

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

## **APPROVED MINUTES**

Community Advisory Council  
Thursday, July 20, 2023

### **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 6:05 p.m. After reciting the expectations and ground rules of the meeting, Co-Chair Latasha Washington made the following announcements:

- On July 5, 2023, the Air District’s Board of Directors approved the Council’s proposed Governing Structure and Charter and adopted the Council’s proposed Compensation Policy and Procedures. The Council and Air District staff thank Council Member Goodwin and the Governance Ad Hoc Committee for developing these documents.
- The Council and Air District staff send condolences to Council Members who have recently lost loved ones.

#### **Roll Call:**

Present, In Person: Council Co-Chairpersons Ms. Margaret Gordon, Kevin John Jefferson, and Latasha Washington; and Council Members William Goodwin, Arieann Harrison, Cecilia Mejia, Hana Mendoza, Rio Molina, Charles Reed, Dr. Jeff Ritterman, Kevin G. Ruano Hernandez, and Ken Szutu.

Absent: Council Members Dr. Juan Aguilera, Fernando Campos, Joy Massey, Mayra Pelagio, and Violet Saena.

*Note: Dr. Aguilera listened into the meeting remotely via Zoom as member of the public since his reason for attending remotely did not fall under exemptions for “just cause,” which allows for remote participation under Assembly Bill (AB) 2449 (Rubio, 2022). Thus, he was marked as “absent.”*

### **CONSENT CALENDAR**

### **2. APPROVAL OF THE DRAFT MINUTES OF MAY 18, 2023**

#### Public Comments

No requests received.

### Council Comments

None.

### Council Action

Council Member Ruano Hernandez made a motion, seconded by Council Member Reed, to **approve** the Draft Minutes of May 18, 2023, and the motion **carried** by the following vote of the Council:

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

Motion Approved

### **INFORMATIONAL ITEMS**

#### **3. COMPLIANCE AND ENFORCEMENT (C&E) UPDATE: AIR QUALITY COMPLAINT DATA AND PROGRAM REVIEW**

Ying Yu, Senior Air Quality Specialist of the Compliance and Enforcement Division, gave the staff presentation *Compliance and Enforcement Update: Air Quality Complaint Data and Program Review*, including: requested action; outcome; glossary of terms; outline; Air Quality Complaint Program goals and objectives; steps in the Air Quality Complaint investigation process; complaint response time goals; how is the complaint status determined; complaints and enforcement actions; rules and enforcement actions; complaint coordination with other agencies; complaints by type and city; 5-year complaint summary; complaint confirmation rate; variables that influence confirmation rates; other factors that influence complaint response and investigation; and opportunities for community assistance and support to complaint investigations.

### Public Comments

Public comments were given by Kathy Kerridge.

### Council Comments

The Council and staff discussed whether the Air District can impose a penalty on permitted facilities that release odors that become public nuisances; whether Notices of Violation are shared with the city councils of impacted jurisdictions, and the request to supply the City of Richmond with such information; concerns about the way in which the Air District handles unconfirmed complaints; the request for actions resulting from investigations based upon complaints; how the Air District's current Air Quality Complaint Program impacts affected fenceline communities; the sources of complaints in the City of Milpitas; whether the Air District can decipher the components of detected odors; the geographic distribution of Air Quality Inspectors; which public agencies the

