



BAY AREA
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AGENDA: 4

Selection of Additional Members to the Compliance and Enforcement Ad Hoc Committee

**Community Advisory Council Meeting
September 19, 2024**

Brian Butler
Senior Air Quality Engineer
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Presentation Outcome

- Selection of members to be added to the Community Advisory Council (CAC) Compliance and Enforcement Ad Hoc Committee

Requested Action

- Please select members to be added to the Compliance and Enforcement Ad Hoc Committee

Presentation Outline

- Air District compliance and enforcement leadership
- Air District compliance and enforcement programs
- Background on CAC compliance and enforcement topics
- Purpose of compliance and enforcement ad hoc committee
- Process of compliance and enforcement ad hoc committee
- Ad hoc committee selection
- Council vote

Air District Compliance and Enforcement Leadership

- Dr. Meredith Bauer, Deputy Executive Officer of Engineering and Compliance
 - Jeff Gove, Director of Compliance and Enforcement Division
- Greg Nudd, Deputy Executive Officer for Science and Policy
 - Dr. Ranyee Chiang, Director of Meteorology and Measurement (Monitoring and Source Test program)
- Alexander (Sandy) Crockett, General Counsel
 - Alexandra Kamel, Senior Assistant Counsel for Enforcement

Air District Compliance and Enforcement Programs

Objective: ensure facilities comply with air quality rules and regulations, and hold violators accountable, leveraging cross-divisional input and collaboration.

- Compliance & Enforcement Division: Facility/source inspections and investigations; air quality complaint program
- Meteorology and Measurement Division: Conduct/review source tests and oversee compliance monitoring
- Legal: Take appropriate legal action to hold violators accountable

Background

CAC Compliance and Enforcement Topics

- Since its formation, the CAC has sought to improve community understanding, access, and utilization of the Air District's compliance and enforcement efforts
- The CAC Co-Chairs and some members have worked closely since 2022 with Air District staff on the development of seven (7) presentations covering topics related to the Air District's compliance and enforcement programs
- On March 21, 2024, the CAC adopted its 2024-2025 Work Plan, which reflects the CAC's priorities and guides the Co-Chairs in selecting agenda items for council meetings

Background (cont.)

CAC Compliance and Enforcement Topics

Compliance and Enforcement Topics Covered in Previous CAC Meetings

Meeting Date	Item Title
June 30, 2022	<ul style="list-style-type: none"><li data-bbox="563 596 2339 701">• Air District's Services to Address Community-Identified Air Quality Concerns – Overview of the Air Quality Complaint Program and Investigation Process (Part I)<li data-bbox="563 743 2142 848">• Update on Community Air Quality Concerns at the Alice Griffith Housing Development in Bayview Hunters Point, San Francisco (Part I)
September 8, 2022	<ul style="list-style-type: none"><li data-bbox="563 972 2354 1076">• Air District's Services to Address Community-Identified Air Quality Concerns – Overview of the Air Quality Complaint Program and Investigation Process (Part II)<li data-bbox="563 1119 2142 1223">• Update on Community Air Quality Concerns at the Alice Griffith Housing Development in Bayview Hunters Point, San Francisco (Part II)

Background (cont.)

CAC Compliance and Enforcement Topics

Compliance and Enforcement Topics Covered in Previous CAC Meetings

Meeting Date	Item Title
November 17, 2022	<ul style="list-style-type: none"><li data-bbox="555 662 1931 705">• Ideas For Community Engaged Incident Response and Enforcement
July 20, 2023	<ul style="list-style-type: none"><li data-bbox="555 896 2267 939">• Compliance & Enforcement Update: Air Quality Complaint Data and Program Review
January 18, 2024	<ul style="list-style-type: none"><li data-bbox="555 1133 1783 1176">• Compliance & Enforcement Update: Green Sage Case Study

Purpose

Compliance and Enforcement Ad Hoc Committee

- The CAC compliance and enforcement ad hoc committee was formed to collaborate with Air District staff and community stakeholders in developing an agenda of compliance and enforcement topics to be discussed during the 2025 CAC meetings
- Additionally, this ad hoc committee will develop a process to respond to and share real-time compliance and enforcement information on the set of priorities established by the ad hoc committee

Process

Compliance and Enforcement Ad Hoc Committee

- The compliance and enforcement ad hoc committee is expected to meet biweekly
- Council members will be compensated for their time attending meetings, according to the CAC Compensation Policy
- The ad hoc committee can have a maximum of eight (8) CAC members
- Ad hoc committee members are allowed to miss three (3) meetings every two (2) consecutive months

QUESTIONS?

