms. Margaret Gordon appreciated the information that Mr. Breen, gave but did not feel that it was real-time information. She expressed concern that the Air District did not release a statement when there was a fire at California Waste Solutions in Bayview Hunters Point, and she expressed the desire for a phone-based alert system for fires or air quality concerns, as well as a third party audit of the air quality concerns in Bayview Hunters Point. She also felt that the number of marijuana growers and diesel generators in Bayview Hunters Point were unacceptable.

Mr. Breen explained that the Air District was trying to improve their ability to respond to air quality concerns, and that although the Air District did not respond to the incidents Co-Chair Ms. Margaret Gordon mentioned, their response did include updating the community on the results of the Air District's investigations. With regards to the marijuana growers, Mr. Breen stated that the Air District was working with various governing bodies to hold growers accountable, issue compliance advisories, and pursue legal ramifications for those violations.

Co-Chair Ms. Margaret Gordon asked if the Council was going to be able to discuss the agenda item concerning the Alice Griffith Housing Development. Mr. Breen stated that he was uncertain but willing to stay longer at the meeting.

Mr. Belle suggested moving forward in the agenda, to which Co-Chair Ms. Margaret Gordon said she was not satisfied until there was an audit on performance, operation, and administration of the Air District. Mr. Breen explained that the Air District was already audited by the California Air Resources Board and the U.S. Environmental Protection Agency. Co-Chair Ms. Margaret Gordon requested that the Council know more about the Air District's audit process and have access to the audit reports.

Council member Mendoza asked if families could request an audit of air pollution in their vicinity if they were experiencing physical effects. Mr. Breen explained that families could use the audit process and have an inspector come out and check for potential sources and try to address the issue.

Co-Chair Jefferson asked what corrective action the Air District has taken in the past several months, and mentioned that the Council had been promised a report of the Air District's actions but had not received it. He also requested a member of Mr. Breen's staff be available to the Council's EJ Policy Ad Hoc Committee. Mr. Breen stated that the Air District issues a monthly report to the Board on violations, but had not been aware that the Council had wanted that same report, and that it could be provided.

Co-Chair Jefferson requested a few examples of the violations the Air District had reported. Mr. Breen gave several examples, including issuing Notices of Violations to multiple marijuana growers in East and West Oakland for having unpermitted generators, as well as the companies that rented out the generators. He also explained the process by which the Air District's 40 inspectors answer complaints, inspecting businesses for their air quality compliance and testing, and issue violations.

Co-Chair Jefferson stated that he was concerned with the Air District allowing the facilities to remain operational and asked if the Air District had stopped any facilities in the last year from operating, due to violations. Mr. Breen explained that they had not shut down any facilities that year, but instead they fine facilities so they do not violate the rules again. He continued to explain that different facilities and different types of permits have different regulations, and that there are very few regulations that have zero tolerance for air pollution.

Co-Chair Jefferson asked why there were different permit limits in different area codes, and why pollution allowances were still being given. Mr. Breen responded that in December 2021, the Air District reduced the pollution limits in overburdened communities. Co-Chair Jefferson responded by asking how the rules for existing facilities differ from new facilities. Mr. Breen explained that through the AB 617 program, the Air District was trying to improve the facilities in those regions and tighten rules over time.

Council member Szutu asked if there would be meetings where community members would be able to talk directly with staff. Mr. Breen said that he would talk more about that in the next presentation, but that staff were committed to traveling into communities to meet community members and educate them on how the enforcement process works. Council member Szutu also requested that the Air District share more enforcement "success stories" with the Council in the future. Mr. Breen mentioned that the Air District is working on a way to make sure that pollution violation and permit information is transparent and available on their website.

Council Action

None; receive and file.

7. UPDATE ON COMMUNITY AIR QUALITY CONCERNS AT THE ALICE GRIFFITH HOUSING DEVELOPMENT IN BAYVIEW HUNTERS POINT, SAN FRANCISCO

Mr. Belle introduced Mr. Breen, who gave the presentation *Update on Air Quality Concerns at the Alice Griffith Housing Development in Bayview Hunters Point*, including Outcome; Outline; Requested Action; Background; Enforcement Process; Alice Griffith Apts. – Pre-March 2022; Regulated Facilities: Bauman Concrete; Regulated Facilities: Precision Engineering & M Squared (M2); Addressing Community Air Quality Concerns; Current Status; Ongoing Issues; Inspector Daily Surveillance Patrol; and Other Activities in Bayview Hunters Point.

