

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

APPROVED MINUTES

Community Advisory Council
Thursday, November 30, 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 6:03 p.m.

This meeting was held in person, but was conducted under procedures authorized by Assembly Bill (AB) 2449 (Rubio 2022), allowing Council Members to attend Ralph M. Brown Act meetings remotely without following the traditional rules for teleconferenced meetings, if a member participating remotely demonstrates a need to do so, either because of an emergency circumstance or other “just cause” as defined in the statute (for non-emergencies, members may only make use of this provision two times per calendar year).

Roll Call:

Present, In Person: Council Co-Chairpersons Ms. Margaret Gordon, and Latasha Washington; and Council Members Fernando Campos, William Goodwin, Arieann Harrison, Joy Massey, Charles Reed, Dr. Jeff Ritterman, Violet Saena, and Ken Szutu.

Participated Remotely, via Zoom (remote presence does not count for quorum, but votes are counted for all action items): Co-Chairperson John Kevin Jefferson; and Council Members Hana Mendoza, Rio Molina, and Mayra Pelagio, (just cause).

Absent: Council Members Dr. Juan Aguilera, and Kevin G. Ruano Hernandez.

2. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments, regarding recent unplanned flaring events at the Richmond Chevron refinery and Martinez Refining Company, were given by Charles Davidson, Hercules resident; Call-In-User_1; Heidi Taylor, Healthy Martinez Refinery Accountability Group; Nancy Rieser, Crockett resident; and Alycia Gadde, Healthy Martinez Refinery Accountability Group.

CONSENT CALENDAR

3. APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL SPECIAL MEETING/RETREAT OF SEPTEMBER 14 AND 15, 2023

Public Comments

No requests received.

Council Comments

None.

Council Action

Co-Chair Washington made a motion, seconded by Council Member Gordon, to **approve** the Approval of the Draft Minutes of the Community Advisory Council Special Meeting/Retreat of September 14 and 15, 2023; and the motion **carried** by the following vote of the Council:

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

Motion Approved

ACTION ITEM

4. VOTE ON THE CREATION OF A COMMUNITY ADVISORY COUNCIL MEMBER SELECTION AD HOC COMMITTEE

Miriam Tores, Senior Advanced Projects Advisor, gave the staff presentation *Vote on the Creation of a Member Selection Ad Hoc Committee*, including: outcome; outline; requested action; glossary; Council Charter; Board Resolution No. 2023-14; vacant youth seat; youth member seat selection process; youth member application screening; and Member Selection Ad Hoc Committee.

Public Comments

Public comments were given by Call-In-User_1

Council Comments

The Council and staff discussed the outreach methods of Air District staff responsible for the recruitment of the Council's vacant youth seat; concern regarding Board oversight over Council activities; concerns with the current status of the recruitment for the Council's vacant youth seat;

the number of Board that are interested in participating in the candidate selection process; whether the Council's Charter requires *three* Co-Chairpersons, as Ms. Margaret Gordon left her Co-Chairperson seat in September, leaving two Co-Chairs left; whether an evaluation was conducted after the first Council recruitment process occurred, and if so, whether any feedback shaped the current recruitment practices; the desire for equal county representation when considering candidates; the suggestion of posting the recruitment announcement with a QR code (linked to the application) on the Air District's social media accounts, and sending the recruitment notice to high schools and colleges; the request to clarify the preferred age range of the candidates applying for the vacant youth seat; the request for a map that plots the area that each current Council Member represents; the request to revise the Council's Charter to allow for an additional number of representatives in San Francisco; and the request that exit interviews be conducted when a Council member leaves the Council.

