



# airing ideas

PUBLIC PARTICIPATION PLAN

DRAFT EDITION – May 1, 2013



BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT



# Table of Contents

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<b>Executive Officer’s Statement</b>	<b>2</b>
<b>I. The Importance of Public Participation; Introduction to this Plan</b>	<b>3</b>
A. Improving Public Participation in the Future	
B. Principles of Public Participation	
C. Legal Authority and Mandate	
D. Air District Internal Organizational Structure	
E. Air District Programs and the Community	
F. Range of Public Participation	
G. Air District Programs and Public Participation	
<b>II. Current Methods and Strategies for Public Engagement at the Air District</b>	<b>14</b>
A. Public Participation Toolbox	
Public Outreach Tools	
Public Engagement Opportunities	
B. Identification of Appropriate Public Participation Activities for Air District Projects	
C. Considerations when Planning Public Participation Processes	
<b>III. Enhancing Public Participation at the Air District</b>	<b>28</b>
A. Implementation Actions to Enhance Public Participation	
B. Monitoring Public Participation Outcomes	
C. Living Document	
<b>IV. Public Engagement in the Future</b>	<b>36</b>
<b>Appendix A: Glossary of Key Terms</b>	<b>37</b>
<b>Appendix B: Developing the Public Participation Plan</b>	<b>42</b>
<b>Appendix C: About the Air District</b>	<b>44</b>
<b>Appendix D: Language Assistance Analysis</b>	<b>45</b>
<b>Appendix E: Overview of Air District Programs</b>	<b>86</b>
<b>Appendix F: Stakeholder Advisory Task Force Roster</b>	<b>97</b>
<b>Appendix G: Summary of Public Workshops and Public Participation Activities</b>	<b>98</b>
<b>Appendix H: Summary of Public Comments and Air District Responses</b>	<b>99</b>

# Jack P. Broadbent

Executive Officer

Air Pollution Control Officer



Thank you for your interest in the Air District's Public Participation Plan. Work on this document began in 2011 following an extensive language access assessment conducted by the Air District. Through that effort we learned we need to better communicate with non-English speaking residents, and also improve our overall community outreach and engagement efforts to help the public better understand our work.

In this document you will learn who the Air District is, what air pollution sources we regulate, monitor and work to reduce, and how to engage with us. This document, and the Air District's public participation efforts, is geared toward helping you better understand air quality in the Bay Area and how we can all work together to both maintain and improve it. Further, this document serves as a guide to help you know how, when and the most meaningful opportunities to engage with the Air District as we conduct our mission of protecting and improving public health, air quality, and the global climate.

This plan is intended to be a living document – to change and to grow as the Air District continues on its path to provide a healthy breathing environment for every Bay Area resident. The Air District website will become a more useful and user-friendly portal to Air District information in the future and the Air District will make more information available and accessible to all stakeholders throughout the Bay Area.

This is a big commitment and we don't take it lightly. We want to help everyone better understand the air they breathe, the regulations that control it, and the role we all play in ensuring our air quality continues to improve.

Please review our Public Participation Plan, provide comments and continue to work with us to ensure we all have a voice in improving and maintaining air quality in our region.

Sincerely,

Jack P. Broadbent  
Executive Officer / Air Pollution Control Officer



# The Importance of Public Participation; Introduction to this Plan

The Public Participation Plan was developed in response to an internal assessment of the Air District’s public participation practices. The intent of the Public Participation Plan is to enhance the Air District’s public participation process; making it easier to know how and when to engage with the Air District and to stay updated on the outcomes of projects and plans.

In this Plan we have included Principles of Public Participation—ten definitions that capture the spirit and intent of the Air District’s participation goals. A spectrum of public participation was developed along with universal symbols that will help users know what type of engagement is associated with a given Air District function. How the Air District evaluates and monitors public participation outcomes is outlined in the document, as well as a commitment for this Plan to be a living document—with the ability to change or adapt over time as necessary.

The document identifies current public participation methods and strategies using icons the Air District has developed to help the reader quickly identify what type of engagement activity the public can expect around a given Air District activity. A chart is included that quickly illustrates the types of potential engagement for a given type of Air District project or process and offers an explanation of the considerations made when identifying the types of engagement that might be associated with the varying activities that make up the Air District’s work.

In the Appendix section, readers will find an overview of how this document was developed, a glossary of terms, a comprehensive summary of our non-English language analysis, a list of stakeholders who assisted with the development of this document and a place to add stakeholder feedback.

To help all stakeholders learn about the Air District’s programs, regulatory authority and mandates, a section has been developed to identify and describe existing program areas and the associated engagement activities related to these programs.

The Air District believes “Airing Ideas” is a comprehensive summary of the Air District’s activities and opportunities for public engagement. Please review this document, ask questions and provide feedback to help the Air District further improve our public processes now and in the future.



## Principles of Public Participation

The Air District developed Principles of Public Participation to act as a cornerstone for each implementation action.

These principles were developed through work with an external Stakeholder Advisory Task Force (Task Force) and an internal working group of Air District staff. A thorough review of best practices of public participation adopted and implemented by agencies similar to the Air District helped guide development of these principles. They are intended to act as benchmarks of successful Air District processes and goals to achieve when developing and implementing public participation processes.

### Principles of Public Participation

<b>Meaningful</b>	The Air District supports public participation that enhances Air District decision-making and helps the Air District improve its programs, regulations and effectiveness in fulfilling its mission.
<b>Inclusive</b>	The Air District strives to engage a broad range of stakeholders, with a broad range of interests and perspectives, in its public participation activities.
<b>Transparent</b>	The Air District strives to clearly communicate its decision-making processes and the role of the public in those processes.
<b>Respectful</b>	Public participation activities will be conducted with respect for all stakeholders and differing viewpoints.
<b>Flexible</b>	Public participation activities will accommodate a variety of engagement methods, project types, and stakeholders groups; and will be modified as needed.
<b>Timely</b>	Public participation opportunities will be proactive and timely, occurring in advance of final decision-making by the Air District.
<b>Clear, Focused and Understandable</b>	Participation methods will have a clear purpose. The Air District will communicate to the public what type of input it is seeking and how input will be used in language that is easy to understand.
<b>Informed</b>	The Air District strives to provide timely, accurate and clear information to allow members of the public to stay informed, ask questions and provide constructive input.
<b>Responsive</b>	The Air District will carefully consider all public input received, strive to incorporate all public input when appropriate, and communicate outcomes to the public - in particular to those stakeholders who took time to submit comments.
<b>Quality</b>	Achievement of each of the above principles will ensure quality public participation processes.



## Legal Authority and Mandate

The Air District is one of several local, state and federal agencies that oversee the regulation of air pollution. The Bay Area Air Quality Management District has direct authority to regulate all non-vehicular sources of air pollution in the nine-county Bay Area, including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwest Solano, and southern Sonoma counties.

The following is a list of government agencies that regulate sources of air pollution.

### *Government Agencies*

- Local Air Districts – adopt and enforce air quality regulations for stationary facilities and issue permits for these facilities
- Cities and Counties – control where facilities and housing may be located and how they must be built or modified by issuing land use and building permits
- California Air Resources Board (ARB) – implements numerous California air quality laws that guide California standards for air quality (which are generally stricter than federal standards), adopt and enforce California standards for new cars and trucks, and oversee efforts by local air districts to meet the national and California standards
- Department of Toxic Substances Control (DTSC) – regulates hazardous waste sites and cleanup activities, including some that may affect air quality
- California Office of Environmental Health Hazard Assessment (OEHHA) – helps ARB establish California standards for air quality
- U.S Environmental Protection Agency (EPA) – implements the U.S. Clean Air act, which establishes national regulation of air pollution, including national standards for air quality, national standards for new facilities that produce air pollution, national standards for new and existing facilities that release air toxics, national standards for new cars and trucks, and state responsibilities to meet the standards

The Air District develops, adopts and enforces regulations for stationary sources of air pollution in the nine counties of the San Francisco Bay Area. The Air District tracks the amount of air pollution being emitted from regional sources and uses air emission inventories to develop rules that reduce air pollution in the region. Air emission tracking is done through air permits. These air permits are issued by the Air District to inventory emissions from air pollution emitting industries and equipment and to create restrictions on the amount of air pollution a source is allowed to emit. Decisions regarding where a potential air polluting source can be located are made by the city or county.

On the following page is an overview of the local, state and federal government regulatory agencies involved in air quality regulation in California.



**Figure 1: Federal and State Regulatory Structure for Air Quality in California**





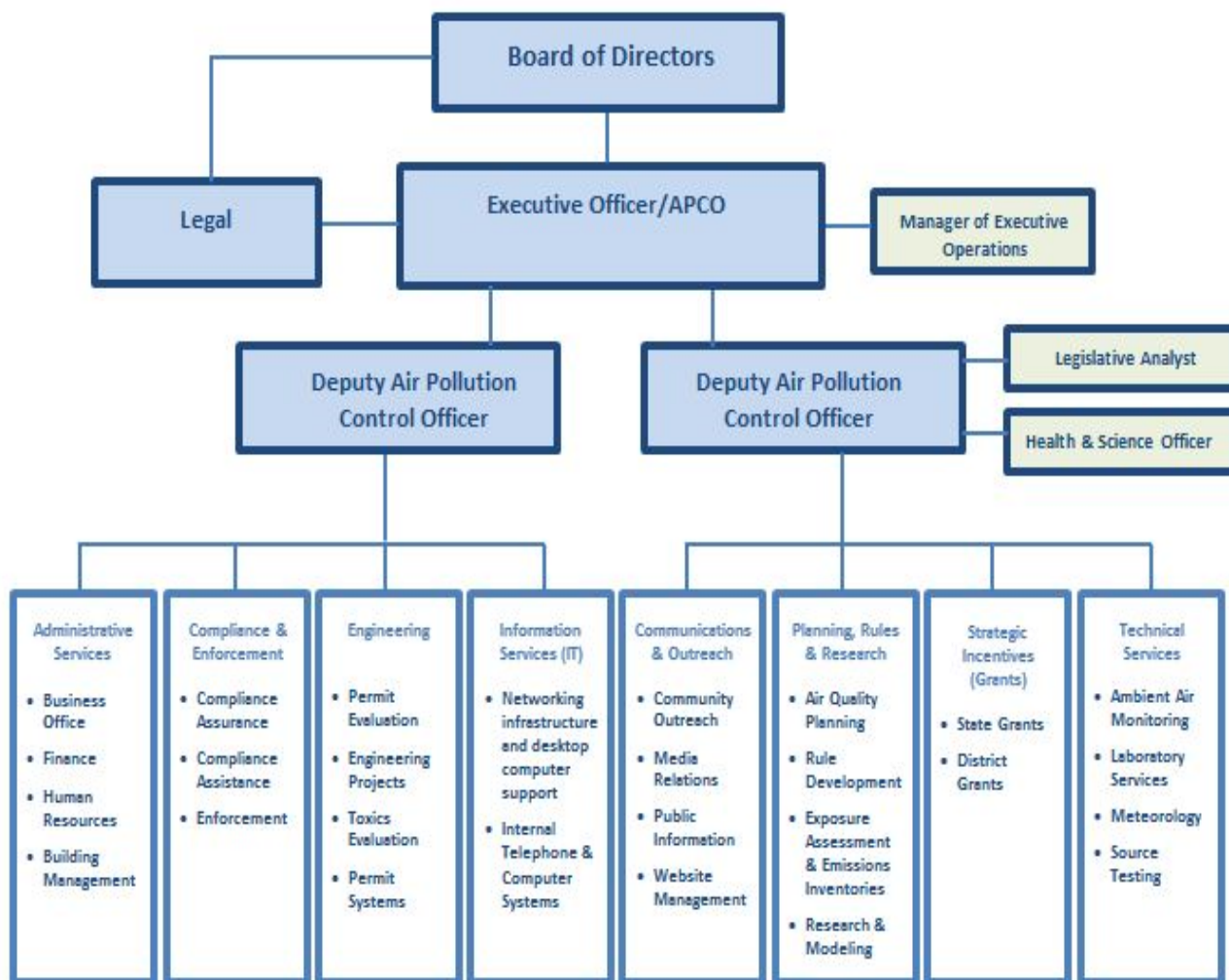


## Air District Internal Organizational Structure

The Air District serves more than seven million Bay Area residents. Public participation plays a critical role in successfully carrying out the Air District’s functions.

The Air District is governed by a 22-member Board of Directors composed of locally elected officials from each of the nine Bay Area counties. The Board oversees policies and adopts regulations for the control of certain sources of air pollution within the Air District. The Board appoints the Air District’s Executive Officer/Air Pollution Control Officer (APCO), who implements Board policies and gives direction to staff. It also appoints the District Counsel, who manages the legal affairs of the Air District. The Air District consists of over 320 staff members, including engineers, inspectors, planners, scientists and other professionals.

**Figure 2: Air District Internal Organizational Structure**





## Air District Programs and the Community

Air District divisions work together to effectively achieve the Air District’s mission and vision. In addition to directly regulating stationary and area sources, the Air District administers numerous programs aimed at reducing pollution from sources not under its direct regulatory authority. These programs include incentives and grants for motor vehicles, locomotives, agricultural and construction equipment, and marine vessels; guidance for examining air pollution impacts from projects subject to the California Environmental Quality Act (CEQA); and behavior change campaigns like Spare the Air. Many programs at the Air District are cross-divisional; as a result most Air District staff interact with the public in some capacity through multiple programs and projects.

The Air District currently works with communities in a variety of ways, and many of the Air District’s programs directly interact with the public. The diagram and table below illustrate just some of the ways in which Air District program staff engage with communities in the Bay Area.

**Figure 3: Air District Programs and Healthy Communities**





## Air District Programs and the Community

Monitoring, Modeling & Assessment	Grants & Incentives	Outreach & Education	Air Quality Plans & Rule Development	Compliance & Enforcement
<ul style="list-style-type: none"> <li>Working with UC Berkeley to study air pollution in West Oakland</li> <li>Joint modeling with City and County of San Francisco and San Jose to support Community Risk Reduction Plans</li> <li>Near roadway monitoring to measure local community impacts</li> <li>Health risk assessments</li> <li>Regional modeling of air pollutants</li> </ul>	<ul style="list-style-type: none"> <li>\$300 million to reduce diesel exhaust (2006-2011)</li> <li>Fund charging stations and encouraging early adoption of electric vehicles</li> <li>Electric charging for ships to reduce port pollution</li> <li>Support of biking and other transportation alternatives</li> <li>Shuttle projects around the Bay Area</li> </ul>	<ul style="list-style-type: none"> <li>Public Participation Plan</li> <li>Website assessment and revision</li> <li>Language assistance and outreach to limited English proficient communities</li> <li>Spanish language portal to website</li> <li>Development of plain language informational brochures</li> <li>Spare the Air programs</li> <li>Community resource teams</li> <li>Employer program</li> </ul>	<ul style="list-style-type: none"> <li>New regulations to reduce local pollution impacts</li> <li>Wood burning rule</li> <li>Cement kiln rule</li> <li>Proposed metal melting rules</li> <li>Proposed refinery emissions tracking rule</li> <li>CARE program</li> <li>Community Risk Reduction Plans</li> <li>Climate protection programs (local Clean Action Plans)</li> <li>Healthy community development guidelines</li> <li>California Environmental Quality Act Guidelines</li> <li>2010 Clean Air Plan</li> </ul>	<ul style="list-style-type: none"> <li>Mobile diesel enforcement programs with trucks and ships</li> <li>Inspections of refineries, dry cleaners and all other stationary sources of air pollution</li> <li>Neighborhood wood smoke patrols</li> <li>Compliance assistance workshops and seminars</li> <li>Compliance assistance brochures and fliers in multiple languages</li> <li>Participate in community meetings regarding regulations or specific air quality issues</li> </ul>

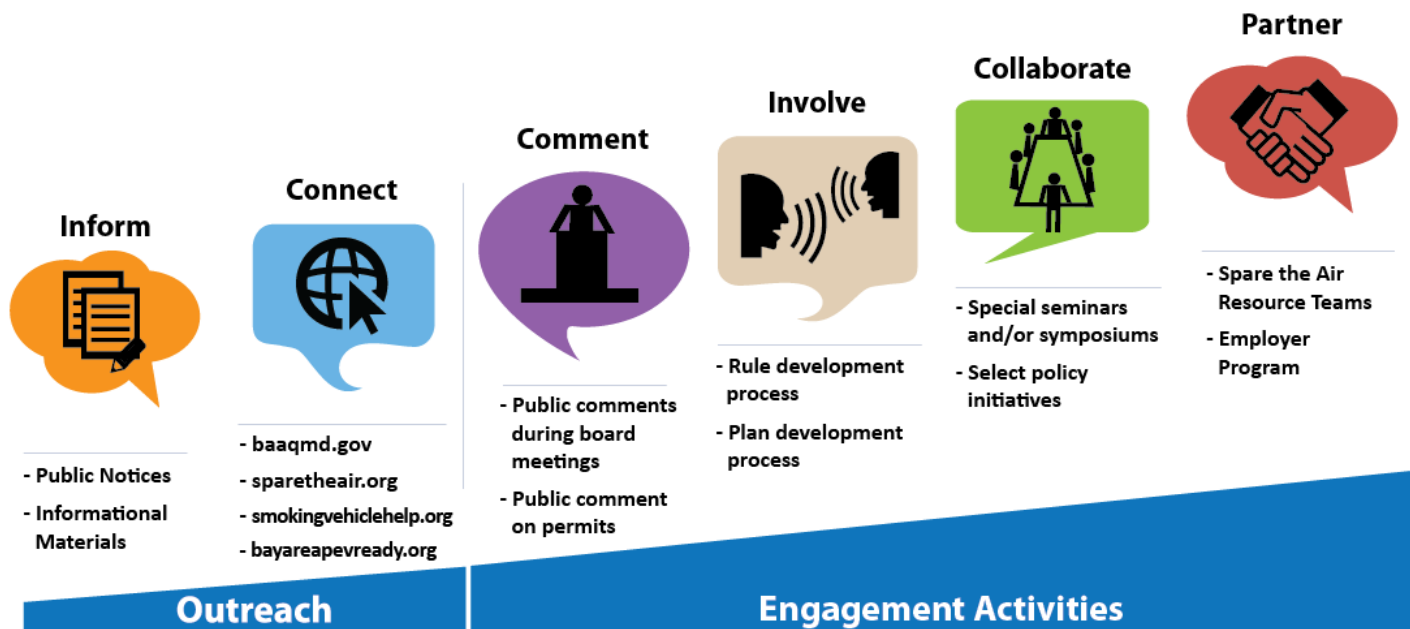


## Range of Public Participation

The Air District recognizes that different projects often call for different public participation activities. Figure 1 below outlines a range of public participation levels– inform, connect, consult, involve, collaborate and partner. This range of public participation is based on the Spectrum of Public Participation developed by the International Association of Public Participation (IAP2), but tailored to Air District programs and activities. The levels correspond to the increasing amount of input, or influence, the public can have on a project.

Throughout this document, the Air District has utilized the Range of Public Participation to visually display participation opportunities associated with different Air District activities and processes. The icons act as a guide to easily identify the varying ways the public may participate or stay informed of Air District activities. The levels of input outlined throughout the document for activities and programs reflect the highest level of input and engagement the Air District can seek for a specific project.

*Figure 4: Range of Public Participation*



### Inform

The levels begin with “inform.” When the Air District informs it provides the public with information about Air District programs and activities, as well as relevant air quality information. This information can help the public understand air quality problems and potential solutions. This information can also help stakeholders provide feedback on the Air District’s work and upcoming decisions.



### *Connect*

When the Air District conducts outreach it provides the public with information about Air District programs, activities, as well as relevant air quality information on the Air District's website. This information can help the public understand air quality problems and potential solutions; it is also a more interactive source of Air District information because it allows stakeholders to engage with the Air District by leaving feedback and comments at any time.



### *Comment*

When the Air District consults the public, it gathers input on Air District projects and programs, usually after it has proposed a solution, issued a draft product, or is close to a final decision on a project.

Examples of public participation activities that fall in this level include requests for public comment on permits that require public notification. In the permits program, the Air District confirms that proposed projects comply with all applicable air quality requirements and then issues permits to projects that comply. The opportunity to submit public comment on some permits allows the public to verify that a project meets all applicable air quality requirements before the Air District issues the permit. Similarly, the Air District consults the public when it reviews Flare Management Plans for refineries or other large industrial facilities.



### *Involve*

When the Air District involves the public, it gathers input on Air District projects and programs to understand the perspectives of different community groups, including industry, activists, local government and residents.

Examples of public participation activities that fall in this level include the Air District's Rule Development process and the air quality plan development process. In general, when developing a rule or an air quality plan, the Air District seeks input from various groups, including activists, industry, businesses, local government, residents, and other agencies to ensure a plan or rule is comprehensive and effective. The public is invited into the process early, through meetings and workshops, before the rule or plan is brought before the Air District Board of Directors for approval.



### *Collaborate*

When the Air District collaborates with the public, it works with all interested parties to gather ideas, feedback, and input on air quality issues. Similarly, the Air District may be called in by community groups, local agencies, and industry groups on projects that impact air quality to offer input and provide technical expertise.



Examples of public participation activities that fall in this level include developing special symposiums related to air quality issues, like the Odor Evaluation Technical Conference held in August 2010.

Another example is the Air District's Community Air Risk Evaluation (CARE) Task Force, comprised of local agencies, clean air advocates and industry that come together to discuss air quality emission reductions in heavily impacted areas such as along major freeways or industrial neighborhoods.



When the Air District partners with the public, it works with stakeholders and community groups directly to affect positive changes in the community.

Examples of public participation activities that fall in this level include the Air District's Spare the Air Resource Teams and Employer program. Spare the Air Resource Teams are comprised of local agencies, clean air advocates and industry and affect change and improve air quality on a local level. The Employer Program consists of employers across the Bay Area who help communicate Spare the Air Days and alternate commute options to their employees to better air quality. The Air District works in partnership with organizations like Breathe California, the American Lung Association, the Bay Area Environmental Health Collaborative (BAEHC) and Families for Clean Air to educate the public on the health effects of poor air quality. In addition, the Air District works in partnership with other agencies, like Marin County, in assisting residents to replace woodstoves and the Metropolitan Transportation Commission on a regional Spare the Air Youth program.

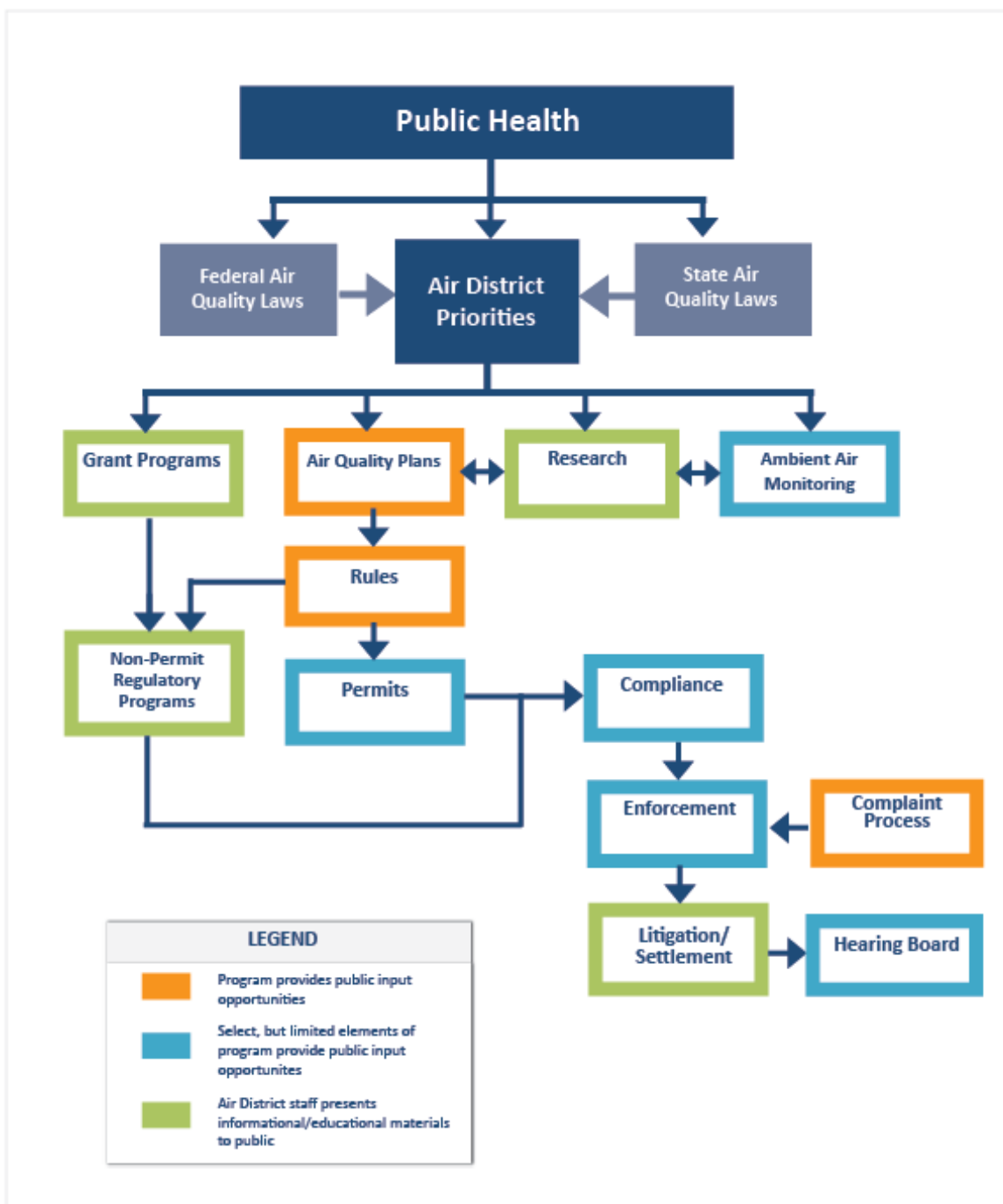
The spectrum above distinguishes between activities used to conduct "outreach" and activities used to conduct "engagement."



## Air District Programs and Public Participation

Air District programs are highly interconnected and different programs allow for different levels of public participation as illustrated below. Air District priorities and projects are shaped by public health goals, as are federal and state air quality laws that influence and direct Air District priorities.

**Figure 5:** Air District Programs and Public Participation





# Current Methods and Strategies for Public Engagement

Implementation of the Public Participation Plan will augment and improve current public engagement efforts. Currently, the Air District works with stakeholders and interested parties in a variety of different forums: workshops, meetings, conferences, and public hearings, to name a few. Implementing the Public Participation Plan will ensure the Air District consistently organizes public participation efforts for all major projects and processes.

