



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 4

Selection of an Environmental Justice Policy Ad Hoc Committee

Community Advisory Council Meeting
September 8, 2022

Suma Peesapati

Environmental Justice and Community Engagement Officer

speesapati@baaqmd.gov

Vernice Miller-Travis

Executive Vice President for Environmental Justice and Social Justice
Metropolitan Group

Requested Action



- Select Council members for an ad-hoc committee to develop an Environmental Justice (EJ) Policy for consideration by the Community, Equity, Health, and Justice Committee of the Board.

Vernice Miller-Travis



- Research and production assistant, Special Project on Toxic Injustice, United Church of Christ (UCC) Commission for Racial Justice
- Contributing author, “Toxic Wastes and Race in the United States” UCC research report
- Cofounder, WeACT for Environmental Justice
- Founding Director, Environmental Justice Initiative, Natural Resources Defense Council (NRDC)
- Kellogg National Leadership Fellow – Group XVI

Vernice Miller-Travis (cont.)



- Member, US Environmental Protection Agency (EPA) National Environmental Justice Advisory Council (1996-2001, 2009-2015)
- First Program Officer for Environmental Justice, Ford Foundation
- Member of the Board: Clean Water Action, Green Leadership Trust, Land Loss Prevention Project, NRDC Action Fund, Patuxent Riverkeeper, Smithsonian Anacostia Community Museum, WeACT

Background on Metropolitan Group



- Metropolitan Group is a Social Change Agency that crafts strategic and creative services to amplify **the power of voice** of change agents in building a just and sustainable world.
- We are a full-service social change agency that crafts and integrates strategic and creative services. We build the capacity of change agents to leverage their power of voice, and we design, implement and evaluate direct efforts to create change. We do this through three practice areas: Strategic Communication, Intercultural Engagement, and Organizational Strategy and Innovation.

Background



Examples of Current Federal Environmental Justice Initiatives:

- White House Council on Environmental Quality, Senior Director for Environmental Justice, White House Environmental Justice Advisory Council
- U.S. EPA Environmental Justice, Civil Rights, and Permitting Policy
- U.S. Department of Justice—newly established Office of Environmental Justice (connecting Civil Rights Division and the Environment and Natural Resources Division)
- US EPA—new, imminent EJ Program Office, with its own Assistant Administrator that will oversee the Office of Environmental Justice (OEJ) and External Civil Rights Compliance Office (ECRCO)

Background (cont.)



Examples of State-Level Environmental Justice Initiatives:

- California Environmental Protection Agency's February 2020 Enforcement Memo
- New Jersey Environmental Justice Law, Assembly Bill 2212/Senate Bill 232, signed into law in September of 2020
- New York Climate Leadership and Community Protection Act
- Vermont's First EJ Policy, Senate Bill 148, signed into law in June 2022

BAAQMD EJ Policy Framework



- Environmental Justice (EJ) calls for transparency and accountability in government action, along with the use of agency discretion in a manner that serves equity and justice.
- Suggested framework should be based on key provisions within the 1991 Principles of Environmental Justice*:
 - EJ demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.
 - EJ affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.
 - EJ demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement, and evaluation.

**www.ejnet.org/ej/principles*

Environmental Justice Policy



- Establishment of an ad hoc committee to work on developing an Environmental Justice Policy for consideration by the Community, Equity, Health, and Justice Committee to promote equity and Environmental Justice in all of the agency's work.

Environmental Justice Policy (cont.)



- The workplan will cover an anticipated period from October 2022 to October 2023.
- Up to eight (8) Community Advisory Council (CAC) members can serve on the ad hoc committee.
- Balanced representation from Bay Area counties.
- Council members will be compensated for their time up to three (3) hours per month for CAC activities beyond the established CAC meetings.



QUESTIONS?



AD HOC COMMITTEE SELECTION



PUBLIC COMMENT



COUNCIL VOTE SELECTION



RESULTS



BAY AREA
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AGENDA: 5

Revised Community Advisory Council Meeting Land Acknowledgement or Alternative Statement In Lieu of Pledge of Allegiance

**Community Advisory Council Meeting
September 8, 2022**

**Kevin G. Ruano Hernandez & Ken Szutu
Community Advisory Council members**

Requested Action



- Approve the revised Land Acknowledgement or alternative Mission and Equity Statement to replace the Pledge of Allegiance at the beginning of each council meeting.