Council Action

Co-Chair Jefferson made a motion, seconded by Co-Chair Washington, to **create** an Ad Hoc Committee, comprised of Council Members Ruano Hernandez, Gordon, Pelagio, and Co-Chair Jefferson, to select Community Advisory Council candidates for Board consideration to fill one vacant youth seat, and the motion **carried** by the following vote of the Council:

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

Motion Approved

INFORMATIONAL ITEMS

5. **ADVANCING AN EQUITABLE TRANSITION TO CLEAN AND HEALTHY BUILDINGS**

Dr. Idania Zamora, Assistant Manager of the Climate Protection Program, gave the staff presentation *Advancing and Equitable Transition to Clean and Healthy Buildings*, including: outcome; outline; requested action; glossary of terms; request to the Council; why are buildings important; building emissions in context; why building appliances; building appliance rules; Implementation Working Group (IWG); IWG structure; IWG scope and goals; IWG phases and timeline; what is coming next; early solutions; rising asthma rates are a growing health and equity issue; Bay Area Healthy Homes Initiative and roles within partnership; Silicon Valley Clean Energy electrification concierge services; funding; US Environmental Protection Agency (EPA) Inflation Recovery Act (IRA) funding; US EPA climate pollution reduction grant; California Energy Commission's Equitable Building Decarbonization program; and next steps.

Public Comments

Public comments were given by Call-In-User_1.

Council Comments

The Council and staff discussed concerns about the various types of burdens that can be caused by displacement when conducting home retrofits to meet electrification requirements; concern that the Equity Subcommittee of the Air District's Building Appliance Rule IWG may have to meet during business hours; the desire to know realistic expectations regarding the number of households that can successfully transition to zero-pollution heating, given the anticipated amount of allocated funding; the need for improved filtration and ventilation systems in communities currently under redevelopment; concerns about labels such as "overburdened community" and the proposed change to "community of concern"; anticipated health-costs benefits of the Air District's appliance rules; the concentration of nitrogen oxide (NOx) emissions in indoor air quality, and how the Air District's appliances rules are anticipated to reduce NOx levels of indoor air quality; who is anticipated to bear the costs of home electrification retrofits and any resulting increases in energy costs; grid capacity; concerns about a perceived lack of funding and assistance being offered to transition homes to electrification within fenceline communities; the request for the individual names of the stakeholders that are participating in the IWG; whether the meeting notes or minutes from the Air District's Building Appliances Rules Implementation Working Group Plenary Meeting of November 7, 2023 are available; whether the Equity Subcommittee of the Air District's Building Appliance Rule IWG will engage directly with the public; the cost-benefit analysis of electrification; whether the members of the Equity Subcommittee of the Air District's Building Appliance Rule IWG will be representing the Council or themselves; and whether old appliances that are phased out will be required to be decommissioned.

Council Action

None; receive and file.

COUNCIL RECESSED AT 7:52 P.M., AND RESUMED AT 8:03 P.M.

6. COMMUNITY ADVISORY COUNCIL SEPTEMBER RETREAT NEXT STEPS

Co-Chair Washington gave a summary of the inaugural Community Advisory Council Retreat, held on September 14-15, 2023, in Petaluma. She said that a video that captured highlights of the retreat was shown to the Board of Directors' Community Equity, Health, and Justice Committee, and then explained how members of the Council will use what was brainstormed at the retreat to form the Council's official equity statement, which she hopes will be ready by January 2024.

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether there is going to be another Council retreat; the request for the 8 themes on “equity” that resulted from the brainstorming completed during the retreat; the suggestion of additional themes, including “empowerment” and “community-centered”; and appreciation of the Council for the diversity of the topics that were agendized and discussed at the retreat and for opportunities to build relationships.

Council Action

None; receive and file.

7. **WORK PLAN AD HOC COMMITTEE UPDATE**

The Council received an update from the Council’s Work Plan Ad Hoc Committee, given by Council members Ken Szutu (Committee Chair) and William Goodwin (Committee Vice Chair):

Prior to the retreat, Council Members were asked to complete a survey prepared by consultant, Lyons-Newsman Consulting, designed to help guide the retreat’s work plan template. During the retreat, the Council worked together to develop overarching goals and a work plan that reflects a shared vision. Lyons-Newman Consulting facilitated a two-hour session at the retreat on the development of the Council’s goals and Work Plan.

