



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT



**COMMUNITY
ADVISORY COUNCIL**
CLEAN AIR FOR ALL

BOARD OF DIRECTORS
COMMUNITY ADVISORY COUNCIL

March 21, 2024

COUNCIL MEMBERS

FERNANDO CAMPOS
WILLIAM GOODWIN
MS. MARGARET GORDON
ARIEANN HARRISON
JOHN KEVIN JEFFERSON
JOY MASSEY
HANA MENDOZA

RIO MOLINA
MAYRA PELAGIO
DR. JEFF RITTERMAN
KEVIN RUANO HERNANDEZ
FAGAMALAMA VIOLET SAENA
KEN SZUTU
LATASHA WASHINGTON
DR. JUAN AGUILERA

**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/83311668721>, or may join Zoom by phone 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: 833 1166 8721

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 three 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, MARCH 21, 2024

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.

2. 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. 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.

CONSENT CALENDAR (Items 3)

3. Approval of the Draft Minutes of the Community Advisory Council (CAC) Meeting of January 18, 2024

The Council will consider approving the Draft Minutes of the Community Advisory Council Meeting of January 18, 2024.

ACTION ITEM(S)

4. Community Advisory Council (CAC) Work Plan

This is an action item for the Council to vote on the updated 2024-2025 CAC Work Plan. This item will be presented by the following members of the Work Plan Ad Hoc Committee: Co-Chair Ken Szutu, Council Member William Goodwin, and Council Member Rio Molina.

5. Funding Community Benefits from Penalty Funds

This is an action item for the Council to consider recommending to the Air District Board of Directors that they set a policy that automatically allocates a portion of penalties for regional and local community benefits. This item will be presented by Gregory H. Nudd, Deputy Executive Officer, Science and Policy.

INFORMATIONAL ITEM(S)

6. Air District Strategic Planning Update

This is an informational item to present an overview of the Air District's Strategic Planning process, including how the Environmental Justice Priorities created by the Community Advisory Council (CAC) are integrated into the Strategic Planning framework. This item will be presented by Dr. Philip Fine, Executive Officer / Air Pollution Control Officer, and CAC Co-Chair, Latasha Washington.

OTHER BUSINESS

7. Environmental Justice Policy Ad Hoc Committee Update

The Council and the public will receive an update from the Environmental Justice Policy Ad Hoc Committee.

8. Community Benefits Fund Ad Hoc Update

The Council and the public will receive an update from the Community Benefit Fund Ad Hoc Committee.

9. Community Advisory Council (CAC) Member Selection Ad Hoc Committee

The Council and the public will receive an update from the CAC Member Selection Ad Hoc Committee.

10. Report of the Executive Officer/APCO

11. 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.

12. Time and Place of Next Meeting

Thursday, May 16, 2024, at 6:00 p.m. at the California State University East Bay Oakland Professional Development and Conference Center, Trans Pacific Center, 1000 Broadway, Suite 109, Oakland, CA 94607. The meeting will be in-person for the Community Advisory Council members and members of the public will be able to either join in-person or via webcast.

13. Adjournment

The Council meeting shall be adjourned by the facilitator.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
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**

MARCH 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Finance and Administration Committee	Wednesday	20	10:00 a.m.	1 st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	20	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Advisory Council	Thursday	21	6:00 p.m.	1 st Floor, Yerba Buena Room

APRIL 2024

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	3	10:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Wednesday	10	10:00 a.m.	1 st Floor, Yerba Buena Room
Board of Directors Community Equity, Health and Justice Committee - CANCELLED AND RESCHEDULED TO 5:30 P.M., APRIL 22, 2024	Wednesday	10	1:00 p.m.	1 st Floor, Yerba Buena Room
Board of Directors Finance and Administration Committee	Wednesday	17	10:00 a.m.	1 st Floor Board Room
Board of Directors Policy, Grants and Technology Committee	Wednesday	17	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Monday	22	5:30 p.m.	City of San Pablo City Hall Council Chambers 1000 Gateway Ave. San Pablo, CA 94806

MV 3/14/2024 – 11:24 a.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: March 21, 2024

Re: Approval of the Draft Minutes of the Community Advisory Council (CAC) Meeting
of January 18, 2024

RECOMMENDED ACTION

Approve the Draft Minutes of the Community Advisory Council Meeting of January 18, 2024.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the Draft Minutes of the Community Advisory Council Meeting of January 18, 2024.

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 011824

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

DRAFT MINUTES

Community Advisory Council
Thursday, January 18, 2024

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. After reciting the expectations and ground rules of the meeting, Co-Chair Jefferson referred to the State of California’s Victims’ Bill of Rights Act of 2008: Marsy’s Law, which amended the California Constitution to provide additional rights to victims, to preserve and protect a victim’s rights to justice and due process. He listed several of these rights, in reference to the removal of Mr. Charles Reed from the Council, effective December 20, 2023.

Roll Call:

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

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

Absent: Council Members Dr. Juan Aguilera 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 NOVEMBER 30, 2023

Public Comments

No requests received.

Council Comments

None.

Council Action

Council Member Ruano Hernandez made a motion, seconded by Council Member Goodwin, to **approve** the Draft Minutes of November 30, 2023, and the motion **carried** by the following vote of the Council:

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

Motion Approved

ACTION ITEMS

3. ELECTION OF COMMUNITY ADVISORY COUNCIL CO - CHAIR

Suma Peesapati, Environmental Justice and Community Engagement Officer, gave the staff presentation *Election of Community Advisory Council Co-Chair*, including: outcome; requested action; outline; Section 1.3.1 (Duties of Leadership).

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether nominations had already closed or could be given during the meeting.

Council Action

Council Member Ms. Margaret Gordon made a motion, seconded by Dr. Ritterman, to **appoint** Ken Szutu as a third Council Co-Chairperson, effective immediately; and the motion **carried** by the following vote of the Council:

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

Motion Approved

4. FUNDING COMMUNITY BENEFITS FROM PENALTY FUNDS

Greg Nudd, Deputy Executive Officer of Science and Policy, gave the staff presentation *Funding Community Benefits from Penalty Funds*, including: potential presentation outcomes; background;

proposal; about the penalties; example method for allocation; results; Finance and Administration Committee Meeting of December 20, 2023; Council feedback; and action parts 1, 2, and 3.

Public Comments

Public comments were given by Pat Toth Smith, Benicia resident; Kathy Kerridge, Benicia resident; Nancy Reiser, Crockett resident; Stuart McCullough, Martinez Community Foundation; Heidi Taylor, Healthy Martinez; Stephen Golub; Marilyn Bardet, Benicia resident; Michael Coody, Rodeo resident; Mayor Brianne Zorn, City of Martinez; Maureen Brennan, Rodeo resident; T. Shaia, Rodeo resident; Judith Sullivan, Benicia resident; Betty Lucas, Benicia resident; David Gassman, and Jean Tepperman.

Council Comments

The Council and staff discussed how the Council will be involved in this process, should the Board accept the recommended actions; the desire that the Air District implements a future participatory budgeting process; the desire to see penalty fees significantly increased; the extent to which are penalty and permit fees are expected to increase; current funding sources of the Air District’s enforcement program; whether the budget target of \$3M is a static target, or whether that amount may be set it lower or higher; whether the recommended action presented to the Council is to recommend that the Board create a policy, or approve a policy that was already created by staff; new methods and criteria being utilized to increase lawsuit settlements; the history of annual Air District fee increases; violation circumstances that would cause the Air District to revoke an issued permit; health data analysis the Air District uses to measure the health outcomes of fenceline community residents; whether penalty fees are automatically increased each time a facility violates a regulation; reasons for the anticipated increase in penalty collections in 2024, and whether penalty amounts can be estimated; the Council’s desire for the Air District to make use of community partnerships and clearly communicate how community advocacy can help the Air District enforce Air District regulations; the definitions of “local” and “regional”; the request for improved and enhanced public outreach regarding Council meetings; why only a one-year pilot program is being proposed (instead of a permanent program) when there is already a history of Air District regulation violations; concerns about the training and current practices of the Air District’s Compliance & Enforcement staff; the desire for improvements to the Air District’s Air Quality Complaint Program (quicker follow up), and concerns that the Air District’s current system does not support the needs of the community; the suggestion that the Air District collect feedback from the Assembly Bill (AB) 617 Community Emissions Reduction Plan Community Steering Committees on this proposed program; whether changes to policy will be coupled with changes to (interpretations of) regulations so that higher penalties may be assessed; the suggestion of implementing the proposed allocation structure, regardless of whether the penalty payment amount reaches \$100,000; how the Air District plans to mitigate future situations in which facilities operate without permits, and the request for a list of such former violations; whether facilities whose operations do not require Air District permits are monitored by the Air District and can receive Notices of Violation, and the request for a list of the exempted companies and whether they have been issued Notices of Violation.

Council Action (Three Items)

Action 1 of 3

Recommended Action:

Consider recommending that the Air District Board of Directors take the following actions:

- *Create a policy that automatically sets aside a portion of penalties for regional and local benefits.*
- *Review the results after one year to ensure that the process is equitable and effective.*

Co-Chairperson Jefferson made a motion, seconded by Council Member Mendoza, that the Council table recommending that the Air District Board of Directors create a policy that automatically sets aside a portion of penalties for regional and local benefits, and review the results after one year to ensure that the process is equitable and effective.

After further discussion, the maker of the motion withdrew his original motion.