Background



- The Council voted to postpone the item at the June 30, 2022, Community Advisory Council (CAC) meeting and return with a revised Land Acknowledgement statement. This presentation includes the Land Acknowledgment (Option 1) as previously proposed, but with edits provided by Council member Jefferson and Council member Molina. This presentation also includes an alternative Mission and Equity Statement (Option 2) as proposed by Council member Szutu, which is distinct from the Land Acknowledgments proposed during the June 30th meeting.

What is a Land Acknowledgement?



A Land Acknowledgement is

- A formal statement that recognizes and respects Indigenous Peoples as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories
- An act of reconciliation that involves making a statement recognizing the traditional territory of the Indigenous people who called the land home before arrival of European settlers, and in many cases still call it home.

Why is it important?



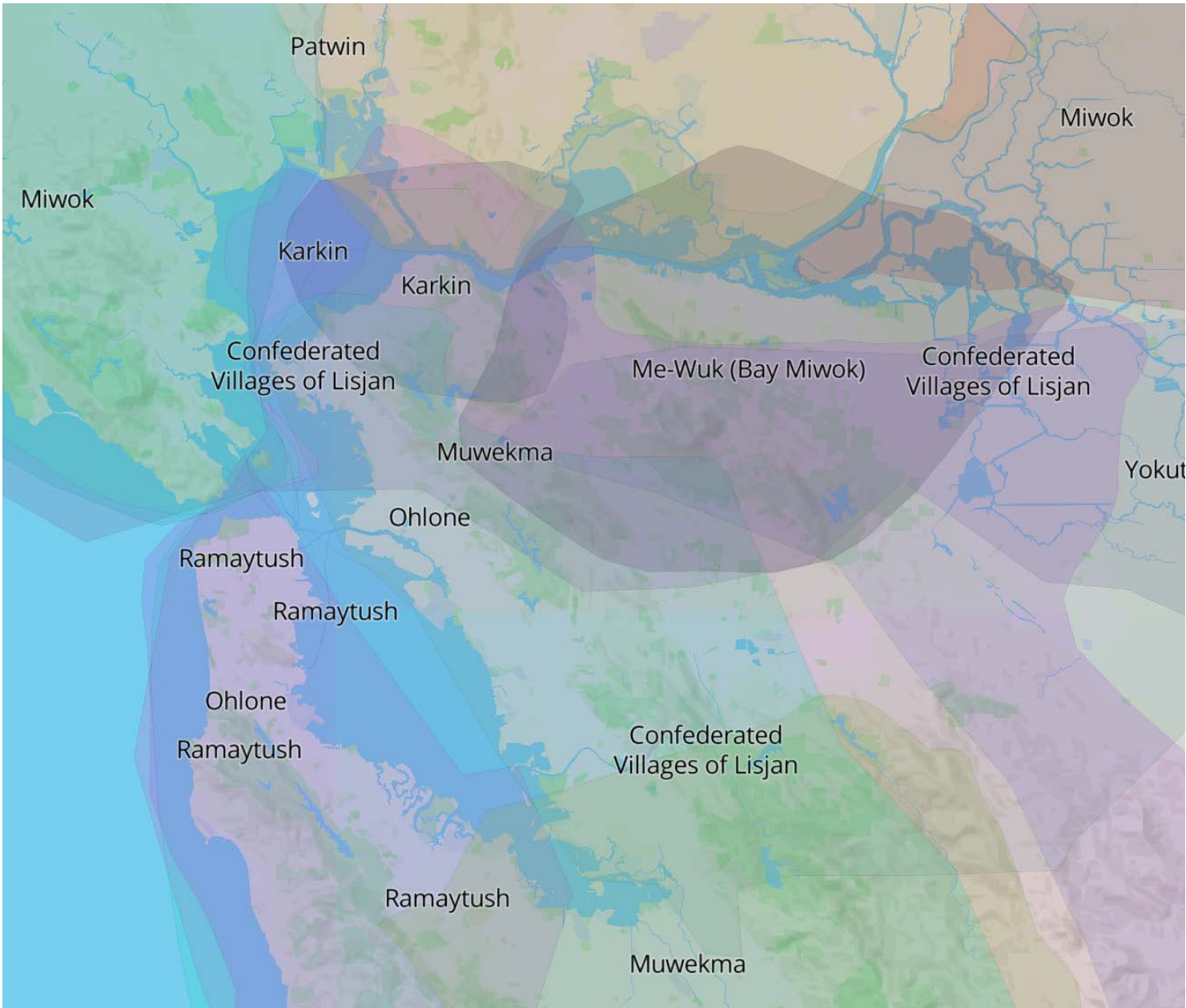
- A Land Acknowledgment serves to recognize the longstanding history and contributions of the Indigenous peoples who originally called these unceded Bay Area lands home.