After the retreat, the consultant worked with the Work Plan Ad Hoc Committee to finalize the CAC Goals and Work Plan. Air District staff reached out to Council Members who had requested agenda items during the retreat, to clarify their intent. The consultant then created a poll to help the Work Plan Ad Hoc Committee prioritize the proposed agenda items, according to the Fiscal Year Calendar (from July ‘24 to May ‘25.) The proposed work plan reflects guidance from all Council Members. If anything needs to be added or re-prioritized, Council Members are to contact Air District staff by Dec 12, 2023.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the status of the contract with Lyons-Newman Consulting; concerns about labels such as “overburdened community” and the proposed change to “community of high environmental concern”; the request that at least two of the Council’s meetings occur in impacted communities within the North County and South County areas, per calendar year; the desire to accelerate the process of collecting presentations from different Bay Area communities and having those presentations given at Council meetings; and the desire for meetings outside the Council meetings (that would not violate the Ralph M. Brown Act), in which Council Members could officially meet with members of communities that have experienced air quality incidents and have subsequent concerns and complaints.

Council Action

None; receive and file.

8. ENVIRONMENTAL JUSTICE POLICY AD HOC COMMITTEE UPDATE

The Council received an update from the Council's Environmental Justice Policy Ad Hoc Committee, given by Co-Chair Washington (Co-Lead for the Ad Hoc Committee).

Since September 2023, the Environmental Justice Policy Ad Hoc Committee has been developing environmental justice strategic priorities to embed in the Air District's Strategic Plan, with guidance from Vernice Miller-Travis, Executive Vice President of The Metropolitan Group. The resulting Environmental Justice Action Plan will contain multiple environmental justice recommendations for each division at the Air District. This plan will have an environmental justice-focused impact on how the Air District does its work. The Ad Hoc Committee brainstormed "What impact could the EJ plan have?" and created a list of multiple ideas that were then prioritized. Some goals of the Plan are to increase Air District transparency, community engagement, information-sharing, and having more environmental justice approaches to updating regulations and creating stricter policies for enforcement, prioritizing frontline communities and decreasing air pollution for impacted communities.

In October 2023, the Ad Hoc Committee met with and Air District Division Directors in person to discuss roles and functions. The divisions that have been identified as needing increased environmental justice-focused solutions policy approaches are Legal, Compliance and Enforcement, and Engineering.

On December 11, the Ad Hoc Committee will meet with BluePoint Planning, the consultant helping to develop the Air District's Strategic Plan, to discuss environmental priorities and strategic planning framework. The Ad Hoc Committee will send the Council Members these materials prior to meeting with BluePoint Planning.

Public Comments

Public comments were given by Call-In-User_1.

Council Comments

The Council and staff discussed the desire for Air District technical staff to engage with impacted communities on a much more frequent and close level, outside of the Brown Act; the desire for people with lived experiences to work at the Air District, and engage with members of impacted communities; the need to budget appropriately, as change has costs associated with it; the desire for a system in which the community provides feedback on action taken by the Board of Directors; the desire for engagement between the Council and the Air District's laboratory staff; and the request that the Council be made aware of any and all community resources at the Air District.

Council Action

None; receive and file.

