



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



**COMMUNITY
ADVISORY COUNCIL**
CLEAN AIR FOR ALL

BOARD OF DIRECTORS
COMMUNITY ADVISORY COUNCIL

COUNCIL MEMBERS

DR. JUAN AGUILERA
FERNANDO CAMPOS
WILLIAM GOODWIN
MS. MARGARET GORDON
ARIEANN HARRISON
JOHN JEFFERSON
JOY MASSEY
CECILIA MEJIA

HANA MENDOZA
RIO MOLINA
MAYRA PELAGIO
CHARLES REED
DR. JEFF RITTERMAN
KEVIN RUANO HERNANDEZ
FAGAMALAMA VIOLET SAENA
KEN SZUTU
LATASHA WASHINGTON

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
COUNCIL MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center
1st Floor Yerba Buena Room
375 Beale Street
San Francisco, CA 94105**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Community Advisory Council reserves the right to conduct the meeting without remote webcast and/or Zoom access.

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/about-the-air-district/community-advisory-council/agendasreports.

Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/86779257513>, or may join Zoom by phone for English by dialing (669) 900-6833 or (408) 638-0968. Para Español, marque: (888) 688-2099. Esta línea telefónica es solo para escuchar, no hay moderador.

The Webinar ID for this meeting is: 867 7925 7513

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 a matter on the agenda will have two minutes each to address the Council on that agenda item, unless a different time limit is established by the Co-Chairs. No speaker who has already spoken on an item will be entitled to speak to that item again.

The Council welcomes comments, including criticism, about the policies, procedures, programs, or services of the District, or of the acts or omissions of the Council. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Council meeting. The District is committed to maintaining a workplace free of unlawful harassment and is mindful that District staff regularly attend Council meetings. Discriminatory statements or conduct that would potentially violate the Fair Employment and Housing Act – i.e., statements or conduct that is hostile, intimidating, oppressive, or abusive – is *per se* disruptive to a meeting and will not be tolerated.

COMMUNITY ADVISORY COUNCIL MEETING AGENDA

THURSDAY, JULY 20, 2023

6:00 PM

Land Acknowledgement Statement

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.

1. Call to Order - Roll Call

The Facilitator, on behalf of the Council Co-Chairs, shall call the meeting to order and the Clerk of the Boards shall take roll of the Council Members.

CONSENT CALENDAR (Item 2)

2. Approval of the Draft Minutes of the Community Advisory Council Meeting of May 18, 2023.

The Council will consider approving the Draft Minutes of the Community Advisory Council Meeting of May 18, 2023.

INFORMATIONAL ITEM(S)

3. Compliance and Enforcement (C&E) Update: Air Quality Complaint Data and Program Review

This is an informational item to be presented by Ying Yu, Senior Air Quality Specialist of the Compliance and Enforcement Division.

4. Governance Ad Hoc Committee Update

The Council and the public will receive an update from Council Member Goodwin on the Governance Ad Hoc Committee.

5. Environmental Justice Policy Ad Hoc Committee Update

The Council and the public will receive an update from Council Member Ruano Hernandez on the progress of the Environmental Justice Policy Ad Hoc Committee.

OTHER BUSINESS

6. Report of the Executive Officer/APCO

7. 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 will be given an opportunity to address the Council. Members of the public will have three minutes each to address the Council, unless a different time limit is established by the Chair.

8. Council Member Comments / Other Business

Any member of the Council, 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.

9. Time and Place of Next Meeting

Thursday, September 14, 2023, at 11:00 a.m. Location to be determined.