The Air District is one of many public entities working together to regulate air quality in the Bay Area and the State of California. The Air District is a regional agency created by the state legislature in 1955. The Air District has the authority to impose rules and regulations to regulate air quality in the nine counties of the Bay Area including: Alameda, Contra Costa, Marin, Napa, Santa Clara, San Francisco, San Mateo, southwestern Solano and southern Sonoma counties.

In some cases, the Air District is guided in determining public engagement opportunities because they are set out in state or federal law. In cases where no federal or state law mandates specific public participation efforts, Air District staff work with stakeholders and interested parties to develop public engagement methods that best suit a project or process.

Public participation is an important component of the Air District's work. The Air District must weigh public input in carrying out many of its programs, including the development of regulations, air quality plans, and major policy initiatives. In addition, understanding community priorities helps the Air District design more effective air quality programs.

The Air District uses a number of public participation methods to inform the public of Air District programs and activities and to gather public input. The following section first sets context for the range of public participation, outlines the variety of activities the Air District draws from when conducting public participation activities, including both **outreach activities**, which focus on informing the public, and **engagement activities**, which focus on gathering public input. The section then provides general guidance on identifying and selecting the outreach activities most appropriate to a specific project.

## Public Participation Toolbox

Below are descriptions of the variety of activities the Air District draws from when conducting public participation activities. The descriptions are divided into public outreach and public engagement opportunities. Public outreach refers to activities that provide information to the public. This





information can help interested persons, organizations, businesses and public agencies to provide feedback to the Air District on its work and decisions. Public engagement refers to activities that provide the opportunity for feedback and two-way communication between the public and the Air District. Some tools identified in the outreach opportunities section below could also be used as opportunities for engagement.

## Public Outreach Tools

Outreach activities inform the public of Air District programs and activities, and invite the public to participate in the engagement processes for upcoming projects. Outreach activities also provide helpful and relevant information to the public, so that the public can provide informed and constructive contributions during engagement activities. Outreach or information sharing activities generally occur before engagement activities.

### Websites



The Air District's website ([www.baaqmd.gov](http://www.baaqmd.gov)) is the main source of information regarding Air District programs and activities.

The website maintains information regarding existing programs and also serves as an announcement mechanism for upcoming projects and activities. Key information provided via the website includes:

- All Air District regulations
- Agendas and minutes for all Board of Directors, Board Committees, Hearing Board and Advisory Council meetings
- Draft permit evaluations for permits subject to formal public review
- Air quality plans
- Air District projects under development, such as rules and plans
- News releases
- Information regarding public participation opportunities

In addition, several Air District programs maintain websites with supplementary information specific to that program; these include:

- Spare the Air: [www.sparetheair.org](http://www.sparetheair.org)
- Air Monitoring : [gate1.baaqmd.gov/aqmet/aq.aspx](http://gate1.baaqmd.gov/aqmet/aq.aspx)
- 877-4-NOBURN: [www.8774noburn.org](http://www.8774noburn.org)
- Smoking Vehicle Help: [www.smokingvehiclehelp.org](http://www.smokingvehiclehelp.org)
- Bay Area Plug-in Electric Vehicle Ready: [www.bayareapevready.org](http://www.bayareapevready.org)
- Spare the Air Youth: [www.sparetheairyouth.org](http://www.sparetheairyouth.org)



### *Printed Materials*



The printed materials described below are generally available on the Air District's website and can be obtained by calling the Air District's Public Information Line, (415) 749-4900, for assistance. Air District staff will mail brochures to interested parties.

The Air District develops and distributes educational materials, fact sheets, technical reports, plans, and summaries. These materials provide background information on Air District projects and help create a common understanding between interested parties and the Air District. Air District brochures and fliers include:

- An Introduction to the Air District
- Air Quality and Your Health
- Air Quality Complaint Procedures
- 1-800-EXHAUST flier with information on how to report smoking vehicles
- Wood Burning in the Bay Area: An Overview of the Wood Burning Rule
- Toxic Air Contaminants; a brochure which explains what toxic air contaminants are, sources and regulations
- Coating Operations: Motor Vehicle and Mobile Equipment; a brochure which explains compliance and permitting information for coating operations
- Open Burning Information; a brochure which explains open burning regulations and permitting

Air District fact sheets and plans include:

- Facility fact sheets
- Goods Movement Program information
- Ozone Attainment Plan
- Clean Air Plan
- Compliance tips sheets, including information on asbestos removal and dry cleaning operations
- Compliance information for marsh, stubble and straw burning activities

### *Telephone Communications*



Telephone lines are accessible to a majority of the Air District's constituency and can be used to quickly provide information to the public. The Air District maintains a number of lines that the public can call to obtain Air District information and assistance. These include:

- Agricultural Burn Forecast (800) 792-0787: Callers can hear a recording of the daily agricultural burn forecast.



- Asbestos Technicians (415) 749-4762: Callers are connected to an asbestos specialist to assist with questions regarding asbestos removal or demolition projects that may involve asbestos.
- Compliance Assistance (415) 749-4999: Callers can leave a message for the Compliance Officer of the Day, who will return their call the same day and provide assistance regarding compliance and air quality regulatory information.
- Air Quality and Odor Complaint Line (800) 334-ODOR (6367): Callers are connected with an operator who will document the caller's air quality complaint and forward it to the Enforcement team for review. This line can receive calls in languages other than English.
- HELP AIR (800) 435-7247: Callers can hear a recording of the daily air quality forecast and leave a message requesting additional information.
- Language Services (415) 749-4609: Callers can leave a message requesting translated materials or in-person language assistance at an upcoming Air District meeting. The line is available in five languages – English, Spanish, Chinese, Tagalog, and Vietnamese.
- Permitting (415) 749-4990: Callers are connected to a permit engineer.
- Public Information (415) 749-4900: Calls are answered by Air District Communications and Outreach team or routed to the appropriate Air District staff. This line accommodates calls in languages other than English.
- Smoking Vehicle Complaints (800) EXHAUST (794-7664): Callers can report a vehicle emitting visible smoke.
- Check Before You Burn (877) 4NO-BURN (466-2876): Callers can hear a recording of the daily wood burning status in one of five languages - English, Spanish, Chinese, Tagalog, and Vietnamese. Callers can also submit a wood burning complaint.
- Grants Assistance (415) 749-4994: Calls are answered by Air District grants staff who assist individuals interested in grants to improve equipment and reduce emissions.

### ***E-mail Communications from Air District***



E-mail is a fast and effective method for distribution of information and notifications. The Air District maintains several e-mail lists for interested parties that can be used to initiate outreach around a specific project. E-mail lists include parties interested in:

- Board of Directors agendas
- Advisory Council agendas
- Regulation changes
- Enforcement settlements



- Air quality plans and programs
- General Air District information
- Spare the Air alerts
- Daily air quality forecasts

The Air District uses these e-mail lists to communicate project developments, notify the public of upcoming meetings and events, and provide general information about the Air District. The Air District also compiles project-specific e-mail notification lists and actively updates these lists during the public participation phase of a project.

Members of the public can sign-up for Air District e-mail listservs on the main Air District website or by calling the Public Information line (415) 749-4900.

### ***Direct Mail***



Direct mail can be used to distribute information directly to stakeholders' homes or work locations. Due to the printing and mailing cost associated with direct mail, the Air District uses direct mail when appropriate. Direct mailings include:

- Notifications of upcoming workshops to libraries or community centers in neighborhood locations
- Notifications to permitted sources regarding regulatory changes affecting their industry
- Notifications to residents near sources of air pollution as outlined by state and federal law

### ***Public Notices in Newspapers and Advertisements***



Public notices in newspapers are used to inform the public of Air District programs, activities and upcoming engagement opportunities as required by law.

Advertisements can be used to deliver key messages to a large audience; the Air District utilizes advertisements to share information on beneficial programs at the Air District, like the Smoking Vehicles program, or a lawnmower replacement program, as well as convey health messages that underscore the importance of clean air on health. The Air District advertises on television, in local newspapers, bus shelters, billboards, buses and other media.

### ***Media News Releases***



Media news releases distribute information to television, radio, print and online media sources. The Air District issues news releases regarding Spare the Air alerts; air pollution events, like open-burning season; changes to regulations or rules, upcoming workshops and events. News releases can be found on the Air District's website.



### **Door-to-Door Outreach**



Door-to-door outreach allows Air District staff to interact directly and immediately with residents in their own neighborhoods; it also allows Air District staff to meet potential interested parties and understand local needs. The Air District has conducted door-to-door outreach to inform the public of the wood burning regulation in areas known to have high levels of wood burning.

The Air District will continue to do door-to-door outreach for Spare the Air campaigns and consider doing door-to-door outreach for other educational campaigns and projects.

### **Community Events and Booths**



Participating in community events allows Air District staff to meet and interact directly with residents in the Bay Area. Air District staff participates in approximately 100 community events each year, such as Earth Day festivals, county fairs and employer fairs. The Air District participates by hosting a booth, delivering presentations, or simply networking with community members. At these events, Air District staff communicates information regarding the health impacts of air quality, answers questions about local air quality issues and provides information regarding upcoming Air District projects. To invite the Air District to participate in a community event, community members should call the Public Information line (415) 749-4900.

### **Social Media**



Social media networks provide opportunities to provide information quickly to interested members of the public. The Air District maintains Twitter, Facebook, LinkedIn, YouTube, Google+, and Pinterest accounts for the Air District's Spare the Air program. Residents can "follow," "like," or subscribe to the Spare the Air program on these platforms. Currently, the Air District does not use social media for its general programs. The Air District will evaluate new social media platforms for other Air District activities.

### **Text Messaging and Applications**



Text messaging is an informal method to immediately contact interested members of the public. The Air District currently utilizes text messaging to communicate Spare the Air alerts; individuals can sign up for text messages by visiting the Air District's Spare the Air website.

In addition, the Air District's Spare the Air program offers an "app" for use on smart phones. The app offers information on air quality and Spare the Air Alerts, alerting individuals the following day is a Spare the Air day when an alert is issued. To download the Spare the Air app, visit a smart store market place or app store or the Spare the Air website for a link.



## Public Engagement Opportunities

The Air District conducts engagement activities when soliciting input from the public on Air District activities. Public engagement is a two-way communication between the Air District and the public. The Air District strives to make all public engagement opportunities accessible and inclusive. The Air District selects public engagement opportunities based on the type of input it seeks from the public. On some projects, the Air District has greater discretion in shaping the project; when the Air District has greater discretion it often seeks extensive public input. Other Air District projects are more stringently guided by existing laws and therefore provide more limited opportunities for public input. In general, the public is encouraged to attend workshops and smaller group meetings, when possible, to provide input on Air District projects.

### *Public Comment during Board and Council Meetings*



The Air District's Board of Directors, Advisory Council, and Hearing Board meetings provide opportunities for public comment. In accordance with the Brown Act, members of the Boards and Council may choose to respond to public comments or questions but may not take action or enter into substantive discussion on non-agendized items. Air District Board members and staff encourage interested stakeholders to attend workshops and meetings to convey concerns and questions about a project. Involvement earlier in the development of a project allows Air District staff to incorporate feedback and address questions before a project is presented to the Board of Directors.

### *Public Hearings*



Public hearings are held for rules and certain permits as required by law. Public hearings are announced 30 days in advance of the hearing. The public may submit written comment prior to or provide comment at the hearing. Public hearings are an opportunity for the Board of Directors to review final documents before making a decision on a rule or plan. Public hearings do not allow for two-way dialogue between Air District staff and members of the public; the Air District encourages interested stakeholders to engage with Air District staff early in the process, at meetings, workshops and other activities.

### *Written Comments*



The Air District solicits public comment in written form during comment periods on various projects, including plans, rules and select permits. Comments are accepted in letters or e-mail directed to Air District contacts identified for the project. The Air District generally provides multiple comment opportunities throughout the rule development and planning process. These comment periods can be from 30 to 90 days, depending on the nature of the project and the level of public interest; however, comments are accepted until a rule or plan is adopted by the Board. The public is encouraged to submit written comments early so staff can thoroughly evaluate, respond and incorporate comments as applicable. Written comments allow Air District staff to better understand public input and develop



comprehensive and thorough responses. When soliciting public comment for permits, the Air District follows applicable state and federal requirements.

### *Comments by Phone*



Dedicated phone lines can be used to receive comments for a permit, plan or rule development process. Comments by phone allow residents to provide a comment quickly. Comments by phone can take longer for Air District staff to respond to as Air District staff must first transcribe the recorded message for the record. In the past the Air District has utilized dedicated phone lines for plan development, like the 2010 Clean Air Plan. Currently, the Air District provides a telephone comment option with every public notice related to a permit. The public can leave a voice message of up to one minute on a dedicated telephone line; Air District staff responds to commenters who have provided contact information.

### *Workshops*



The Air District holds workshops to educate the public and solicit input on a specific issue. Workshops are open to the public and often follow a structured format, beginning with a presentation designed to orient participants about the topic, followed by a discussion or question-and-answer session. The discussion can occur in a single large group or in multiple smaller groups to promote more effective dialogue. Discussion and question-and-answer sessions can provide new ideas and approaches for an issue. Participants can provide written or oral feedback at a workshop and potentially have their questions answered immediately by staff. Workshops can be preceded or followed by an open house.

The Air District may partner with stakeholder groups or organizations to co-host events, including workshops, open houses and meetings.

### *Webinars*



The Air District periodically hosts webinars at the Air District office. The public may attend a webinar like a standard meeting or participate electronically. Webinars allow Air District staff to present information in a workshop format and allow individuals to participate across the jurisdiction. Webinars remain on the Air District website and can be viewed at a later time and date. Participants are welcome to e-mail questions to the Air District during the webinar that are read and answered during the webinar.

### *Open Houses*



The open house format provides an opportunity for the public to gather information, ask questions and informally speak with Air District experts on a specific topic. Open houses may begin with a brief opening or presentation by Air District staff before transitioning to a less structured format that allows



participants to circulate between information stations at their leisure. Open houses enable Air District staff to gather both written and verbal feedback from participants.

This format can be effective when the Air District is:

- Introducing a decision-making process
- Providing an update on a specific project
- Sharing results with the public

### *Small Group Meetings*



Small group meetings between Air District staff and stakeholders are an effective setting to discuss specific stakeholder interests and concerns. Small group meetings, which normally include up to 12-15 participants, can help identify and resolve potential misunderstandings and conflicts early in a process. Meeting objectives and agendas can be developed collaboratively with the attendees, which helps promote shared ownership of the meeting. Meetings can be initiated by the Air District or the public, and can be a single event or part of a series of multiple meetings.

### *Presentations to Standing Committees, Commissions and Boards*



Government agencies maintain standing committees, commissions or boards comprised of locally elected officials representing the public. The Air District can present at these meetings to engage government agency representatives and their partner organizations in local communities. This format allows the Air District and other parties to receive feedback from government agency staff, elected officials, and stakeholders during public comment.

### *Direct Conversation*



Air District staff are available to engage the public in direct conversation over the phone, in person, or via e-mail. Staff offer expertise on the project and can discuss specific concerns with the public. Direct conversation can be effective in communicating technical material, answering individual questions or ensuring stakeholders are engaged in the Air District process.

### *Task Forces*



Task Forces are groups of individuals, representing different sectors of the public that convene to provide input and feedback regarding a specific Air District policy initiative. Task Forces promote the exchange of information among members, provide valuable insight and knowledge to the project, and foster understanding. Task Forces are utilized for longer projects, like plans and policy initiatives that





require detailed public input and assistance, and can ensure the Air District is addressing the public's needs.

### **Focus Groups**



Focus groups are conducted with small, targeted groups of the public around a specific topic or group of topics. During a focus group, a facilitator poses specific questions and gathers feedback and comments from participants. Focus groups are an opportunity for the public to provide the Air District with critical insight on specific ideas or topics.

This format can be effective when the Air District is:

- Rolling out a new educational campaign
- Considering outreach activities to a specific community

### **Surveys**



Surveys allow respondents to provide feedback to the Air District on a specific project. Surveys, which can be qualitative and/or quantitative, allow Air District staff to evaluate the feedback of a large pool of respondents and are convenient and cost-effective. Surveys can be distributed online or in print, including during Air District events.

### **Technical Work Group Meeting**



The Air District periodically creates and hosts Technical Work Group Meetings. Technical Work Groups are comprised of stakeholders that represent varied interests and offer expertise on the subject matter the Air District is exploring. Technical Work Groups have been created to review proposed amendments to rules and regulations. In addition, the Air District has created Technical Working Groups to discuss advancement of special projects.



## Identification of Appropriate Public Participation Activities for Air District Projects

The Air District recognizes that some of its projects have minimal impact and require fewer activities, while other projects are more complex and need to accommodate more participation opportunities.

The following table illustrates the likely suitability of various public participation activities for the following key Air District projects: Clean Air Plan development, rule development, major permitting actions, major policy initiatives, and site-specific or program-specific issues. There are other Air District projects not listed in the table for which one or more public participation activities might be appropriate. The table is intended to serve as a general guide for Air District staff to evaluate the suitability of potential public participation activities for Air District projects.



## Public Participation Activities

Engagement Activities by Air District Project Type													
Key:		Engagement Activities*											
✓	Suitable	Public Comment during Board/Council meetings	Public hearings	Written Comments	Comments by Phone	Workshops	Open Houses	Small Group Meetings	Presentations to Standing Committees, Commissions /Boards	Direct Conversations	Task Forces	Focus Groups	Surveys
●	Sometimes Suitable**												
X	Not Suitable												
Project Type*													
Plan development		✓	✓	●	●	✓	●	●	●	✓	✓	✓	✓
Major policy initiative		●	●	●	●	●	●	✓	●	✓	✓	●	✓
Rule development		✓	✓	●	●	✓	●	✓	●	✓	●	●	●
Permitting action requiring public comment		●	●	●	●	●	●	✓	●	✓	X	X	X
Educational campaign		X	X	●	●	●	●	●	●	●	●	✓	✓

\*\*Sometimes suitable indicates an activity may not be appropriate for all projects within the "Project Type."

Outreach Tools by Air District Project Type												
Key:		Outreach Tools*										
✓	Suitable	Website	Printed material	Telephone Communications and Hotlines	E-mail Communication	Direct mail	Public notices in newspapers/ Ads	Media News Releases	Door-to-Door Outreach	Community Events and Booths	Social Media	Text Messaging and Applications
●	Sometimes Suitable**											
X	Not Suitable											
Project Type*												
Plan development		✓	✓	✓	✓	✓	✓	✓	X	●	●	●
Major policy initiative		✓	✓	✓	✓	✓	✓	✓	X	●	●	●
Rule development		✓	✓	●	✓	✓	✓	✓	X	●	●	●
Permitting action requiring public comment		✓	✓	✓	✓	✓	✓	●	X	●	●	●
Educational campaign		✓	✓	●	✓	✓	✓	✓	✓	✓	✓	✓

\*Outreach and engagement activities are recommended by Air District project type and are subject to the discretion of the Air District based on available resources and staff time.



## Considerations when Planning Public Participation Processes

The considerations listed below are intended to help Air District staff develop project-specific participation processes when required or necessary. These considerations are based on the Public Participation Principles described in Section I. Below are the list of considerations Air District staff may use to determine what level of stakeholder interest is necessary or needed for Air District activities.

### *Identify the Project Scope, Budget, Timeline, and Roles*

- What is the scope of the project?
- What staff and budget resources are available to assist with participation activities?
- What is the project timeline?
- Where and during what part of the process will participation activities occur?
- Are there key decision points on the timeline? How will the public participate in these?

### *Identify the Level of Input and Appropriate Participation Activities*

- What type of input will be sought from the public?
- How will the input be considered in the decision-making process? Where will it fall on the range of public participation?
- What are the legal requirements for participation in this project?
- Based on these considerations and those in identifying the scope, budget, timeline and roles, what are appropriate outreach activities for the project?

### *Identify Affected and Interested Stakeholders*

- What stakeholders will be directly affected by the project?
- What stakeholders are likely to be interested in this project?
- Are there individuals or organizations who have previously expressed interest in related projects?
- Is there an existing database of identified stakeholders?

### *Identify Language Needs*

- Will the stakeholders identified require materials or assistance in languages other than English?
- Does the project encompass a specific geographic area? If so, what are the language characteristics of the affected area?
- Can the timeline and budget accommodate translation of materials into many languages?
- Does the project encompass the entire Bay Area? If so, can the timeline and budget accommodate the translation of materials into Spanish and Chinese, the major non-English languages spoken in the Bay Area?

### *Identify Stakeholder Interests and Concerns*

- What are the interests, priorities and potential concerns of the public related to the project and how will this be addressed?
- Can this information be collected through preliminary outreach?



- Would the project benefit from more formal preliminary outreach, such as an introductory webcast or e-mail?
- Would the project benefit from a more formal assessment of public interest, such as a series of interviews or focus groups?

#### ***Determine Information Needs***

- What level of understanding will the public need to have in order to participate productively in the project?
- What materials will be needed to foster this level of understanding?
- Which materials should be translated? Can the timeline and budget accommodate the translation of materials into those languages?

#### ***Implement Participation Activities***

- Conduct identified outreach activities for the project. If there are language needs for the project, how will the non-English speakers be notified?
- Conduct identified engagement activities.
- Keep a database of all individuals who participate in these activities so that they may be notified of the outcome and of future related projects that may be of interest to them.
- If there are in-person participation opportunities, can the timeline and budget accommodate in-language assistance, such as a simultaneous interpreter or help line?

#### ***Evaluate Public Input and Integrate into Project***

- Can the public concerns, interests and comments received be accommodated, given the legal requirements of the project, the timeline, budget and scope of the project?
- Has the project changed sufficiently to warrant an additional round of outreach and engagement? If so, how will the project timeline and budget be affected? If not, can the project move on to its next step on the timeline?
- Can all public concerns, interests and comments received and outcomes be documented?

#### ***Communicate Outcomes and Next Steps***

- Clearly post the outcome of the project on the Air District website; indicate the location in outgoing newsletters, like the “What’s New?” newsletter distributed by the Air District.
- Ensure the page on the website provides an overview of how comments received were used in the project.
- Include further contact information and information related to projects on the webpage so interested parties can sign-up for mailing lists or inquire about upcoming Air District activities.

#### ***Evaluate Public Participation Outcomes***

- How effective were the public participation activities?
- How many people participated? How did they hear about the project?
- Were participants able to provide informed input?
- Where controversial items anticipated and addressed in advance?

# Enhancing Public Participation



A central focus of the Air District's Public Participation Plan is to improve the Air District's public engagement efforts with a focus on better understanding and notice of Air District activities. Enhanced public participation efforts will allow for greater participation from a greater number of Bay Area residents and will ensure Air District staff are aware of the public's air quality concerns.

The nature and shape of Air District public participation efforts will continue to be influenced by its dynamic, evolving relationship with the public. The Air District wishes to ensure public participation efforts are directed to communities throughout the region in a way that best fits their needs whenever possible.

The Air District will regularly take steps to ensure the best public participation strategies and processes are incorporated into Air District projects, and will work to implement changes when necessary.



During the development of the Public Participation Plan, the Air District solicited recommendations regarding how it could improve its public participation practices from the Stakeholder Advisory Task Force, a group comprised of local government agency representatives, community groups, environmental activists and industry, and the Air District's Internal Working Group comprised of staff from each Air District program. The Stakeholder Advisory Task Force and Air District staff identified a number of ways in which the Air District could improve existing public participation efforts, and establish new ways of engaging the public.

In this section, the Air District outlines a work plan for implementing recommendations from the Stakeholder Advisory Task Force and Air District staff. In addition, the Air District will make every effort to ensure that improvements in public participation help the Air District achieve its mission and vision and strengthen its commitment to the Air District's Principles of Public Participation (*Section I: Principles of Public Participation*).



## Implementation Actions to Enhance Public Participation










On the following pages, the Air District has outlined different actions for implementation; these actions are directed at improving specific tools or methods of public participation, including the Air District website, methods of notification, public engagement activities like workshops and public hearings, and communication tools like brochures and flyers.

Each implementation action will improve and enhance public participation with the Air District; in addition, each action will help the Air District further its commitment to public participation principles described on page 4. Each of the implementation actions helps the Air District achieve at least one of the stated principles of Public Participation.

On the following pages, implementation actions are divided by subcategories that organize the actions by time frame. The Air District envisions implementation will take place in three phases, spanning approximately five years. The phased approach for adoption or development of public participation enhancements is based on the need for funding, personnel, planning and multi-agency and stakeholder coordination. The extended timeline estimated here does not mean the Air District will not begin work to implement many of these actions immediately, but indicates the length of time for items to be fully implemented.



### Communications: Workshops, Symposiums, Hearings, Meetings

Tasks:	
	The Air District will provide sign-up sheets for e-mail notification available at all public meetings, workshops and outreach events. Clear and simple descriptions of the e-mail notification lists will be provided at public events and prominently featured online.
	Set agendas for any Task Force meetings or meetings with community groups, collaboratively with attendees; distribute meeting notes after meetings in a timely manner; ensure action items occur in a timely manner.
	The Air District will develop useful brochures available in additional languages as identified in the Limited English Proficient (LEP) assessment.
	The Air District will develop appropriate, effective, and targeted public participation approaches for projects requiring an enhanced public participation process.
	The Air District will meet with stakeholders early in public participation processes, incorporating input as appropriate.
	The Air District will develop standard templates for educational and informational materials, such as meeting and workshop notices, public comment solicitation notices and fact sheets.
	The Air District will explore the formation of a Community Council. The Council will provide a forum for residents to discuss and review air quality issues in the nine-county Bay Area.
	The Air District will develop educational materials that explain standard public noticing practices and public input opportunities conducted by the Air District. This information will be designed to provide public guidance for engaging with the Air District during a public participation process.
	When designing project-specific participation approaches, the Air District will develop a clear statement on the type of public input the Air District is seeking for the project and how the input will be used. This statement will be used in informational materials and explained in person at public meetings creating realistic stakeholder expectations.

Phase One  
2013-2014





**Phase Two**  
2015 - 2016

**Tasks:**



The Air District will create a database with all interested parties contact information collected electronically, via sign-in sheets and over the phone. This database will be used to contact interested parties when meetings and projects of interest are announced.



For draft permit evaluations undergoing a public review process, the Air District will include references to regulations that the permit is addressing, and how to find more information on that regulation.



The Air District may use professional facilitators as appropriate for task force meetings, public meetings about complex projects or meetings where high public attendance is expected.



The Air District will develop a process for following-up on comments delivered verbally at public meetings.



The Air District will develop a standard template for response to comments. The response to comments will provide a short statement on how the information was considered, used or not used.