Then, Co-Chairperson Jefferson made a motion, seconded by Council Member Mendoza, to recommend that the Air District Board of Directors create a policy in collaboration with the Community Advisory Council that automatically sets aside a portion of penalties for regional and local benefits; and the motion **carried** by the following vote of the Council:

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

Motion Approved

Then, Co-Chairperson Washington made a motion, seconded by Council Member Harrison, to recommend that the Air District Board of Directors have the Community Advisory Council conduct an annual periodic review of the program after one year to ensure that the policy is effective and equitable; and the motion **carried** by the following vote of the Council:

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

Motion Approved

Action 2 of 3

Recommended Action:

Consider recommending that the Air District Board of Directors take the following action:

- *Ensure community outreach and oversight of any local or regional benefit fund spending programs.*

Council Member Pelagio made a motion, seconded by Co-Chairperson Jefferson, to recommend that the Air District Board of Directors ensure, with the collaboration of the Community Advisory Council, that there is the creation of a plan for community outreach and oversight of any local or regional benefit fund spending programs; and the motion **carried** by the following vote of the Council:

AYES: Campos, Goodwin, Gordon, Harrison, Jefferson, Massey, Mendoza, Molina, Pelagio, Ritterman, Ruano Hernandez, Szutu, Washington.

NOES: None.
ABSTAIN: None.
ABSENT: Aguilera, Saena.

Motion Approved

Action 3 of 3

Recommended Action:

Consider recommending that the Air District Board of Directors take the following action:

- *Create a policy that automatically sets aside a portion of penalties for regional and local benefits according to the proposed allocation scheme*

Co-Chairperson Jefferson made a motion to recommend that the Air District Board of Directors create a policy that automatically sets aside a portion of penalties for regional and local benefits, but, due to the lack of a second, the motion was tabled.

Motion NOT Approved

THE COUNCIL RECESSED AT 8:56 P.M., AND RESUMED AT 9:11 P.M.

INFORMATIONAL ITEM

5. COMPLIANCE AND ENFORCMENT UPDATE

Brian Case, Assistant Counsel II of the Air District’s Legal Office, Paul Grazzini, Supervising Air Quality Specialist of the Air District’s Compliance and Enforcement Division, and Tanya Boyce, Executive Director of the Environmental Democracy Project, gave the presentation *Enforcement Case Study: Green Sage Cannabis Cultivating Facility*, including: outcome; requested action; overview; Before Telling the Story, a Moment to Reflect on the Health and Safety of Our Communities; Green Sage Management; the scale of the violation; violations at Green Sage; duration of the violation; who were the advocates and agencies; Environmental Democracy Project’s (EDP) three-pronged approach; community efforts and collaboration; EPD’s suggestions for improvements; CalEnviroScreen 4.0 Bay Area regional map; Green Sage’s defiance of enforcement efforts; and Air District Compliance and Enforcement Division Perspective.

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether EDP can still partner with the Air District, as Ms. Boyce has left the Bay Area and plans to step down as Executive Director; why the enforcement action that was taken in this case is not applied to all violations, and whether that can be regularly replicated, moving forward; the estimated percentage of acts of defiance by regulation violators; the location of Green Sage Management’s current operations; where language stating whether a specific type of equipment or activity does not require an Air District permit can be found; the fact that not all disadvantaged communities have local grassroots legal resources, and often struggle to report violations; and the

suggestion of increasing the Air District’s resources by having enforcement staff confirm complaints that are reported.

Council Action

None; receive and file.

OTHER BUSINESS

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

No requests received.

7. COUNCIL MEMBER COMMENTS / OTHER BUSINESS

Council Member Ms. Margaret Gordon requested that the following topics be agendized at future Council meetings: 1) how to continue collaborative governmental and community-based efforts to stop Air District regulation violations (as seen in the matter of illegal diesel generator use at the Green Sage cannabis cultivation facility in East Oakland); and 2) information on the process of sexual harassment training for members of the Council, and the manner in which the Air District processes sexual harassment allegations from members of the Council.

8. TIME AND PLACE OF NEXT MEETING

Thursday, March 21, 2024, at 6:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Community Advisory Council members and members of the public will be able to either join in-person or via webcast.

9. ADJOURNMENT

The meeting was adjourned at 10:23 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: March 21, 2024

Re: Community Advisory Council (CAC) Work Plan

RECOMMENDED ACTION

Vote on the updated Community Advisory Council (CAC) Work Plan.

BACKGROUND

This is an action item for the Community Advisory Council (CAC) to vote on the updated work plan for 2024-2025. During the March 16, 2023, CAC Meeting, the Work Plan Ad Hoc Committee presented a draft CAC Work Plan. The CAC asked for numerous edits to revamp the draft work plan, including: goals, benefits to counties, specific benefits to communities, and other pertinent information (updated version attached). Air District leadership also requested flexibility in the work plan to address potential emerging or urgent matters.

The Work Plan Ad Hoc Committee worked diligently with staff to make the requested edits and provided updates during CAC meetings or via email. During the editing process, agenda items that were no longer relevant were deleted at the request of the Council Member who originally proposed the item. With a resulting shorter work plan, the Work Plan Ad Hoc Committee decided to embark on a process to re-imagine and develop a new work plan. The CAC Co-Chairs approved the Work Plan Ad Hoc Committee's recommendation to hire the Lyon-Newman Consulting firm to support the development of the CAC work plan. Lyons-Newman Consulting provides equity-centered strategic planning, facilitation, and organizational development services to nonprofit and governmental organizations.

During the CAC Retreat, the CAC participated in a 2-hour activity led by Lyons-Newman Consulting. The activity identified the CAC's overarching goals and potential agenda items that would accomplish the goals. After the CAC Retreat, the Work Plan Ad Hoc Committee utilized the information from the retreat to finalize the work plan and overall design.

DISCUSSION

During this CAC meeting, the CAC will vote on the adoption of the updated 2024-2025 work plan.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Lisa Flores
Reviewed by: Marcia Raymond

ATTACHMENTS:

- 1. CAC 2024-2025 Work Plan

Calendar of Agenda Items (2024-2025 Work Plan)

Work Plan Agenda Items	Potential Recommendations (or Information Only)	CAC Member Lead-Subject to Change	Description of Community Benefit
Develop community level monitoring capacity	<ul style="list-style-type: none"> o To manage community level air quality based on monitored data. 	Council Members Szutu	Enables community to report pollution and track progress based on data.
Finalize recommendations for how to increase efficiency of responses to complaints	<ul style="list-style-type: none"> o Increase efficiency of responses from program that tracks complaints (e.g., send drones to complaint sites) o Amend rule for responding to complaints o Create a review system to determine how complaints are processed o Include additional information from community members in the complaint handling process o Engage community in sample collection 	Council Member Szutu and Molina	Community can provide feedback to complaint handling.
Update on Development of the EJ Policy and Action Plan	<ul style="list-style-type: none"> o EJ Policy Ad Hoc develops EJ Priorities and co-develops EJ Strategies with Air District staff to embed in the District's Strategic Plan; EJ Action Plan will contain multiple recommendations for EJ solutions for each division. 	Council Member Washington	The EJ Priorities are now submitted to the Strategic Planning process. The Strategic Plan and the EJ Action Plan will have detailed EJ strategies for the Air District's (AD) functions. Implementation plans will then have measurable actions to show the EJ-focused impact on how the AD does their work. Some of the EJ Priorities are to increase AD transparency, community engagement and information-sharing in the AD's functions, as well as having more EJ approaches to updating regulations and creating more strict policies for enforcement with the prioritization of frontline communities and decreasing air pollution for impacted communities.
Review the work that the CAC has recently done, and decide on next steps to develop recommendations	<ul style="list-style-type: none"> o Strengthen the CAC's effectiveness and impact on change in communities and BAAQMD. 	Council Member Goodwin	By providing relevant and timely recommendations to the BAAQMD Board of Directors on how to improve the effectiveness of processes and programs within the BAAQMD, we aim to accelerate community engagement and elevate community confidence in the Air District's mission to "create a healthy breathing environment for every Bay Area resident."
Discuss how the CAC will present recommendations regarding indoor gas appliances to the board (TBD after November)	<ul style="list-style-type: none"> o Establish readiness criteria before hand. Compare implementation status with readiness criteria 	Council Member Szutu	Make sure equitable transition is considered as part of final decision for readiness.
Create a proposed plan for equitable disbursement of Community Benefit Fund	<ul style="list-style-type: none"> o Recommend to the Air District Board a plan to disburse the Community Benefit Fund 	Chairs of the Community Benefit Fund Ad Hoc Committee	Communities overburdened by air pollution receive benefits from the Air District's Community Benefit Fund. Reduce air pollution and related health impacts through projects funded by the Air District's Community Benefit Fund.
Review our current public record access (PRA) process	<ul style="list-style-type: none"> o To review the workflow of PRA, e.g., type of records requested, number of requests, wait time, identify areas we can have the data readily available without going through the PRA process 	Council Member Szutu	Improve access to Air District data, and shorter wait times. Also reduce person-hour needed by the legal division to manually retrieve the data.
Learn about air pollution community needs, health impacts, and funding pathways	<ul style="list-style-type: none"> o Information Only 	Chairs of the Community Benefit Fund Ad Hoc Committee	Community engages in making local improvement to air quality

<p>Green collar jobs/internships/program for young people to learn about air quality science. Specific agenda items to be developed but could entail: 1. Presentation of opportunities for young people to be involved in Air District activities and 2. Opportunities for young people to learn about these skills and the science behind air quality.</p>	<p>o The CAC will strategize how to implement youth opportunities in order to give opportunities to young people on Green Collar jobs in the air quality sector.</p>	<p>Council Member Ruano Hernandez</p>	<p>Increase attention and resources towards young people to help them enter into the environmental space. Gain more support from the young generation by implementing a program for young people to help them learn about Air Quality and other opportunities.</p>
<p>Small group to present recommendations to the CAC to improve Transportation Fund for Clean Air County Program Manager Fund</p>	<p>o Generate a letter to the Air District Board (specific recommendations TBD)</p>	<p>Council Member Goodwin</p>	<p>Through a shared understanding and agreement on specific changes to improve the Transportation Fund for Clean Air County Program Manager Fund we aim to educate the community regarding the allocation of funds, who is being served by this program, and how this program benefits all of our communities. By generating a letter to the Air District Board (with specific recommendations, TBD), we aim to accelerate community engagement and elevate community confidence in the Transportation Fund for Clean Air County Program and thereby enhance the Air District's mission to "create a</p>
<p>Create an ad hoc committee to develop a toolkit of educational materials for the community and community presentations (For example, provide a one-pager that includes contact numbers, including BAAQMD, for individuals to easily report a complaint and follow up)</p>	<p>o To develop informational material that will 1) educate community members about air pollution in their neighborhood and 2) provide contact information to report an air quality concern</p>	<p>Council Member Mendoza</p>	<p>1. This will raise community members' (CM) awareness about the environment and this awareness will contribute towards making better choices that lead to a healthier environment. 2. Awareness about air pollution in their neighborhood gives (CM) the information they need to be able to monitor issues and effects of air pollution 3. Providing contact information to report air pollution events makes it easier and empowers the community to report. The contact information will also make it easier to communicate with someone in the case they have questions.</p>
<p>Recurring update (every other meeting) and exploration of topics around compliance and enforcement (C&E)</p>	<p>o To share real-time information on issues and resolutions in regards to settlements, violations and lawsuits.</p>	<p>Co-Chair Jefferson & Council Member Szutu</p>	<p>Better understanding of rules and regulations, of actual issues on a real-time basis</p>

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: March 21, 2024

Re: Funding Community Benefits from Penalty Funds

RECOMMENDED ACTION

Vote to make a recommendation to the Air District Board of Directors regarding a policy for penalty funds to be set aside for community benefits.