Air District coordinates with when investigating complaints; the desire for more detailed information in staff presentations; the request that an environmental justice/community element be added to the Air Quality Complaint Program and enforcement and penalty processes; whether the Air District has ever provided technical support to community members who were pursuing legal action against a polluting facility; who determines the threshold of a complaint before it is investigated; the fact that the Air District's definition of an "emergency" may be defined differently by the public; whether the Air District responds to incidents on weekends and/or during evening hours, and how it interacts with first responder agencies; whether the Air District is considered an emergency response agency/ first responders; whether the Air District is required to send reports to jurisdictions (not including to Board members who are also city councilmembers and county supervisors); whether the Air District is part of the IVAN Air Monitoring network; the types of injuries that public nuisances cause; the frequency in which three or more violation notices issued in a 30 day period to a facility for public nuisance occurs; the suggestion that the Air District holds reoccurring community events to address air quality complaints; whether a permitted facility may be issued a permit while they have an outstanding Notice of Violation; the desire that Air District facility inspectors be familiar with Bay Area impact zones; methods, tools, equipment, and technologies utilized by the Air District to confirm that a facility has committed a violation of Air District regulations; the suggestion that the Air District utilizes data that the community gathers during incidents and uses it as supporting evidence; the request for a "feedback" step of the Air Quality Complain Program, in which the complainant can provide feedback on the communication of the inspector's findings; how the Air District' complaint confirmation rate compares to those of other California air districts of comparable size, as well as those of the US and California Environmental Protection Agencies; proposed changes to the Air District's anticipated Air Quality Complaint Policy; whether the Air District is using its mobile monitoring trucks; the suggestion that this item be a standing item on every Council agenda; and the suggestion of the creation of a Citizen Science/Community Engagement Ad Hoc Committee.

**THE COUNCIL RECESSED AT 7:52 P.M., AND RESUMED AT 8:07 P.M.**

Council Action

None; receive and file.

**4. GOVERNANCE 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.

Public Comments

No requests received.

Council Comments

None.

### Council Action

None; receive and file.

### **5. 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.

### Public Comments

No requests received.

### Council Comments

None.

### Council Action

None; receive and file.

### **OTHER BUSINESS**

### **6. REPORT OF THE EXECUTIVE OFFICER / AIR POLLUTION CONTROL OFFICER (APCO)**

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

- On June 7, 2023, the Air District's Board of Directors approved the Budget for the Fiscal Year Ending June 30, 2024 (FY 2023-2024)
- Recruitment has been underway for the following positions: Deputy Executive Officer of Administration, Deputy Executive Officer of Engineering & Compliance, and Deputy Executive Officer of Public Affairs.
- Vernice Miller-Travis, Executive Vice President for Environmental Justice and Social Justice of the Metropolitan Group, has contracted with the Air District to provide guidance on how to incorporate environmental justice into the Air District's upcoming strategic plan.
- The Air District is sponsoring or monitoring the following bills that are still actively being considered by the California Legislature:
  - AB 1465 (Wicks) - Nonvehicular air pollution: civil penalties;
  - SB 674 (Gonzalez) - Air pollution: refineries: community air monitoring systems: fence-line monitoring systems; and
  - AB 849 (Garcia) - Community emissions reduction programs.
- The Air District has partnered with the Bay Air Center, a community resource for community-based organizations that have received funding from either the California Air Resources Board or the Environmental Protection Agency for technical, community-led air quality projects. The Bay Air Center provides technical guidance, materials, and training

to Bay Area community members and organizations, free of charge, to support their efforts to understand and improve air quality.

- The Air District received a grant from the American Rescue Plan for enhanced community air monitoring (sensors and home filtration units) in East Oakland.

### Council Comments

The Council and staff discussed concerns about the perceived lack of communication between community organizations, community steering committees under the Community Health Protection Program (AB 617), and the Air District regarding the sharing of information and opportunities.

#### 7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

No requests received.

#### 8. **COUNCIL MEMBER COMMENTS / OTHER BUSINESS**

None.

#### 9. **TIME AND PLACE OF NEXT MEETING**

Thursday, September 14, 2023(12:00 p.m.-5:00pm) through Friday, September 15, 2023 (9:00 a.m.- 2:30pm) at Sheraton Sonoma Wine Country Sheraton, 745 Baywood Dr, Petaluma, CA 94954. The meeting will also be webcast for members of the public.

#### 10. **ADJOURNMENT**

The meeting was adjourned at 9:03 p.m.

*/s/ Marcy Hiratzka*

Marcy Hiratzka  
Clerk of the Boards