The Air District will provide notification of the project outcome to all individuals who have submitted comments during a public comment period.



The Air District will develop guidelines for enlisting community assistance in outreach efforts. These regularly updated guidelines will ensure outreach partners maintain neutrality in conducting outreach.



When developing new printed materials, documents and web content, the Air District will utilize reader-friendly, accessible language and content tailored for stakeholders.

**Phase Three**  
2017 - 2018

**Tasks:**



The Air District will consider hosting regional symposiums to create dialogue and discuss air quality issues in the Bay Area.



The Air District will work to make the public comment process for permits easier to understand.



## Website Improvements

Phase One  
2013 - 2014

### Tasks:



The Air District will evaluate and edit content on the Air District website for clarity and accessibility.



The Air District will develop a user friendly online, agency-wide calendar to post information, public participation activities and events.



The Air District will maintain an up-to-date database of meeting venues and locations on the website.



The Air District will include instructions for requesting materials in other languages on the Air District website.



The Air District will post Hearing Board meeting agendas, final orders and quarterly reports on the Hearing Board webpage.



Develop a list of commonly used terms in Air District work and translate these terms in multiple languages as identified in the LEP assessment ensuring consistent and accurate translation across many languages.



Expand and improve multilingual language information on the website by consistently adding and updating the Spanish language portal and adding additional portals as identified in the LEP assessment.



The Air District will rebuild its main website, [www.baaqmd.gov](http://www.baaqmd.gov). The rebuild will aim to make the website easier to use and navigate.



Where possible, the Air District will use multiple types of media (podcasts, videos, pictures) for more effective communication with the public.



In designing the new website, the Air District will conduct meetings with stakeholders to get feedback.



The Air District will create a webpage on [www.baaqmd.gov](http://www.baaqmd.gov) dedicated to communicating the health impacts of air quality.



The Air District will develop, test and deploy a public-facing web interface tool. This new tool will allow Bay Area residents to access information regarding their neighborhood air quality. In addition, the tool will include information from the CARE program, air quality forecasts, and select permitting data.



<b>Phase Two</b> 2015 - 2016	<b>Tasks:</b>
	<div style="display: flex; align-items: center;"> <p>The Air District will create a policy for responding to and tracking e-mails and phone calls received from the public.</p> </div> <hr/> <div style="display: flex; align-items: center;"> <p>The Air District will post a centralized list of current public input opportunities online.</p> </div>

## Air Quality Complaint Systems

<b>Phase One</b> 2013 - 2014	<b>Task:</b>
	<div style="display: flex; align-items: center;"> <p>The Air District will provide feedback to all wood smoke complainants in the form of an end-of-season summary.</p> </div>
	<div style="display: flex; align-items: center;"> <p>The Air District will develop new materials/brochure on Air District complaint processes. These materials will be made easily accessible online and available at public meetings and workshops.</p> </div> <hr/> <div style="display: flex; align-items: center;"> <p>The Air District will implement an online complaint process.</p> </div>
<b>Phase Two</b> 2015 - 2016	<b>Tasks:</b>
<div style="display: flex; align-items: center;"> <p>The Air District will explore the development and implementation of a centralized, multilingual phone system.</p> </div>	

## Community Outreach

<b>Phase One</b> 2013 - 2014	<b>Tasks:</b>
	<div style="display: flex; align-items: center;"> <p>The Air District will participate in community events hosted by community-based organizations that serve LEP communities.</p> </div>
	<div style="display: flex; align-items: center;"> <p>The Air District will identify and engage with community-based organizations that serve the Bay Area LEP community to ensure LEP stakeholders are informed of Air District actions.</p> </div> <hr/> <div style="display: flex; align-items: center;"> <p>The Air District will host a yearly public meeting to review annual Air District progress.</p> </div>



## Multilingual Accessibility

**Phase One**  
2013 - 2014



### Task:

Summaries related to projects with region-wide impact will be made available in Spanish and Chinese. Materials in other languages will be made available upon request.



## Monitoring Public Participation Outcomes

The Air District will regularly monitor and evaluate public participation activities and will continue to look for ways to improve effectiveness. If clear opportunities for improvement are identified through these evaluation processes, the Air District will consider modifying its guiding documents and procedures as appropriate.

### Methods for evaluating public participation outcomes may include:

- Participant surveys or questionnaires following workshops, meetings, and other Air District activities
- Surveys and/or questionnaires distributed regularly at Air District events, like fairs, festivals, and other events the Air District attends, or via the website and e-mail distribution list in appropriate languages, to provide continuous feedback on participation activities
- Individual or group interviews with stakeholders
- Focus group meetings after a public participation activity and/or process to gain insight and feedback on that activity or process

### Considerations during evaluation processes may include:

- Consistency with the Air District's Public Participation Plan and the Air District's commitments to the public participation process
- Common themes that emerged from public feedback and input into the process
- The effectiveness of participation activities targeted to engage impacted and Limited English Proficiency (LEP) communities

### As appropriate, the Air District will also consider taking quantitative measurements of its outreach efforts, including the:

- Number of participants involved in a participation activity and/or process
- Number and percent of responses received to a survey or questionnaire
- Percentage of participants satisfied with a participation activity or process
- Number of visits to specific pages on the Air District website

## Living Document

The Air District's Plan is intended to serve as a living document that will be updated and modified over time. The Air District will continue to seek public input and look for ways to improve its public participation efforts. The Air District invites members of the public to review the Plan and continue a productive dialogue about public participation with the Air District.



# Public Engagement in the Future

Since the Air District's creation in 1955, we have made great strides in curtailing and reducing air pollution in the Bay Area. The Air District is routinely at the forefront of air quality science and recognized nationally and internationally for its innovation.

This is possible because the Air District is made up of dedicated staff who believe in the mission and vision of the Air District and consider the input of stakeholders and residents when developing air quality regulations and technology. We recognize the incredible value of public input and feedback in the work we do; and the strategies outlined in this document are a step toward ensuring this crucial part of Air District processes remains a key component in all the work we do.

The Bay Area is a growing and changing place; as it grows our air pollution concerns change and shift. Air quality issues impact everyone's lives in the Bay Area; there is no single person who is exempt. The Air District will continue to work to achieve federal and state air quality standards. This cannot be done without greater awareness of air quality impacts, and awareness is rooted in honest, communicative partnerships with local agencies and community groups who understand the concerns of residents they represent. In taking this opportunity to improve our processes, the Air District aims to make it easier for all stakeholders to voice their concerns, ask questions and get involved.

One of the first steps the Air District will take is to explore establishing a Community Council. This Council will help further the Air District's mission and vision; it will provide a forum for residents to discuss and review air quality issues in the nine-county Bay Area.

Additionally, the Air District will consider the creation of an online portal to engage local residents for feedback and actively outreach to multilingual communities by providing increased information in multiple languages at Air District events.

The Air District recognizes it is charged with the tremendous responsibility of protecting and improving public health, air quality and the global climate; and we cannot meet our goals without first improving our communication and engagement methods and ensuring we fulfill our commitments to the public. We hope this document serves as a first step in outlining the Air District's goals in future public engagement activities, as well as the Air District's unwavering commitment to transparency and good government, public engagement and a healthy breathing environment for every Bay Area resident.

# Appendix A: Glossary of Key Terms

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**Action:** Refers to formal approval of a permit, submission of a Title V permit to EPA, etc. Actions are not necessarily discretionary, but all actions require Air District staff review.

**Affected and Interested Parties:** Affected and interested parties refers to stakeholders who may be directly affected by an Air District decision (affected), and those who are not directly impacted but are interested in being informed about and involved in the decision-making process (interested). The Air District aims to involve both affected and interested parties in its public participation activities.

**APCO:** APCO refers to the Air District's Air Pollution Control Officer who is also the Executive Officer of the Air District. The APCO reports directly to the Board of Directors.

**Area Sources of Air Pollution:** Stationary sources not identified individually are called area sources. This term is sometimes extended to cover groups of numerous small point sources, such as dry cleaners or gas stations. Area sources also include the diverse, unpermitted small sources which individually do not emit significant amounts of pollutants but which together make an appreciable contribution to air pollution.

**Four-factor analysis of language needs:** The U.S. Department of Justice, which is responsible for coordinating government-wide implementation of Executive Order 13166, instructs agencies (and recipients of federal funding, of which the Air District is one) to conduct an individualized language needs assessment, or Four-Factor Analysis, to guide communication with limited English proficient (LEP) communities. These factors include:

- *Factor 1:* The number of LEP persons in the eligible service population or likely to be encountered in activities or programs of agencies receiving federal funds,
- *Factor 2:* The frequency with which LEP individuals come into contact with the agency's program(s),
- *Factor 3:* The nature and importance of the program, activity, or service provided by the program to people's lives, and
- *Factor 4:* The resources available to the agency and costs

By completing this Four-Factor Analysis, an agency ensures that it has collected and analyzed the information required to identify the appropriate suite of services for that meaningful access by its LEP stakeholders.

**Impacted Communities:** Impacted communities within the Bay Area are defined as having a combination of highest exposure of sensitive populations to toxic air contaminants, increased estimated cancer risk per million people from increased exposure to toxic air contaminants and areas in which over 40% of the population at the Census Block Group level is 185% below the federal poverty level.

**Interested Parties:** Interested parties are residents, activists, industry groups, or community groups who have an interest in an Air District process or project but may not be directly impacted by the process or project; interested parties are interested in the outcomes of the project and seek information about a project but may not be directly involved in public participation processes related to the project.

**Interpretation:** Interpretation is defined as the explanation of a verbal communication in another language. The Air District will make every effort to provide interpretation services at meetings, workshops and hearings upon request.

**Jurisdiction of the Air District:** The California Legislature created the Air District in 1955 as the first regional air pollution control agency in the state, recognizing that air emissions overflow political boundaries. The nine counties of the San Francisco Bay Area form a regional air basin, sharing common geographical features and weather patterns, and therefore similar air pollution burdens, which cannot be addressed by counties acting individually.

The Air District is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties.

**Limited English Proficient (LEP):** The Federal government defines an LEP individual as, “Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write or understand English can be limited English proficient, or ‘LEP.’ These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter.”

**Modified Source of Air Pollution:** A modified source of air pollution is an existing source of air pollution that has been altered and no longer meets the original permit requirements; modified sources are evaluated by the Air District.

**New Source Review (NSR):** As defined by the Environmental Protection Agency, the NSR permitting program was established by Congress as part of the 1977 Clean Air Act Amendments and, “is a preconstruction permitting program that serves two important purposes. First, it ensures that air quality is not significantly degraded from the addition of new and modified factories, industrial boilers and power plants. In areas with unhealthy air, NSR assures that new emissions do not slow progress toward cleaner air. In areas with clean air, especially pristine areas like national parks, NSR assures that new emissions do not significantly worsen air quality. Second, the NSR program assures people that any large new or modified industrial source in their neighborhoods will be as clean as possible, and that advances in pollution control occur concurrently with industrial expansion. NSR permits are legal documents that



facility owners/operators must abide by. The permit specifies what construction is allowed, what emission limits must be met, and often how the emissions source must be operated.”

**Notice of Violation:** A Notice of Violation (NOV) is a formal record of the Air District’s conclusion that a violation of a state or federal law regarding air quality or an Air District regulation has occurred. An NOV may subject an entity to monetary penalties, or, in serious cases, to civil or criminal prosecution. In most cases, an NOV can be settled by taking corrective action and paying a penalty.

**Prevention of Significant Deterioration (PSD):** As defined by the Environmental Protection Agency (EPA), “PSD applies to new major sources or major modifications at existing sources for pollution where the area the source is located is in attainment or unclassifiable with the National Ambient Air Quality Standards (NAAQS). It requires the following: 1) installation of the ‘Best Available Control Technology (BACT);’ 2) an air quality analysis; 3) an additional impacts analysis; and 4) public involvement.”

**Principles of public participation:** The Air District’s principles of public participation are guidelines by which the Air District will put its core values into practice.

**Project:** Project refers to any Air District program, process or policy that could potentially impact the public. Air District programs will be informed by varying degrees of public participation depending on several factors, including level of impact on the public, public priority in comparison to other projects, legal requirements and available resources.

**Public:** The term “public” is used in the broad sense to refer to the general population, which includes both individuals and organizations interested in Air District activities and decisions. This includes but is not limited to: Bay Area residents; environmental, health, and other and advocacy organizations; civic associations; the business community, including industries permitted or otherwise regulated by the Air District, and their respective trade, industrial and labor organizations; professional societies, universities, and educational associations; and local governments, their staff, elected officials and associations.

**Public engagement:** The term “public engagement” refers to activities that provide the opportunity for feedback and two-way communication between the public and the Air District about its projects.

**Public participation:** The term “public participation” is used in this Plan to mean the full range of activities employed by the Air District to engage the public in its work and decisions. The ultimate goal of public participation is to make better, more fully-informed decisions.

Included under the term public participation are public outreach and public engagement. Public outreach refers to activities that provide information to the public. This information can help interested persons, organizations, businesses and public agencies prepare to provide feedback to the Air District on its work and decisions. Public engagement refers to activities that provide the opportunity for feedback and two-way communication between the public and the Air District about its projects.

**Public Participation Plan:** The Air District's Public Participation Plan is a document that identifies the Air District's values and commitment to public participation in its decision making. It also describes the strategies and methods the Air District intends to put into practice to demonstrate those values and commitments.

**Public Outreach:** Public outreach refers to activities that provide information to the public. This information can help interested persons engage with the Air District when there is a public engagement opportunity. Information provided through public outreach activities can also assist organizations, businesses and public agencies with registering equipment, applying for or renewing air quality permits, and applying for grants.

**Response to Public Input:** Following the finalization of a decision or document related to a project, the Air District will develop and disseminate a Response to Public Input that details the following:

- The project outcome;
- Comments received and responses to comments indicating why requests were or were not accommodated; and
- How public participation affected the project outcome.

The response will include a description of the final action taken or next step if the action is moving forward for Board consideration. The response will also provide access to information on the Air District's website about the project outcome or next steps.

**Stakeholder:** The Air District identifies a stakeholder as an individual, entity, or group of individuals who have identified and communicated interest in an Air District project or process to the Air District and are impacted by the outcome of the project or process.

**Stationary Sources of Air Pollution:** A fixed, non-mobile producer of pollution, usually at industrial or commercial facilities.

**Title V:** A section of the 1990 modifications to the federal Clean Air Act that requires a federally enforceable operating permit for major sources of air pollution.

**Translation:** Translation is defined as the adaptation of a written document into another language; the Air District provides translation services upon request and makes every effort to provide documents in other languages in advance.

**Transparency:** Transparency means conducting business in a way that makes clear the decision-making process. This includes who will make the decision; the roles of the stakeholders; steps in the process; parameters such as legal and regulatory constraints to the potential outcomes; when and how stakeholders can provide input; and how that input will be considered.

# Appendix B: Developing the Public Participation Plan

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## A. Plan Development

Air District staff oversaw the development of the Public Participation Plan. The Air District contracted with Kearns & West, a firm specializing in collaboration and strategic communications, to assist in developing the Plan, specifically for tasks in which external review and external facilitation assistance was required. Below are some of the key components in development of this Plan.

### Assessment

Kearns & West conducted an assessment of the Air District's public participation activities. Kearns & West conducted interviews with internal staff and over 20 external stakeholders. The assessment provided a broad set of findings and initial recommendations to begin development of the Plan.

### Stakeholder Advisory Task Force

The Air District convened a Stakeholder Advisory Task Force (Task Force) to participate in development of the Plan. The 29-person Task Force represented the broad interests and geographies within the Air District's jurisdiction. The Task Force included representatives from non-governmental organizations (NGOs), community-based organizations (CBOs), regulated businesses and business associations, and county planning and health agencies. Task Force members dedicated significant time and expertise by providing recommendations for improving the Air District's public participation practices, and guidance in development of the Plan. Task Force members also advised the Air District on conducting outreach for the Plan.

The Task Force roster is included as *Appendix F* in the Plan.

### Internal Working Group

The Air District convened an Internal Working Group of 12 Air District staff representing nine divisions within the Air District to participate in the development of the Plan. Internal Working Group members served as liaisons to staff in their respective Divisions during the Plan development process, assisted in the evaluation of potential practices for improving Air District public participation, and contributed to a detailed review of the Plan.

### Solicitation of Recommendations and Incorporation into the Plan

The Air District solicited recommendations on improving public participation practices from several sources: the Task Force, the Internal Working Group, and Kearns & West. These recommendations were evaluated against objective criteria, including regulatory constraints, feasibility, cost-effectiveness, and

whether they support and advance the Air District’s mission and vision. The recommendations that scored well have been identified in the Plan as implementation actions, and are included in Section 1. These implementation actions provide the Plan with additional tools to enhance its public participation activities and implement the Principles of Public Participation.

### **Language Assistance Analysis**

The Air District recognizes that the Bay Area’s diversity presents a distinct challenge for communicating with and actively engaging its stakeholders, some of whom have limited English proficiency. A Language Assistance Analysis was developed concurrently with the Plan to better understand the language needs of the Air District’s limited English proficient (LEP) audiences and to identify when language assistance services are most needed.

The Language Assistance Analysis is included as *Appendix D*.

### **Public Participation to Inform Plan Development**

With guidance and assistance from the Task Force, the Air District will host several regional workshops and supplemental public participation activities around the Plan. The purpose of these activities is to introduce the Air District to a broad audience, identify the best ways to inform and engage Air District stakeholders, and obtain feedback on the preliminary draft Plan. A summary of public participation activities to inform the Plan will be included in the final draft of the Plan.

The preliminary draft Plan will be available for public review for a minimum of 30 calendar days on the Air District website. The Air District will notify the public of the opportunity to comment via e-mail and media outreach. The final draft will summarize the public review process and note any significant comments or changes as a result of public comment and review.

### **Presentation to Board of Directors and Public Notification**

Following the public review period, the Air District will consider and incorporate comments as appropriate before presenting the final draft of the Public Participation Plan to the Board of Directors. Once the Air District Board of Directors has reviewed the final draft Public Participation Plan, Air District staff will begin to implement the Public Participation Plan. The Air District will notify the public and parties in the review process of the availability of the final Plan via e-mail.

# Appendix C: About the Air District

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## A. About the Air District

The Air District is the public agency entrusted with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. The Air District's mission is to ***protect and improve public health, air quality, and the global climate.***

The Air District's core values are:

- ***Excellence:*** Air District programs and policies are founded on science, developed with technical expertise, and executed with quality.
- ***Leadership:*** The Air District will be at the forefront of air quality improvement and will pioneer new strategies to achieve healthy air and protect the climate.
- ***Collaboration:*** The Air District will involve, listen to and engage all stakeholders, including partner agencies, to create broad acceptance for healthy air solutions.
- ***Dedication:*** Air District staff members are committed to the Air District's mission.
- ***Equity:*** All Bay Area residents have the right to breathe clean air.

The Air District serves more than seven million Bay Area residents. Public participation plays a critical role in successfully carrying out its functions.

The Air District is governed by a 22-member Board of Directors composed of locally elected officials from each of the nine Bay Area counties. The Board oversees policies and adopts regulations for the control of certain sources of air pollution within the Air District.

The Board appoints the Air District's Executive Officer/Air Pollution Control Officer (APCO), who implements Board policies and gives direction to staff. It also appoints the District Counsel, who manages the legal affairs of the Air District. The Air District consists of over 320 staff members, including engineers, inspectors, planners, scientists and other professionals.

# Appendix D: Language Assistance Analysis

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The Air District recognizes the need to provide information in multiple languages and in formats that are easily accessible to Limited English Proficient (LEP) individuals. LEP is defined by the federal government and includes individuals who do not speak English as their primary language and who have a limited ability to read, write or understand English.

The Air District should proactively recognize the needs of the community and create materials best suited for communication. In instances when the Air District cannot easily anticipate language needs, the Air District will work with local community groups to better understand language needs. Any individual can request translated materials or simultaneous translation and the Air District will attempt to meet the request.

## A. Language Characteristics in the Region

The Air District jurisdiction is home to a diverse, multilingual population. To better understand the needs of communities in the jurisdiction, the Air District utilized American Community Survey Data 2006-2009.

### Methodology

The Air District mapped American Community Survey data that asked participants which languages they spoke in addition to English, and their ability to speak English. Participants could respond that they spoke English “very well,” or, “less than very well.”

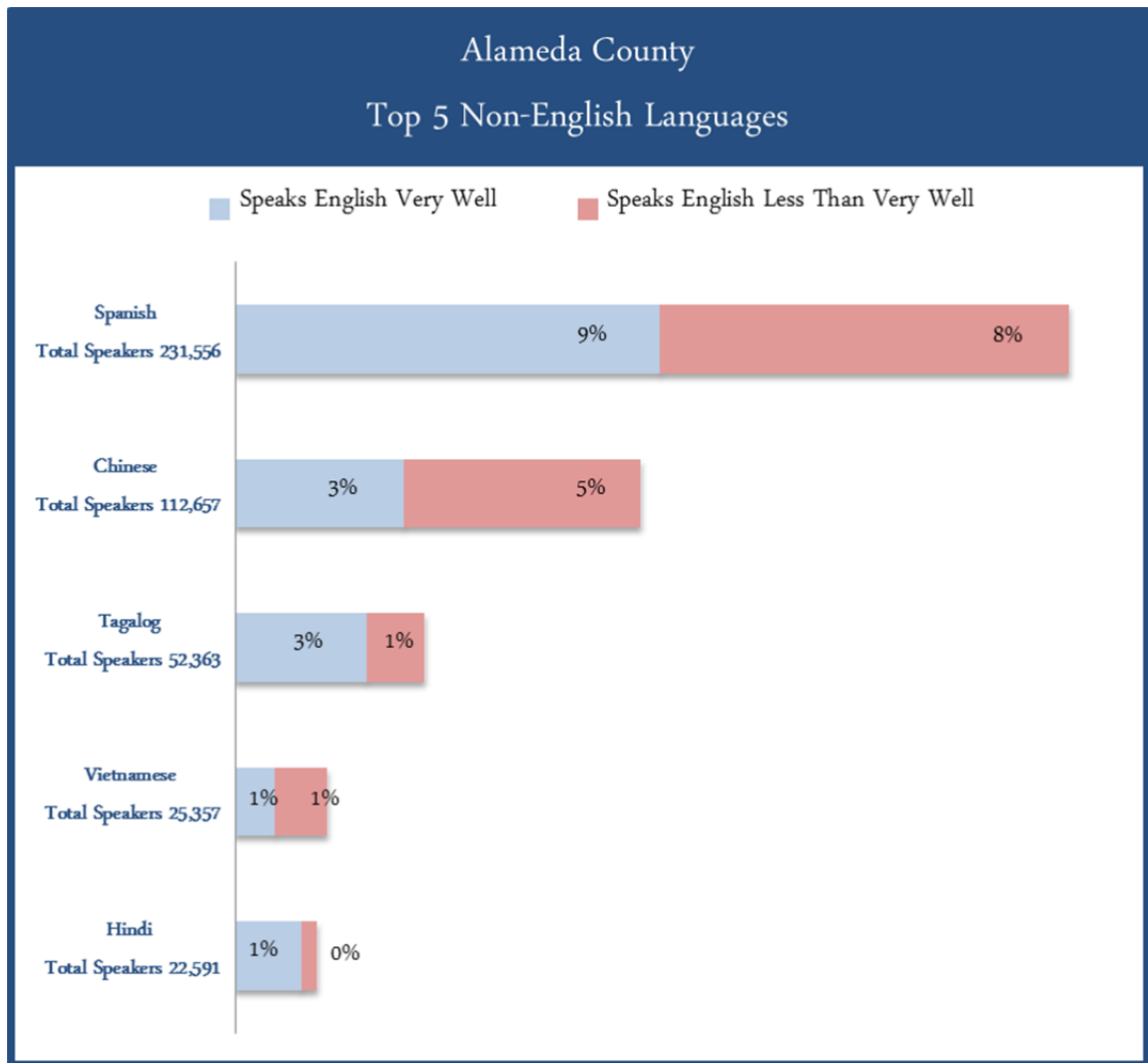
The Air District determined which languages were the top five spoken languages in each county, after English. In counties in which the LEP population for the language exceeded either 10,000 individuals or 5% the Air District created additional maps illuminating census tracts in which over 5% of the total population of the census tract is LEP for the language. This level of analysis assists in the Air District in understanding when translation or interpretation services might be necessary in the most commonly spoken languages in the county.

## Analysis

### Alameda County

In Alameda County the top five most spoken non-English languages were:

- Spanish
- Chinese
- Tagalog
- Vietnamese
- Hindi



In Alameda County,

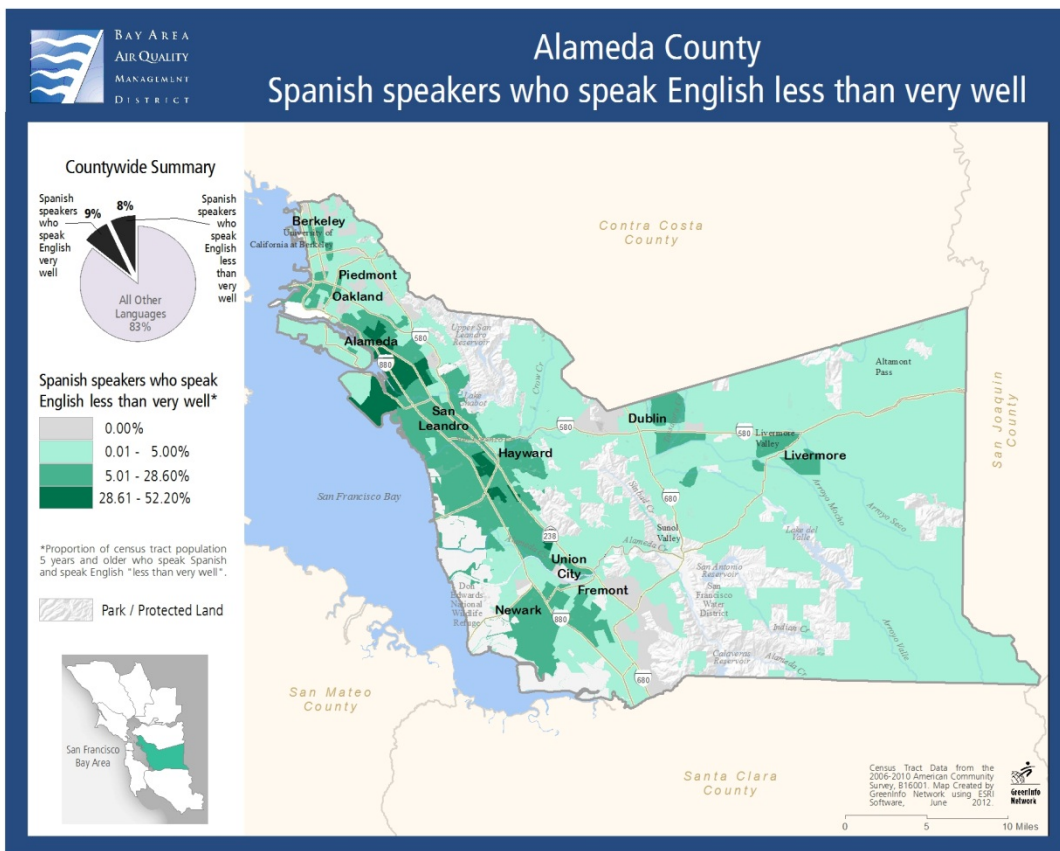
- Eight percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- Five percent of the total county population speaks Chinese and indicated that they speak English “less than very well.”