BACKGROUND

The Air District collects penalties from individuals and businesses that violate our regulations. In the past five years, these funds have varied from \$700k to \$4.2M per year. These funds go into the Air District's budget and are used to pay for enforcement staff and other expenses. For comparison, the staff and contract costs of the Air District's enforcement program exceeds \$16 million per year.

Most of the individual penalties are for less than \$50,000. However, there have typically been one or more larger penalties that exceed \$1 million each year. Most of the penalty money collected is from these large payments. Looking at the past two and half fiscal years, all the large payments were from oil refineries and related industries. Over 90% of the penalty money received during this period were from this industrial sector.

For many years, community and environmental justice advocates have asked for penalty funds to be spent in the impacted communities where the violations occurred. With the Air District's recent focus on enforcement, staff anticipates that penalty collections will increase significantly. Therefore, staff believes that the Air District can make this change without significant impacts to the operating budget.

On December 20, 2023, Air District Executive Officer Dr. Philip Fine presented an informational item to the Finance and Administration Committee of the Air District's Board of Directors regarding the use of penalty money to fund community benefits. At the meeting, Dr. Fine suggested that the Board set a policy that would automatically allocate penalty funds for community benefits. The exact nature of that allocation would depend on input from community representatives and advocates. The Board would still be able to change that policy either as a general matter or for a particular penalty collection, but they would have to take formal action to

do so. Furthermore, any program design or expenditures of the penalty funds that are set-aside for community benefits would be subject to additional outreach, engagement, and input from the affected communities.

The Committee was supportive of the idea and were proud to be leaders on this issue. They were also supportive of the idea of having both local benefit funds for communities impacted by violations and a regional fund to address needs in communities that may not have major stationary sources with violations. The Committee was also in favor of instituting periodic review of the program for the purpose of regular adjustment and improvement of the program, as needed. The Committee directed staff to consult with the Community Advisory Committee and other community groups including the Richmond-North Richmond-San Pablo AB 617 Community Steering Committee. The item was referred to the Board's Community Health, Equity, and Justice Committee for further consideration and recommendations after CAC consideration.

The CAC heard this item on January 18, 2024 and voted to approve the following recommendations to the Board of Directors:

- Recommend that the Air District Board of Directors create a policy in collaboration with the Community Advisory Council that automatically sets aside a portion of penalties for regional and local benefits.
- Recommend that the Air District Board of Directors have the Community Advisory Council conduct an annual periodic review of the program after one year to ensure that the policy is effective and equitable.
- Recommend that the Air District Board of Directors ensure, with the collaboration of the Community Advisory Council, that there is the creation of a plan for community outreach and oversight of any local or regional benefit fund spending programs.

DISCUSSION

Staff has developed a proposed allocation method designed to accomplish the following goals:

- Allocate as much penalty money as possible to the community where the violation occurred.
- Avoid the creation of local benefit funds that are too small to be practically implemented.
- Address the needs of communities outside of the refinery corridor.
- Recover reasonable staffing costs for the Air District and minimize or eliminate budget risk.

Under the example allocation, the first \$100,000 of each penalty payment would go to offset the Air District's expenses in enforcing regulations. After the budget target is met (\$3,000,000 for this year), those funds would go into a regional benefit fund. For the next \$100,000 to \$1,000,000 of a penalty, 50% would go to a fund to benefit the community impacted by the violation. The balance would go either to the Air District budget or the regional benefit fund, depending on if the budget target has been met. For penalty collections above \$1,000,000, 80% of the penalties would be reserved for local benefits programs, with 20% to the Air District or the

regional fund.

The table below summarizes the example allocation scheme:

Lower Break Point	Upper Break Point	% to Local Benefit Fund	% to Air District or Regional Benefit Fund
\$0	\$100,000		100%
\$100,000	\$1,000,000	50%	50%
\$1,000,000		80%	20%

The remaining question for the CAC is how to allocate those funds that exceed \$1M. Staff will present three scenarios that vary the allocation between local and regional benefit funds.

In previous discussions with the CAC, Council members raised a number of questions regarding penalties and enforcement. The questions and there answers are shown below:

1. Please explain in detail the difference between region and local funds. Please list the advantages for funds tailored to both regional and local funding.

The local fund is to address needs in the community impacted directly by the violations that triggered the penalty. The intent is that local communities will determine how these funds are spent. The vast majority of the local funds will be in refinery communities.

The regional fund is intended to address needs in communities that may not have large industrial sources that incur penalties, but still need to address the impacts of air pollution in their area.

2. How and when will the agency raise permitting fees and increase grant funding to allow for the entirety of penalty collections to be allocated for community benefits?
3. Are fees currently at the statutory maximum?

Staff believes that some portion of penalty funds will always be required to offset the costs of our enforcement program. But, the program will always be primarily funded by fees. In the current fiscal year, over 80% of the funding for the enforcement program is from fees.

The spreadsheet titled “settlement-CB-funding-allocations” has a tab that shows how much the Air District has raised fees over the past several years. The Air District intends to re-visit the design of its fee structure soon to ensure that it better matches with the resource requirements for our permitting, rulemaking, and enforcement programs.

4. I noticed the comment in the Agenda Packet Description Notes that the 2022-2023 penalty collection amounts were low compared to historical averages.
 - a. Is it possible to provide a list of Settlements by Fiscal Year (identical to the report provided at the CAC Meeting presentation) for the prior 5 years? It would be great to see it sorted by County.

- b. Could you provided the total dollar amount of all penalty collection amounts between \$1000-\$5000 for the same time period? I know these amounts are not reported to the Board of Directors, but I am curious what those amounts look like. Thanks.

The attached spreadsheet entitled “Penalties-FYE20-24” shows the penalties for the current and previous four fiscal years. Staff is still working on the question regarding the total dollar amounts less than \$10k. We expect this to be less than 10% of the total penalty collections.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Currently, staff does not anticipate significant budget impacts from this proposal.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Gregory Nudd
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. [Settlement Community Benefits Funding Allocations](#)
2. [Penalties FYE 2020-2024](#)

Microsoft Excel file formats are available for download at the links above.

Settlement Community Benefits Funding Allocations Read Me Tab

Purpose:	The purpose of this document is to analyze patterns in penalty amounts over the current and previous two fiscal years. It also includes data about the Air District's direct costs for enforcement for context.
Author:	Greg Nudd (gnudd@baaqmd.gov)
Last updated:	3/3/2023

Tabs	Description/Notes
Penalties	The Air District can seek monetary penalties for violations of our regulations. Those penalties have to be imposed by a court after a violation is proven. Typically, the Air District comes to agreements with the violator that results in a monetary fine and changes to facility operations to prevent or minimize future similar issues. This avoids a court case and helps prevent future issues. If these "settlements" exceed \$10,000 they are reported to the Board of Directors and published in the Board agenda packet. A list of all penalty agreements in excess of \$10,000 is shown in the Penalties tab. The author highlighted those penalty amounts that appear to be in refinery communities based on his nine years of experience regulating industrial sources in the Bay Area. A more rigorous analysis may change the findings with respect to the amount of fines from refinery communities, but that change would be relatively small. Also note that fiscal year 2022-2023 penalty collection amounts were low compared to historical averages, which was due to several reasons, including turnover in the Legal Division. That Division is now fully staffed and is aggressively pursuing enforcement cases. This tab also shows the fiscal year amounts for total penalties collected and total collected from refinery communities.
Analysis	This tab takes the penalty amount data from the Penalty tab and combines it into one column sorted by amount. The data is divided into sections depending on a range of amounts. Those ranges are then subtotalled and counted to get an understanding of the distribution of both the number of agreements and the distribution of the amounts of the agreements. The highlighted cells are from refinery communities as determined by the author.
Allocations tabs (1, 2, 3)	This tab shows how individual settlements and overall annual fee collection would be impacted by setting aside different percentages depending on the total settlement amount. It uses a structure like a progressive tax rate in that the higher percentages are applied to the higher marginal amounts. The tab also shows the expected settlement amounts from the budgets for the relevant year and calculates the overage or shortfall for the year with and without community benefit set-asides.
Enforcement Costs	This tab summarizes the direct costs of the Air District's enforcement program from the Compliance and Enforcement Division and the Legal Division. This is an underestimate of total costs because it does not include overhead such as administration, finance, or real estate. It also omits direct enforcement costs incurred in other divisions, such as Engineering as those costs are not broken out in the budget. These budget numbers come from the final budget for the current fiscal year, which can be found at the following URL: https://www.baaqmd.gov/publications/budget-and-audit
Fee Trends	This tab shows how our fees have increased over the past several years and how that has impacted collected revenue. This is in response to a question from the CAC.