Option 1: Revised Land Acknowledgement



- We begin by acknowledging that this land is unceded Indigenous land. The territories, or counties we represent, are of the **indigenous people**. To acknowledge this history of our country - that this nation was built on genocide, the exclusion and erasure of indigenous people - grounds our work in truth. We also acknowledge that our modern global economy was founded on the free and forced labor of enslaved Black people. And that exploited labor continuously perpetuates itself in disadvantaged communities of color, as we see in the treatment of farm workers, immigrant workers, prison labor, and domestic workers. This practice of land acknowledgement calls on us to recognize our violent history that is the foundation of white supremacy, and to recognize the longstanding and ongoing resistance of **People of Color** to dehumanization, repression, and homicide. And that the brilliance and leadership of People of Color in resistance, vision, wisdom, and love be honored and recognized as we work to dismantle ongoing legacies of settler colonialism and anti-blackness.

Proposed Map



Source: Native Land Digital
www.native-land.ca

Land Acknowledgement Resources



Native Land Map – www.native-land.ca

- A tool to identify the tribal nations that currently and historically occupied a particular area.

U.S. Dept. of Arts and Culture – www.usdac.us/nativeland

- A tool developed in consultation with Indigenous leaders throughout the country that offers guidance and rationale for the practice of land acknowledgement.

Lspirg – www.lspirg.org/knowtheland

- A nonprofit organization that helps organizations move beyond the acknowledgement



Option 2: Alternative Mission and Equity Statement

Ken Szutu
Community Advisory Council member

Option 2: Alternative Statement



Mission and Equity Statement

The Community Advisory Council believes in protecting the fundamental right to clean air in all communities.

We aim to provide meaningful community engagement and bring community priorities into focus.

We are committed to achieving equitable solutions to the impacts of air pollution and the polluting economy. We prioritize solutions that can be applied to more than one community.

We are dedicated to eliminating these threats both upstream and downstream, standing in solidarity, sharing power and resources, and listening to and amplifying voices from communities that are the most impacted.



PUBLIC COMMENT



COUNCIL VOTE



BAY AREA
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AGENDA: 6

Air District's Services to Address Community-Identified Air Quality Concerns

**Community Advisory Council Meeting
September 8, 2022**

**Damian Breen
Senior Deputy Executive Officer of Operations
dbreen@baaqmd.gov**

Presentation Outcome



- Air District staff will provide an overview of the Air Quality Complaint Program and highlight the different steps in the complaint investigation process to ensure compliance with air quality regulations across the Bay Area.

Presentation Outline



- Air Quality Complaint Program Goals and Objectives
- Steps in the Complaint Process
 - How to Report an Air Quality Complaint
 - Complaint Response and Investigation
 - Documenting Investigation Findings and Enforcement Actions