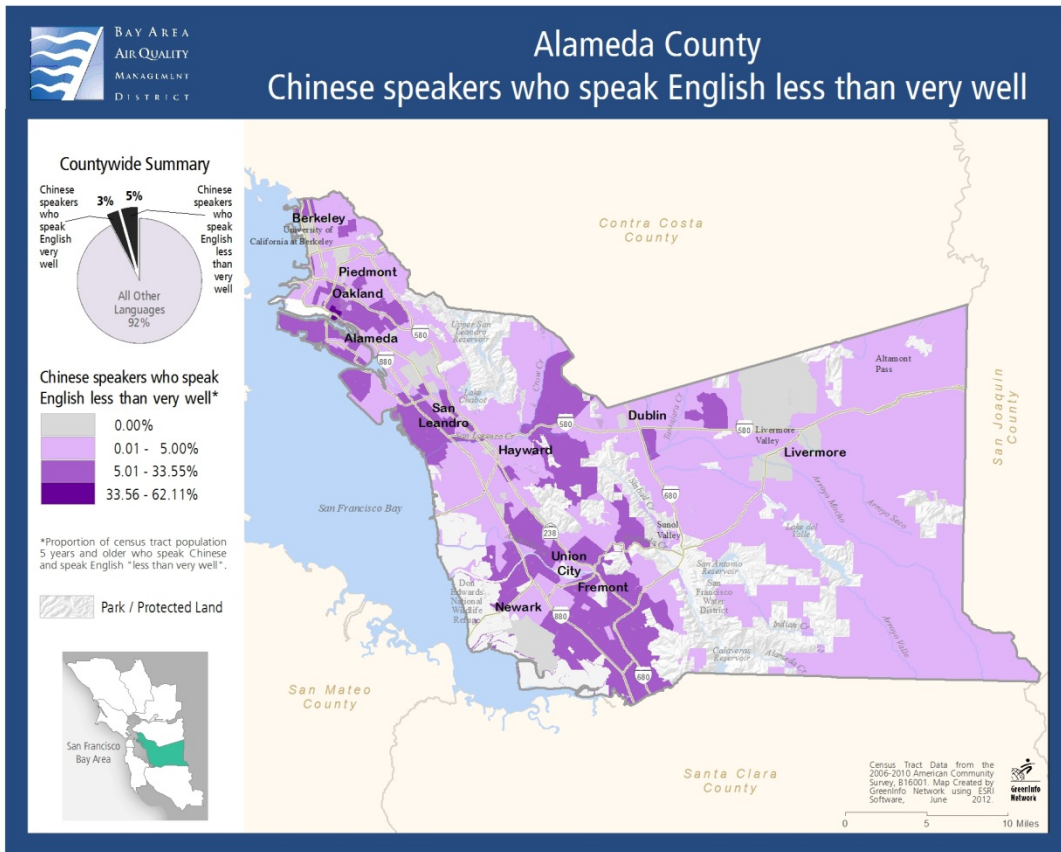


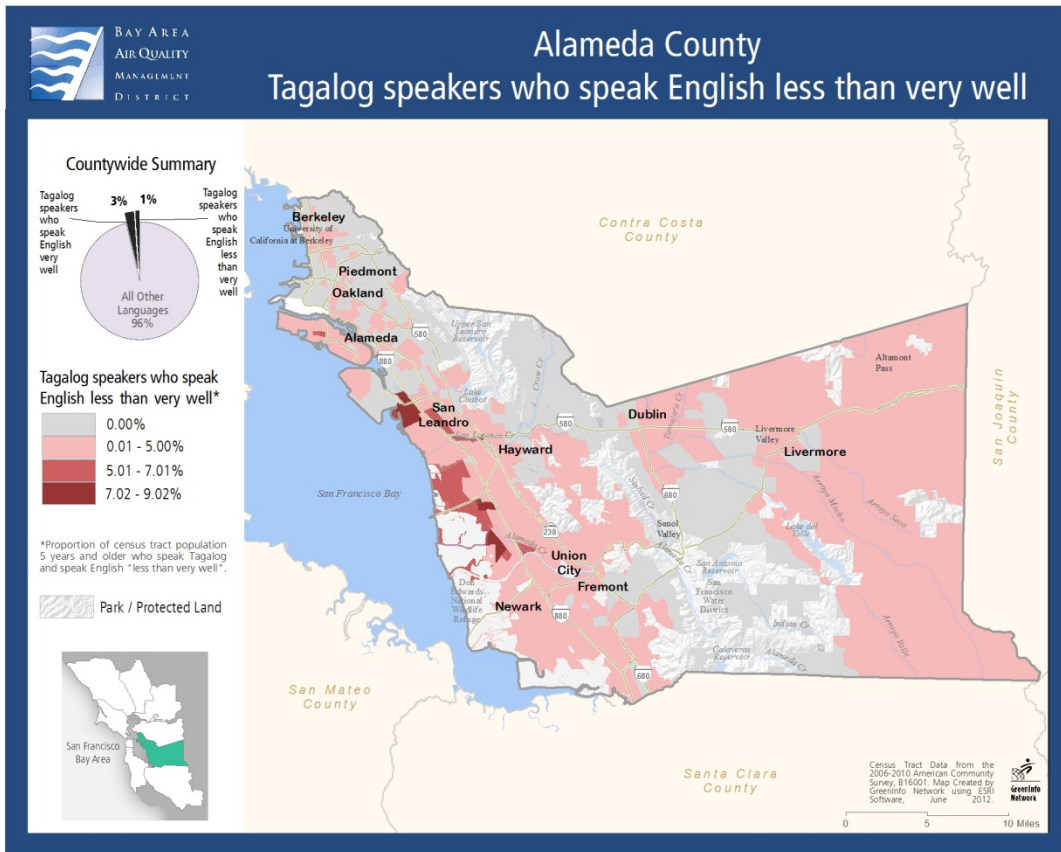
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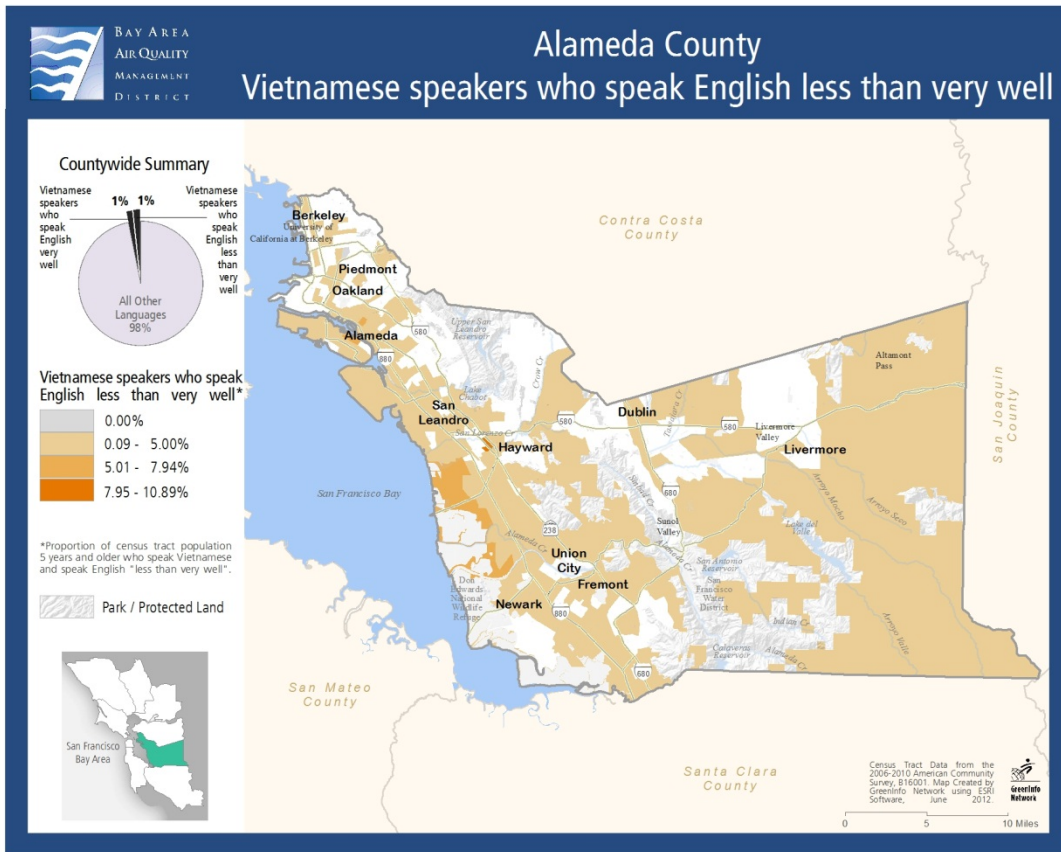
- Three percent of the total county population speaks Tagalog and indicated that they speak English “less than very well.”
- One percent of the total county population speaks Vietnamese and indicated that they speak English “less than very well.”
- Less than 1% of the total county population speaks Hindi and indicated that they speak English “less than very well.”

In Alameda County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish, Tagalog, Vietnamese and Chinese.





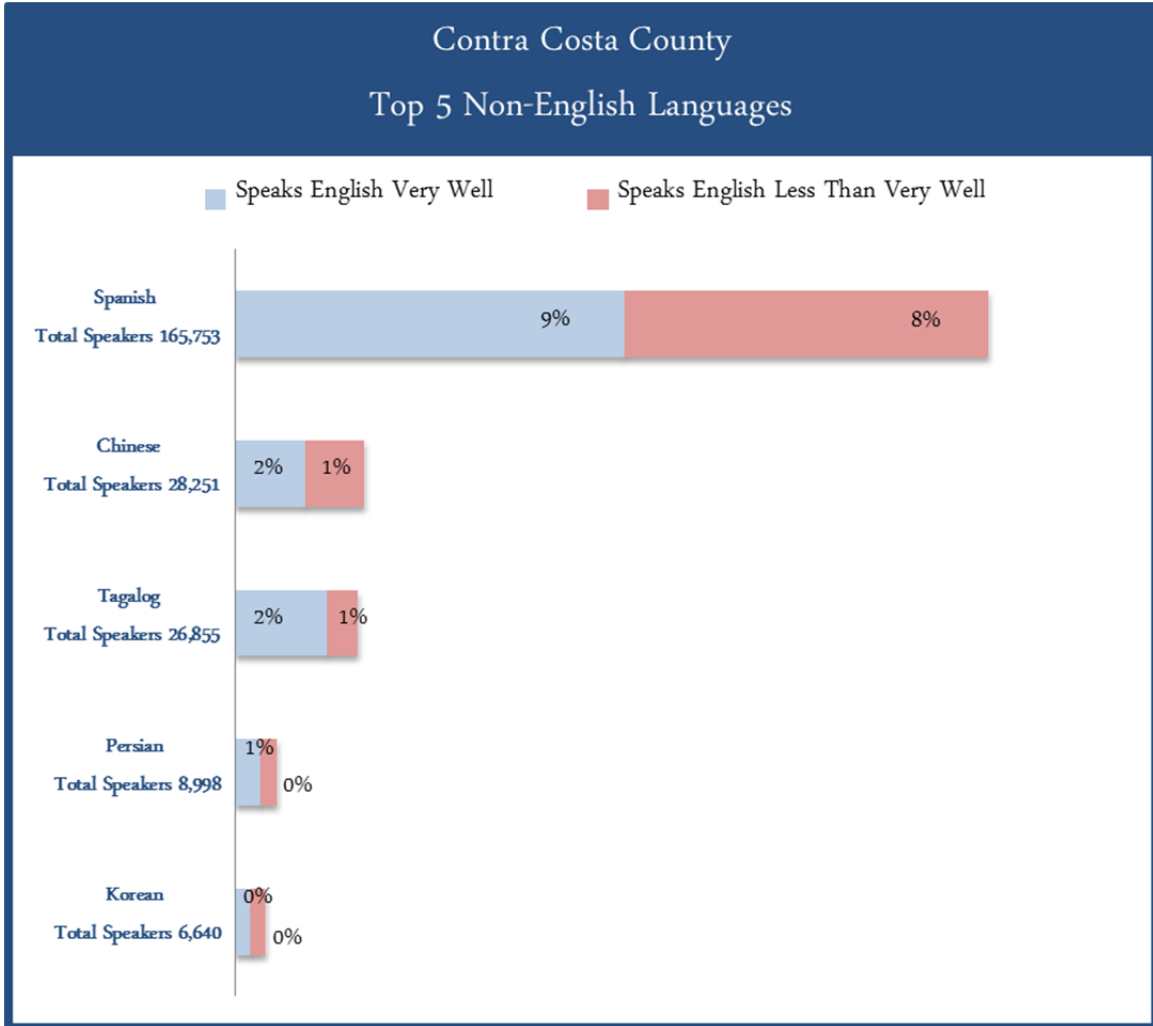




**Contra Costa County**

In Contra Costa County the top five most spoken non-English languages were:

- Spanish
- Chinese
- Tagalog
- Persian
- Korean



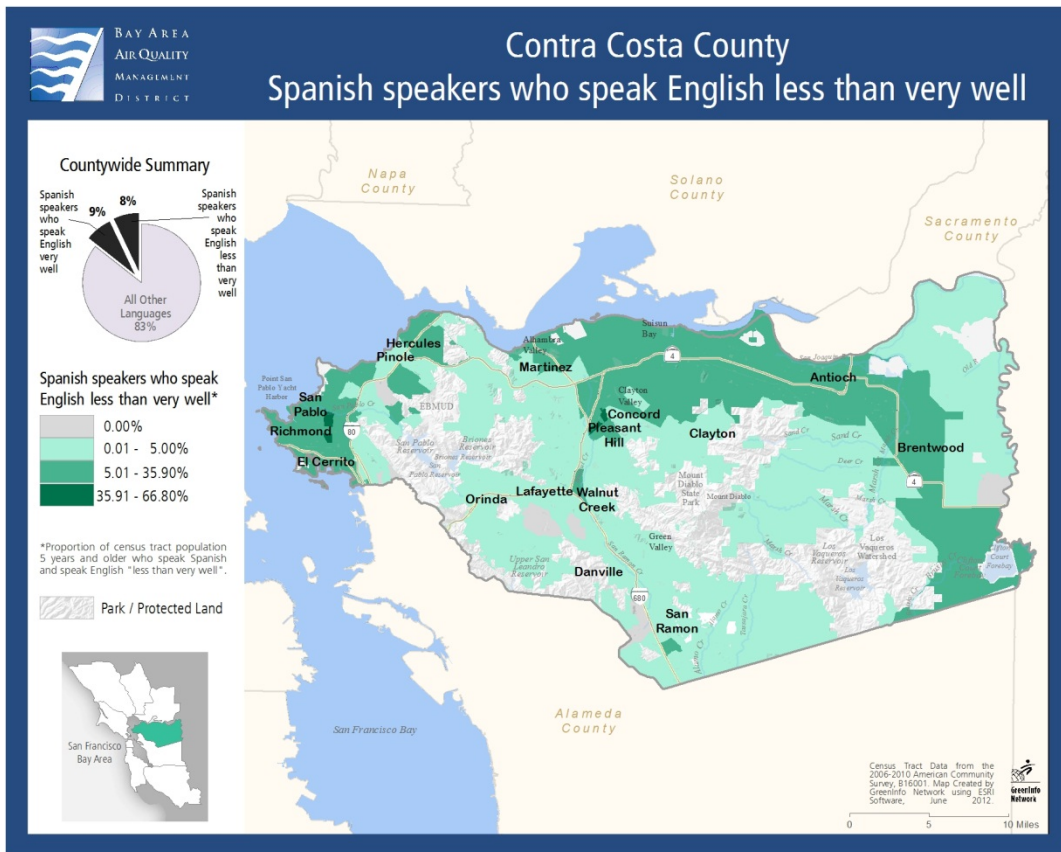
In Contra Costa County,

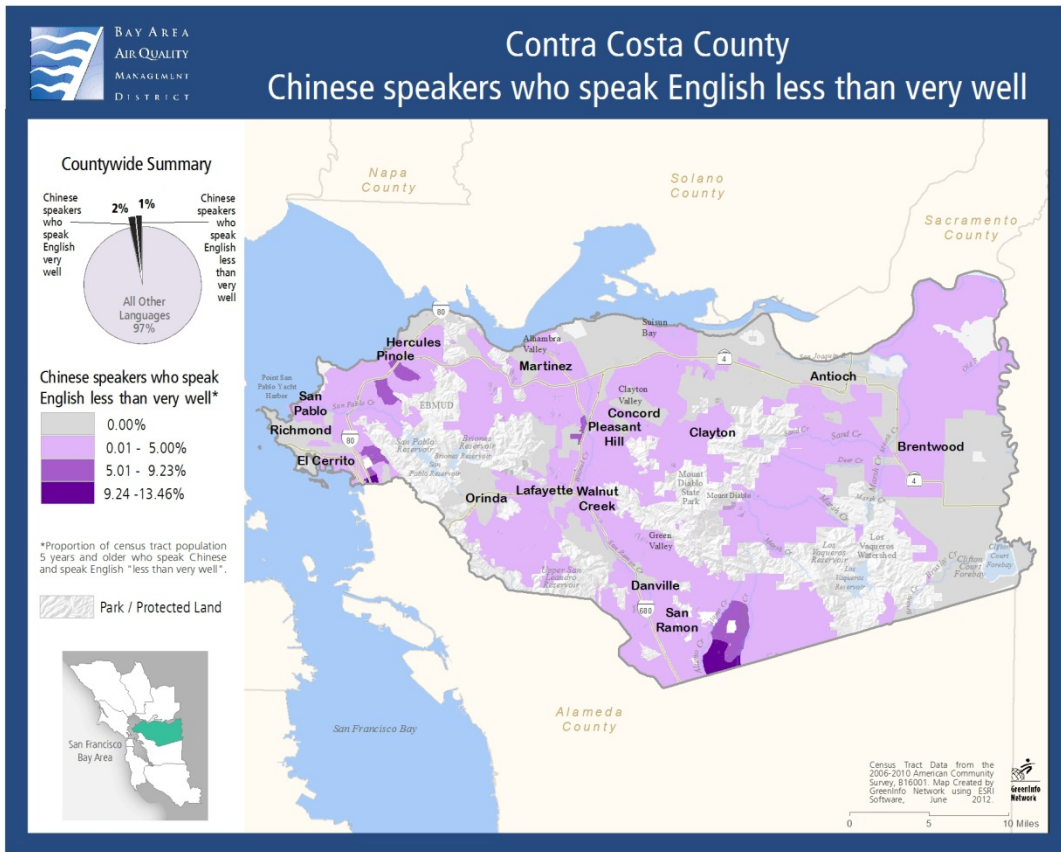
- Eight percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- One percent of the total county population speaks Chinese and indicated that they speak English “less than very well.”
- One percent of the total county population speaks Tagalog and indicated that they speak English “less than very well.”

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- Less than 1% of the total county population speaks Persian and indicated that they speak English “less than very well.”
- Less than 1% of the county population speaks Korean and indicated that they speak English “less than very well.”

In Contra Costa County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish and Chinese.

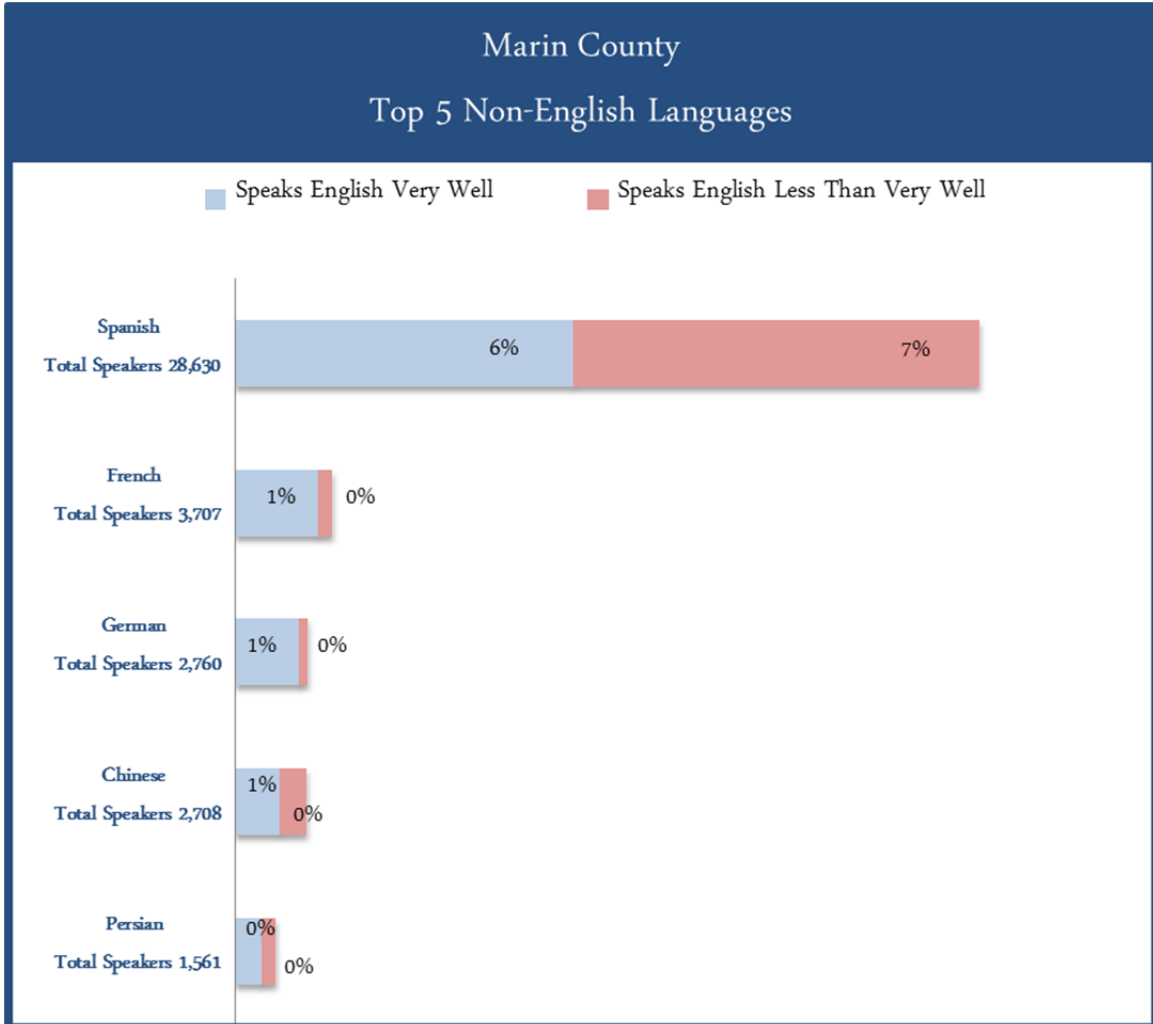




**Marin County**

In Marin County the top five most spoken non-English languages were:

- Spanish
- French
- German
- Chinese
- Persian



In Marin County,

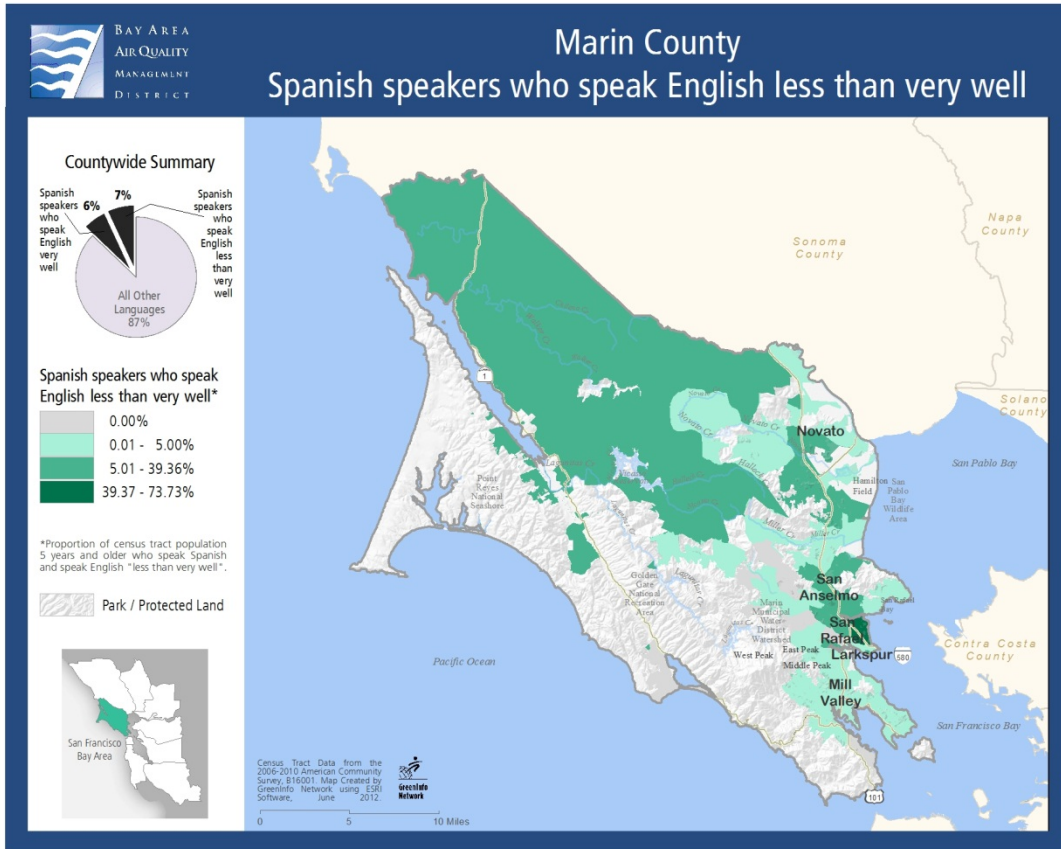
- Seven percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- Less than 1% of the county population speaks French and indicated that they speak English “less than very well.”
- Less than 1% of the county population speaks German and indicated that they speak English “less than very well.”