Settlement Community Benefits Funding Allocations Penalties Tab
Settlements Over \$10,000

Fiscal Year 2021 - 2022			
Date of Settlement	Site Name	Settlement Amount	# of NOVs
9/15/2021	ST Shore Terminals	\$89,000	5
9/20/2021	MECS INC.	\$50,000	1
9/21/2021	Petaluma Creamery	\$21,500	2
9/27/2021	Tesoro Refining & Marketing Co.	\$2,227,000	58
9/29/2021	Booster Fuels, Inc.	\$51,000	1
9/30/2021	Alameda County GSA	\$15,840	2
10/6/2021	A B & I Foundry	\$13,000	2
10/7/2021	Republic of Services of Sonoma County, Inc.	\$42,350	5
10/12/2021	Martinez Refining Company, LLC	\$433,000	44
10/18/2021	Safeway Stores Inc., Bakery Plant	\$35,000	1
10/21/2021	Pick N Pull Auto Dismantlers	\$60,000	1
10/26/2021	United Airlines, Inc.	\$35,000	2
10/27/2021	Northern Calif Power Agency	\$10,000	4
11/4/2021	USS-UPI, LLC	\$17,500	1
11/16/2021	Valero Refining Company - California	\$191,500	14
12/1/2021	Gilroy Energy Center, LLC (Willskill Energy Co.)	\$10,000	1
12/21/2021	Clean Harbors Industrial Services, Inc.	\$10,000	1
1/11/2022	Sanmina-SCI	\$30,000	1
1/11/2022	Air Liquide Large Industries US LP	\$90,000	1
1/11/2022	Air Liquide Large Industries US LP	\$69,000	6

Settlement Community Benefits Funding Allocations Penalties Tab
Settlements Over \$10,000

1/25/2022	Central Concrete Supply Inc.	\$12,000	1
1/28/2022	Mountain View Los Altos High School	\$30,000	2
2/10/2022	Kellog Creek Aggregates Inc.	\$15,000	3
2/16/2022	Valero Refining Company - California	\$99,000	10
2/23/2022	SFPP, LP	\$15,000	1
3/2/2022	Berkeley Asphalt Co.	\$57,000	5
3/24/2022	Valero Refining Company - California	\$345,000	17
4/11/2022	Browning Ferris Industries of CA	\$70,000	5
5/4/2022	City of Richmond Wastewater Treatment Plant	\$15,000	3
5/9/2022	Specialized Coating Services	\$30,000	1
5/26/2022	Master Builders Solutions Construction	\$10,000	1

Total \$4,198,690

Total from refinery communities \$3,454,500 82%

Fiscal Year 2022 - 2023			
7/1/2022	Restoration Management Co.	\$10,000	1
8/9/2022	San Francisco Public Utilities Commission	\$20,000	2
8/15/2022	Northrup Grumman Systems Corporation	\$12,000	1
8/31/2022	BFI Newby Island Recycler and International Disposal Corp, of CA	\$210,000	30
9/12/2022	University of California, Berkeley	\$15,000	4
9/17/2022	Keller Canyon Landfill Co.	\$83,750	7
9/19/2022	Mission Valley Rock Co.	\$12,000	1

Settlement Community Benefits Funding Allocations Penalties Tab
Settlements Over \$10,000

9/29/2022	Double AA El Camino	\$35,000	9
11/28/2022	Paramount Group	\$34,400	4
12/12/2022	Tesoro Refining & Marketing Co.	\$1,469,579	83
2/9/2023	Anchor Brewing, LLC	\$19,000	1
3/3/2023	Liaoning Benefit Petroleum (US) Corporation	\$14,000	5
4/5/2023	Northrup Grumman Systems Corporation	\$32,000	1
5/2/2023	Lennar Homes of CA	\$30,000	2
5/14/2023	Kirby Offshore Marine LLC	\$15,000	1
6/7/2023	SJ Plating Inc.	\$35,000	1
6/14/2023	Concord Ready Mix Inc.	\$35,000	2
6/29/2023	Grupe Homes	\$16,000	1
	Total	\$2,097,729	
	Total from refinery communities	\$1,469,579	70%

Fiscal Year 2023 - 2024 to date			
7/13/2023	Clover Flat Resource & Recovery Park	\$24,500	7
7/27/2023	Chemtrade West US LLC	\$1,150,000	7
9/26/2023	Sunquest Properties Inc.	\$10,000	1
10/17/2023	Alteza Corporation	\$10,000	1
10/26/2023	East Bay Municipal Utility District	\$20,000	2
11/2/2023	BMR Gateway of Pacific V, LP	\$81,000	1
11/7/2023	Cemex Construction Materials Pacific, LLC	\$65,000	1

Settlement Community Benefits Funding Allocations Penalties Tab
Settlements Over \$10,000

12/4/2023	Napa State Hospital	\$15,500	1
12/6/2023	P.W. Stephens Environmental Inc.	\$13,500	1
12/13/2023	Vulcan Materials Western Division	\$228,000	2
12/14/2023	Prime Skylark LLC	\$10,000	3
1/2/2024	Keysight Technologies	\$90,000	3
1/3/2024	Hudson 1455 Market St LLC	\$46,150	3
1/5/2024	CA Department of Water Resources	\$15,000	2
1/10/2024	Reliance Construction	\$16,000	1
1/25/2024	West Contra Costa Sanitary Landfill	\$160,000	13
1/29/2024	San Mateo Medical Center	\$18,000	3
2/13/2024	Chevron	\$20,000,000	>600
	Total	\$21,972,650	
	Total from Refinery Communities	\$21,310,000	97%

Looking at breaks:

Penalty amounts:	Count	Total	% Count	% Total
\$10,000	36	\$786,090	69.2%	10.5%
\$10,000				
\$10,000				
\$10,000				
\$10,000				
\$10,000				
\$12,000				
\$12,000				
\$12,000				
\$13,000				
\$14,000				
\$15,000				
\$15,000				
\$15,000				
\$15,000				
\$15,000				
\$15,840				
\$16,000				
\$17,500				
\$19,000				
\$20,000				
\$21,500				
\$24,500				
\$30,000				
\$30,000				
\$30,000				
\$30,000				
\$30,000				
\$32,000				
\$34,400				
\$35,000				
\$35,000				
\$35,000				
\$35,000				
\$35,000				
\$35,000				
\$42,350				
\$50,000				
\$51,000	11	\$1,070,250	21.2%	14.3%
\$57,000				
\$60,000				
\$69,000				
\$70,000				
\$83,750				

Settlement Community Benefits Funding Allocations Analysis Tab

\$89,000				
\$90,000				
\$99,000				
\$191,500				
\$210,000				
\$345,000	2	\$778,000	3.8%	10.4%
\$433,000				
\$1,150,000	3	\$4,846,579	5.8%	64.8%
\$1,469,579				
\$2,227,000				

Total	\$7,480,919
Count	52

Percent from refining	81.2%
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Reserve Not Met				
Lower Break	Upper Break	% local	% Reg EJ	% Gen
	\$ 100,000	0.0%		100.0%
\$ 100,000	\$ 1,000,000	50.0%		50.0%
\$ 1,000,000		80.0%		20.0%

Reserve Met				
Lower Break	Upper Break	% local	% Reg EJ	% Gen
	\$ 100,000	0%	100%	
\$ 100,000	\$ 1,000,000	50%	50%	
\$ 1,000,000		80%	20%	

FYE 22				
Penalty	Local Mitigation	Regional EJ	General	
\$89,000			\$89,000	
\$50,000			\$50,000	
\$21,500			\$21,500	R
\$2,227,000	\$ 1,431,600		\$ 795,400	
\$51,000			\$51,000	
\$15,840			\$15,840	
\$13,000			\$13,000	
\$42,350			\$42,350	
\$433,000	\$ 166,500		\$ 266,500	
\$35,000			\$35,000	P
\$60,000			\$60,000	
\$35,000			\$35,000	
\$10,000			\$10,000	
\$17,500			\$17,500	
\$191,500	\$ 45,750		\$ 145,750	
\$10,000			\$10,000	R
\$10,000			\$10,000	
\$30,000			\$30,000	R
\$90,000			\$90,000	
\$69,000			\$69,000	
\$12,000			\$12,000	
\$30,000			\$30,000	
\$15,000			\$15,000	
\$99,000			\$99,000	
\$15,000			\$15,000	
\$57,000			\$57,000	
\$345,000	\$122,500		\$ 222,500	B
\$70,000			\$70,000	
\$15,000			\$15,000	
\$30,000			\$30,000	
\$10,000			\$10,000	
\$4,198,690			\$0	\$2,432,340

Regional fund	\$ (567,660)
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FY24 to date				
Penalty	Local Mitigation	Regional EJ	General	G running total
\$10,000			\$10,000	\$10,000
\$24,500			\$24,500	\$34,500
\$1,150,000	\$ 570,000		\$ 580,000	\$614,500
\$10,000			\$10,000	\$624,500
\$20,000			\$20,000	\$644,500
\$81,000			\$81,000	\$725,500
\$65,000			\$65,000	\$790,500
\$15,500			\$15,500	\$806,000
\$13,500			\$13,500	\$819,500
\$228,000	\$64,000		\$ 164,000	\$983,500
\$10,000			\$10,000	\$993,500
\$90,000			\$90,000	\$1,083,500
\$46,150			\$46,150	\$1,129,650
\$15,000			\$15,000	\$1,144,650
\$16,000			\$16,000	\$1,160,650
\$160,000	\$30,000		\$130,000	\$1,290,650
\$18,000			\$18,000	\$1,308,650
\$20,000,000	\$ 15,650,000	\$2,658,650	\$1,691,350	\$3,000,000

Reserve Not Met				
Lower Break	Upper Break	% local	% Reg EJ	% Gen
	\$ 100,000	0.0%		100.0%
\$ 100,000	\$ 1,000,000	50.0%		50.0%
\$ 1,000,000		70.0%		30.0%

Reserve Met				
Lower Break	Upper Break	% local	% Reg EJ	% Gen
	\$ 100,000	0%	100%	
\$ 100,000	\$ 1,000,000	50%	50%	
\$ 1,000,000		70%	30%	