Presentation Requested Action



- None – Informational Presentation

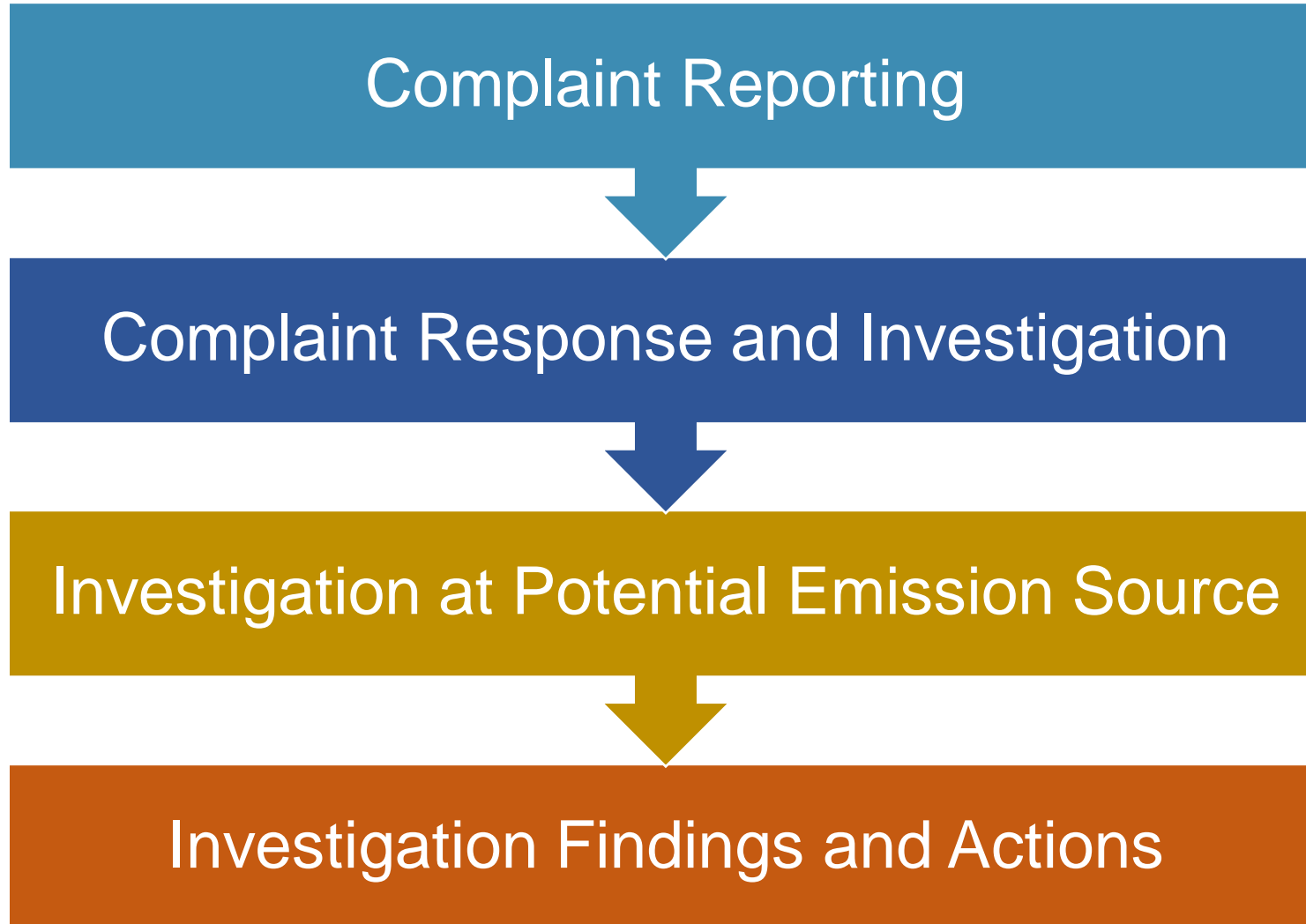
Air Quality Complaint Program Goals and Objectives



- Provide avenue for the public to communicate air quality concerns in the Bay Area
- Provide timely response to air quality complaints
- Investigate each complaint to achieve early intervention in resolving air quality problems and identifying violations
- Investigate all complaints as an impartial party to determine fact and circumstances surrounding alleged air emission releases
- Take appropriate enforcement action following complaint investigations



Steps in the Complaint Process



How to Report an Air Quality Complaint



- **Complaints by phone or online:**
 - Phone: 1-800-334-ODOR
 - Online: <http://www.baaqmd.gov/complaints>
 - Option to file anonymously
- **Complaint Response and Investigation:**
 - Core Business Hours:
 - 7:30 am – 6:00 pm, Mon – Fri
 - After Business Hours
 - 6:00 pm – 7:30 am, Mon – Fri
 - Weekends and holidays
- **Confidentiality**
 - The Air District will maintain complainant information confidential to the fullest extent permitted by law
- **Language interpretation service available**
 - Over 150 different languages

The screenshot shows the BAAQMD General Complaint form. The form is titled "BAAQMD GENERAL COMPLAINT" and has four main sections:

- 1. Complaint Type:** A dropdown menu is set to "Odor" with an "Edit Complaint Type" button.
- 2. Description of the Complaint:** A text input field with the prompt "Provide a detailed description of the emissions you observed. Try to be as specific as possible with your information." and a character count of 0/250.
- 3. When did this occur?:** Two sub-sections: "When did you first observe the emission?" with a date and time picker (MM/DD/YYYY HH:MM AM) and "Is the emission occurring right now?" with radio buttons for "Yes" and "No".
- 4. Location of observed emissions:** A text input field with the prompt "Describe where you observed the emissions." and a character count of 0/250.