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- Less than 1% of the county population speaks Chinese and indicated that they speak English “less than very well.”
- Less than 1% of the county population speaks Persian and indicated that they speak English “less than very well.”

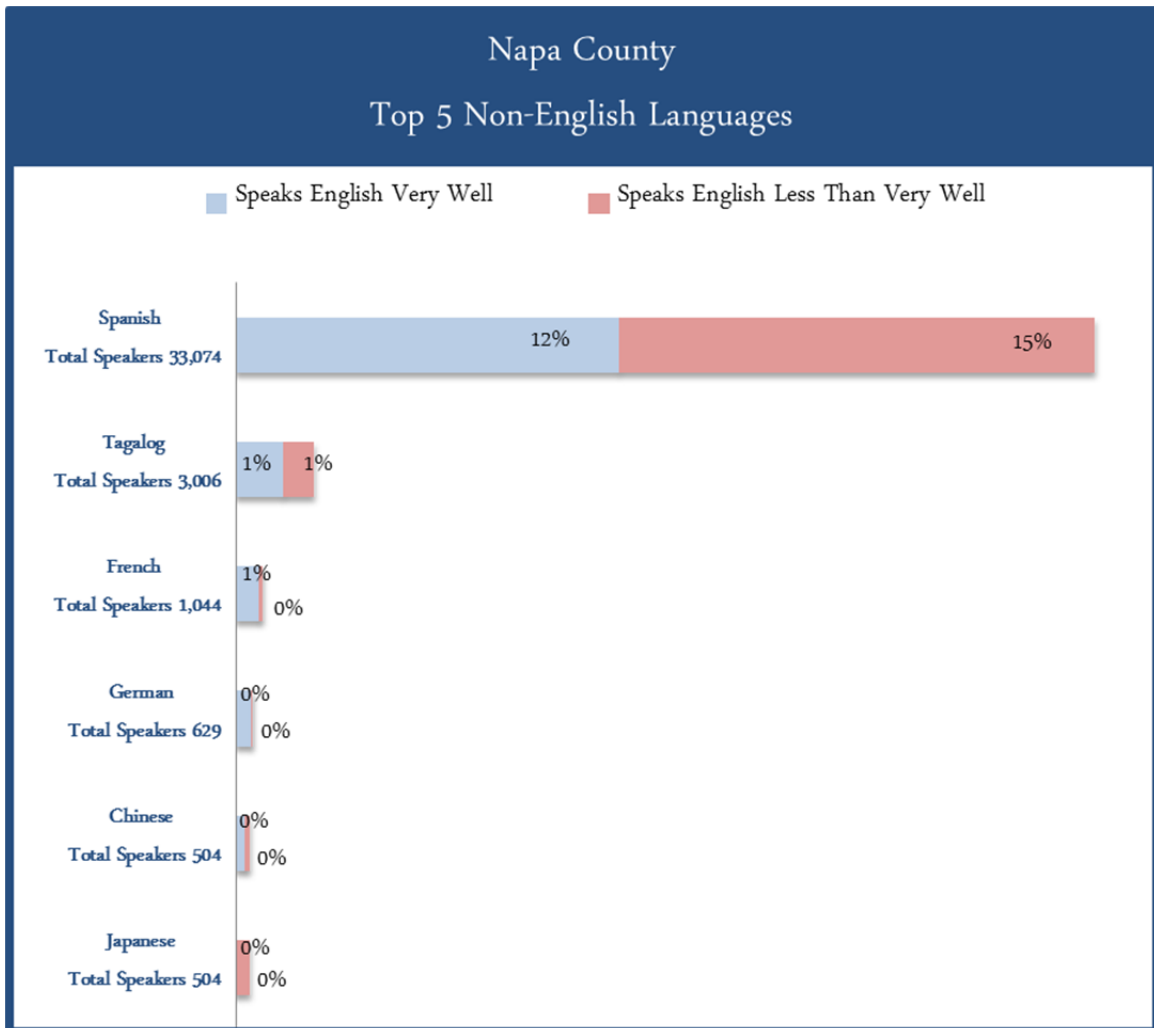
In Marin County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish.



**Napa County**

In Napa County the top five most spoken non-English languages were:

- Spanish
- Tagalog
- French
- German
- Chinese and Japanese (tied for 5<sup>th</sup>)



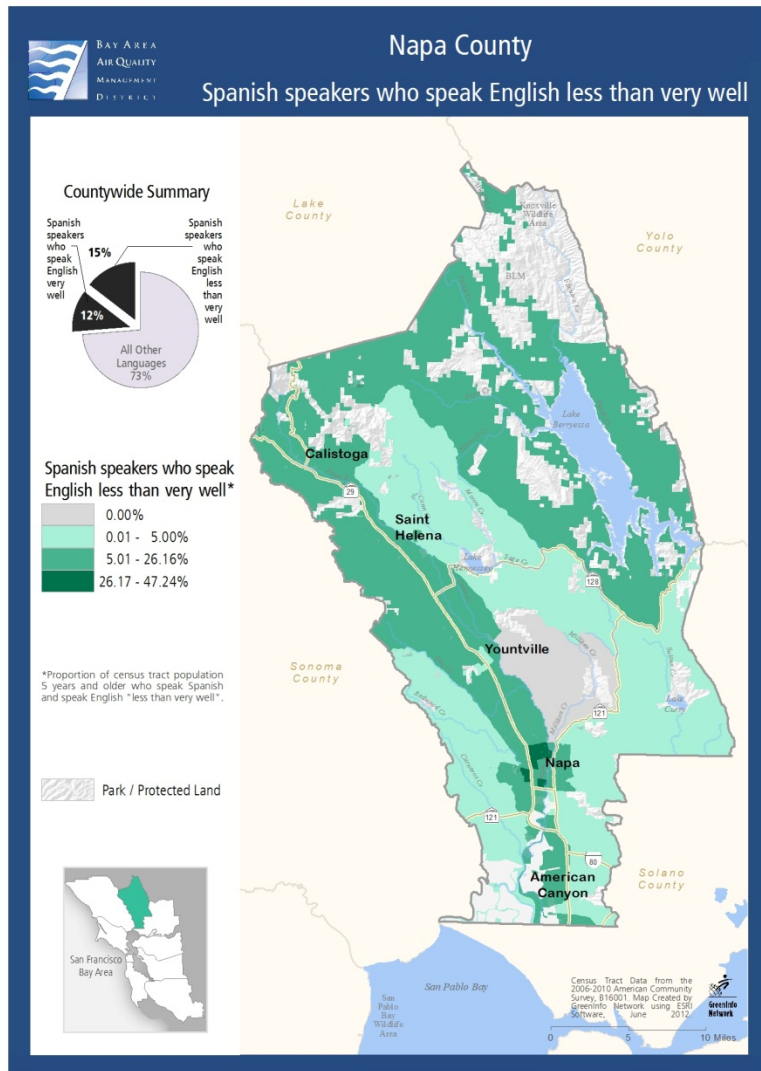
In Napa County,

- Fifteen percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- One percent of the total county population speaks Tagalog and indicated that they speak English “less than very well.”
- French speakers account for 1% of the county population. None indicated that they speak English “less than very well.”

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- German speakers account for less than 1% of the county population and none indicated they speak English “less than very well.”

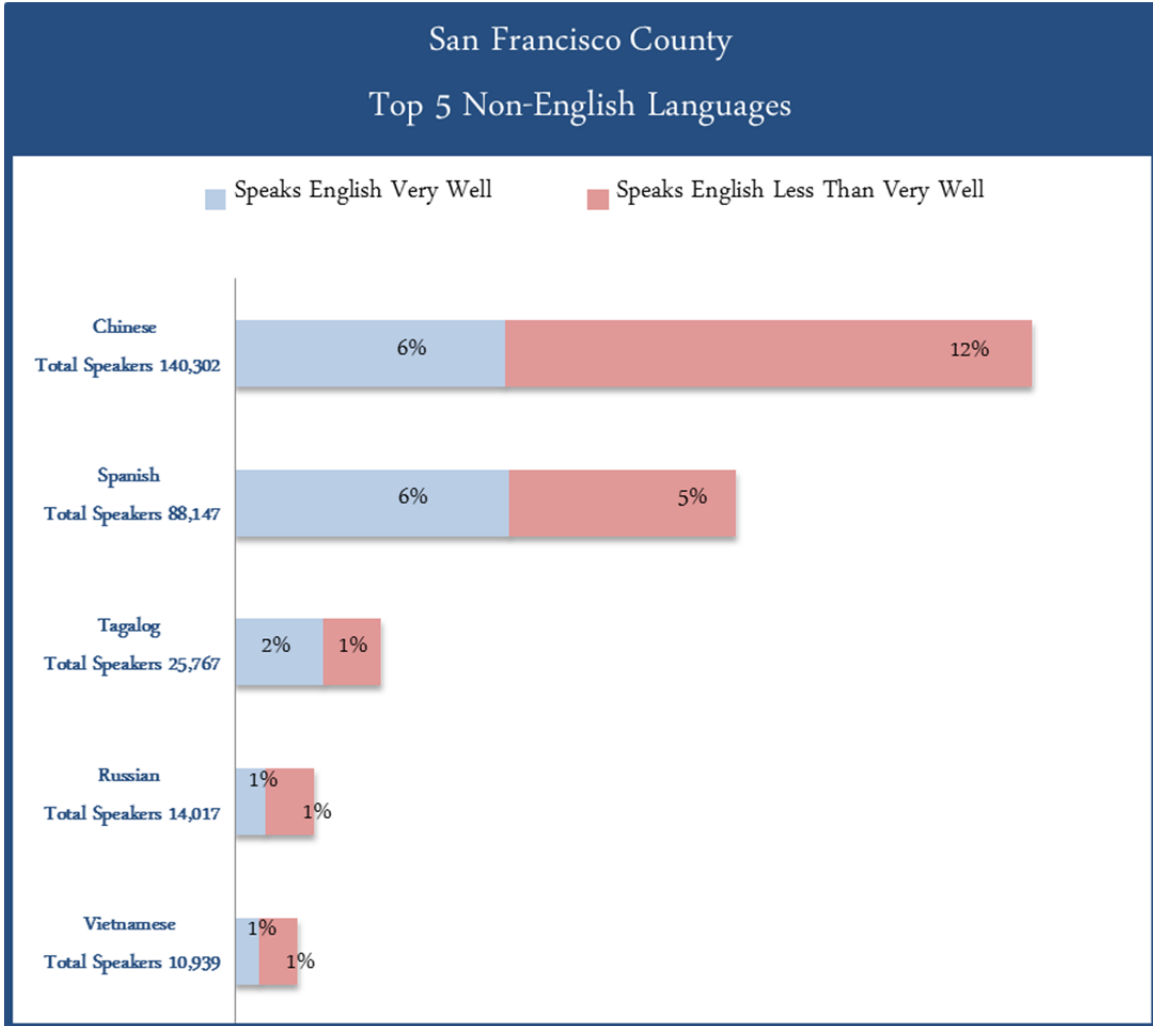
In Napa County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish.



**San Francisco County**

In San Francisco County the top five most spoken non-English languages were:

- Chinese
- Spanish
- Tagalog
- Russian
- Vietnamese



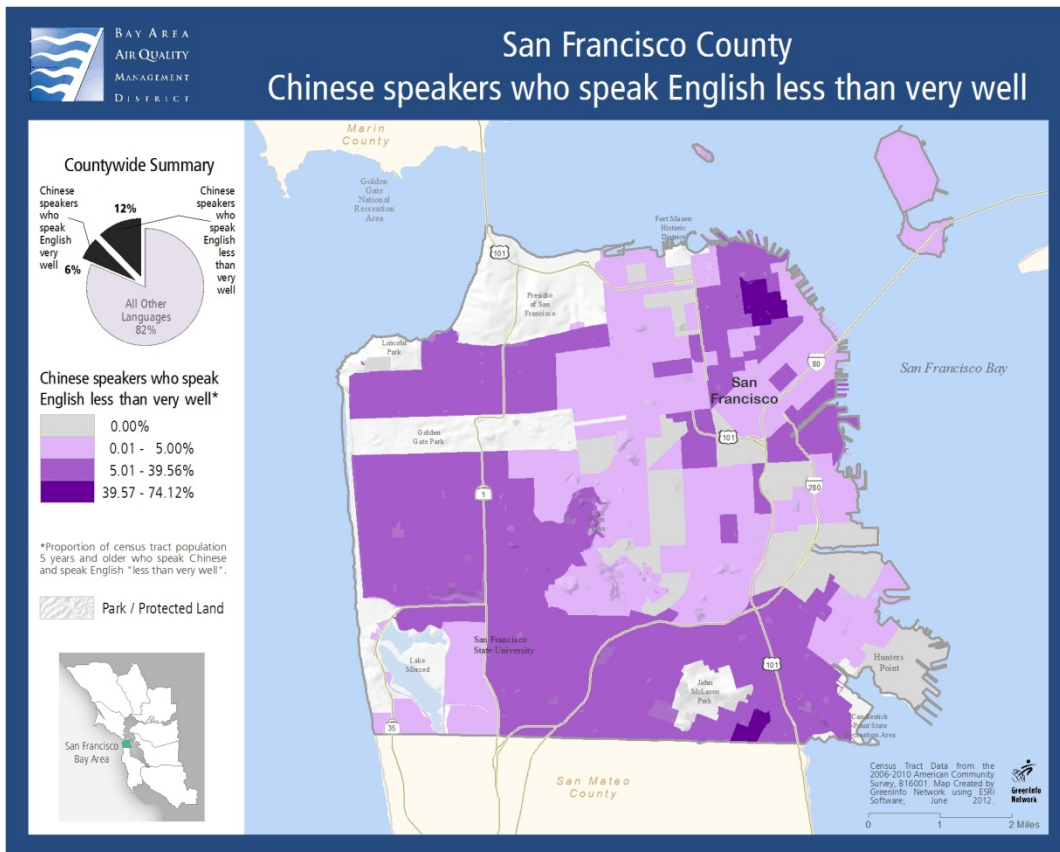
In San Francisco County,

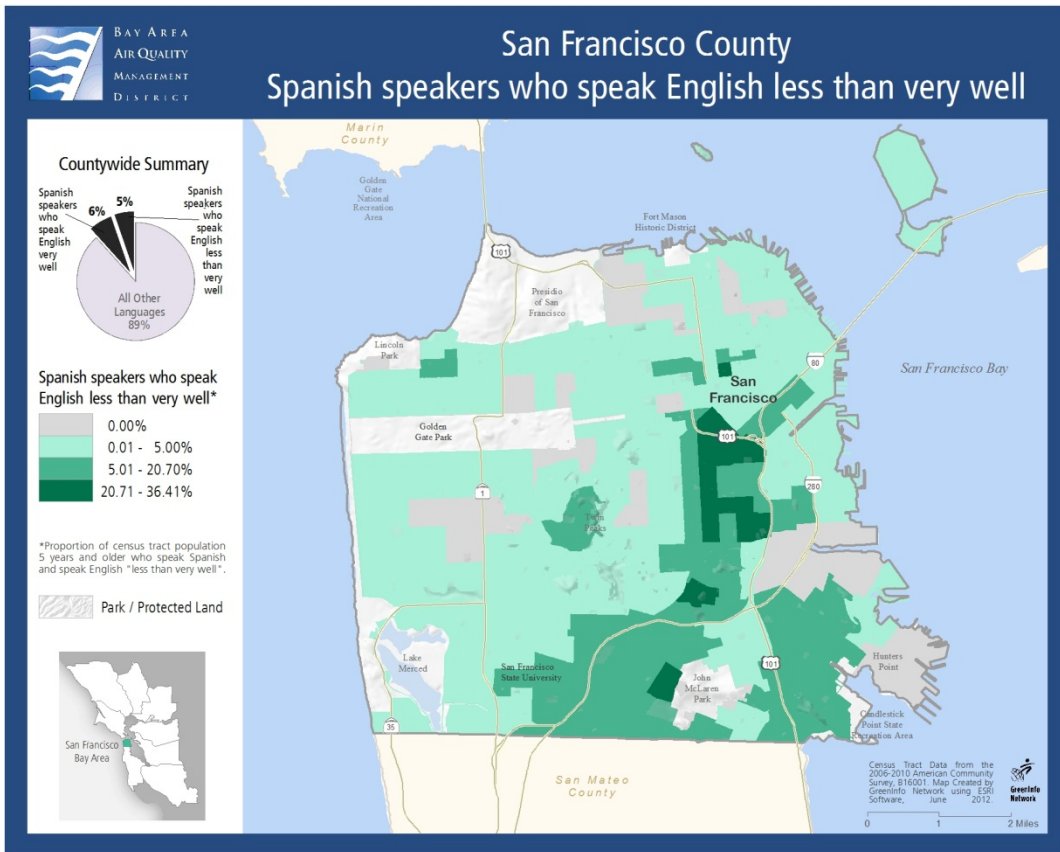
- Twelve percent of the total county population speaks Chinese and indicated that they speak English “less than very well.”
- Five percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- One percent of the total county population speaks Tagalog and indicated that they speak English “less than very well.”

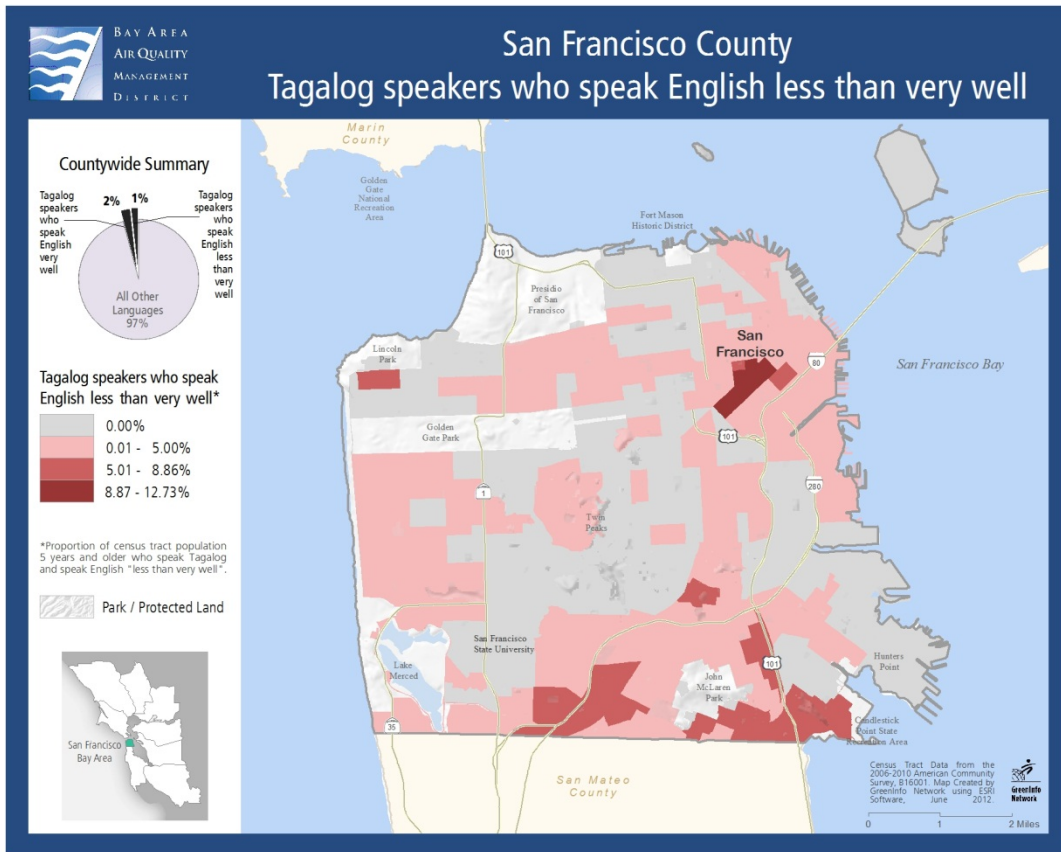
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- One percent of the total county population speaks Russian and indicated that they speak English “less than very well.”
- One percent of the total county population speaks Vietnamese and indicated that they speak English “less than very well.”

In San Francisco County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Chinese, Spanish and Tagalog.



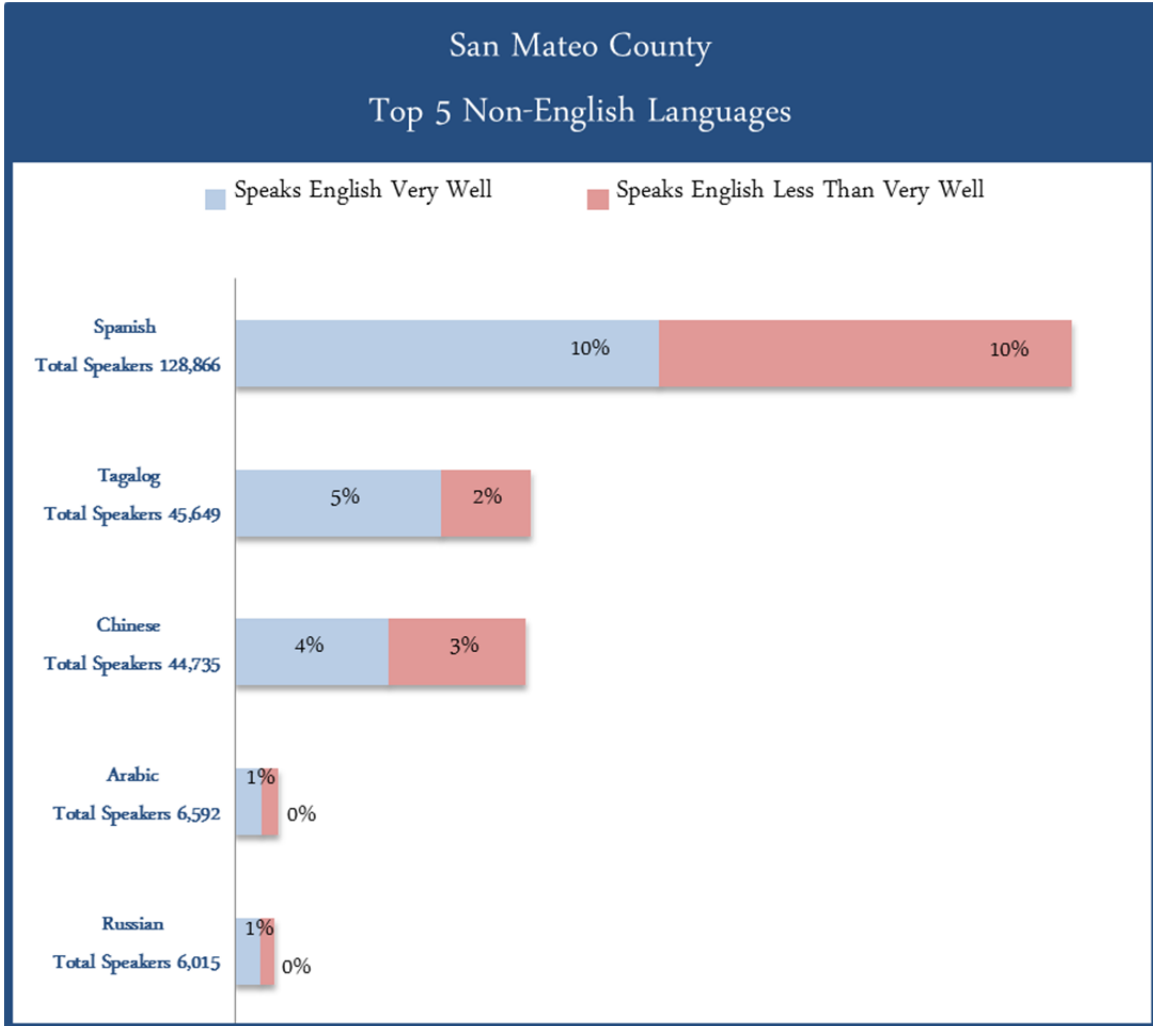




**San Mateo County**

In San Mateo County the top five most spoken non-English languages were:

- Spanish
- Tagalog
- Chinese
- Arabic
- Russian



In San Mateo County,

- Ten percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- Two percent of the total county population speaks Tagalog and indicated that they speak English “less than very well,” or
- Three percent of the total county population speaks Chinese and indicated speaking English “less than very well.”



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- Less than 1% of the total county population speaks Arabic and indicated that they speak English “less than very well.”
- Less than 1% of the total county population speaks Russian and indicated that they speak English “less than very well.”

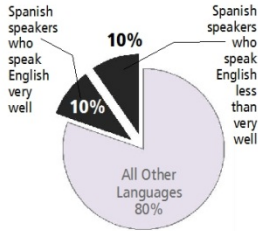
In San Mateo County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish, Tagalog, and Chinese.



# San Mateo County

## Spanish speakers who speak English less than very well

### Countywide Summary

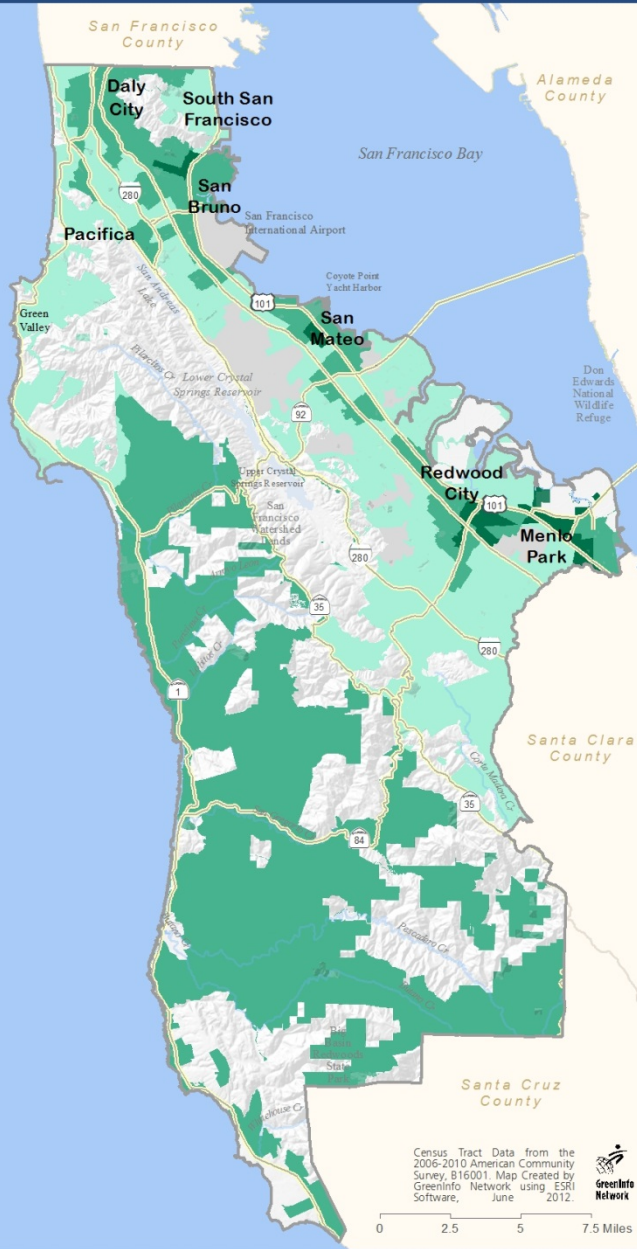


### Spanish speakers who speak English less than very well\*



\*Proportion of census tract population 5 years and older who speak Spanish and speak English "less than very well".