FYE 22				
Penalty	Local Mitigation	Regional EJ	General	
\$89,000			\$89,000	
\$50,000			\$50,000	
\$21,500			\$21,500	
\$2,227,000	\$ 1,308,900		\$ 918,100	
\$51,000			\$51,000	
\$15,840			\$15,840	
\$13,000			\$13,000	
\$42,350			\$42,350	
\$433,000	\$ 166,500		\$ 266,500	
\$35,000			\$35,000	
\$60,000			\$60,000	
\$35,000			\$35,000	
\$10,000			\$10,000	
\$17,500			\$17,500	
\$191,500	\$ 45,750		\$ 145,750	
\$10,000			\$10,000	
\$10,000			\$10,000	
\$30,000			\$30,000	
\$90,000			\$90,000	
\$69,000			\$69,000	
\$12,000			\$12,000	
\$30,000			\$30,000	
\$15,000			\$15,000	
\$99,000			\$99,000	
\$15,000			\$15,000	
\$57,000			\$57,000	
\$345,000	\$122,500		\$ 222,500	
\$70,000			\$70,000	
\$15,000			\$15,000	
\$30,000			\$30,000	
\$10,000			\$10,000	
\$4,198,690			\$0	\$2,555,040

Regional fund	\$ (444,960)
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FY24 to date				
Penalty	Local Mitigation	Regional EJ	General	G running total
\$10,000			\$10,000	\$10,000
\$24,500			\$24,500	\$34,500
\$1,150,000	\$ 555,000		\$ 595,000	\$629,500
\$10,000			\$10,000	\$639,500
\$20,000			\$20,000	\$659,500
\$81,000			\$81,000	\$740,500
\$65,000			\$65,000	\$805,500
\$15,500			\$15,500	\$821,000
\$13,500			\$13,500	\$834,500
\$228,000	\$64,000		\$ 164,000	\$998,500
\$10,000			\$10,000	\$1,008,500
\$90,000			\$90,000	\$1,098,500
\$46,150			\$46,150	\$1,144,650
\$15,000			\$15,000	\$1,159,650
\$16,000			\$16,000	\$1,175,650
\$160,000	\$30,000		\$130,000	\$1,305,650
\$18,000			\$18,000	\$1,323,650
\$20,000,000	\$ 13,750,000	\$4,573,650	\$1,676,350	\$3,000,000

Reserve Not Met				
Lower Break	Upper Break	% local	% Reg EJ	% Gen
	\$ 100,000	0.0%		100.0%
\$ 100,000	\$ 1,000,000	50.0%		50.0%
\$ 1,000,000		60.0%		40.0%

Reserve Met				
Lower Break	Upper Break	% local	% Reg EJ	% Gen
	\$ 100,000	0%	100%	
\$ 100,000	\$ 1,000,000	50%	50%	
\$ 1,000,000		60%	40%	

FYE 22				
Penalty	Local Mitigation	Regional EJ	General	
\$89,000			\$89,000	
\$50,000			\$50,000	
\$21,500			\$21,500	R
\$2,227,000	\$ 1,186,200		\$ 1,040,800	
\$51,000			\$51,000	
\$15,840			\$15,840	
\$13,000			\$13,000	
\$42,350			\$42,350	
\$433,000	\$ 166,500		\$ 266,500	
\$35,000			\$35,000	P
\$60,000			\$60,000	
\$35,000			\$35,000	
\$10,000			\$10,000	
\$17,500			\$17,500	
\$191,500	\$ 45,750		\$ 145,750	
\$10,000			\$10,000	R
\$10,000			\$10,000	
\$30,000			\$30,000	R
\$90,000			\$90,000	
\$69,000			\$69,000	
\$12,000			\$12,000	
\$30,000			\$30,000	
\$15,000			\$15,000	
\$99,000			\$99,000	
\$15,000			\$15,000	
\$57,000			\$57,000	
\$345,000	\$122,500		\$ 222,500	B
\$70,000			\$70,000	
\$15,000			\$15,000	
\$30,000			\$30,000	
\$10,000			\$10,000	

\$4,198,690	\$0	\$2,677,740
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Regional fund	\$ (322,260)
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FY24 to date				
Penalty	Local Mitigation	Regional EJ	General	G running total
\$10,000			\$10,000	\$10,000
\$24,500			\$24,500	\$34,500
\$1,150,000	\$ 540,000		\$ 610,000	\$644,500
\$10,000			\$10,000	\$654,500
\$20,000			\$20,000	\$674,500
\$81,000			\$81,000	\$755,500
\$65,000			\$65,000	\$820,500
\$15,500			\$15,500	\$836,000
\$13,500			\$13,500	\$849,500
\$228,000	\$64,000		\$ 164,000	\$1,013,500
\$10,000			\$10,000	\$1,023,500
\$90,000			\$90,000	\$1,113,500
\$46,150			\$46,150	\$1,159,650
\$15,000			\$15,000	\$1,174,650
\$16,000			\$16,000	\$1,190,650
\$160,000	\$30,000		\$130,000	\$1,320,650
\$18,000			\$18,000	\$1,338,650
\$20,000,000	\$ 11,850,000	\$6,488,650	\$1,661,350	\$3,000,000

Settlement Community Benefits Funding Allocations Enforcement Costs Tab

Enforcement Budget and Staffing:

Compliance and Enforcement Division	Code 401	Code 403
Budget	\$ 7,987,846	\$ 6,235,277
Staff	39.45	30.79

Legal Division	Code 203
Budget	\$ 1,731,640
Staff	7.05

Total budget:	\$ 15,954,763
Total staff:	77.29

Settlement Community Benefits Funding Allocations Fee Trends Tab

Fiscal Year	Blended Fee Increase	Weighted Average Fee Increase	Net Revenue Increase	Revenue Pct Increase without New Fees	New Fee Schedules
FYE 2015	8.04%	8.36%	12.51%	12.51%	
FYE 2016	7.82%	7.88%	9.25%	9.25%	
FYE 2017	6.62%	5.59%	5.83%	2.20%	W & X
FYE 2018	5.44%	4.48%	7.25%	8.15%	
FYE 2019	6.47%	5.34%	5.77%	6.19%	
FYE 2020	6.97%	6.06%	6.83%	7.11%	
FYE 2021	0.00%	0.00%	1.65%	0.05%	AB617
FYE 2022	6.43%	4.89%	5.65%	3.19%	CTR
FYE 2023	11.61%	10.85%	12.87%	7.87%	OBC

Notes:

The Air District charges fees to permitted sources based on the type of source. There's one fee schedule for petroleum storage tanks and another one for backup generators. We can only charge fees that cover the expense of regulating these sources and the fee on an individual permittee can't increase more than 15% per year. Using FYE 2023 as an example, when we maxed out the fees on each of the source categories that was eligible for an increase the result was a "blended" fee increase of 11.61%. We also added a new fee that year "OBC" to cover the additional costs associated with increased public notice for permits in overburdened communities. Excluding that new fee, revenue only increased 7.87% due to some large permitted facilities closing down. Looking year-to-year, there are typically some differences between revenue increases and what would be expected from the fee increase.

Purpose:	<p>The Air District can seek monetary penalties for violations of our regulations. Those penalties have to be imposed by a court after a violation is proven. Typically, the Air District comes to agreements with the violator that results in a monetary fine and changes to facility operations to prevent or minimize future similar issues. This avoids a court case and helps prevent future issues. If these "settlements" exceed \$10,000 they are reported to the Board of Directors and published in the Board agenda packet. A list of all penalty agreements in excess of \$10,000 for the current and past four fiscal years is shown in the Penalties tab.</p>
Author:	Greg Nudd (gnudd@baaqmd.gov)
Last updated:	3/3/2023

Penalties FYE 2020-2024 Penalties Tab
Settlements Over \$10,000

Fiscal Year 2019 - 2020			
Date of Settlement	Site Name	Settlement Amount	# of NOVs
7/17/2019	West Contra Costa County Landfill	\$75,000	10
7/30/2019	Self-Serve Petroleum	\$10,000	1
8/13/2019	Novato Sanitary District	\$23,500	4
9/16/2019	ARE - San Francisco	\$10,000	1
9/23/2019	TransMontaigne Operating LP	\$20,000	2
10/2/2019	Live Nation Entertainment, Inc. (Shoreline Amphitheatre)	\$35,000	6
10/4/2019	Seton Medical Center	\$29,000	2
10/11/2019	Clean Harbors San Jose, LLC	\$15,000	1
10/22/2019	Children's Hospital, Oakland	\$24,000	2
11/4/2019	Zero Waste Energy Development Company LLC	\$21,000	11
11/15/2019	Sonoma Development Center	\$56,100	7
11/25/2019	Owens Corning Insulating Systems, Inc.	\$23,000	3
1/10/2020	Lehigh Southwest Company	\$22,500	3
2/8/2020	Synergy Enterprises	\$10,000	1
2/27/2020	Valley Oil Company	\$27,000	1
3/5/2020	Univar Solutions USA	\$10,000	1
4/15/2020	Chevron Avon Terminal	\$10,000	2
4/15/2020	Chevron Products Company	\$146,500	33
4/29/2020	Eco Services Operations Corp.	\$20,000	1
5/4/2020	Wholesome Harvest Baking	\$37,400	3

Penalties FYE 2020-2024 Penalties Tab
Settlements Over \$10,000

5/27/2020	San Francisco Internation Airport	\$10,000	2
6/10/2020	Irvington Memorial Cemetery	\$12,500	1
6/10/2020	Schnitzer Steel	\$15,000	1
6/17/2020	California Department of Water Resources	\$14,000	3
6/22/2020	TransMontaigne Operating LP	\$10,000	1
6/23/2020	Novato Sanitary District	\$13,500	4

total \$700,000

Fiscal Year 2020 - 2021			
Date of Settlement	Site Name	Settlement Amount	# of NOVs
7/6/2020	BoDean Company Inc.	\$25,000	1
7/9/2020	Select Tech. Inc. dba Select Envrionmental	\$10,500	1
7/19/2020	Miu Jue	\$12,500	1
8/4/2020	East Bay Municipal Utility District	\$35,000	6
9/3/2020	Evergreen Property Group, LLC	\$26,000	2
9/10/2020	Dutra Materials/San Rafael Rock Quarry	\$20,000	1
9/14/2020	Kellog Creek Aggregates, Inc.	\$17,000	4
9/28/2020	Kaiser Permanente San Rafael Medical Center	\$31,000	1
11/23/2020	Kaiser Permanente Medical Center	\$14,000	2
12/8/2020	Alameda Health System dba Alameda Hospital	\$10,000	2
12/20/2020	Martinez Terminal LLC	\$21,000	2
12/23/2020	Chevron Products Company	\$147,000	29
1/4/2021	Martinez Refinery Company LLC	\$20,000	3