At the bottom right, there are "CANCEL" and "SUBMIT" buttons. At the bottom of the page, there are links for "Contact Us", "Air Pollution FAQs", and "baaqmd.gov".

Complaint Response and Investigation



Inspector Reviews the Complaint Information

- Type, description, comments, date and time of occurrence
- Map complaint



Inspector Contacts the Complainant

- Typically by phone to obtain additional information regarding the complaint (*not applicable to anonymous complaints*)



Inspector May Meet with the Complainant

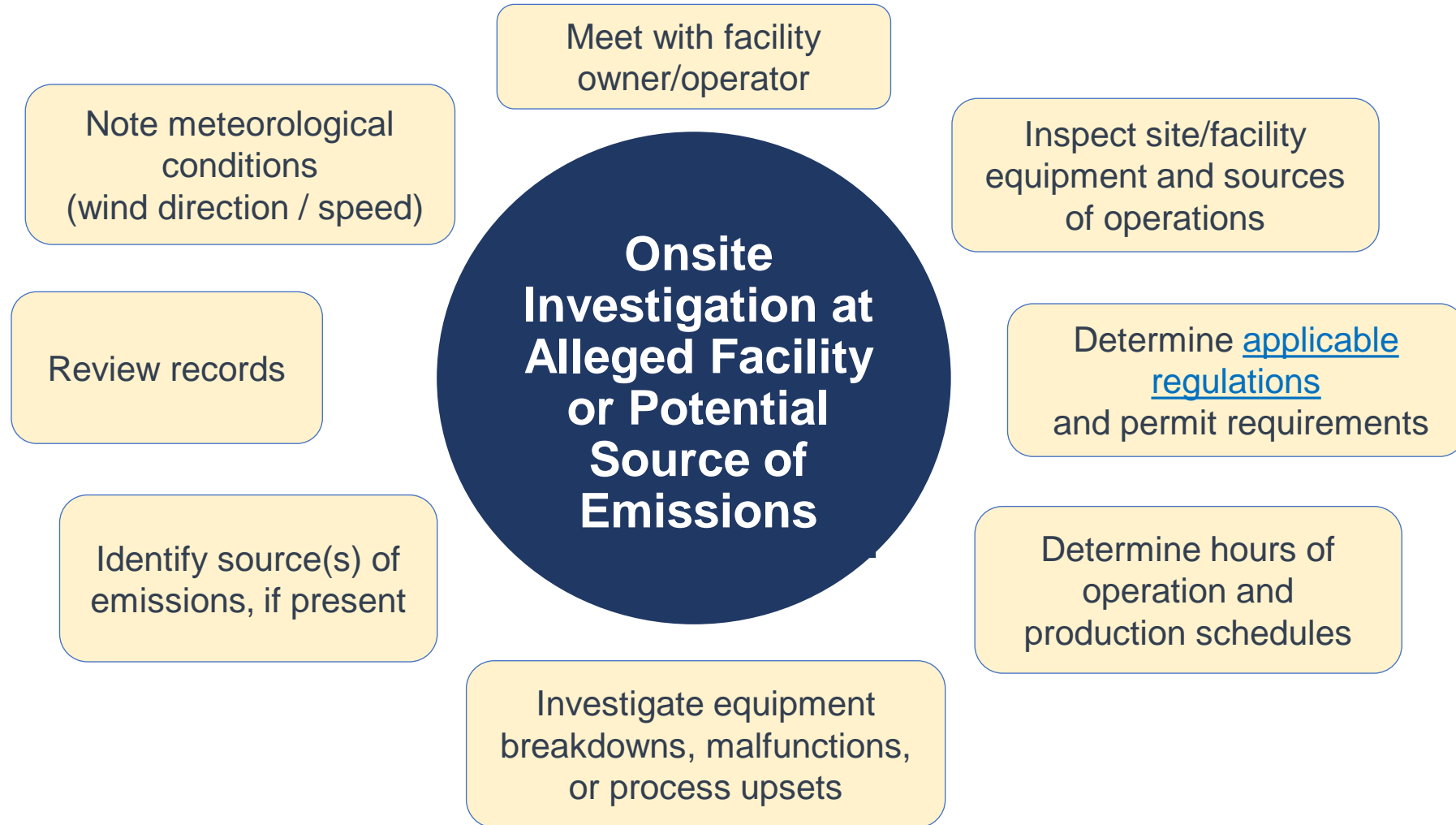
- Document complainant observations and statements
- Observe the emissions with the complainant, if present
- Note meteorological conditions
- Locate potential source of emissions