10. Adjournment

The Council meeting shall be adjourned by the facilitator.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
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(415) 749-4941
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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

JULY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Monday	19	9:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee - Cancelled	Wednesday	19	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Advisory Council	Thursday	20	6:00 p.m.	1 st Floor, Yerba Buena Room

AUGUST 2023

NO MEETINGS SCHEDULED

SEPTEMBER 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	6	9:00 a.m.	1 st Floor Board Room
Board of Directors Finance & Administration Committee	Wednesday	6	1:00 p.m.	1 st Floor Board Room
Advisory Council Meeting	Monday	11	8:30 a.m.	1 st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	13	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Mobile Source and Climate Impacts Committee	Wednesday	13	1:00 p.m.	1 st Floor, Yerba Buena Room
Community Advisory Council Retreat (2-day event)	Thurs/Fri	14/15	11:00 a.m. / 8:00 a.m.	TBD
Board of Directors Meeting	Wednesday	20	9:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	20	1:00 p.m.	1 st Floor Board Room

MV 7/14/2023 – 9:50 a.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Gordon, John Kevin Jefferson, and Latasha Washington
and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: July 20, 2023

Re: Approval of the Draft Minutes of the Community Advisory Council Meeting of May
18, 2023.

RECOMMENDED ACTION

Approve the Draft Minutes of the Community Advisory Council Meeting of May 18, 2023.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Community Advisory Council Meeting of May 18, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Community Advisory Council Meeting of May 18, 2023

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

DRAFT MINUTES

Community Advisory Council
Thursday, May 18, 2023

Meeting Location:
Cal State University, East Bay
Grand Lake and Merritt 1 Rooms
1000 Broadway, Suite 109
Oakland, CA 94607

1. CALL TO ORDER - ROLL CALL

The meeting Facilitator, Randolph Belle of Randolph Belle, Artist (RBA) Creative, called the Community Advisory Council (Council) in-person meeting to order at 6:00 p.m.

Roll Call:

Present, In Person: Council Co-Chairpersons Ms. Margaret Gordon, Kevin John Jefferson, and Latasha Washington; and Council Members William Goodwin, Joy Massey, Cecilia Mejia, Rio Molina, Mayra Pelagio, Charles Reed, Kevin G. Ruano Hernandez, Violet Saena, and Ken Szutu.

Participated Remotely, via Zoom (remote presence does not count for quorum, but votes are counted for all action items): Council Member Ariann Harrison (just cause).

Absent: Council Members Dr. Juan Aguilera, Fernando Campos, Hana Mendoza, and Dr. Jeff Ritterman.

Others Present: Board Vice Chairperson, Davina Hurt

2. PUBLIC MEETING PROCEDURE

The Facilitator provided an overview of Public Meeting Procedures.

CONSENT CALENDAR

3. APPROVAL OF THE MINUTES OF MARCH 16, 2023

Public Comments

No requests received.

Council Comments

None.

Council Action

Co-Chair Ms. Margaret Gordon made a motion, seconded by Co-Chair Jefferson, to **approve** the Draft Minutes of March 16, 2023, and the motion **carried** by the following vote of the Council:

AYES:	Goodwin, Gordon, Harrison, Jefferson, Massey, Mejia, Molina, Pelagio, Reed, Ruano Hernandez, Saena, Szutu, Washington.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Aguilera, Campos, Mendoza, Ritterman.

Motion Approved

ACTION ITEM

4. VOTE ON THE REVISIONS TO THE COMMUNITY ADVISORY COUNCIL CHARTER

Council Member, William Goodwin, gave the presentation *Vote on the Revisions to the Community Advisory Council Charter*, including: requested action; revisions to the Community Advisory Council Charter; proposed revisions to the Community Advisory Council Charter; and next steps.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the Council’s need for a Board liaison; and the hope that overburdened communities would be the *priority* areas represented in Section 1.2.1 (Goals) of the proposed Charter (first bullet on Page 2 of proposed revisions made on April 26, 2023 by the Council’s Governance Ad Hoc Committee).

Council Action

Co-Chair Washington made a motion, seconded by Council Member Massey, to **approve** proposed revisions to the Community Advisory Council Charter since the March 16, 2023 meeting, and **recommend** that the Community, Equity, Health and Justice Committee recommend the revised Charter to the Board of Directors for approval; and the motion **carried** by the following vote of the Council:

AYES: Goodwin, Harrison, Jefferson, Massey, Mejia, Molina, Pelagio, Reed, Ruano Hernandez, Saena, Szutu, Washington.
NOES: None.
ABSTAIN: Gordon.
ABSENT: Aguilera, Campos, Mendoza, Ritterman.