Penalties FYE 2020-2024 Penalties Tab
Settlements Over \$10,000

1/27/2021	Oakney Investments LLC	\$11,000	3
2/9/2021	Martinez Cogen Limited Partnership at Tesoro	\$12,500	1
3/7/2021	Kaiser Antioch Deer Valley	\$25,000	3
4/1/2021	Saftey-Kleen of California Inc.	\$15,000	1
4/20/2021	SFPP, LP	\$40,000	3
4/21/2021	Cemex Construction Materials Pacific, LLC	\$30,000	1
5/5/2021	Gas & Shop/Andy's BP, Inc.	\$10,000	1
5/6/2021	Tesla, Inc.	\$1,000,000	32
5/13/2021	Schnitzer Steel	\$10,000	1
5/21/2021	Amphenol Thermometrics	\$40,000	1
6/2/2021	TransMontaigne Operating LP	\$55,000	6
6/16/2021	Genentech, Inc.	\$13,000	2
6/16/2021	Coastwide Environmental Technologies, Inc.	\$10,000	1

Total \$1,660,500

Fiscal Year 2021 - 2022			
Date of Settlement	Site Name	Settlement Amount	# of NOV's
9/15/2021	ST Shore Terminals	\$89,000	5
9/20/2021	MECS INC.	\$50,000	1
9/21/2021	Petaluma Creamery	\$21,500	2
9/27/2021	Tesoro Refining & Marketing Co.	\$2,227,000	58
9/29/2021	Booster Fuels, Inc.	\$51,000	1
9/30/2021	Alameda County GSA	\$15,840	2

Penalties FYE 2020-2024 Penalties Tab
Settlements Over \$10,000

10/6/2021	A B & I Foundry	\$13,000	2
10/7/2021	Republic of Services of Sonoma County, Inc.	\$42,350	5
10/12/2021	Martinez Refining Company, LLC	\$433,000	44
10/18/2021	Safeway Stores Inc., Bakery Plant	\$35,000	1
10/21/2021	Pick N Pull Auto Dismantlers	\$60,000	1
10/26/2021	United Airlines, Inc.	\$35,000	2
10/27/2021	Northern Calif Power Agency	\$10,000	4
11/4/2021	USS-UPI, LLC	\$17,500	1
11/16/2021	Valero Refining Company - California	\$191,500	14
12/1/2021	Gilroy Energy Center, LLC (Wllfskill Energy Co.)	\$10,000	1
12/21/2021	Clean Harbors Industrial Services, Inc.	\$10,000	1
1/11/2022	Sanmina-SCI	\$30,000	1
1/11/2022	Air Liquide Large Industries US LP	\$90,000	1
1/11/2022	Air Liquide Large Industries US LP	\$69,000	6
1/25/2022	Central Concrete Supply Inc.	\$12,000	1
1/28/2022	Mountain View Los Altos High School	\$30,000	2
2/10/2022	Kellog Creek Aggregates Inc.	\$15,000	3
2/16/2022	Valero Refining Company - California	\$99,000	10
2/23/2022	SFPP, LP	\$15,000	1
3/2/2022	Berkeley Asphalt Co.	\$57,000	5
3/24/2022	Valero Refining Company - California	\$345,000	17
4/11/2022	Browning Ferris Industries of CA	\$70,000	5

Penalties FYE 2020-2024 Penalties Tab
Settlements Over \$10,000

5/4/2022	City of Richmond Wastewater Treatment Plant	\$15,000	3
5/9/2022	Specialized Coating Services	\$30,000	1
5/26/2022	Master Builders Solutions Construction	\$10,000	1

total \$4,198,690

Fiscal Year 2022 - 2023			
7/1/2022	Restoration Management Co.	\$10,000	1
8/9/2022	San Francisco Public Utilities Commission	\$20,000	2
8/15/2022	Northrup Grumman Systems Corporation	\$12,000	1
8/31/2022	BFI Newby Island Recycler and International Disposal Corp, of CA	\$210,000	30
9/12/2022	University of California, Berkeley	\$15,000	4
9/17/2022	Keller Canyon Landfill Co.	\$83,750	7
9/19/2022	Mission Valley Rock Co.	\$12,000	1
9/29/2022	Double AA El Camino	\$35,000	9
11/28/2022	Paramount Group	\$34,400	4
12/12/2022	Tesoro Refining & Marketing Co.	\$1,469,579	83
2/9/2023	Anchor Brewing, LLC	\$19,000	1
3/3/2023	Liaoning Benefit Petroleum (US) Corporation	\$14,000	5
4/5/2023	Northrup Grumman Systems Corporation	\$32,000	1
5/2/2023	Lennar Homes of CA	\$30,000	2
5/14/2023	Kirby Offshore Marine LLC	\$15,000	1
6/7/2023	SJ Plating Inc.	\$35,000	1
6/14/2023	Concord Ready Mix Inc.	\$35,000	2

Penalties FYE 2020-2024 Penalties Tab
Settlements Over \$10,000

6/29/2023	Grupe Homes	\$16,000	1
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\$2,097,729

Fiscal Year 2023 - 2024			
7/13/2023	Clover Flat Resource & Recovery Park	\$24,500	7
7/27/2023	Chemtrade West US LLC	\$1,150,000	7
9/26/2023	Sunquest Properties Inc.	\$10,000	1
10/17/2023	Alteza Corporation	\$10,000	1
10/26/2023	East Bay Municipal Utility District	\$20,000	2
11/2/2023	BMR Gateway of Pacific V, LP	\$81,000	1
11/7/2023	Cemex Construction Materials Pacific, LLC	\$65,000	1
12/4/2023	Napa State Hospital	\$15,500	1
12/6/2023	P.W. Stephens Environmental Inc.	\$13,500	1
12/13/2023	Vulcan Materials Western Division	\$228,000	2
12/14/2023	Prime Skylark LLC	\$10,000	3
1/2/2024	Keysight Technologies	\$90,000	3
1/3/2024	Hudson 1455 Market St LLC	\$46,150	3
1/5/2024	CA Department of Water Resources	\$15,000	2
1/10/2024	Reliance Construction	\$16,000	1
1/25/2024	West Contra Costa Sanitary Landfill	\$160,000	13
1/29/2024	San Mateo Medical Center	\$18,000	3
2/13/2024	Chevron	\$20,000,000	>600
	Total	\$21,972,650	

Penalties FYE 2020-2024 Review Tab

Fiscal Year Ending (FYE)	Total
2020	\$ 700,000
2021	\$ 1,660,500
2022	\$ 4,198,690
2023	\$2,097,729
2024	\$ 21,972,650
Previous Avg	\$ 2,164,229.75

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: March 21, 2024

Re: Air District Strategic Planning Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In Fall 2023, the Air District began to develop a new 5-year Strategic Plan. The purposes of the Plan are to set priorities for the agency, align its budget and priorities, provide accountability to the communities it serves, and center its strategic direction on environmental justice. In parallel, early in 2023, the Air District and the Community Advisory Council had begun development of an EJ Action Plan. From the outset of the Strategic Plan's development, aligning the two efforts was identified as inherent to the success of both plans and to the Air District's future direction.

To inform the Environmental Justice (EJ) Action Plan, and in turn the Strategic Plan, the Community Advisory Council prioritized desired outcomes of an EJ Action Plan at its September 2023 retreat. These desired outcomes, combined with results of conversations among the Community Advisory Council's (CAC's) EJ Policy Ad Hoc committee and Air District Division Directors and staff on EJ solutions, led to a set of draft EJ Priorities to serve as a foundational element of the Strategic Plan.

Other elements of the Strategic Plan will include the mission statement, set of core values, 5-year vision, goals, and prioritized objectives and strategies. Early input from the Air District staff, Board of Directors, Community Advisory Council, and external stakeholders informed changes to the existing mission statement and core values, and a new 5-year vision and goal areas, centered on transforming the organization to one focused on equity-based environmental stewardship and worthy of the public's trust.

On January 31, 2024, the CAC's EJ Policy Ad Hoc committee, together with the Metropolitan Group, presented to the Air District Board of Directors an update on development of the EJ Action Plan and the draft EJ Priorities. They also discussed how the draft EJ Priorities will serve as a critical guide to EJ strategies developed for the Strategic Plan.

DISCUSSION

The draft Strategic Plan's framework includes four strategic goal areas: one focused exclusively on advancing environmental justice and three others centered on achieving impact by reducing air emissions across the Bay Area, improving the workplace to prioritize equity and cohesion, and achieving a high level of customer service through greater transparency, responsiveness, and efficiency. Strategies that will be developed to carry out each strategic goal will be informed by the draft EJ Priorities. Those priorities will be operationalized in part through ongoing conversations about EJ strategies among the CAC's EJ Ad Hoc committee and Air District executives, Division Directors, and staff. Today's presentation will include examples of nascent strategy ideas being co-created by the CAC's EJ Ad Hoc committee and the Air District.

The working timelines of the EJ Action Plan and Strategic Plan will be described. Next steps include ongoing meetings throughout Spring 2024 with the CAC's EJ Ad Hoc committee to develop and prioritize strategies to carry out the Strategic Plan and the EJ Action Plan. The May 16, 2024 meeting of the Community Advisory Council will provide an opportunity for input on the EJ Action Plan and EJ strategies included in the draft Strategic Plan.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Deborah Jordan, Ph.D.
Reviewed by: Marcia Raymond

ATTACHMENTS:

1. Strategic Plan Terms
2. Air District Strategic Plan Goals and EJ Priorities

Air District Strategic Plan Key Terms and Structure

Strategic Plan Terms

This document lays out the structure of the Strategic Plan framework and defines each of the key terms.