Inspector Conducts Area Patrol to Identify Potential Source of Emissions

- Patrol areas upwind/downwind of alleged source
- Determine if there are other potential sources of emissions
- Identify areas that are impacted by the emissions

Complaint Response and Investigation (cont'd)



Documentation of Investigation Findings and Enforcement Actions



Document Investigation Findings

- Complainant statements and observations
- Inspector observations of any ongoing violations or compliance concerns
- Trace and identify the potential source(s) of emissions
- Observations, statements and investigation findings at the alleged site/facility

Determine Complaint Status

- Complaints are given “Confirmed” or “Unconfirmed” statuses based on the findings of the investigation
 - **“Confirmed” complaint** (*emission is present at time of investigation and can be traced to a source, or emissions can be verified based on other evidence*)
 - **“Unconfirmed” complaint** (*emission is no longer present at time of investigation, emission is not traceable to a source and/or there is no other supporting evidence*)

Take Enforcement Action and Issue Notice of Violation(s), where applicable

- Review investigation findings and issue violation(s) for non-compliance of:
 - Air District, State, Federal regulations and statutes, permit requirements, Public Nuisance (Reg. 1-301; CA H&SC 41700)
- Cross-divisional/cross-agency coordination to address violations and ensure corrective actions are taken

Notification of Investigation Findings and Actions

- Notify complainant of investigation results
- A complainant may request a copy of the complaint investigation report online, through the Inspector or by making a Public Records Request



PUBLIC COMMENT



QUESTIONS?



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AGENDA: 7

Update on Air Quality Concerns at the Alice Griffith Housing Development in BVHP

Community Advisory Council Meeting
September 8, 2022

Damian Breen
Senior Deputy Executive Officer of Operations
dbreen@baaqmd.gov

Outcome



The Community Advisory Council will receive an update on actions taken to address community air quality concerns at the Alice Griffith Housing Development in the Bayview Hunters Point.

Outline



- Background
- Enforcement Process
- Alice Griffith Housing Development Overview
- Regulated Facilities
- Addressing Community Air Quality Concerns
- Current Status and Ongoing Issues
- Other Activities
- Questions

Requested Action



- None – Informational Only

Background



During year 2021, three material handling facilities, Bauman Redi-Mix Cement (Bauman Cement), Precision Engineering, and M Squared (M2) leased properties directly adjacent to the Alice Griffith Housing Development.

- Operations resulted in Community Air Quality Concerns.
- Land use issues. Air District is not a land use agency.
- Operations were not a permissible land use per OCII*
- November 2021 first Air Quality Complaints.

*OCII – Office of Community Investment and Infrastructure

Enforcement Process



Ensures Air District realizes emission reductions achieved by air quality regulations and permit conditions:

- Compliance Inspections and Investigations
- Air Quality Complaint Investigations
- Enforcement Actions (Notice of Violation (NOV), Notice To Comply (NTC))

Alice Griffith Apts. – Pre-March 2022



Picture of crusher/conveyor and stockpiles at Bauman

11/18/21



Regulated Facilities: Bauman Concrete



- 11/22/21- NOV #A59016 pursuant to Reg 2-1-301/302 for an unpermitted small batch concrete operation
- 1/21/22– NOV #A59019 to pursuant to Reg 6-6-501 for Failure to perform monitoring and recordkeeping of trackout on public streets

Regulated Facilities: Precision Engineering & M Squared (M2)



