

Bay Area Air Quality Management District

Trans Pacific Center - California State University, East Bay
Oakland Professional Development & Conference Center
1000 Broadway, Suite 109 - Grand Lake Conference Room
Oakland CA 94607

APPROVED MINUTES

Community Advisory Council
Thursday, May 16, 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 6:13 p.m.

Roll Call:

Present, In Person: Council Co-Chairpersons Kevin John Jefferson, Mayra Pelagio, and Ken Szutu; and Council Members Dr. Juan Aguilera, Ms. Margaret Gordon, Arieann Harrison, Dr. John Ritterman, Kevin G. Ruano Hernandez.

Participated Remotely, via Zoom via Assembly Bill (AB) 2449 (remote presence does not count for quorum, but votes are counted for all action items): Council Members Fernando Campos and William Goodwin (just cause).

Absent: Council Members Joy Massey, Rio Molina, Violet Saena, Latasha Washington.

2. OPENING REMARKS BY BOARD OF DIRECTORS CHAIR DAVINA HURT

Board Chair Hurt gave remarks regarding her appreciation for the Council Members' service to the community and for advancing equity and environmental justice, especially for the Council's input for the Air District's Strategic Plan. She mentioned her involvement in selecting potential Council Member candidates and encouraged the Council to continue its momentum.

3. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

CONSENT CALENDAR

4. APPROVAL OF THE DRAFT MINUTES OF THE COMMUNITY ADVISORY COUNCIL (CAC) MEETING OF MARCH 21, 2024

Public Comments

No requests received.

Council Comments

None.

Council Action

Council Member Jefferson made a motion, seconded by Council Member Gordon, to **approve** the Draft Minutes of the Community Advisory Council Meeting of March 21, 2024, and the motion **carried** by the following vote of the Council:

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

Motion Approved

ACTION ITEMS

5. ELECTION OF COMMUNITY ADVISORY COUNCIL CO-CHAIRS

Amy Smith, Acting Senior Advanced Projects Advisor, gave the staff presentation *Election of Community Advisory Council Co-Chairs*, including: outcome; requested action; outline; leadership and the Council Charter; and (§) 1.3.1 Duties of Leadership.

Public Comments

No requests received.

Council Comments

The Council and staff discussed which Council Member is the third Co-Chair; and whether essays written by the candidates were made available to the Council. The candidate essays are in the meeting packets.

Council Actions

Co-Chair Szutu made a motion, seconded by Council Member Gordon, to **elect** John Kevin Jefferson III as Co-Chair of the Community Advisory Council; and the motion **carried** by the following vote of the Council:

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

Motion Approved

Dr. Ritterman made a motion, seconded by Co-Chair Jefferson, to **elect** Mayra Pelagio as Co-Chair of the Community Advisory Council; and the motion **carried** by the following vote of the Council:

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

Motion Approved

6. COMMUNITY ADVISORY COUNCIL RECOMMENDATION FOR NEW COUNCIL MEMBERS

Co-Chair Jefferson and Council Member Ruano Hernandez gave the presentation *Community Advisory Council Recommendation for New Council Members*, including: outcome; outline; requested action; creation; prior to first meeting; timeline; outreach; applications; and selected applicants.

Public Comments

No requests received.

Council Comments

The Council and staff discussed whether the Member Selection Ad Hoc Committee unanimously selected the candidates; and a request for pictures of candidates in the future.

Council Actions

Council Member Ruano Hernandez made a motion, seconded by Council Member Goodwin, to recommend the Community Equity, Health, and Justice Committee recommend the Board of Directors to appoint Sejal Babaria (Alameda County seat) for two years; and the motion **carried** by the following vote of the Council:

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

Motion Approved

Co-Chair Pelagio made a motion, seconded by Council Member Ruano Hernandez, to recommend the Community Equity, Health, and Justice Committee recommend the Board of Directors to appoint Patrick Messac (Alameda County seat) for two years; and the motion **carried** by the following vote of the Council:

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

Motion Approved

Council Member Aguilera made a motion, seconded by Council Member Harrison, to recommend the Community Equity, Health, and Justice Committee recommend the Board of Directors to appoint Dominick Ramirez (Youth seat) for two years; and the motion **carried** by the following vote of the Council:

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

Motion Approved

THE COUNCIL RECESSED AT 6:58 P.M., AND RESUMED AT 7:10 P.M.