Mission Statement

A long-term statement of purpose, why the organization exists, and why we do what we do.

Core Values

Long-term guiding concepts, beliefs, and principles of the organization.

5-Year Organizational Vision

An aspirational declaration about what an organization wants to become in the next 5-years.

Environmental Justice Priorities

Priorities from the Environmental Justice Action Plan that will infuse the goals and strategies.

Goals

Guidance for how to achieve the vision in the next 5-years that is outcomes-based. High-level, organizational goals that go beyond a single division or department. There will be three to five goals.

Strategic Objectives

Anticipated outcomes of the stated goal.

Example: Enhance and implement rules, policies, and enforcement actions that recognize and address longstanding disparities in overburdened communities.

Strategies

Specific initiatives that will help achieve the strategic objective.

Example: Review and take action on prohibitory rules, permitting rules, and risk-based rules to strengthen existing rules and develop new rules in next 5 years, targeted at reducing exposures in overburdened communities.

Sub-Strategies

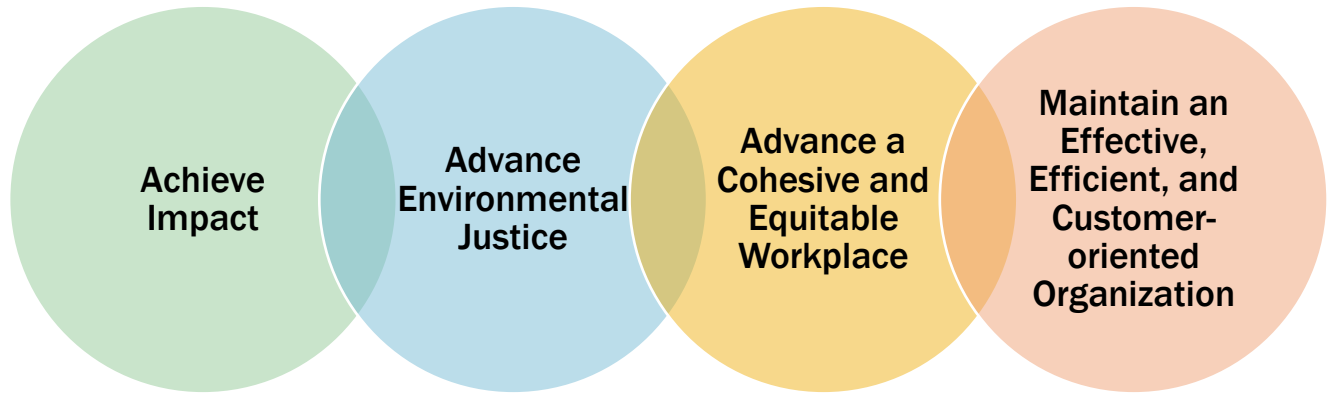
Some strategies may warrant an additional layer of detail to clarify and provide additional direction. In these cases, a set of sub-strategies may be nested below a strategy.

Example: Review permitting rules to identify modifications that would increase health-protectiveness of permits and schedule rulemaking. Develop policy to consider incorporating cumulative impacts in permit decisions.

Actions

Concrete steps or activities to achieve one or more strategies. The overall agency Strategic Plan will not include the action level, but actions will be detailed in the implementation plan and potentially in work group-specified action plans.

Draft Strategic Plan Goals



Achieve Impact: Leverage the Air District’s authorities and partnerships to create measurable reductions in emissions that provide benefits to all our communities.

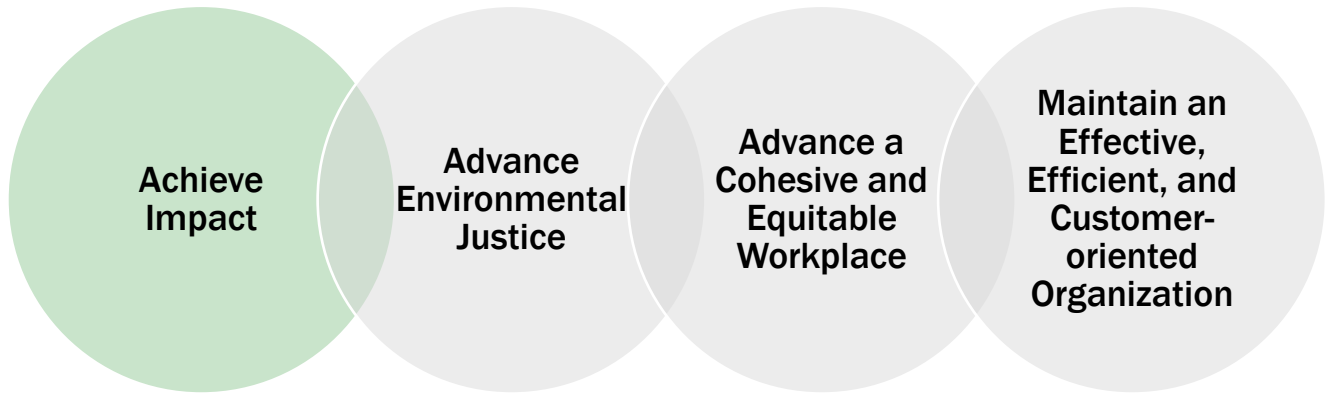
Advance Environmental Justice: We will support, partner with, and uplift communities overburdened by pollution to reduce disparities in exposure to air pollution and address longstanding environmental injustices.

Advance a Cohesive and Equitable Workplace: We will evolve to become an organization characterized by staff and leadership working together with common purpose and clear direction, centered on diversity, equity, inclusion, and belonging.

Maintain an Effective, Efficient, and Customer-oriented Organization: We will develop and deploy efficient and effective processes and systems that advance the mission and provide responsive, transparent services to the public and our partners.

Achieve Impact

Leverage the Air District's authorities and partnerships to create measurable reductions in emissions that provide benefits to all our communities.



Strategic Objectives

Reduce air pollution and related health impacts: We will develop and strengthen rules, policies, and programs to reduce exposures to air pollution while incorporating cumulative impacts considerations.

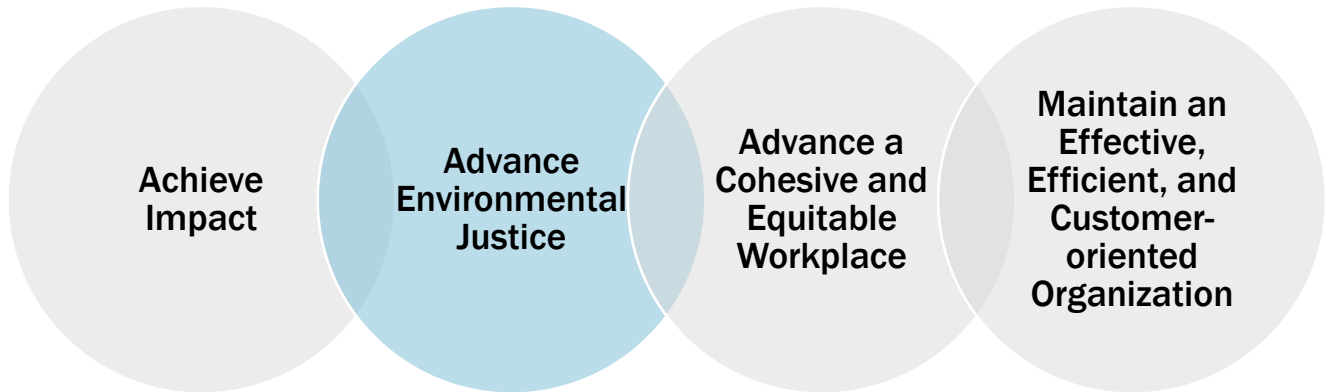
Hold violators accountable: We will maintain a robust inspection program and take timely action to vigorously enforce air pollution regulations, to ensure compliance and deter future violations.

Enhance partnerships in support of clean air efforts: We will collaborate with federal, state, and local agencies, and other organizations and businesses to achieve air quality goals.

Mitigate climate change and its impacts: We will carry out climate change mitigation programs within our purview, and work with partners to plan for and lessen the effects of climate change while supporting community resilience.

Advance Environmental Justice

We will support, partner with, and uplift communities overburdened by pollution to reduce disparities in exposure to air pollution and address longstanding environmental injustices.



Strategic Objectives

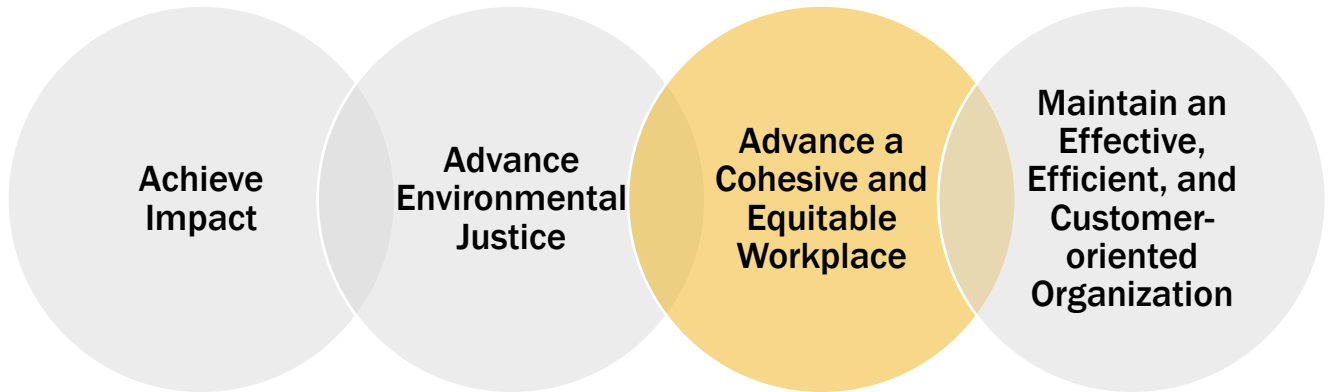
Identify disparities in overburdened communities: Deploy available data and analytics to prioritize key issues in overburdened communities, using air quality monitoring and modeling, community science and knowledge.