Park / Protected Land



Census Tract Data from the 2006-2010 American Community Survey, B16001. Map Created by GreenInfo Network using ESRI Software, June 2012.

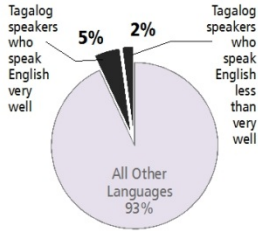




# San Mateo County

## Tagalog speakers who speak English less than very well

### Countywide Summary

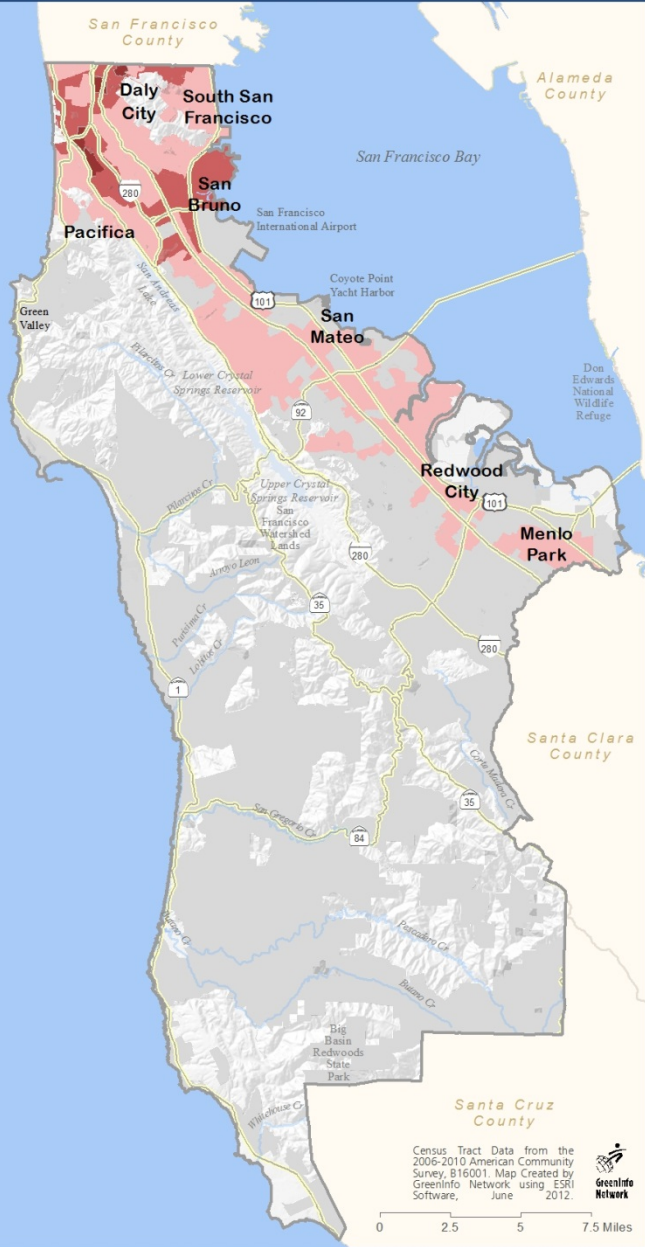


### Tagalog speakers who speak English less than very well\*



\*Proportion of census tract population 5 years and older who speak Tagalog and speak English "less than very well".

Park / Protected Land



Census Tract Data from the 2006-2010 American Community Survey, B16001. Map Created by GreenInfo Network using ESRI Software, June 2012.

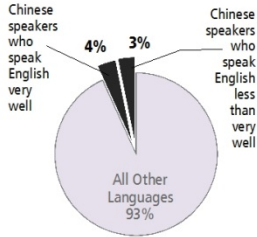
0 2.5 5 7.5 Miles



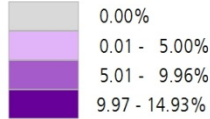
# San Mateo County

## Chinese speakers who speak English less than very well

### Countywide Summary

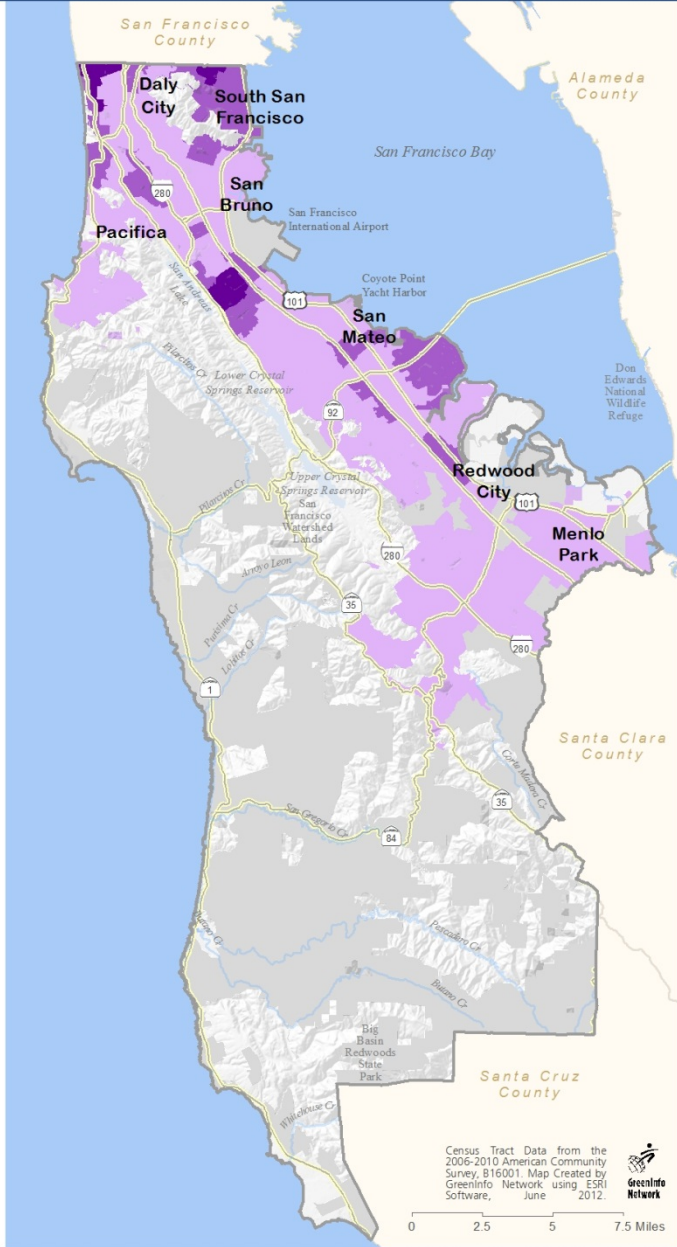


### Chinese speakers who speak English less than very well\*

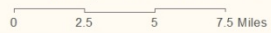


\*Proportion of census tract population 5 years and older who speak Chinese and speak English "less than very well".

Park / Protected Land



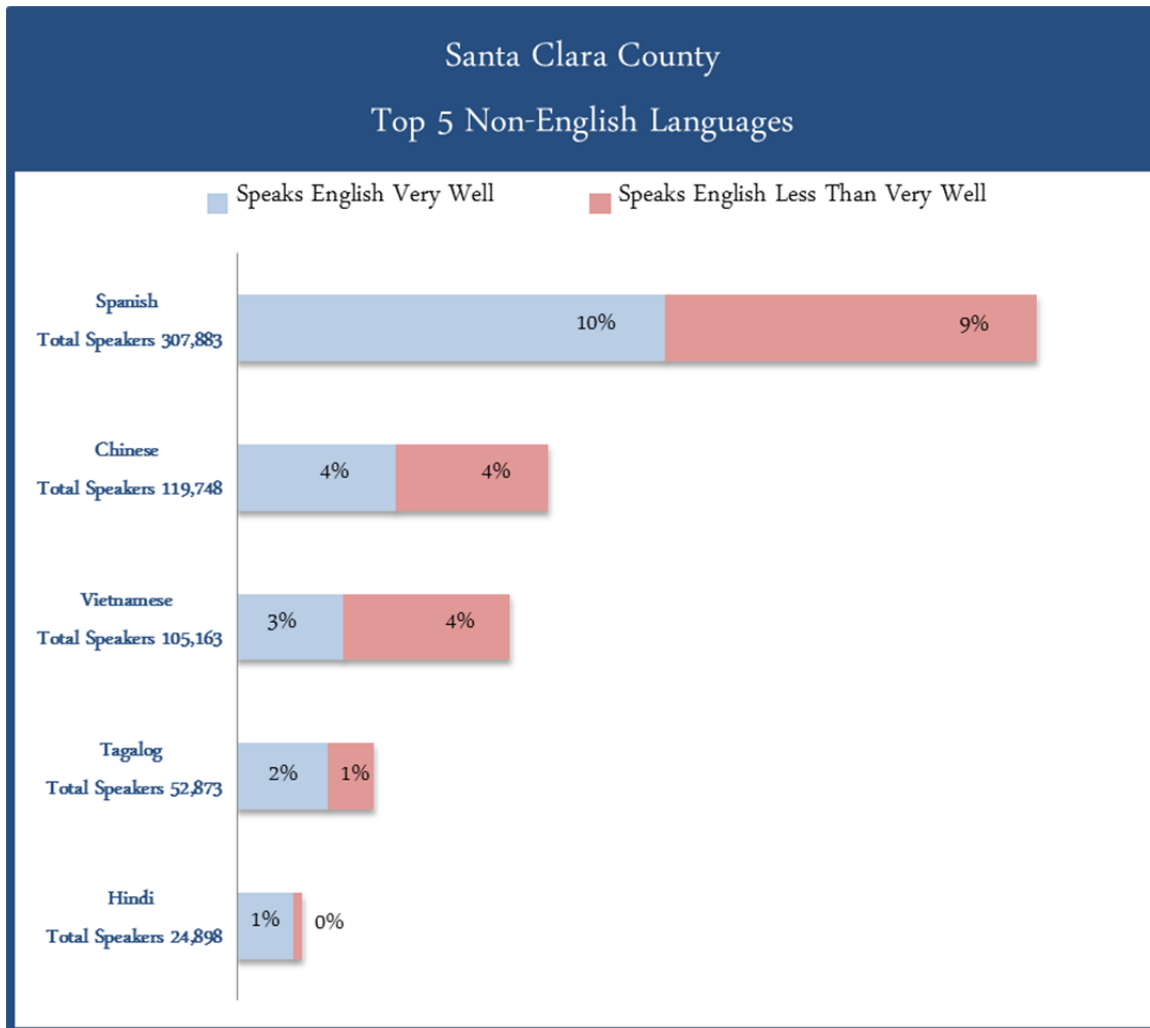
Census Tract Data from the 2006-2010 American Community Survey, B16001. Map Created by GreenInfo Network using ESRI Software, June 2012.



**Santa Clara County**

In Santa Clara County the top five most spoken non-English languages were:

- Spanish
- Chinese
- Vietnamese
- Tagalog
- Hindi



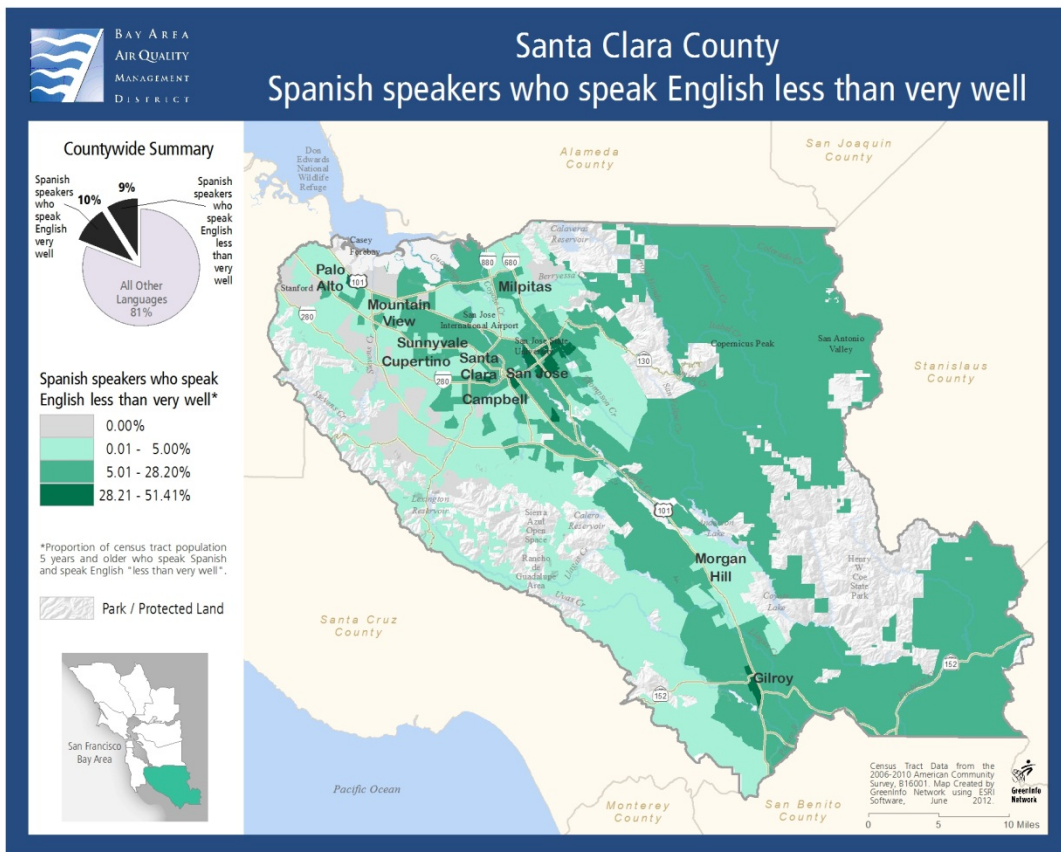
In Santa Clara County,

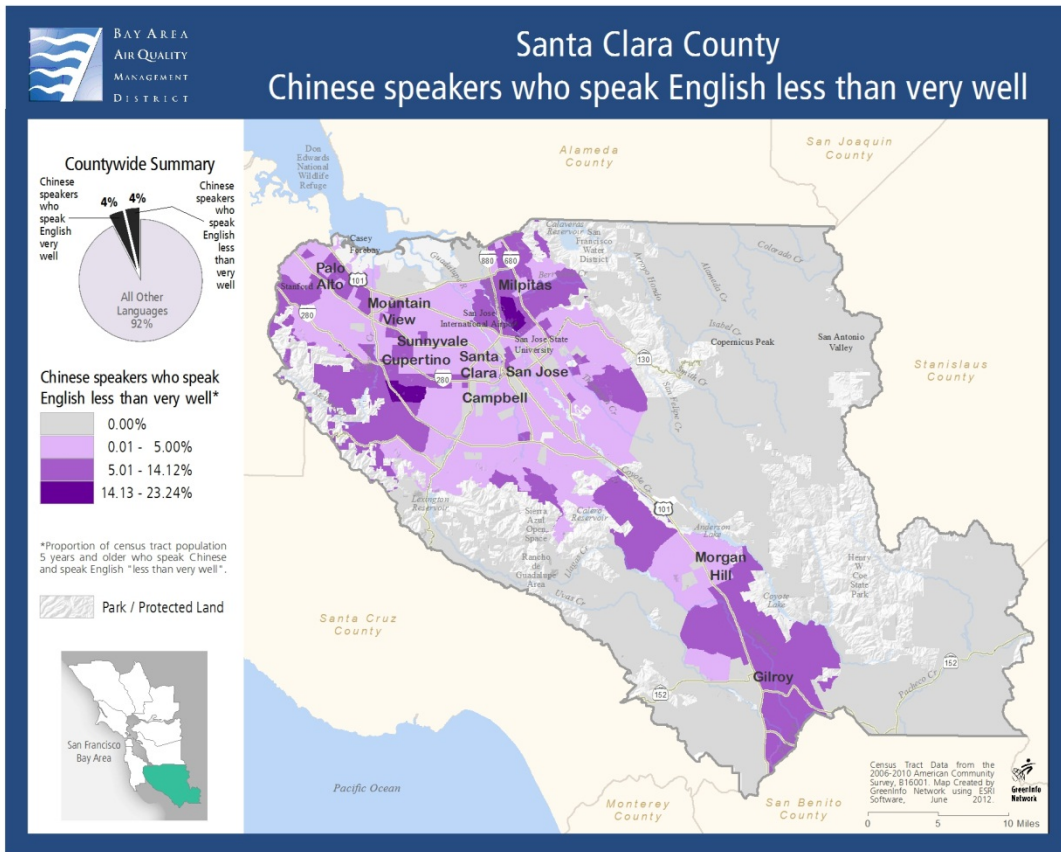
- Nine percent of the total county population speaks Spanish and indicated that they speak English “less than very well.”
- Four percent of the total county population speaks Chinese and indicated that they speak English “less than very well.”
- Four percent of the total county population speaks Vietnamese and indicated that they speak English “less than very well.”

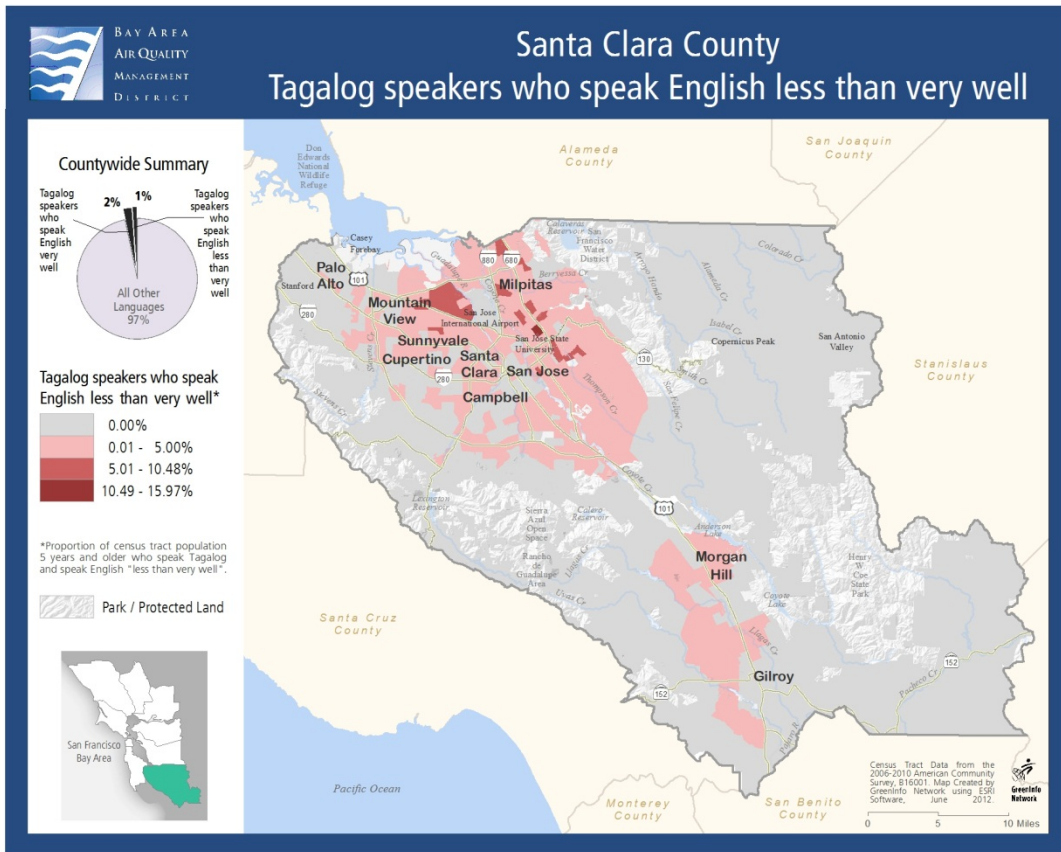
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- One percent of the total county population speaks Tagalog and indicated that they speak English “less than very well.”
- Less than 1% of the county population speaks Hindi and indicated that they speak English “less than very well.”

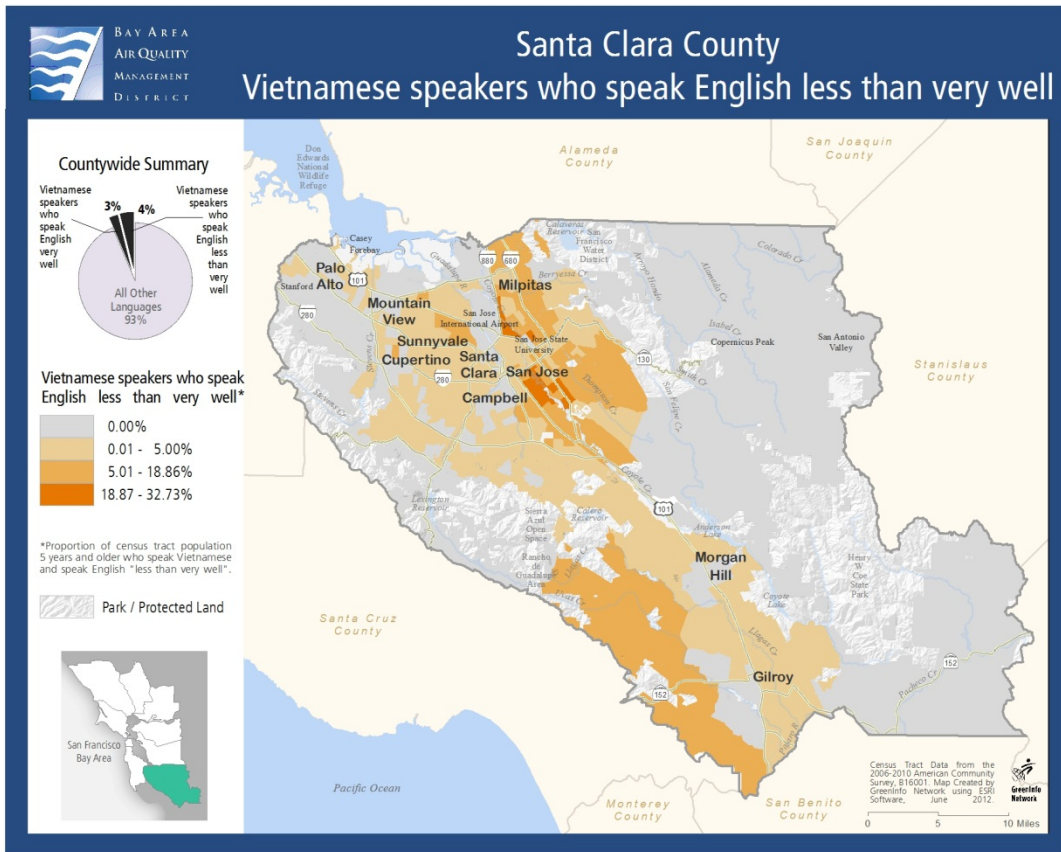
In Santa Clara County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish, Chinese, Vietnamese, Tagalog, and Korean. Though the county has a significant number of Hindi speakers, a majority of Hindi speakers do not identify as LEP, while a larger percentage of the population identifies as LEP in Korean.