Addressing Community Air Quality Concerns



- Air Quality Complaint response.
- NOA exists throughout the area, but Regulated Facilities do not disturb soil.
- Inspect / Hold Accountable Air District Regulated Facilities (Bauman, Precision, and M2)
 - Daily Inspector Patrol Surveillance
 - Weekly reports



Addressing Community Air Quality Concerns (cont'd)



- Work with Other Agencies
 - SF Public Utilities Commission
 - SF Department of Public Health
 - SF Office of City Attorney
 - OCII
- SF City Attorney Cease and Desist Orders (first issued 3/9/22)
 - Required Material Handling Facilities to vacate the property
 - Required two small unapproved storage facilities to vacate the property (J.R.Z Demolition and Brothers Hauling)
- Air District staff continue to provide updates to the City Attorney

Current Status



- Facilities have vacated premises to comply with Cease-and-Desist Orders of SF City Attorney.



Current Status (cont'd)



- Continued Daily Inspector Patrol Surveillance
 - Reporting
- SF Inspector outfitted with Aerocet particulate monitor and fall out plates for use in complaint response
- Aerocet used for informational purposes

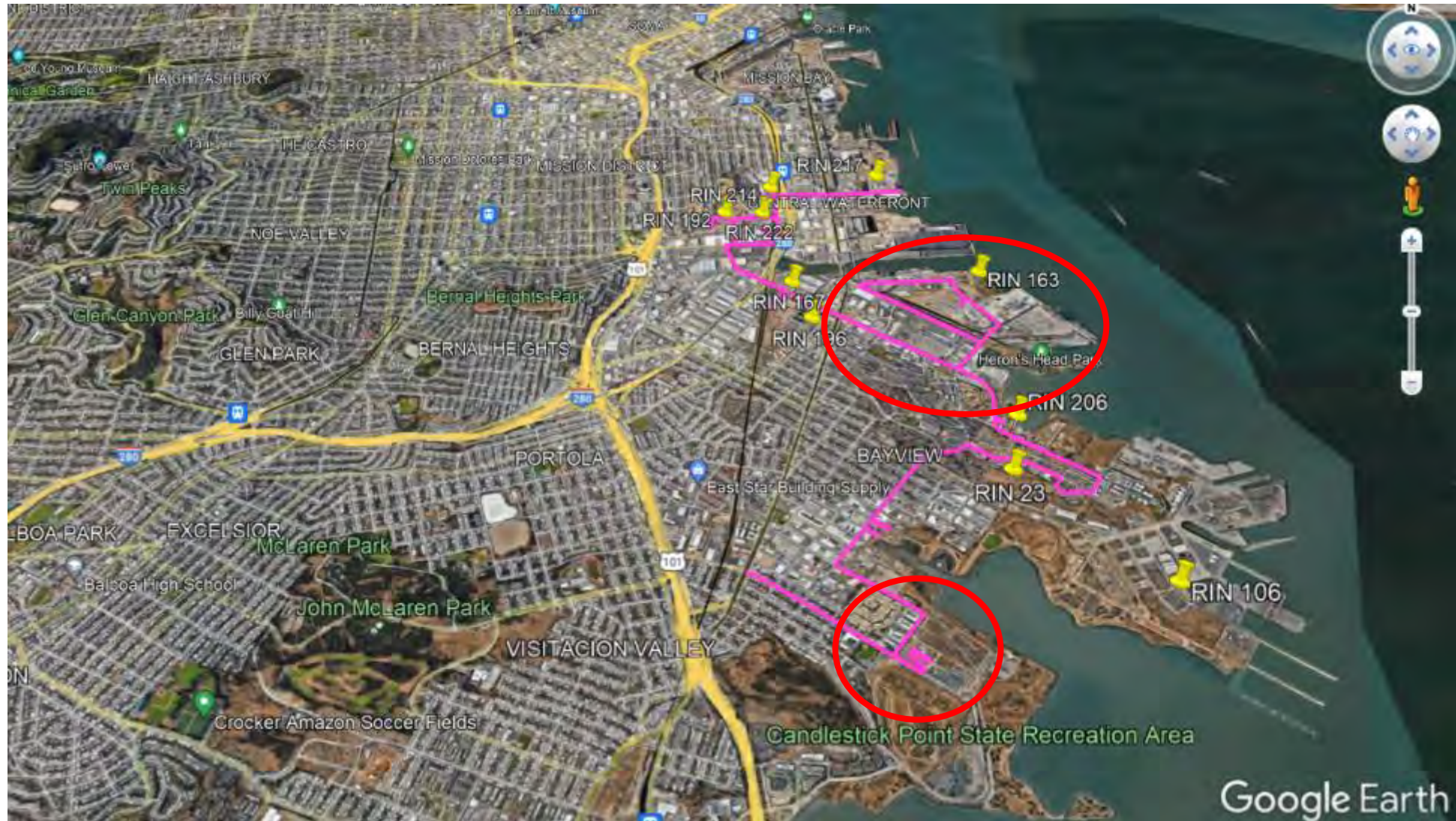


Ongoing Issues



- Wind driven dust from unpaved areas.
- Dust below regulatory thresholds.
- Rules do not prohibit dust just minimize it.
- Illegal dumping.
- Other activities in Bayview Hunters Point

Inspector Daily Surveillance Patrol



Other Activities in Bayview Hunters Point



- Monitoring
 - Supporting Greenaction's sensor network operated under their California Air Resources Board (CARB) Community Air Grant.
 - Working with Environmental Protection Agency (EPA) to provide a data template to the Navy so that monitoring data from the shipyard is more accessible to the public.