Selection of Additional Members for Compliance and Enforcement Ad Hoc Committee

PUBLIC COMMENT

Proposed Motion

Add Council Member Sejal Babaria, Council Member Patrick Messac, and Council Member Dominick Ramirez to the Compliance and Enforcement Ad Hoc Committee

COUNCIL VOTE

RESULTS



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AGENDA: 5

Community Advisory Council (CAC) Recommendation for New CAC Member

Community Advisory Council Meeting

September 19, 2024

**Kevin Ruano Hernandez
CAC Council Member**

Presentation Outcome

- The Community Advisory Council (CAC) will:
 - Vote to recommend to the Community Equity, Health, and Justice Committee that it recommends to the Board of Directors to consider appointing the following individual for appointment to the Community Advisory Council:
 - Cynthia Prieto-Diaz, Alameda County seat for 2 years

Presentation Outline

- A. Creation of Member Selection Ad Hoc Committee
- B. Prior to First Meeting
- C. Timeline
- D. Outreach
- E. Applications
- F. Public Comment
- G. Questions
- H. Vote
- I. Results

Requested Action

- Vote to recommend the Community Equity, Health, and Justice Committee consider recommending the Board of Directors approve the following individual for appointment to the Community Advisory Council:
 - Cynthia Prieto-Diaz, Alameda County seat for 2 years

Creation

- The Member Selection Ad Hoc Committee was created during the November 30, 2023, CAC meeting
- The Ad Hoc consisted of Council Members Gordon, Pelagio, Ruano Hernandez, and Jefferson, as well as Board Chair Hurt
- The Ad Hoc worked to select candidates for the Board to consider their appointment to the Community Advisory Council

Prior to First Meeting

- The Ad Hoc Committee scored the applicants based on the initial criteria approved by the Board of Directors:
 1. Reflect the diverse demographics of the Bay Area;
 2. Include generational history and experience living in communities heavily impacted by air pollution;
 3. Demonstrate diversity of relevant experience – including environmental justice, technical expertise, health, and Air District functions or knowledge of the Air District; and
 4. Have access to other people who have a range of relevant knowledge and technical experience that could help inform the Community Advisory Council

Outreach

- The outreach consisted of:
 - Online efforts (LinkedIn, Instagram, Facebook, X [formerly Twitter], Threads)
 - Nextdoor
 - Air District's Currents Newsletter
 - Air District's Latest News post
 - Emails to James Cary Smith Grantees and Assembly Bill 617 partners
 - CAC members sending information to their networks

Outreach

- The Member Selection Ad Hoc Committee scored 25 applications for the Alameda County seat
- The Member Selection Ad Hoc Committee selected a candidate on September 5, 2024, from the original recruitment for the CAC seat vacated in July 2024

Selected Applicant

Cynthia Prieto-Diaz is from the San Francisco Bay Area. Cynthia has a science background and is inspired to use her knowledge to address social inequities in her community. She worked to secure portable air quality sensors and organized air quality and environmental justice workshops at her local library.

Cynthia Prieto-Diaz most recently served as an Alameda County Public Health Commissioner.

Selected Applicant

- The Ad Hoc Committee is here to recommend the following candidate to be appointed to the CAC:
 - Cynthia Prieto-Diaz (Alameda County seat) for 2 years

PUBLIC COMMENT

QUESTIONS?