INFORMATIONAL ITEM

7. ADVANCING ENVIRONMENTAL JUSTICE STRATEGIES IN THE STRATEGIC PLAN

Vernice Miller-Travis of The Metropolitan Group, and Air District staff (Miriam Torres, Acting Deputy Executive Officer of Equity and Community Programs, Dr. Meredith Bauer, Deputy Executive Officer of Engineering and Compliance, and Alexander Crockett, General Counsel,) gave the presentation *Advancing Environmental Justice (EJ) Strategies in the Strategic Plan*, including: outcome; outline; requested action; timeline (EJ action plan development); Strategic Plan update; Strategic Plan process (Fall 2023 to present); visionary EJ document outline ; select, overarching EJ strategy ideas in the Draft Strategic Plan; draft strategy ideas for data collection and usage, permitting and enforcement; draft strategies; timeline and next steps.

Public Comments

No requests received.

Council Comments

The Council and staff discussed the desire for the Air District to be granted police power (the ability to enforce ordinances and regulations, not in conflict with general laws, to protect the health, safety, and welfare of the community); the desire for more information on how to file complaints regarding air pollution events and emissions at the Air District; the Air District’s definition of “deterrence-based penalty” and how that relates to violating companies with high profit margins; metrics that the Air District will use to measure the success of the implementation of the Strategic Plan; the perception that

enough air quality data has been collected and research conducted, and the subsequent desire for more action, especially in overburdened communities; the desire to focus on cumulative impacts; the suggestion of using the Air District's Air Quality Complaint program database to identify repeat violators and violation patterns; the desire for an identified, single point of contact between the Air District and community during an air quality incident (rather than not knowing which staff member to contact); the desire for additional Air Quality Inspectors in the field; the suggestion that Air District staff work closely with health professionals to make real health impact analyses; the manner in which the size of a penalty is calculated, and whether the Air District takes into account decrease in property value based on the community, or the profit margin of the violating company; the types of lawsuits that are viable strategies and will act as effective financial deterrents; the desire to include/calculate human lives lost when negotiating settlements; the Alameda County Superior Court's ruling (September 2022) that immediately shut down diesel generators at the Green Sage cannabis facilities in Oakland, and whether that action can be applied to operations at Schnitzer Steel in West Oakland; a metal shredding operation (General Iron) in Chicago that was closed and dismantled in October 2023, due to EJ activism; concerns that the language in the Strategic Plan language is too broad; the desire for the community to work with the Air District on the enforcement strategy of "In conjunction with community input, develop and implement an enforcement policy including deterrence-based penalties, community-focused injunctive relief, and consideration of repeat violations in determining enforcement response"; and the suggestion that the Air District lobby in Sacramento to increase penalty maximums in the statute and to change land use zoning laws to include pollutant exposure.

Council Action

No action taken.

OTHER BUSINESS

8. COMMUNITY BENEFITS FUND (CBF) AD HOC COMMITTEE UPDATE

The Council received an update from Community Benefits Fund Ad Hoc Committee from CBF Ad Hoc Committee Chair Campos. The Committee has been discussing how to allocate the \$3M for community benefits that was previously approved by the Board of Directors. A participatory budgeting process will be proposed by the CBF Ad Hoc Committee, allowing community members to vote on which projects to fund that are submitted by community organizations. The Committee is currently discussing project eligibility criteria, award amounts, and reporting requirements, and this will come before the Council.

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

On behalf of Dr. Philip M. Fine, Executive Officer / APCO, Ms. Torres announced the following:

- Arsenio Mataka will be the new Deputy Executive Officer of Equity and Community Programs, effective June 10, 2024.
- Appreciation is extended to former Council Member, Hana Mendoza, as she left the Council, effective April 10, 2024.
- Council Member Washington's 2-year service as Co-Chair, which ended in March 2024, is appreciated.