Support, partner with, and build capacity of communities: We will assist and fund community-led efforts to reduce air pollution and be accountable to communities for meeting our commitments.

Enhance and implement rules, policies, and enforcement actions that recognize and address longstanding disparities in overburdened communities: Rigorously enforce our existing rules, modify rules to consider environmental justice and cumulative impacts, and prioritize other policy and regulatory changes to provide greater protection to members of overburdened communities. [OB]

Advance a Cohesive and Equitable Workplace

We will be an organization characterized by staff and leadership working together with common purpose and clear direction, centered on diversity, equity, inclusion, and belonging.



Strategic Objectives

Promote "One Air District": We will break down silos to work collaboratively and ensure that cross-divisional engagement is routine and streamlined.

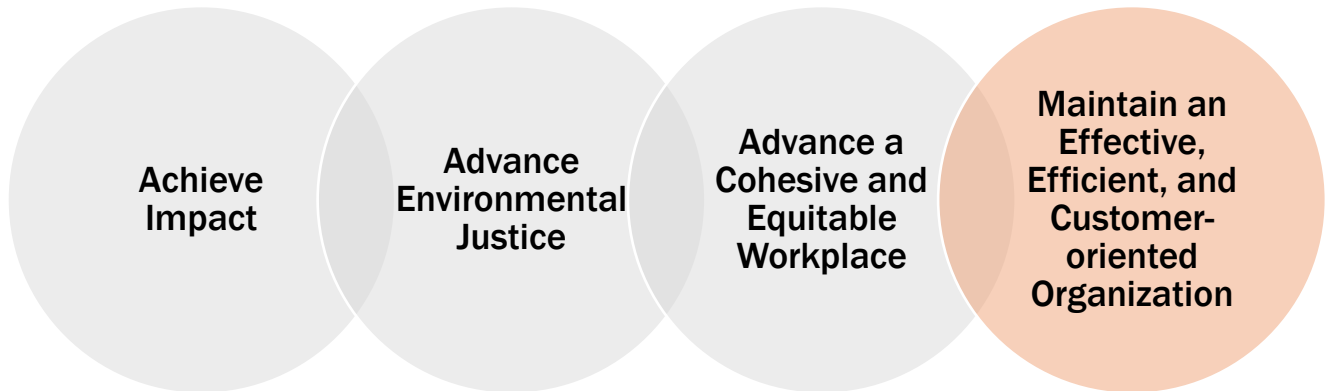
Embody diversity, equity, inclusion, accessibility, and belonging: We will focus our recruitment, training, recognition, and professional development programs on diversity, equity, belonging, and cultural competence.

Establish a work culture that values our employees: We will create a work culture of openness, fairness, innovation, and leadership at all levels and will provide growth and developmental opportunities to enhance employees' work experience.

Align resources and budget with goals and priorities: We will improve management and budgeting systems to identify priorities annually and match resources to those priorities.

Maintain an Effective, Efficient, and Customer-oriented Organization

We will develop and deploy efficient and effective processes and systems that advance the mission and provide responsive, transparent services to the public and our partners.



Strategic Objectives

Make data and information more understandable, actionable, and available: We will improve the collection, dissemination, and accessibility of data, including monitoring, emissions, permitting, and compliance information.

Improve permitting outcomes: We will apply a holistic and effective approach to our permitting processes to ensure health-protective, transparent, and timely decisions.

Use smart processes: We will standardize processes and apply performance management systems to increase efficiency, clarity, consistency, and accountability in workflow and decision making.

Ensure accountability: Ensure public accountability by being proactive, transparent, and responsive in communicating our programs, decision-making process, and the results of our actions.

Desired Impacts of the Environmental Justice Action Plan

At the Community Advisory Council (CAC) Retreat in September 2023, Council members participated in a dot prioritization activity to help answer the question:

“What are the desired impacts of an Environmental Justice (EJ) Action Plan?”

The following 6 statements were highly prioritized and served as data inputs into the development of the 9 EJ Priorities:

- Hire more Air District staff with EJ skills, mindsets, and lived experience and have more persons of color in higher positions of leadership (8 dots)
- Changes in permit requirements to prioritize fenceline communities. (7 dots)
- Allocate and invest resources for implementation to address EJ needs, as identified in the EJ Action Plan. (7 dots)
- A centralized system to take community inputs, track progress and provide facts for evaluation. A system for accountability. (7 dots)
- Funding for more meaningful and continuous community engagement, as part of the purpose of the CAC. (6 dots)
- Community Engagement needs a genuine collaboration between AB 617 Community Steering Committees (CSCs) and the CAC to have better understanding between Agency and Community. (6 dots)

Environmental Justice Priorities

Introduction

The Community Advisory Council's Environmental Justice (EJ) Policy Ad Hoc Committee serves as a formal advisor to the Bay Area Air Quality Management District (Air District) on the Strategic Plan and the Environmental Justice Action Plan. In response to a request from the Air District's Executive Officer (EO)/Air Pollution Control Officer (APCO), the EJ Policy Ad Hoc has identified a set of Environmental Justice Priorities for the Air District.

The Environmental Justice Priorities are intended to direct the agency to advance and address Environmental Justice within all aspects of the Air District's operations. They identify the conditions needed for the Air District to be an effective partner with frontline EJ communities who are most affected by air pollution to improve air quality and overall Environmental Justice outcomes.

These priorities were developed based on a series of iterative and collaborative discussions, during which the EJ Policy Ad Hoc engaged with each other, the full Community Advisory Council, and Directors and staff from certain Air District divisions. The EJ Policy Ad Hoc also reviewed and considered input from staff across the agency, Directors and DEOs. This process represents how the EJ Policy Ad Hoc would like the Air District to work with Environmental Justice communities toward positive, systemic change.

1. Advance Environmental Justice

To advance Environmental Justice effectively over the long-term, the Air District must practice restorative justice by creating agency-wide policies, practices, procedures, and norms that both recognize the trauma and adverse health impacts caused by environmental racism and honor the emotional work and investment of time that is required for staff and community leaders to work together effectively in advancing Environmental Justice.

- a. The Air District must value the voices, lived experience, and leadership of Environmental Justice communities, develop respectful relationships and partnerships with these communities, hire from these communities, view these communities as a resource, provide compensation for their time and expertise, gather their input, use that input to directly inform decision-making, and establish formal participatory processes for addressing and implementing community input and increasing agency accountability to communities.
- b. The field of Environmental Justice is inherently intersectional and interdisciplinary. Therefore, the Air District must dismantle internal silos by reorganizing and restructuring to build an agency structure and culture that supports cross-divisional work.
- c. For staff to better enact Environmental Justice, the Air District must cultivate a culture of innovation, embrace learning by doing, and adopt clear definitions for Environmental Justice and Equity (and related terms) that are grounded in community input.

2. Meaningful Agency Support

For staff and community leaders to have the meaningful agency support needed to advance Environmental Justice, Air District leadership must:

- a. Provide a strong vision and set a clear tone for achieving Environmental Justice and ensuring that communities of concern breathe clean air;
- b. Lead the revision of internal policies, practices, and procedures with an Equity lens; and
- c. Lead the revision of mission-related policies, practices, and procedures with an Environmental Justice lens.

3. Incorporating EJ into Core Functions

The Air District must prioritize incorporating into its core functions the following Environmental Justice considerations:

- d. community-based science and real-time air monitoring and data collection,
- e. public health considerations,
- f. cumulative impact analysis,
- g. disparate impact analysis and civil rights compliance, and
- h. recognition of historical impacts and damages as well as the need for restorative steps.

4. Implement EJ Best Practices and Innovation

The Air District must create and implement a strategy for incorporating Environmental Justice best practices and innovation into its day-to-day operations and core functions – including data collection and analysis, measurement, and monitoring, permitting, CEQA analysis, inspections, enforcement, legal actions including litigation, mitigation, planning, rulemaking, and incentives funding.

5. Communicate with Clarity, Transparency, and Integrity

The Air District must communicate with clarity, transparency, and integrity to Environmental Justice communities about the agency’s role, responsibilities, and limitations, as well as where there is room to grow, improve, and bring about transformational change within the agency’s regulatory charge.

6. Growing the Capacity of Staff and Board Members to Integrate EJ

The Air District must invest in growing the capacity of staff and Board members to integrate Environmental Justice into their day-to-day roles and responsibilities, developing buy-in at the middle management level on new policies, practices, and procedures, establishing Environmental Justice as a core competency for staff, prioritizing hiring, retention and promotion of staff with lived experience living in and/or working in frontline EJ communities, and ensuring that staff and leadership at all levels of the agency reflect the diversity of the communities the agency serves.

7. Growing the Capacity of EJ Communities and Organizations

The Air District must invest in growing the capacity of Environmental Justice communities and organizations to work effectively with the Air District on systemic change, in creating economic benefits and workforce opportunities in these communities, and in enabling these communities to access and manage resources to address disparities.

8. Seek Appropriate Legal Remedies and Coordinate with EJ Communities

The Air District must seek appropriate legal remedies, collaborate, and coordinate with EJ communities on those remedies, impose high enough penalties, reach deterrence-based outcomes with violators, and ensure that Environmental Justice communities benefit from and have a say in the use of related funds.

9. Provide Technical Assistance to Local Governments

The Air District must provide technical assistance to local governments to enable them to more effectively incorporate EJ analysis into their local land use, planning and zoning decision-making and permitting practices, and must also weigh in on the Environmental Justice Frameworks being developed by cities and counties in the nine Bay Area County Jurisdictions as part of their General Plan, to integrate EJ Policy and help establish a plan for implementation and enforcement.