COUNCIL VOTE

**Vote to recommend the Community Equity, Health, and Justice Committee consider recommending the Board of Directors approve the following individual for appointment to the Community Advisory Council:
Cynthia Prieto-Diaz (Alameda County seat) for 2 years**

RESULTS



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AGENDA 6

Community Advisory Council's Environmental Justice Call To Action

Community Advisory Council Meeting
September 19, 2024

Vernice Miller-Travis, Executive Vice President, The Metropolitan Group
Rio Molina, Environmental Justice (EJ) Policy Ad Hoc Committee Co-Chair
Latasha Washington, EJ Policy Ad Hoc Committee Co-Chair

Presentation Outcome

- Receive an update from the Community Advisory Council (CAC)'s Environmental Justice (EJ) Policy Ad Hoc Committee on the development of *A Call to Action: Charting a New Course Towards Environmental Justice at the Bay Area Air Quality Management District*
- Discuss the CAC's *A Call to Action* input and how it connects to the upcoming implementation activities that support the Air District's 2024-2029 Strategic Plan

Presentation Requested Action

- None – Informational Presentation

Presentation Outline

- Review of CAC's EJ Priorities and their influence on the development of the Air District's 2024-2029 Strategic Plan
- Highlights from the EJ Ad Hoc Committee's document: *A Call to Action*
- Next steps in EJ action planning, including aligning with the implementation activities of the strategic planning process

Background of *A Call to Action*

- CAC's 9 EJ Priorities presented to the Board of Directors in January 2024 served as foundational guide for development of Goals, Strategies and sample actions in Air District's 2024-2029 Strategic Plan
- 80% of the 36 strategies in the Strategic Plan have an EJ focus in responding to community concerns and priorities
- The CAC's EJ Priorities and the Air District's response in EJ strategies and actions were co-developed with staff and the EJ Policy Ad Hoc Committee over several collaborative meetings and are highlighted in *A Call to Action* in Chapter 4

Summary of 9 CAC EJ Priorities

1. Advance Environmental Justice
2. Provide Meaningful Agency Support to Advance EJ
3. Integrate EJ Considerations in Core Functions
4. Implement EJ Best Practices and Innovation
5. Communicate with Clarity, Transparency, and Integrity
6. Grow Capacity of Air District Staff and Board Members to Integrate EJ
7. Grow Capacity of EJ Communities and Organizations
8. Seek Appropriate Legal Remedies and Coordinate with EJ Communities
9. Provide Technical Assistance to Local Governments

Testimonials from EJ Policy Ad Hoc Members

“The process we have been on has helped dismantle some of the silos that have existed for a long time within this agency...No other air district in the country is going through this process to dismantle the silos. It may not be perfect, but we need these regional, local agencies to step up, to be willing to actually level the playing field and give communities as much agency in the process [as the Air District].”

- Rio Molina

Testimonials from EJ Policy Ad Hoc Members

"The way in which staff showed up in this planning process showed a level of commitment and gave me a level of assurance that they want to listen. I see that being an outcome that really contributed to where we are right now. One way to rebuild trust is presence, and I think that the mere presence of folks in the meetings has been a success. And as a result, we now have this beautiful working action plan that is now being folded into the Air District's Strategic Plan. I can't discount the way staff interacted, and also the way that the Community Advisory Council has interacted with staff. Because that's hard to do right."

- Joy Massey

Testimonials from EJ Policy Ad Hoc Members

“I really feel like people are listening. If we do this properly, this could go everywhere. It is my dream to implement this in the other two big air districts in the state. Together, the three big districts will have the influence to inform the other smaller districts, and the big three can influence each other.”

- John Kevin Jefferson, III

A Call to Action Development

- In partnership with The Metropolitan Group and District staff, the EJ Policy Ad Hoc Committee developed: *A Call to Action: Charting a New Course Towards Environmental Justice at the Bay Area Air Quality Management District*
- The full *A Call to Action* is a handout in today's meeting packet
- The Air District is also engaging the EJ Policy Ad Hoc Committee this fall to develop detailed, measurable Implementation Plans.

***A Call to Action* Table of Contents**

- Executive Summary
- Chapter 1: Introduction
- Chapter 2: Our Environmental Justice Priorities: A Call to Action from the Community Advisory Council
- Chapter 3: At A Glance: The Air District's Environmental Justice Commitments
- Chapter 4: Charting the Course: Actions the Air District will Take to Advance Environmental Justice
- Chapter 5: The Journey Ahead: Implementation and Accountability

***A Call to Action* Table of Contents (cont.)**

Appendices:

- A. The 17 Principles of Environmental Justice
- B. What is an Environmental Justice Community? (Definitions)
- C. The Environmental Justice Action Planning Process (in 2023-24)
- D. Crosswalk of Strategies from the Air District's 2024-2029 Strategic Plan with the Environmental Justice Priorities and Focus Areas for Early Implementation
- E. Defining Equity

Chapter 3: At A Glance: The Air District's Environmental Justice Commitments

- Changing the Air District's primary approach to air quality from a regional focus to using more local data collection and analyses that support targeted environmental justice outcomes
- Prioritization of and reinvestments in environmental justice communities
- Engaging communities in more meaningful communications and partnerships. This includes community science and public participation (e.g., regular community forums and new community feedback mechanisms) that recognizes their existing expertise, strengths, and assets

Chapter 3: At A Glance: The Air District's Environmental Justice Commitments (cont.)