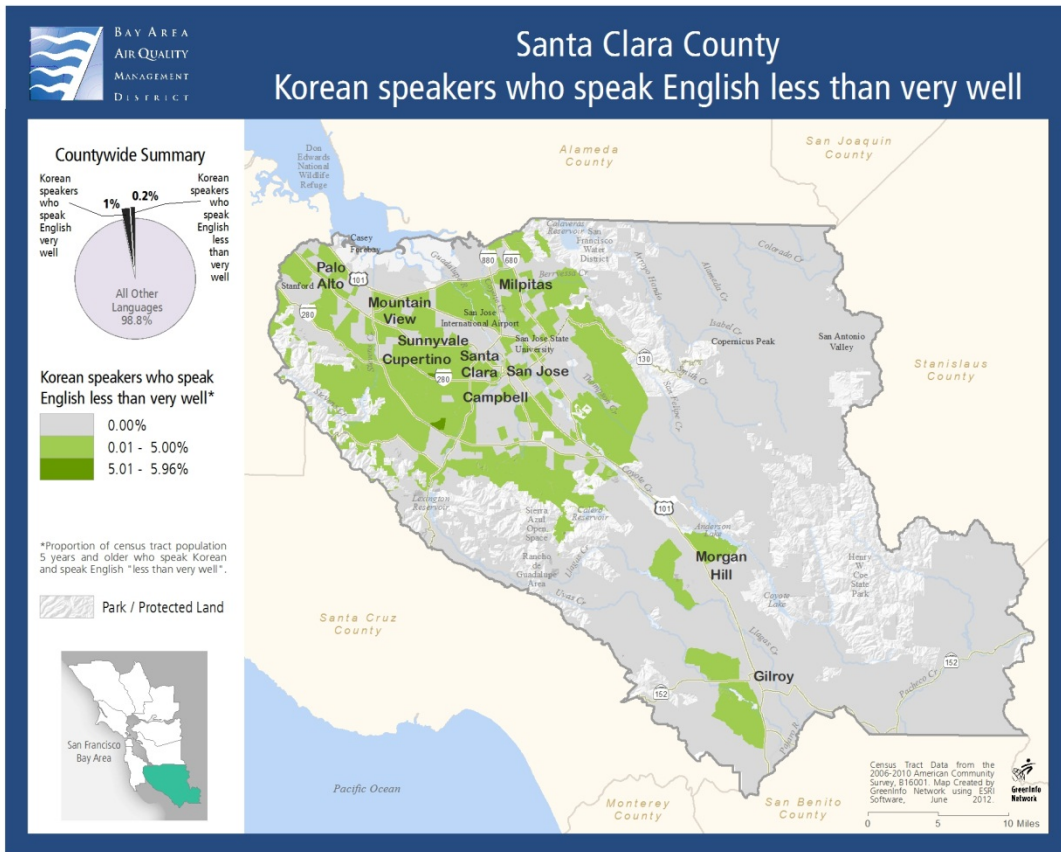








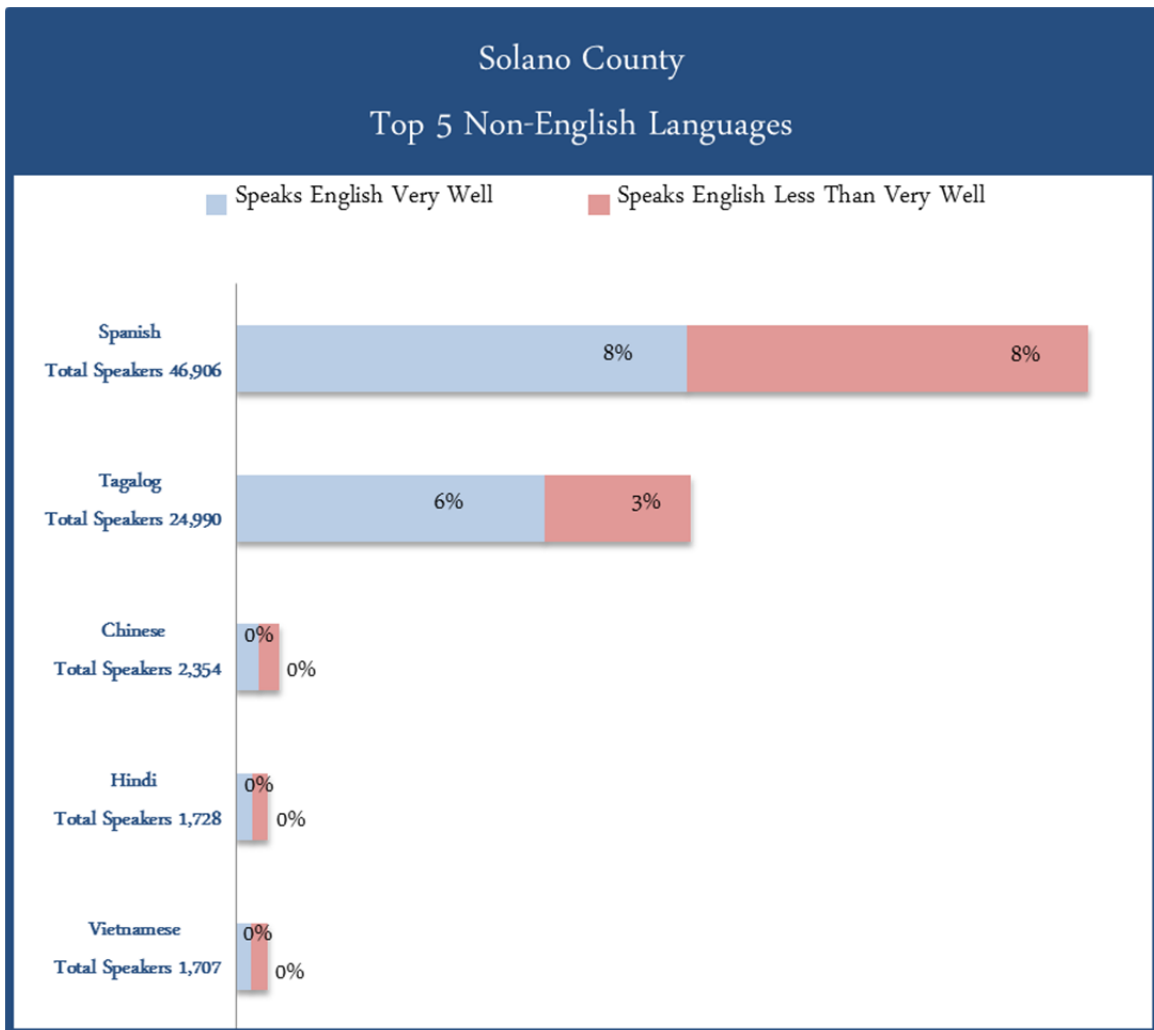




**Solano County**

In Solano County, language data presented here is reflective of only the area that is within the Air District’s jurisdiction. In the portion of Solano County within the Air District jurisdiction, the top five most spoken non-English languages were:

- Spanish
- Tagalog
- Chinese
- Hindi
- Vietnamese



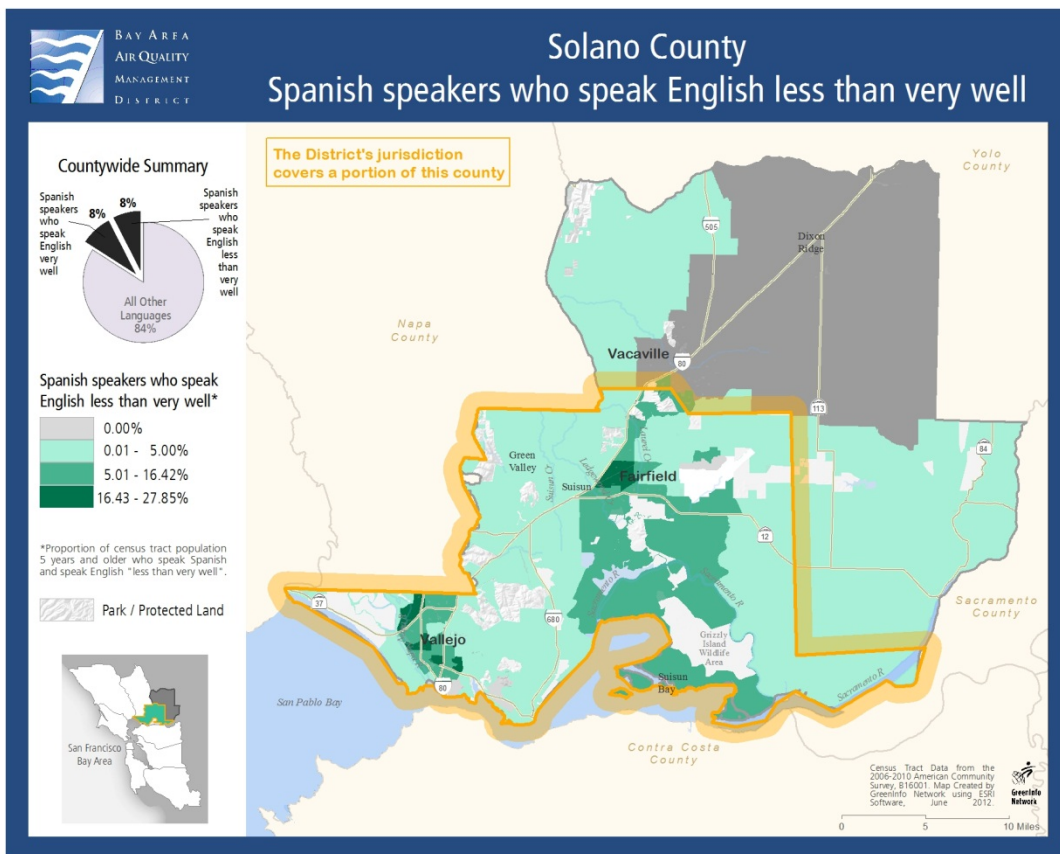
In the portion of Solano County within the Air District jurisdiction,

- Eight percent of the population within the Air District jurisdiction speaks Spanish and indicated that they speak English “less than very well.”
- Three percent of the population within the Air District jurisdiction speaks Tagalog and indicated that they speak English “less than very well.”

**DRAFT (INTERNAL REVIEW ONLY)**

- Less than 1% of the population within the Air District jurisdiction speaks Chinese and indicated that they speak English “less than very well.”
- Less than 1% of the population within the Air District jurisdiction speaks Hindi and indicated that they speak English “less than very well.”
- Less than 1% of the population within the Air District jurisdiction speaks Vietnamese and indicated that they speak English “less than very well.”

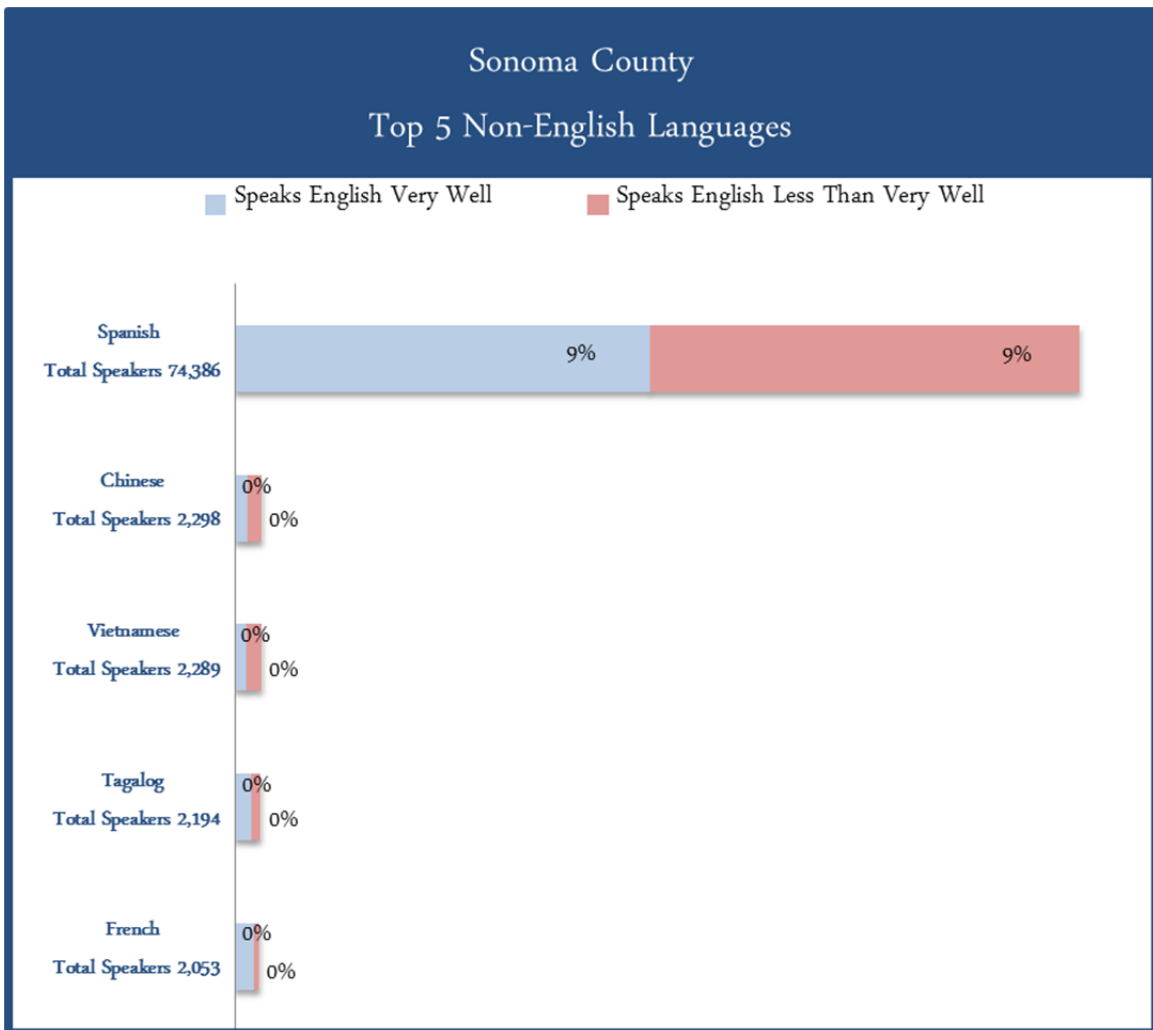
In Solano County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish.



**Sonoma County**

In Sonoma County, language data presented here is reflective of only the area that is within the Air District’s jurisdiction. In the portion of Sonoma County within the Air District jurisdiction, the top five non-English languages spoken were:

- Spanish
- Chinese
- Vietnamese
- Tagalog
- French



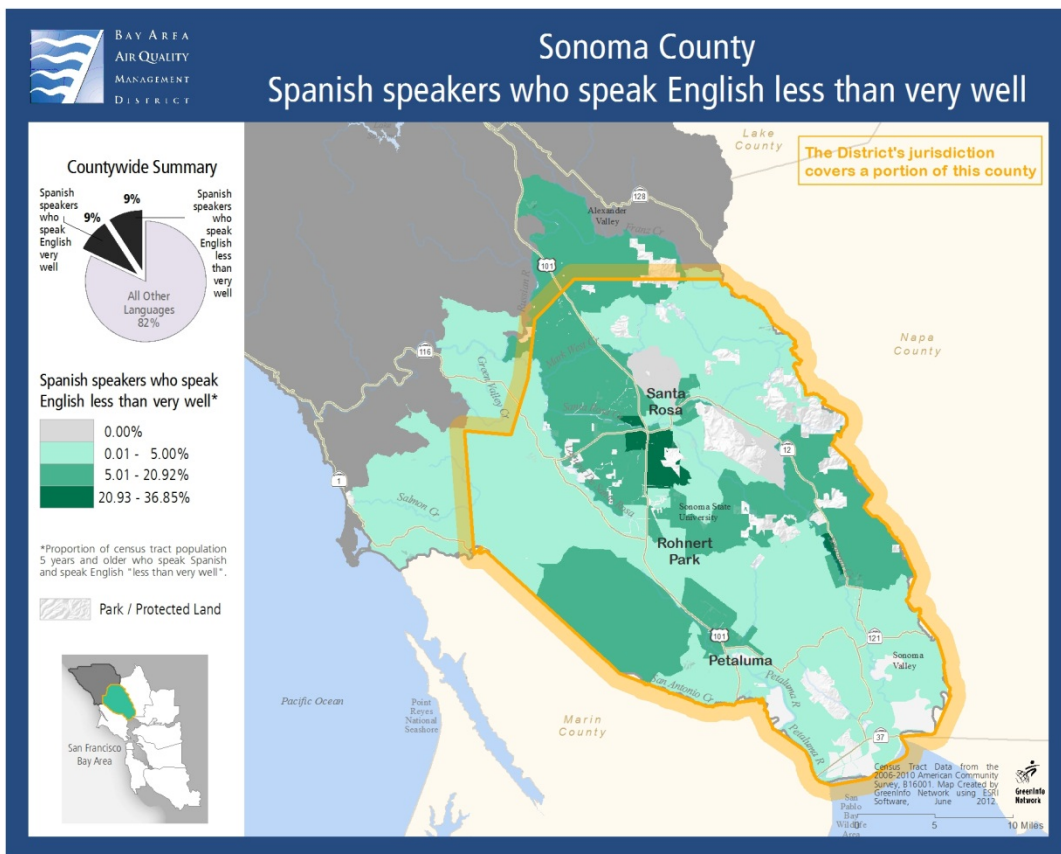
In the portion of Sonoma County within the Air District jurisdiction,

- Nine percent of the population within the Air District jurisdiction speaks Spanish and indicated that they speak English “less than very well.”
- Less than 1% of the population within the Air District jurisdiction speaks Chinese and indicated that they speak English “less than very well.”

**DRAFT (INTERNAL REVIEW ONLY)**

- Less than 1% of the population within the Air District jurisdiction speaks Vietnamese and indicated that they speak English “less than very well.”
- Less than 1% of the population within the Air District jurisdiction speaks Tagalog and indicated that they speak English “less than very well.”
- Less than 1% of the population within the Air District jurisdiction speaks French and indicated that they speak English “less than very well.”

In Sonoma County over 10,000 individuals or over 5% of the total population of the county identify as LEP in Spanish.



***Key Findings and Considerations***

- Spanish and Chinese are the most common non-English languages throughout the Air District’s jurisdiction.
- In some counties, there are significant differences in the population size between the top ranked non-English language spoken in the county and other non-English languages spoken. The Air District will consider these population differences, as well as geographic scope of the project and stakeholder interest, when considering language needs.
- Data regarding language diversity does not capture populations that commute in to work within the jurisdiction of the Air District. The Air District should consider transient populations in determining translation and interpretation needs.
- In some areas, a large percentage of the county population speaks a non-English language; however, the percentage of individuals who speak English “less than very well” or “not at all” is considerably smaller.
- Census data collects information regarding ability to speak English and another language but does not collect data about language preferences, or an individual’s preferred language for receiving spoken or written information.
- Data does not reflect language concentrations by industry or any information regarding workers. Information about workers and industry-specific language concentrations should be considered when determining the scope of a project and interpretation and translation needs.

## B. Language Characteristics in the Region

To assess the frequency of contact with Limited English Proficient (LEP) individuals, staff examined LEP contact by air quality inspection staff in the field and by front-line phone staff, including the Air District's Radio Room, Public Information Officers and administrative staff, as these staff seemed most likely to encounter LEP individuals in their work.

### Inspection Staff Contact

The Air District has approximately 80 inspectors on staff. Air quality inspectors conduct nearly 12,000 inspections a year at regulated facilities, including refineries and gas stations. Additionally, inspection staff responds to approximately 4,500 complaints per year from Bay Area residents.

Of the 57 inspectors surveyed, over 75% indicated they had come in contact with LEP individuals in the field. While many of the inspectors indicated they seldom came in contact with LEP individuals, about a quarter of respondents indicated they came in contact with LEP individuals either "often" or "very often." The languages they came in contact with most frequently were Spanish, Chinese, Hindi, Korean and Vietnamese.

Inspectors indicated they often encountered industry-specific language clusters. Inspectors identified that in the fields of construction/asbestos removal, agriculture and burning, and auto-body/coating, Spanish was likely to be the primary language of an LEP individual and Spanish-language materials were most helpful. Similarly, inspectors identified that some industries like Gasoline Dispensing Facilities (GDFs), Port Trucking and Dry Cleaners were more likely to be multilingual industries. Identifying industry-specific language clusters is a particularly important component to understanding frequency of contact with LEP individuals because of the nature of the Air District's work in permitting industry, and because Census Bureau demographic information does not capture language information by industry, or individuals who might travel into the Air District's jurisdiction for work.

#### **Summation of Findings:**

- Eighty-one percent of respondents indicated that they had contact with LEP residents in the course of work.
- When asked to characterize the frequency of encounters with LEP residents, 5% of those surveyed indicated "very often," 23% indicated "often," 68% indicated "seldom," and 4% said "never."
- A majority of respondents used a combination of two or more methods when encountering language barriers.
- Twenty-nine inspectors indicated relying upon another individual present to act as an interpreter.
- Twenty-three inspectors indicated using visual aids in the field to communicate with LEP individuals.
- Nineteen inspectors indicated they utilized the Language Line provided by the Air District to assist in communicating with LEP individuals in the field.



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- Fourteen inspectors indicated utilizing their own proficiency in other languages as a tool to communicate with LEP individuals, though six inspectors indicated their command of the language was basic and they were not bilingual.
- Sixty-eight percent of respondents indicated that they did encounter industry specific language clusters.
- Monolingual language clusters such as construction/asbestos removal, agriculture and burning, and auto body/coating were characterized as Spanish-speaking.
- Multilingual language clusters including GDF, port trucking, and dry cleaners were characterized as consisting of as many as seven languages and ethnic groups: Farsi, Punjabi, Vietnamese, Spanish, Hindi, Arabic and Korean.
- Utilizing bilingual coworkers’ language proficiency is an oft-used strategy when encountering LEP individuals in the field. Fifty-six percent of respondents indicated that they never sought coworkers’ language assistance, 39% indicated “seldom,” 4% “often,” and 2% “very often.”

**Phone Staff Contact**

Air District general phone lines rarely receive calls in non-English languages. Calls that are received are primarily in either Spanish or Chinese (Cantonese or Mandarin). Often, these calls are handled internally by bilingual Air District staff. At this time, the Air District has no method of collecting data on non-English language calls and has not tracked the number of non-English calls the Air District receives.

<b>Estimated Number of Phone Calls to the Air District in English and a non-English Language (per calendar year)</b>		
<i>Phone Line</i>	<i>Calls in English</i>	<i>Calls in non-English language</i>
1-800-334-ODOR	8,500	120
1-877-4NOBURN	6,000	N/A
415-749-4900	3,500	40
Phone Alerts	18,700	100

Air District phone staff is trained to utilize Language Line, a telephone service that provides simultaneous interpretation on demand. Inspectors are equipped with educational materials in additional languages. Bilingual inspectors utilize their language skills. Field staff can also call bilingual staff at the Air District headquarters or use the Language Line as a resource while in the field.

**C. Nature and Importance of the Program in Residents’ Lives**

Over the last 55 years the Bay Area’s air quality has significantly improved because of the rules, regulations and plans developed and adopted by the Air District. Founded in 1955 by the California State Legislature, the Bay Area Air Quality Management District was the first air quality district in the state of California and, as a result, has always been at the forefront of air quality science and information. As a regulatory agency, the Air District operates a number of programs that impact every

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regulated organization in the Bay Area and as the agency that monitors air quality in the Bay Area, the Air District is charged with notifying residents when air quality is forecast to be unhealthy. As a result, the work of the Air District affects every Bay Area resident.

Programs vary in importance to individuals: small business owners or individuals affected by respiratory illness may value programs differently. Permits, as well as Compliance and Enforcement primarily impact business owners, while programs like Winter Spare the Air or the Carl Moyer Grant program often impact broader groups of residents and stakeholders.

For the purposes of this analysis, this document will review the importance of the following Air District functions in residents' lives:

1. Air Quality Forecast and Alerts
2. Governing Boards
3. Permits and Compliance and Enforcement
4. Planning and Rules
5. Air Monitoring
6. Grants
7. Public Information

Air District divisions work in coordination to execute each of these primary functions.

### **Air Quality Forecast and Alerts**

The Air District provides the public with air quality conditions and forecasts daily. This information is critical for the breathing health of Bay Area residents. On days when air quality is forecast to be unhealthy, the Air District issues Summer Spare the Air Alerts, triggered by high ozone levels, and Winter Spare the Alerts, triggered by high levels of particulate matter. These alerts inform the public of elevated pollution levels and let people know how they can protect their health.

In addition, Winter Spare the Air Alerts remind the public that it is illegal for Bay Area residents and businesses to use fireplaces, woodstoves and inserts, pellet stoves, outdoor fire pits, or any other wood-burning devices for the duration of the Alert. These reminders help reduce pollution levels and help residents avoid tickets for violating the wood burning ban.

### **Governing Boards**

The Air District is governed by a 22-member Board of Directors composed of locally elected officials from each of the nine Bay Area counties. The number of Board members from each county is proportionate to its population. The Air District is assisted by an Advisory Council that provides input to the Board and the Executive Officer/APCO on air quality matters. The Council is made up of 20 representatives from community, health, environmental and other organizations.

Additionally, an independent, five-member Hearing Board adjudicates regulatory compliance and enforcement issues between the Air District and local industries. The Hearing Board also hears appeals of permitting decisions made by the Executive Officer/APCO.

The Board of Directors directs and oversees the Air District's work throughout the year with assistance from the Advisory Council, determining yearly goals to reduce air pollution and ensuring the Air District is meeting its vision and mission.

## **Permits**

Permits reviewed and issued by the Air District ensure facilities comply with all applicable air quality regulations. Permit applications evaluated by the Air District include those from Prevention of Significant Deterioration, Acid Rain, and federal Title V permits. The permitting process verifies that the facility will comply before the facility begins construction or operation. Once the facility is in operation, the permit must be renewed on an annual basis. This permitting process is a critical step in protecting the public from pollution levels above those permitted by federal, state and local air quality regulations.

## **Compliance Assistance**

The Air District provides a range of education and compliance assistance activities to help regulated facilities comply with air quality regulations and their permit conditions. This program helps the regulated facilities avoid tickets or fines. It is another critical step in protecting the public from pollution levels above those permitted by federal, state and local air quality regulations.

## **Enforcement**

The Enforcement program is intended to verify that facilities adhere to their permit conditions. The Air District conducts nearly 13,000 inspections each year. This total includes inspections of permitted facilities and sites handling asbestos, and diesel engine inspections. The Air District's Compliance and Enforcement Division ensures a high degree of compliance with air-quality-related federal, state and Air District laws, regulations and permit conditions. When violations of air quality regulations are discovered, the Air District provides enforcement action to expedite return to compliance.

## **Complaint Reporting and Investigation**

In 2011, the Air District received approximately 5,880 air pollution complaints. The complaint reporting phone line, 1-800-334-ODOR, allows residents to contact the District when they have an immediate concern regarding an odor, dust or smoke in their neighborhood. The Air District investigates complaints it receives and follows up with complainants who provide contact information.

## **Planning and Rule Development**

The Air District periodically prepares and updates plans in order to attain state and national air quality standards, comply with air quality planning requirements, and achieve the goal of healthy air. Clean Air Plans also set the regulatory agenda for the agency. All rules developed begin as a "control measure" in a Clean Air Plan. This is important to the public at large because the Clean Air Plan and control measures outlined in the Plan provide a level of pollution protection for the public beyond that provided in federal or state regulations. The development of plans and rules are vital to regulated facilities as updated plans and rules affect operational costs and activities.

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Public participation is an integral element of this process and the Air District engages in extensive outreach to both affected industries and the public. Draft rules are viewed at public workshops and comments are considered and integrated as appropriate. When a draft has been finalized and reviewed at public meetings, it is brought before the Air District's Board of Directors for approval. Public participation at early stages in the planning and rule development process allows residents the opportunity to ask questions, engage with development staff, and ensure their comments are heard and discussed.

### **Grants and Incentives**

The Air District administers grant and incentive programs to improve air quality in the Bay Area. These programs offer funding to public agencies, private companies, and Bay Area residents for projects that reduce or eliminate air pollution and greenhouse gases from mobile sources such as cars, trucks, marine vessels, locomotives, and construction equipment. In the Bay Area, mobile sources and wood burning are the greatest contributors to air pollution. One of the larger grant programs administered by the Air District is the Carl Moyer program. The Carl Moyer Program is a state-funded incentive program created by the California Legislature to reduce emissions from heavy-duty engines. Managed locally by the Air District, the Carl Moyer Program provides grants primarily for installing new, cleaner engines or emission-control devices in heavy-duty equipment such as trucks and buses, marine vessels, construction equipment, locomotives and agricultural irrigation pumps.

Additionally, the Air District operates a Goods Movement program. The emphasis of the Goods Movement Program is to quickly reduce air pollution emissions and health risk from freight movement at Bay Area ports and along the region's major roadways. The program funds the retrofit and replacement of older, higher-polluting diesel trucks, locomotives, cargo-handling equipment and marine vessels, as well as the installation of shore-side power systems.