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 work and contributions of the Council’s Environmental Justice Policy Ad Hoc Committee on the Air District’s Strategic Plan is much appreciated.
- The Air District received a Contra Costa County Community Warning System Level 1 alert filed by Chevron regarding an unplanned flaring event from November 27, 2023 at 3:42 pm to November 28, 2023 at 2:03 am. The Air District has issued four notices of violation, three for visible emissions violations from flares and 1 public nuisance violation to Chevron Refinery. The Air District also received a Contra Costa County Community Warning System Level 1 alert filed by Martinez Refining Company (MRC), regarding an unplanned flaring event from November 29, 2023 at 4:33 pm to 9:00 pm. The Air District issued a notice of violation to MRC for Public Nuisance.
- Legislative update: The Air District is continuing to work with Assemblymember Buffy Wicks on potential amendments to AB 1465, Nonvehicular air pollution: civil penalties. Introduced in 2023 by Assemblymember Wicks, the bill was originally introduced to triple penalties at refineries for discharges of one or more toxic air contaminants and was later amended to increase penalties for all Title V stationary sources if the discharge includes one or more air contaminants. This bill is currently inactive, and the language may be amended during the 2024 Legislative Session. Air District staff also continues to advocate for AB 617 funding and will be asking the Board of Directors to approve the hiring of additional Community Engagement staff to support AB 617 initiatives (six new Full Time Equivalent Employees and seven new Limited-Term Contract Employees.)
- § 1.3 (Leadership) of the Council’s Charter states, “In 2022, the Council approved a three Co-Chair model. The leadership model may be amended based on needs expressed by the Council and approved by the Board but shall be no more than three Co-Chairs at a time.” If the Council would like a third one, as there are currently only two, the Board of Directors must approve that appointment, or the Council may request that the Board of Directors officially changes the Council’s leadership model to 2 co-chairs.
- Victor Douglas, former Manager of the Rules and Strategic Policy Division, recently retired after serving the Air District for 22 years. His contributions to the protection of human health are appreciated.
- The following individuals will serve in a rotational assignment as acting Deputy Executive Officer of Equity and Community Programs, while the recruitment for the permanent DEO is conducted (this position oversees the Community Engagement Office, Diversity, Equity & Inclusion Office, Strategic Incentives Division, and Technology Implementation Office): **Suma Peesapati**, Environmental Justice and Community Engagement Officer,

from 11/27/23 – 12/24/23; and **Marcia Raymond**, Assistant Counsel, from 12/25/23 – 1/21/24.

Public Comments

Public comments were given by Call-In-User_1.

Council Comments

The Council and staff discussed whether the recent flaring incidents at Chevron and MRC have resulted in any penalties; whether testing will be done to address the concerns of the public from fenceline communities in Martinez and Richmond; the request for a list of changes to the Air District's practices regarding incident response that demonstrate how the Air District is improving its practices; concerns about the perceived lack of engagement with those living in communities where incidents have occurred; and the desire for polluters to pay for health costs of fenceline residents whose health has been directly impacted by their operations.

10. COUNCIL MEMBER COMMENTS / OTHER BUSINESS

Dr. Ritterman suggested that Air District staff verbally acknowledge those who give public comment regarding their recent experience with pollution/exposure incidents, out of respect. In addition, Ms. Margaret Gordon said that Dr. Fine's status report on the recent refinery flaring incidents would have been appropriate to follow the public comments that were given during Item 2 of this meeting.

Council Member Reed requested that the topic of "the role that community science plays" be agendaized at a future Council meeting. He added that he hopes that the Air District acknowledges the community leaders and organizations that are conducting their own research and monitoring efforts.

Council Member Szutu said that he would like the Council and Air District staff to go into impacted communities and listen to those affected by exposure incidents. He emphasized his desire for a commitment from the Air District to do that, and treat the community as a resource and partner.

Council Member Ms. Margaret Gordon requested that the following topics be agendaized at future Council meetings: Council meeting locations (they should include impacted communities); the Council's desire for Air District technical staff to engage with impacted communities on a much more frequent level; and ad hoc committees meeting times (they should be held during evening hours.)

11. TIME AND PLACE OF NEXT MEETING

The agenda had stated that the next Council meeting was to be determined at a later time. But after the agenda was published, the meeting date, time, and location was confirmed. The facilitator announced that the next Council meeting would be held on Thursday, January 18, 2024, at 6:00

p.m., at 375 Beale Street, San Francisco, CA, 94105. The meeting will also be webcast for members of the public.

12. **ADJOURNMENT**

The meeting was adjourned at 9:25 p.m.

/s/ Marcy Hiratzka

Marcy Hiratzka
Clerk of the Boards