- Stronger enforcement (for example, deterrence-based penalties, community-focused injunctive relief, and consideration of repeat violations in determining enforcement response.)
- Better response to air quality complaints and incidents with improved coordination, communication and local data usage
- Continuous improvement on advancing environmental justice actions via collaboration with and input from the CAC and EJ communities

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ

Priority 1: Advance Environmental Justice

“Reducing disparities in air pollution requires a different approach to air quality management with a shift in focus from the regional to the local. Community members understand air quality issues at the neighborhood level...Partnering with community members to include local experiences and solutions can make a critical difference in demonstrating the significance of the harm and can lead to more effective permitting, compliance and enforcement.”

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 1

Change Approach to Air Quality (Strategy 1.1): The Air District will change its approach to reducing air pollution to include a targeted local approach so that it achieves meaningful improvements to air quality in communities, with a focus on communities overburdened by air pollution.

Sample Action: Use the information from detailed assessments of air quality and community vulnerability to prioritize actions that reduce pollution causing inequitable exposures to air toxics and particulate matter (PM 2.5).

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 2: Provide Meaningful Agency Support to Advance Environmental Justice

“Effective enforcement of stricter rules is a key area where the Air District can make great strides toward advancing environmental justice. Communities especially want more transparency and accountability in how the Air District holds violators accountable. Communities also want greater transparency in how the Air District works with other state and municipal agencies to enforce air quality regulations.”

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 2

Stronger Regulations (Strategy 1.2): The District will develop stronger regulations, prioritizing those that can improve local air pollution.

Sample Action: Ensure regulations are updated and reflect the agency's current understanding of the health burdens associated with air pollution and include the latest technological advancements in reducing emissions.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 3: Integrate Environmental Justice Considerations in Core Functions

" One area with great potential is building the capacity of community members to collect and interpret data to understand local air pollution, community health, and cumulative impacts. By evaluating disparate impacts and recognizing historic harms, the Air District can strengthen enforcement of existing regulations, seek appropriate permitting, and develop more health-protective actions."

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 3

Collect Community Data (Strategy 2.2): The Air District will build community capacity to collect air pollution data and utilize this data to reduce the pollution that most harms communities.

Sample Action: Work with communities to collect data (with appropriate quality assurance and quality control) that can help with improved enforcement, more stringent regulations, better targeted or new incentive programs, or other programs and policies to reduce pollution.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 4: Implement Environmental Justice Best Practices and Innovation

"Information through enhanced data collection and analysis is key for understanding which sources of pollution are most harmful to community members. For example, flaring is a major concern for people living near refineries...With better information, the Air District can focus its inspection resources where they will have the greatest impact on compliance, and therefore, the greatest benefits to community air quality and health. "

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 4

Minimize Flaring (Strategy 1.3): The Air District will minimize flaring at oil refineries to lessen the impact flaring has on nearby communities, including air pollution and odors.

Sample Actions:

- Increase public engagement on refinery flaring
- Increase inspections and air pollution monitoring where flaring occurs

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 4 (cont.)

Improve Air Monitoring (Strategy 4.4): The Air District will update the design and operations of the air quality monitoring network to improve reliability, efficiency, data quality, and accessibility to better meet monitoring objectives and to support efforts to understand local exposure to air pollution.

Sample Action: Evaluate the monitoring network for possible changes and improvements, based on community input.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 5: Communicate with Clarity, Transparency, and Integrity

“The complaint system is an important place to improve the Air District’s responsiveness. Community members have become frustrated when the Air District cannot track down the source of the problem or does not follow up sufficiently with the person submitting the complaint to note how it was addressed...Community members need timely information communicated in more accessible ways with transparent, understandable, less technical language.”