Public Comments

No requests received.

Council Comments

Council member Harrison asked how many inspectors there were in District 10 of the City of San Francisco, and said that because District 10 was the largest area in San Francisco, it should have more than one inspector. Mr. Breen asserted that the Air District was committed to hiring more staff for enforcement.

Council member Harrison expressed concern at the number of large-scale businesses that were being set up in Bayview Hunters Point and asked how the Air District was going to address unpermitted businesses. She also asserted that many community members were knowledgeable about the health impacts in Bayview Hunters Point and wanted to see leadership from the Air District take a harder stance on enforcement. Mr. Breen admitted that the Air District could do better letting communities know about the tools at their disposal, but also asserted that the Air District was changing to take more direct and swift action in regards to compliance and enforcement measures. He also requested that the Council work together with him to educate the community on the resources available to them.

Council member Harrison requested that Mr. Breen consider creating a pilot program to ensure that community members receive certification in surveying their communities for pollution violations, and described the health impacts that Bayview Hunters Point residents experience due to the pollution in the area. Mr. Breen stated that the enforcement staff was looking into such an idea. Council member Harrison also requested that Air District staff and leadership personally meet with residents of Bayview Hunters Point to understand the pollution concerns and health impacts in the community.

Co-Chair Ms. Margaret Gordon asked for more clarity on the Air District's enforcement and compliance policies. Mr. Breen suggested that in the next meeting they have a clear discussion on the Air District's authority over unpermitted sources of pollution. Co-Chair Ms. Margaret Gordon suggested that the laws and regulations be updated with a more environmental justice and public health focus, which Mr. Breen agreed with. He also explained that federal laws prevented the Air District from taking certain measures against polluters, and instead their duty was to bring unpermitted facilities under regulation.

Co-Chair Jefferson spoke about his personal health experiences in Bayview Hunters Point and requested that the Air District improve their monitoring and enforcement systems in Bayview Hunters Point, especially with long-term polluters. Mr. Breen asked if his colleagues could attend a meeting and discuss what the Air District was doing to research the health disparities as a result of a truck weight restriction along an 8.7-mile segment of Interstate 580 through the City of Oakland. Co-Chair Jefferson questioned why the study was needed and asked for more information on the purposes of the study. Mr. Breen explained that the Air District needed hard data to back up what community members were experiencing, and asserted that the Air District was beginning

to change their regulatory processes to better reflect community needs. He also suggested that the Council come up with a list of all of the requests they had for the next meeting.

Co-Chair Jefferson asked for a list of the laws that the Air District wanted to change and the complaints the Air District has gotten over the last twenty years, a sentiment echoed by Co-Chair Margaret Gordon, who also asked for the information to be placed in a spreadsheet. Co-Chair Ms. Margaret Gordon suggested that the Air District have stronger enforcement abilities and hold education sessions for communities impacted by air quality. Co-Chair Jefferson thanked Mr. Breen for attending the meeting and for listening to the Council.

Council Actions:

None; receive and file.

9. WORK PLAN AD HOC UPDATE

This item is to be continued until the next meeting.

Council member Massey made a motion, seconded by Co-Chair Jefferson, to continue Item 9 to the next Council meeting; the motion was carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin John Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Arieann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman, Ken Szutu.

Motion approved.

10. GOVERNANCE AD HOC UPDATE

This item is to be continued until the next meeting.

Council member Massey made a motion, seconded by Co-Chair Jefferson, to continue Item 10 to the next Council meeting; the motion was carried by the following vote of the Council:

AYES: Co-Chair Ms. Margaret Gordon, Co-Chair Kevin John Jefferson, Co-Chair Latasha Washington, Dr. Juan Aguilera, Fernando Campos, Ariann Harrison, Joy Massey, Hana Mendoza, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena.

NOES: None.

ABSTAIN: None.

ABSENT: William Goodwin, Cecilia Mejia, Dr. Jeff Ritterman, Ken Szutu.

Motion approved.

12. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comments

No requests received.

13. COUNCIL MEMBER COMMENTS / OTHER BUSINESS

None.

14. TIME AND PLACE OF NEXT MEETING

At the time of this item, the next meeting was to be scheduled at the call of the Co-Chairs. After the meeting adjourned, the next meeting was set for November 17, 2022, at 6:00 pm.

15. ADJOURNMENT

The meeting was adjourned at 10:46 pm.

/s/ Ayla Peters Paz
Prepared by: Ayla Peters Paz
InterEthnica
Reviewed by: Marcy Hiratzka