INFORMATIONAL ITEMS

5. **TRANSPORTATION FUND FOR CLEAN AIR COUNTY PROGRAM MANAGER FUND**

Karen Schkolnick and Alona Davis, Director and Manager (respectively) in the Strategic Incentives Division, gave the staff presentation *Transportation Fund for Clean Air County Program Manager Fund*, including: outcome; outline; Bay Area Air Quality Management District mobile source grants; TFCA CPM Fund background; TFCA CPM allocation from July 2022 to July 2023; eligible project categories and applicants; key eligibility requirements; program timeline; how agencies used funding in 2022; examples of recent projects; and questions for the Council.

Public Comments

Public comments were given by Coire Reilly, 511 Contra Costa.

Council Comments

The Council and staff discussed concern about the perceived lack of public engagement by the CPMs in deciding how to allocate funds, and the desire for more transparency from the CPMs; to what extent the Council can shape the program criteria; whether program funding includes the cost of electrical upgrades to accommodate electric vehicle (EV) charging infrastructure (not just installation); lessons learned by the Air District over the past several years; how the Air District ensures that program funds are funding EV charging infrastructure in underserved communities; the suggestion that the CPMs engage with Assembly Bill (AB) 617 community steering committees to brainstorm ways in which clean air vehicle projects could specifically benefit disadvantaged communities; the request for a map of awarded projects and a list of entities targeted for program outreach; whether needs assessment reports that are collected by the Air District are utilized by the CPMs when scoring applications; the belief that the sales of EVs in disadvantaged communities is dependent on the installation of EV charging infrastructure being installed first; whether the CPM Fund Policies are the same, across all counties; whether the Metropolitan Transportation Commission could fund the projects being submitted to the program; the request

for a chart that shows the Air District’s different mobile source grant funding sources; which Bay Area community-based organizations have already been awarded funds; concerns about the fact that the Air District and CPMs add their own legislative requirements on how funding may be used; program reporting requirements; whether funding is available to educate the overburdened communities about the program and for technical assistance; and when Air District staff plans to address these concerns and requests with the CMPs.

Council Action

None; receive and file.

THE COUNCIL RECESSED AT 7:35 P.M., AND RESUMED AT 7:51 P.M.

6. INTRODUCTION TO AIR DISTRICT RULE DEVELOPMENT

Elizabeth Yura, Director of the Rules and Strategic Policy Division gave the staff presentation *Introduction to Air District Rule Development*, including: presentation for information only; outcome; outline; what are air quality regulations; stationary versus mobile sources; who writes air quality regulations; Air District authority; regulatory example: refineries; when are regulations created or amended; case study: impacts of community on regulations; what is the purpose of the Rules and Strategic Policy Division; case study: expectations versus reality; current rule development priorities; overview of rule development process; additional analyses: health impacts and benefits; and where can I find the Air District’s regulations.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the way in which the Air District measures the effectiveness of its adopted regulations; the request for the most recent amendments made to Chapter 6.5 (Regulations of Air Pollution Control and Air Quality Management Boards) of the Health & Safety Code; why the Air District amended Regulation 6 Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units, in November 2021; the criteria of an Air District Health Risk Assessment; whether the Health & Safety Code has been amended regarding AB 32 (Pavley & Nunez) – California Global Warming Solutions Act of 2006); the quantified cost of health recovery in impacted communities, and how Air District fines and monies from settlements are allocated to those communities; concerns about the differences/abilities between a Community Action Plan and Community Emissions Reduction Plan (within Assembly Bill 617); ways in which the public is engaged within the Air District’s rulemaking process; what happens if a proposed regulation is not adopted by the Air District’s Board of Directors; the request for rulemaking regarding leaded aviation fuel; the Air District’s regulations regarding monitoring air quality; whether the Air District has regulations regarding cumulative impact; the types of fugitive dust that are included in Rules 6-1 and 6-6 (Particulate Matter, Prohibition of Trackout); whether the Air District has a regulation regarding the wastewater of the Port of Oakland; the Air District’s definition of

“enforceable,” regarding regulations, and the suggestion of implementing an official level of community enforcement; concerns about facilities self-reporting and which entities are overseeing quality control of facilities’ operations; concerns that fence-line monitoring data is not available to the public; and criminal penalties for non-compliance with regulations.