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 5

Air Quality Complaints (Strategy 2.5): The Air District will improve the complaint process to ensure it is effective and transparent.

Sample Action: Ensure better responsiveness, especially during off-hours, including nights, weekends, and holidays.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 5 (cont.)

Customer Service (Strategy 4.7): The Air District will strengthen its employees' organization-wide knowledge and communication skills, and change its organization as needed, so people experience the highest level of service from the Air District.

Sample Action: Have employees serve as liaisons to community members, to ensure they receive timely, accurate responses to their concerns and questions.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 6: Grow the Capacity of Air District Staff and Board Members to Integrate Environmental Justice

“The Air District will need to build its capacity to advance environmental justice, including by focusing more attention at the local level. In recent years, the Air District’s awareness of and acknowledgement of environmental justice has grown. However, it still has much to do. Environmental justice expertise in the agency is not diffused throughout the agency in a way that best serves communities who are overburdened by air and other pollution.”

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 6

A Diverse Workforce (Strategy 3.1): The Air District will build on its efforts to ensure its workforce is diverse and reflective of the communities it serves to instill community trust and develop better solutions to air quality problems.

Sample Action: Implement targeted recruitment strategies, to attract candidates from diverse backgrounds and life experiences.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 6 (cont.)

Environmental Justice Expertise (Strategy 3.4): The Air District will increase the capacity and effectiveness of employees, Board members, and advisory bodies to advance environmental justice and to better integrate environmental justice into all aspects of its work.

Sample Action: Train Board and Advisory Council members, and employees at all levels of the organization on environmental justice principles and issues.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 7: Grow the Capacity of Environmental Justice Communities and Organizations

"Communities would like more involvement in advising about possible types of neighborhood focused projects that could be funded by the Air District. They would also like to be directly involved in the implementation of some projects and have greater workforce and skills development opportunities."

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 7

Reimagine Funding (Strategy 1.4): The Air District will reimagine funding programs so that they better benefit communities impacted by air pollution.

Community-Directed Funds (Strategy 2.8): The Air District will manage funds to benefit communities in partnership with those communities, including money that the Air District collects in penalties from air pollution violations affecting them.

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 8: Seek Appropriate Legal Remedies and Coordinate with Communities

"The Air District...has limited information on the public health consequences of a violation or potential cost savings to the violators from actions that led to the violations. Such additional information could be useful in building more stringent enforcement actions and related penalty assessments for violations."

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 8

Enhance Violation Investigations (Strategy 1.5): The Air District will enhance its procedures for investigating violations of Air District regulations in communities overburdened by air pollution to better protect community health.

Sample Action: Better quantify the extent of emissions that violate regulations in overburdened communities and, where possible, analyze the public health impacts of violations (such as using health risk and health impact assessments).

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

Priority 9: Provide Technical Assistance to Local Governments

"The Air District does not have the sole responsibility to reduce health impacts of air quality and hold violators accountable. The policies and practices of local governments and state laws also drive decision-making and planning impacting air quality and public health in communities. Staff in local governments and legislators also need greater awareness, knowledge, and expertise to advance environmental justice to the fullest extent of their respective authorities."

Chapter 4 Highlights: Actions the Air District will Take to Advance EJ (cont.)

What the Air District will do in response to Priority 9

Community Health Data (Strategy 2.4): The Air District will provide communities with better health information, so they know the health implications of air pollution and are better able to participate in decision-making.

Sample Action: Use Health Impact Assessment methodologies that consider input from community members and other agencies, to determine the potential effects of a proposed policy, program, or project on community health.

Land Use Impacts (Strategy 4.9): The Air District will provide tools for local governments to consider environmental justice, air quality, and climate priorities in local land use plans, policies, projects, and permitting decisions.

Next Steps

- Suggestions for changes from the public and from the CAC will be considered for inclusion into the final version of *A Call to Action*. For written comments, send to: communityadvisorycouncil@baaqmd.gov
- A final version of *A Call to Action* will be presented to the CAC in November for a vote to consider its adoption as a CAC approved document
- EJ Policy Ad Hoc Committee members will continue to meet with Air District staff over Fall 2024 on the development of detailed and measurable implementation activities for 3 priority topic areas: Data collection and usage, Permitting and Enforcement

Public Comment

Discussion