- The Air District’s Board of Directors adopted the Path to Clean Air Community Emissions Reduction Plan for Richmond-North Richmond-San Pablo on May 1, 2024. The plan covers the cities of Richmond and San Pablo and several unincorporated areas in Contra Costa County, including North Richmond, that are impacted by air pollution sources including fuel refining, ships, marine terminals, industrial manufacturing facilities, railways, vehicle and freight traffic. According to CalEnviroScreen 4.0, several communities in the Path to Clean Air area rank in the 90th percentile of pollution burden, some of the highest in California. A 2018 Contra Costa Health Services study shows that asthma rates in the county are higher on average than in the rest of the state and are especially high for children and Black residents. The California Air Resources Board will consider the plan for approval later this year.
- The May Revision to the Governor's proposed Fiscal Year 2024-25 State Budget includes an additional significant deficit on top of the original estimated deficit, but proposed Assembly Bill (AB) 167 funding allocations have not been decreased to date.
- AB 2851 (Bonta), which requires the Department of Toxic Substances Control to collect an annual fee from all metal shredding facilities that are subject to the requirements of hazardous waste control laws, passed favorable out of the Assembly Appropriations Committee Suspense File process on May 16, 2024.
- The Air District’s Clean Heating Efficiently with Electric Technology, or Clean HEET Program, began accepting applications for grants that can help to offset the cost of switching from a wood-burning stove or fireplace insert to an electric heat pump in March 2024, and has been extended until July 2024. The program is designed to improve air quality in communities by replacing polluting wood-burning heating devices with cleaner heating options. Phase 1 of the program ended on May 15, 2024.
- The Port of Oakland celebrated the official dedication of the NorCal ZERO project at a new hydrogen fueling station on May 2, 2024. The trucks, which have a range of more than 400 miles on a single fill of hydrogen, primarily operate in drayage service hauling freight and cars to destinations in the Bay Area and the Central Valley. The trucks refuel at the recently opened, high-capacity and high-throughput liquid hydrogen fueling station built and operated by FirstElement Fuel. The hydrogen station has a storage capacity of 18,000 kilograms, which will support more than 200 trucks a day. A portion of the funding was provided by the Air District.

10. COUNCIL MEMBER COMMENTS / OTHER BUSINESS

Co-Chair Pelagio thanked the Council for electing her to her new position as Council Co-Chair. She announced that the entire month of May is “Bay Area Bike to Wherever Days”, and registering long-term commitment pledges to use a bicycle instead of a car can result in prizes. Bay Area Bike to Work Day occurred on May 16, 2024.

Council Member Harrison announced that the Marie Harrison Community Foundation will begin its planning process for the Youth Climate Environmental Justice Summit, scheduled for September 18, 2024. Those interested in collaborating may contact Council Member Harrison.

Council Member Ruano Hernandez announced that his employer, PSE Healthy Energy, offers community consulting, bringing energy science to communities and helping them access technical expertise and analysis on energy and climate issues of local concern. He emphasized that this type of work is directed at communities that tend to receive less representation, monitoring, and research. He also spoke of a recent trip to Bakersfield to conduct methane sampling.

Co-Chair Szutu announced that the Citizen Air Monitoring Network of Vallejo has applied for a California Air Resources Board Community Air Grant, proposing a project aimed at measuring diesel pollution in Vallejo. The project seeks to answer the basic question of "Where are we with Diesel Free by 33?" The goal is to provide a baseline for diesel pollution in the community and to collect actionable data that can guide efforts to manage local air quality. To accomplish these goals, the Citizen Air Monitoring Network requests \$299,916 in funding for this project until June, 2026. This project represents a critical step toward managing local air quality and advancing the goal of Diesel Free by 33. Additional benefits include community learning about diesel particulate matter and other emissions reduction policies, as detailed in Section 7 below. This project would be the first community-level black carbon study in the Bay Area

Council Member Gordon gave additional information on the Port of Oakland's dedication of the NorCal ZERO project at a new hydrogen fueling station that was held on May 2, 2024. She also announced that on May 17, 2024, there was to be a toxic tour of Radius Recycling (formerly Schnitzer Steel).

11. TIME AND PLACE OF NEXT MEETING

Thursday, July 18, 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.

12. ADJOURNMENT

The meeting was adjourned at 8:43 p.m.

/s/ Marcy Hiratzka

Marcy Hiratzka
Clerk of the Boards