- Community Engagement
 - Candlestick Heights Neighborhood Alliance Meeting.
 - District 10 Supervisor Meeting.
 - BVHP Environmental Justice Task Force Meetings.



PUBLIC COMMENT



QUESTIONS?



BAY AREA
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AGENDA: 8

Approval of Panelists to Interview the Air District's Air Pollution Control Officer Candidates

**Community Advisory Council Meeting
September 8, 2022**

**Randolph Belle
Meeting Facilitator**

Requested Action



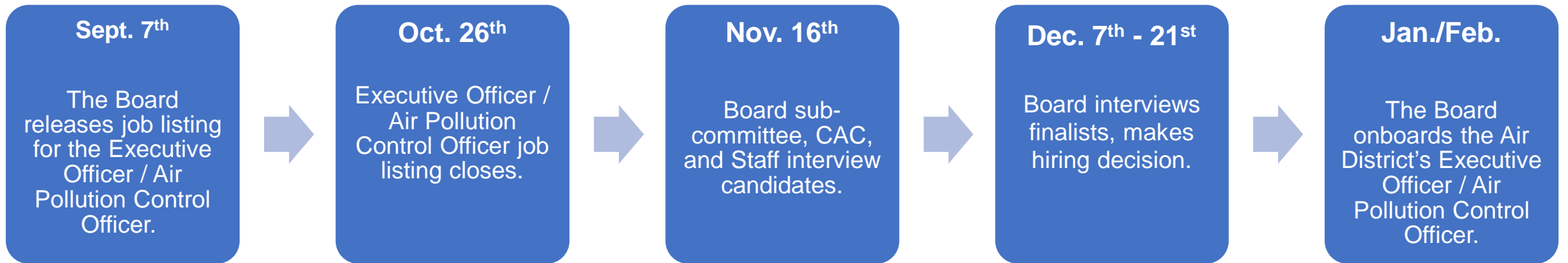
- Approve the list of Council members to participate in the Executive Officer / Air Pollution Control Officer interview panel.

Background



- During the June 30, 2022 meeting, the Community Advisory Council (CAC) created a list of desired qualifications for the next Executive Officer / Air Pollution Control Officer (APCO).
 - The Co-Chairs presented and sent a letter with the desired list of qualifications to the Air District Board of Directors (Board).
- The Board also invited up to seven CAC members to serve on a panel to interview the APCO candidates.
 - The three CAC Co-Chairs and four additional Council members self-nominated to participate in the interview panel.

Timeline



Self-Nominated Interviewers



- Co-Chair Latasha Washington
- Co-Chair Kevin Jefferson
- Co-Chair Ms. Margaret Gordon
- Council member Arieann Harrison
- Council member Hana Mendoza
- Council member Charles Reed
- Council member Kevin Ruano Hernandez

Requested Action



- CAC to vote to approve the list of Council members to participate in the Executive Officer / Air Pollution Control Officer interview panel.



QUESTIONS?



PUBLIC COMMENT



COUNCIL VOTE



RESULTS