Council Action

None; receive and file.

7. WORK PLAN AD HOC COMMITTEE UPDATE

Mr. Belle announced that the Co-Chairs requested that these updates be sent to the Council via electronic mail. No updates were given verbally.

8. ENVIRONMENTAL JUSTICE POLICY AD HOC COMMITTEE UPDATE

Mr. Belle announced that the Co-Chairs requested that these updates be sent to the Council via electronic mail. No updates were given verbally.

OTHER BUSINESS

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

Dr. Philip M. Fine, Executive Officer/APCO, gave remarks on the following items:

- The following bills are still actively being considered by the California Legislature and are either sponsored or co-sponsored by the Air District: AB 1465 (Wicks) - Nonvehicular air pollution: civil penalties; and AB 953 (Connelly) - Coastal resources: voluntary vessel speed reduction and sustainable shipping program.
- The 2023-24 May Revision to the Governor’s Budget includes promising funding for AB 617 implementation.
- The California Air Pollution Control Officers Association (CAPCOA) created an equity group which discusses air district equity programs in California.
- The National Association of Clean Air Agencies held its 2023 Hybrid Spring Membership Meeting on May 9-10, 2023 and Dr. Fine was a panelist discussing environmental justice and Title VI Civil Rights Complaints and Compliance Reviews.

10. PUBLIC COMMENT ON NON-AGENDA ITEMS

No requests received.

11. COUNCIL MEMBER COMMENTS / OTHER BUSINESS

Council Member Reed asked what existing law would be impacted by the adoption of AB 1465 (Wicks) - Nonvehicular air pollution: maximum civil penalties would impact.

Co-Chair Ms. Margaret Gordon expressed concern for a perceived lack of Air District enforcement between the hours of 5:00pm and 5:00am, as well as on weekends. She requested a workshop about the existing levels of Air District enforcement. She also requested that page numbers be added to future Council meeting agendas, and that a glossary of technical terms that are spoken during staff presentations be provided to the Council.

Council Member Szutu reiterated his request for the implementation of an official level of community enforcement.

Council Member Reed expressed his desire for community policing powers and reiterated his concern for facilities' self-reporting.

Council Member Ruano Hernandez announced that he received an environmental justice college scholarship.

12. TIME AND PLACE OF NEXT MEETING

Thursday, July 20, 2023, at 6:00 p.m. at 375 Beale Street, San Francisco, CA, 94105. The meeting will also be webcast for members of the public.

13. ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Gordon, John Kevin Jefferson, and Latasha Washington
and Members of the Community Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: July 20, 2023

Re: Compliance and Enforcement (C&E) Update: Air Quality Complaint Data and
Program Review

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air Quality Complaint Program is one of the Air District's key programs. The Compliance and Enforcement (C&E) Division is responsible for responding to and investigating air quality complaints and ongoing releases of air emissions. The Air District investigates every air pollution complaint received to achieve early intervention in resolving air quality problems and identifying violations of applicable Air District, State, or Federal regulations. Enforcement actions are taken in collaboration with other divisions across the Air District to help address non-compliance and reduce emissions that impact local communities.

DISCUSSION

The purpose of the Air Quality Complaint Data and Program Review presentation is to provide an overview of the complaint investigation process, a summary of the air quality complaint data across the Bay Area from 2018 to 2022, explain the factors and variables that influence complaint response and confirmation, and address community questions on how to increase complaint confirmation rates. Active discussion with the Community Advisory Council about the complaint program will be welcomed and encouraged.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Ying Yu and Paul Hibser
Reviewed by: Jeff Gove

ATTACHMENTS:

None