Grants offer local residents the opportunity to upgrade and improve equipment while simultaneously reducing emissions and improving air quality. Air District staff work closely with grantees to ensure grant applications are complete and meet state and federal guidelines. Grants allow small businesses to remain competitive while ensuring fleet vehicles are cleaner.

### **Public Information and Outreach**

The Air District provides information to the public upon request and also utilizes tools like the website, social and print media to inform the public of Air District activities and events. Public information covers a wide range of information regarding air quality, health impacts and Air District records and activities. Individuals may contact the Air District with general questions or specific inquiries about air quality and speak with public information experts who answer or direct their inquiries. In addition, public information professionals ensure local print and broadcast media are aware of Spare the Air Days and air quality incidents in the Bay Area. By knowing when air quality is forecast to be unhealthy residents can respond with informed choices.

Air District staff also attend school, business and community events throughout the region, engaging with local residents, answering air quality questions and discussing the health impacts of unhealthy air. Air District staff distribute materials and information about the Air District’s work and air quality forecasts, and encourage residents to sign up for Air Alerts, the Air District’s method of informing individuals when air quality is forecast to be unhealthy. Air District presence at events throughout the community means a greater awareness of the health impacts of air quality and air quality information, and affords residents the opportunity to speak with Air District staff one-on-one in person. As a result of these efforts, the Air District and its Spare the Air messages are widely recognized throughout the Bay Area.

## **D. Resources Available and Cost of Services**

In an effort to improve communication and provide air quality information, the Air District currently provides a number of services in multiple languages. Services are handled in-house by bilingual employees with language skills and program knowledge or by contractors.

### **Resources Available**

The Air District provides a number of multilingual services in various formats.

1. **Printed Materials:** Materials are translated upon request and many divisions have provided translation of materials in advance of requests. Compliance tips are available in Chinese, Korean, Russian, Spanish and Vietnamese. Signage for truck idling regulations is posted in Chinese, Punjabi, Spanish and Vietnamese. Select informational brochures are made available in other languages, including Spanish and Chinese.
2. **In-Person Assistance:** Bilingual staff is available on-site and in the field to provide assistance when needed or requested by other staff. The Air District maintains a simultaneous-translation voice-message box to allow residents to request simultaneous translation at Air District meetings, either at the Air District or off-site. Industry compliance schools are conducted in multiple languages at the Air District. Additionally, information about grant cycles are provided in multiple languages and bilingual staff assist potential grantees in submitting the proper paperwork for consideration.
3. **Telephone Assistance:** Air District staff is trained to utilize a live support interpretation system that provides language support in 150 languages. Informational phone lines like the 877-4NOBURN line are available in multiple languages. Winter Spare the Air Alerts, which notify individuals when air quality is forecast to be unhealthy, are available in multiple languages. The Air District’s Air Quality Complaints line is capable of receiving complaints in Spanish, Cantonese, Mandarin, Vietnamese and Tagalog.
4. **Website:** The Air District maintains a Spanish Language Portal on the website with information on some key Air District programs. Information on contacting the Air District is also widely available on the Spanish portal. The portal was developed and launched by a

## DRAFT (INTERNAL REVIEW ONLY)

team of Air District staff, including bilingual staff. The Air District plans to launch a Chinese Language Portal in 2013.

The Air District also maintains a Spare the Air landing page – a website with information in Spanish, Chinese, Vietnamese and Tagalog that directs individuals to the Air District's Spare the Air website at [www.sparetheair.org](http://www.sparetheair.org).

5. ***In-House Expertise:*** The Air District employs approximately 50 bilingual employees with a wide range of skill sets. Currently staff members are contacted on an as-needed basis to provide assistance and technical expertise in non-English languages.
6. ***Ethnic Outreach for Educational Campaigns.*** The Air District conducts outreach to ethnic communities throughout the Bay Area. The Air District maintains an extensive ethnic media contact list that is simultaneously notified when the Air District issues a Spare the Air alert, or when an air quality incident occurs. Press releases are available in non-English languages when the Air District has identified the need for translation. Additionally, the Air District runs educational campaigns regarding Spare the Air and the impacts of unhealthy air in Spanish and Chinese, including appearances on Spanish and Chinese broadcast television. The Air District also maintains Spanish-language web pages with information on making an air quality complaint and the impacts of unhealthy air.

### Cost of Services

#### ***Internal***

Currently, the Air District does not track staff time spent on providing language assistance. The Air District does offer bilingual pay for staff that has used bilingual skills for a minimum of 10 hours in a single 80-hour pay period. Bilingual employees request this pay infrequently, as employees rarely reach the 10-hour minimum in a single pay period. However, the Air District estimates that employees spent nearly 200 hours in fiscal year 2011 utilizing skills for translation and interpretation, executing contracts and coordinating services.

Bilingual employees provide the following services on an as-needed basis:

- Assist in bilingual phone calls
- Provide translation services
- Verify technical translation work done by outside contractors
- Record bilingual phone lines
- Provide in-person assistance in filling out Air District forms or documents

#### ***Contracted Services***

The Air District maintains contracts with vendors for translation and interpretation services. In the last five fiscal years, the Air District has spent an estimated \$45,000 on interpretation and translation. This figure does not reflect staff time utilized to administer language-related contracts, coordinate translations and interpretations, or check the quality of contracted translation work. An estimate of those staff hours is included in the section above.

***Program Services via Contractors***

In addition, the Air District employs a number of contractors to execute advertising and media campaigns, including the Spare the Air and Winter Spare the Air program. These contractors provide program materials in multiple languages as necessary, sometimes contracting third-party vendors to complete this work. These contracted costs are not reflected in the table but during Fiscal Year Ending 2011 are estimated to have been around \$130,000.

***Future Services and Costs***

The Air District recognizes the diversity of the Bay Area and its jurisdiction and the need to provide information in multiple languages. The Air District has made every effort to meet requests for services or translation and aims to formalize and streamline the process for requests via the Public Participation Plan.

The Air District will continue to provide services to LEP communities and will seek to enhance services. The following language assistance enhancements will be implemented in FYE 2013 and FYE 2014:

1. Continue to add additional information and resources to the Spanish Language Portal on the Air District website [www.baaqmd.gov](http://www.baaqmd.gov).
2. Launch a Chinese Language Portal on [www.baaqmd.gov](http://www.baaqmd.gov) with information and resources provided in Chinese.
3. Widely publicize the Air District's available services in multiple languages, including the 877-4NO-BURN hotline, currently available in six languages.
4. Update demographic data as it becomes available, to most accurately provide service within the Air District's jurisdiction.
5. Meet with local LEP communities to gather feedback on services and consider possible enhancements and improvements.

These services and enhancements will be developed and launched as resources become available. The Air District projects enhancing and improving services to LEP communities could cost an estimated \$150,000 to \$200,000 between FYE 2013 and FYE 2014, including staff time, development and implementation.

# Appendix E: Overview of Air District Programs

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## Public Participation Opportunities in Key Air District Programs

### Air Quality Plans

#### Program Overview

The Air District periodically prepares and updates air quality plans in order to attain state and national air quality standards, comply with federal and state air quality planning requirements, and to achieve the goal of healthy air. Air quality plans report on progress in improving air quality and provide a road map and priorities to guide the Air District's future activities. The Air District develops or updates an air quality plan every two to five years, depending on state and federal requirements and air quality data for the region. The most recent plans developed by the Air District include:

- PM (Particulate Matter) 2.5 Plan –. This plan will fulfill U.S. EPA requirements regarding the federal PM 2.5 standard.
- 2010 Clean Air Plan – Adopted September 2010. This plan updates the Bay Area ozone plan in accordance with the requirements of the California Health & Safety Code.
- 2005 Ozone Strategy – Adopted in January 2006. This plan demonstrates how the region will meet the State 1-hour ozone standard.
- Source Inventory of Bay Area Greenhouse Gas Emissions—Updated February 2010. This document inventories direct and indirect sources of greenhouse gas emissions from human activity.
- California Environmental Quality Act Guidance (CEQA)—Updated May 2012. This document provides assistance to lead agencies in evaluating air quality impacts and projects in the Bay Area.

In developing air quality plans, Air District staff reviews the following information:

- Air quality monitoring data collected by the Air District
- Computer modeling conducted by the Air District
- Emission inventories collected by California Air Resource Board and the Air District
- Public input, review and comment
- Scientific research conducted by academic and research institutions

#### Legal Basis

Development of air quality plans is required by both federal and state law. The Federal Clean Air Act requires that states adopt plans demonstrating how they will implement, maintain and enforce federal



ambient air quality standards. The Air District is responsible for developing the Bay Area’s portion of this statewide plan. The statewide plan is called the State Implementation Plan.

In addition, the California Clean Air Act requires air districts that violate state ambient air quality standards to prepare attainment plans that identify a strategy to reduce emissions and attain the state standard. Air districts are required to adopt and implement plans that either (a) achieve a reduction in Air District-wide emissions of five percent or more per year for each pollutant not in attainment of the state standard within the Air District, or (b) include every feasible measure to reduce emissions of each pollutant that it was not in attainment for. No air district has been able to achieve annual emission reductions of five percent, so state attainment plans include feasible measures to reduce emissions for each pollutant the area was not in attainment for.

Bay Area air quality plan documents contain two key elements: an overview of progress in air quality in the Bay Area, and a “control strategy,” which guides the Air District’s future clean air activities. Control strategies address methods to reduce stationary, mobile and area sources of air pollution. Stationary sources of air pollution include businesses and industry that emit air pollution, while mobile sources include cars, trucks, off-road equipment and other mobile sources of air pollution. Control strategies include regulations the Air District has adopted or intends to develop and adopt to reduce air pollutant emissions from industrial facilities and commercial processes, as well as some incentive and education programs designed to reduce emissions from vehicles. Federal plans also include regulations for mobile sources and consumer products adopted by the state.

### Opportunity for Public Participation



State law requires the California Air Resources Board (CARB) to conduct a public hearing prior to submitting an area’s federal plan to the U.S. EPA for inclusion in the State Implementation Plan. In general, the Air District allows for a greater degree of public participation than is required by law. The Air District relies on public input, review and comment in developing all air quality plans. Public participation activities for recent plans have included workgroups, workshops, small group meetings and dedicated voicemail phone lines. In addition, Bay Area air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), sister multi-county agencies responsible for planning and overseeing transportation and regional development in the Bay Area.

Because air quality plans serve as a road map for future regulatory activities, and because the Air District has a considerable measure of flexibility in their development, they offer a significant opportunity for the public to influence Air District activities.

More information on air quality plans developed by the Air District is available at the Air District website at [www.baaqmd.gov/Divisions/Planning-and-Research/Plans.aspx](http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans.aspx).

## Rule Development

### Program Overview

The Air District Board has developed and adopted over 100 regulations on stationary sources of air pollution. The Air District continually strengthens and refines its rules to further protect the health of Bay Area residents.

Recently adopted or enhanced rules include:

- Regulation 3: Fees – Adopted June 2012. This set of amendments updates fees charged by the Air District for issuing various types of air quality permits.
- Regulation 11 – Rule 17: Limited Use Stationary Compression Ignition (Diesel) Engines in Agricultural Use- Adopted May 2012. This new rule provides flexibility to the agricultural industry in meeting the state’s requirement for diesel engines.
- Regulation 8 – Rule 53: Vacuum Truck Operations– Adopted March 2012. This new rule implements Stationary Source Measure-5 in the 2010 Clean Air Plan. It limits emissions from vacuum trucks when loading gasoline and similar materials at petroleum refineries, certain distribution facilities, and liquid pipeline facilities.

Many rule development projects, such as the Vacuum Truck Rule, above, originate as Stationary Source Measures in an Air Quality Plan. Others, such as Limited Use Stationary Compression Ignition (Diesel) Engines in Agricultural Use, are developed in response to changing state or federal requirements. The Air District’s rule development authority is independent of the various plan preparation requirements, and a rule need not be included in a plan to be adopted.

In developing and amending rules, Air District staff considers and reviews a broad range of information, including recent air quality plans, changes to state and federal requirements, emission inventories collected by the Air District and the state of California, compliance records of the industry to be regulated, and air quality complaints received.

### Legal Basis

The California Health & Safety Code provides California air districts with primary responsibility to control air pollution from all sources other than vehicular sources. Air districts have the authority to adopt and amend regulations affecting stationary sources of air pollution, and, in general, these regulations may be stricter than those set by federal or state law.

The Health & Safety Code outlines requirements for the adoption and amendment of rules by air districts. These include a required demonstration that a proposed rule or rule amendment is necessary and that the air district has the authority to adopt or amend the rule. The Health & Safety Code also mandates that air districts assess the socioeconomic impacts of the proposed rule and make a good faith effort to minimize these impacts.

The Air District is also required to evaluate whether a proposed rule or rule amendment might have any adverse environmental impacts. As a draft rule is developed, an analysis pursuant to the California

Environmental Quality Act (CEQA) is conducted, and the Air District is required to determine whether or not environmental impacts are expected from the proposed rule, and if so, how they will be mitigated.

New rules and rule amendments contain specific requirements for operating stationary sources of air pollution. Rules can include emissions limits, administrative requirements, and monitoring and record-keeping requirements.

When developing a proposed rule or rule amendment, Air District staff will also produce the following documents: a workshop notice, a workshop report, a draft rule or rule amendment, a staff report a socio-economic analysis and a CEQA determination.

### **Opportunity for Public Participation**



The California Health & Safety Code requires the Air District to hold a public hearing prior to the adoption of a proposed rule or rule amendment. The Air District is required to provide 30 days' advance notice for the hearing and to provide a copy of the draft rule with the notice.

In addition to the participation requirements in the Health & Safety Code, the Air District conducts meetings with the affected businesses, community groups, and other interested parties to discuss issues and exchange information as a rule is being developed. In advance of issuing a notice for a regulatory public hearing, Air District staff conducts one or more public workshops for each new rule or rule modification so that all affected and interested parties can discuss, comment on, and ask questions about the proposed rule.

Rules specify how sources of emissions will operate, and the Air District encourages public input.

More information is available at the Air District website at [www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development.aspx](http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development.aspx).

## Permits

### Program Overview

The Air District is responsible for the issuance of air quality permits for stationary equipment in the Bay Area and the management of the resulting air emissions (pollutants). An air quality permit is a document that gives the permit holder authorization to build and operate equipment that emits pollutants through its processes. Each project is evaluated before a business can build and operate their equipment to ensure that all air quality requirements are met. The permits are typically reviewed and renewed annually.

There are approximately 10,000 facilities with Air District permits. Any business that has the potential to release air emissions into the atmosphere may require Air District permits. Examples of the large businesses that need permits include petroleum oil refineries, chemical plants and electricity-generating power plants. Small businesses that require permits include dry cleaners, gasoline stations, paint shops, commercial printing facilities, coffee roasters and restaurant char-broilers. Other common Air District-regulated businesses include landfills (garbage dumps), sewage treatment facilities, crematories, quarries and the semiconductor industry.

There are several common equipment types that may be permitted that are not exclusive to a particular industry, such as industrial boilers and engines used for back-up electricity.

Here are common documents that the Air District issues in the permit program:

**Authority to Construct (A/C)** – This is a pre-construction permit that is issued before equipment is installed. An A/C typically requires the permit holder meet certain conditions before operation can begin, such as an initial emissions compliance demonstration (source test).

**Permit to Operate (P/O)** – This permit allows the holder to operate (use) all equipment or activities listed on the permit.

**Certificate of Registration** – This type of permit is given to specific types of equipment or activities that are smaller in nature. Individually, registered equipment may not pose a significant impact to public health, but collectively they are tracked by the Air District.

**Banking Certificate for Emission Reduction Credits (ERCs)** – Under the Emissions Banking program companies may receive emission reductions credits when companies shut down permitted equipment or voluntarily reduce air emissions.

**Banking Certificate for Interchangeable Emission Reduction Credits (IERCs)** – Under the Interchangeable Emission Reduction Credits program companies may receive emission reductions credits when companies voluntarily reduce nitrogen oxide (NO<sub>x</sub>) emissions from permitted equipment. Their use is different from ERCs in that IERCs may only be used by the company that generated the credits as an alternate way to meet NO<sub>x</sub> standards in Regulation 9 and the Air District must approve a plan for their use annually. They also have an expiration date.

**Major Facility Review (Title V) Permits** – This is a federal operating permit that is issued to facilities that have the ability to produce large amounts of air pollutants. This type of permit is renewed every 5 years. The Title V permit is separate from the P/O that is also required.

The permit program also manages an air emissions inventory from all permitted equipment. The inventory is used to track, predict trends and to make future decisions to reduce air emissions by tightening Air District rules.

### **Legal Basis**

The Air District issues and renews permits in order to implement local, state and federal laws and regulations. The Air District’s permitting authority comes from the Federal Clean Air Act and California law, specifically the California Health & Safety Code. From this authority, the Air District has adopted several permit rules for these programs.

Air District Regulation 2 includes a number of rules that help shape the Air District’s permitting program including:

- Rule 1 – General Permit Requirements: Includes criteria and process for issuing or denial of permits.
- Rule 2 – New Source Review: This rule contains additional requirements for new or modified sources of air pollution. A new or modified source is a source that has the potential to increase emissions.
- Rule 3 – Power Plants: Contains special provisions for the review of, and standards for, the approval of authorities to construct power plants within the Air District.
- Rule 4 – Emissions Banking: Includes procedures for banking emission reductions.
- Rule 5 – New Source Review of Toxic Air Contaminants: Applies permit review to new and modified sources of toxic air contaminants.
- Rule 6 – Major Facility Review: Establishes procedures for large facilities to obtain a federal operating permit (Title V) permits.
- Rule 7 – Acid Rain: Adopts federal standards for control of emissions that produce acid rain.
- Rule 9 – Interchangeable Emission Reduction Credits: Regulates use and trading of Interchangeable Emission Reduction Credits from stationary sources of nitrogen oxides.
- Rule 10 – Large Confined Animal Facilities: Provides requirements for agricultural sources of air pollution and complies with the provisions of State Bill 700.

### **Opportunity for Public Participation**



There are several opportunities for the public to provide input. The normal process is to publish the notice in a widely circulated newspaper where the project is located and to post the notice on the Air District website. During the public comment period, comments are accepted via postal mail or e-mail. The comment period is usually 30-days. The Air District takes the comments into account in the final

decision and responds back to all commenters. The following are common opportunities for public participation:

### ***New Major Facility and Major Increases in Emissions***

A public comment period is required for permit applications with the potential to release significant emissions prior to issuance. This can be a new facility or a change to an existing permitted facility. Public hearings are conducted for major decisions to seek additional public input, as needed.

### ***Major Facility Review - Title V Permits***

Title V permits are required for facilities with the potential to release a large amount of air emissions. These facilities are called “major facilities,” as defined by the Air District in Regulation 2, Rule 6. A public comment period is required before a new Title V permit is issued and before the Title V permit can be renewed. Because the Title V permit is a separate permit, this public comment period is in addition to any other public comment period required by the Air District.

When issuing, renewing or making significant revisions to a Title V permit, the Air District publishes public comment period notices in newspapers and on its website and sends e-mail notices to those who have requested them. Comments are accepted via postal mail or e-mail during the public comment period. Public hearings are occasionally conducted for Title V permits or other major decisions. This may be done when the Air District seeks additional public input and determines that a public hearing would be an effective way to receive comments.

### ***Air Toxics “Hot Spots” Information and Assessment Act***

Emissions from permitted businesses are routinely updated. Under the Air Toxics Hot Spots (ATHS) Program, public notification procedures are mandated when the health risks from a business’ emissions reach certain action levels. The impacting business would prepare a health risk assessment that is reviewed by the Air District and Cal/EPA’s Office of Environmental Health Hazard Assessment (OEHHA). After the review, the business is required to send notice of a public meeting where the HRA and the results are explained. The Air District participates in these meetings.

### ***Public Notice for Schools also known as Waters Bill Notification Program***

A public notice is required when an application for an Authority to Construct or Permit to Operate has the potential to release hazardous air emissions, as defined by federal and state laws, located within 1,000 feet from a Kindergarten through Grade 12 (K-12) school. In addition to the newspaper and website posting, the public notice is distributed to the parents/guardians of the students and mailed to the residences within ¼ mile the project.

### ***California Environmental Quality Act (CEQA)***

For permits that trigger environmental review under this law and for which the Air District is the lead agency, the Air District prepares a draft CEQA determination. A CEQA determination is part of a larger

document that evaluates the potential environmental impact of a project; projects that are determined to have an impact on the environment must go through a CEQA review process. The Air District posts the CEQA determination on the Air District website, and provides it to public agencies affected by the permit. Air District staff may also choose to host a meeting in advance of preparing the draft CEQA determination. Once the draft determination is posted, the public, including other public agencies, may submit comments during a comment period to the Air District via postal or e-mail. Air District staff responds to public comments and makes any necessary changes to the draft CEQA determination before the Air District's Board of Directors votes to adopt a final CEQA determination.

### ***Emissions Banking***

Emissions Banking is a program that allows companies to “bank” credits for reductions in air pollution. Generally, these reductions occur when companies shut down old sources of emissions or voluntarily reduce emissions by adding new control equipment to existing sources of air pollution. Banked emission reductions may be used to offset increases in emissions from new projects that are subject to Air District permit requirements. For Emission Banking applications for emissions reductions greater than 40 tons per year, the Air District publishes notices in newspapers and on its website and sends e-mail notices to those who have requested them.

### ***Interchangeable Emissions Reduction Credits***

IERCs allow companies to “bank” credits for reductions in air pollution. Generally, these reductions occur when companies voluntarily reduce emissions by adding new control equipment to existing sources of air pollution. Currently, IERCs apply only to nitrogen oxide (NO<sub>x</sub>) reductions and are used as an alternate way to meet NO<sub>x</sub> standards in Regulation 9. For IERC banking applications for emissions reductions greater than 40 tons per year and before approving the initial plan to use the IERCs for a specific source or group of sources, the Air District publishes notices in newspapers and on its website and sends e-mail notices to those who have requested them.

### ***Maximum Achievable Control Technology***

For “hazardous air pollutants,” or any pollutant listed in Section 112(b) of the federal Clean Air Act, the U.S. EPA may determine that a particular industry or equipment type must meet the maximum degree of emission reduction achievable. This is known as the Maximum Achievable Control Technology (MACT) and is defined in the federal Clean Air Act. There is a public comment period before a permit is issued for any project involving a MACT requirement.

More information on these programs is available on the Air District website:  
[www.baaqmd.gov/Divisions/Engineering.aspx](http://www.baaqmd.gov/Divisions/Engineering.aspx).

## Compliance and Enforcement

### Program Overview

The Air District has approximately 70 field-based inspection staff that conduct inspections of air pollution sources, verify compliance, investigate breakdowns, document violations, and respond to resident complaints about air pollution and accidental releases of air contaminants. Inspectors are assigned geographic areas throughout the Bay Area. Inspectors are responsible for all permitted sources and inspection activity within that geographic zone. In addition, the Air District has several specialized inspection groups that handle refineries, auto body shops, dry cleaners, gas stations, and asbestos demolition and renovation activities. Routine inspections combined with targeted audits of sources of air pollution help ensure emission reductions written into existing regulations are achieved.

The Compliance and Enforcement program utilizes cooperative working relationships with regulated sources in conjunction with increasing levels of enforcement actions to maintain compliance with air quality regulations. The Compliance and Enforcement program is committed to fair, reasonable, and equitable treatment of regulated sources. The Compliance and Enforcement program maintains a number of educational and technical assistance programs to ensure compliance. The Compliance and Enforcement program utilizes cooperative working relationships with regulated sources in conjunction with increasing levels of enforcement actions to maintain compliance with air quality regulations. Compliance and Enforcement division staff takes action when regulated sources are out of compliance with Air District regulations.

The Compliance and Enforcement program produces brochures for air pollution regulatory programs. In addition, as part of general inspections and investigations, the Compliance and Enforcement program produces complaint investigation reports, completes wood smoke patrols, and produces informational materials to help inform regulated businesses, as well as inspects, investigates and reports possible compliance violations. These materials and documentation provide compliance and enforcement histories of regulated stationary sources of air pollution in the Bay Area.

### Legal Basis

The California Health & Safety Code provides California air districts with primary responsibility to control air pollution from all sources other than vehicular sources within its jurisdiction. The Air District has the authority to determine and enforce stricter standards than outlined by law or by the state board of any non-vehicular sources, including marine sources. The Air District may adopt and enforce any rules and regulations that help the Air District meet state and federal ambient air quality standards. In addition, the Air District may enforce all applicable provisions of state and federal law.



## Opportunities to Stay Informed of Compliance and Enforcement Activities



The Air District maintains a robust complaint process that includes round-the-clock service to field complaints. Additionally, regulated sources can participate in Air District programs or use Air District resources to ensure compliance. The Compliance and Enforcement program maintains a number of tools to help businesses and interested parties stay informed of Compliance and Enforcement activities, including:

- A number of telephone lines, including an Asbestos, Compliance Assistance, General Odor Complaint lines
- Incident reports
- Fliers on frequently asked questions and compliance tips
- Brochures, fliers and a guidebook to inform and educate permitted businesses; including information on completing self-inspections to help ensure compliance
- Notifications to permitted sources regarding regulatory changes affecting the industry or Compliance Advisories
- Courtesy facility reviews
- Industry compliance schools
- Policy and Procedure Guidelines handbook that provides a basis for self-inspection to ensure compliance

Compliance and Enforcement activities are reported to the Air District Board of Directors annually; members of the public may also receive a summary of Winter Spare the Air wood smoke information via the Air District's website or via e-mail.

## Litigation/Settlement

### Program Overview

The Air District Legal Counsel represents the Air District in enforcement matters and oversees the Air District's Mutual Settlement and Civil Penalty Programs. Through these programs, the Air District's legal staff resolves violations of air quality regulations through negotiated settlements. For cases that cannot be settled through negotiation, Air District attorneys represent the Air District in civil litigation and, in matters involving lower penalties, the Air District Counsel oversees a Small Claims Court program. In recent years, the Air District has settled approximately five-hundred violations per year. The Air District enters into a litigation or settlement process after compliance or enforcement issues have been discovered by the Air District's Inspectors.

### Legal Basis

The Air District's enforcement powers are defined by the California Health & Safety Code. To ensure judicial fairness and prevent political influence, enforcement power resides with the Air Pollution Control Officer and the Air District Counsel and not the Air District Board of Directors, which is comprised of elected officials.

Litigation and settlement ensure Air District rules and regulations are complied with and enforced, thereby ensuring the public health of Bay Area residents. Settlement money is placed in the Air District's general fund pursuant to the California Health & Safety Code. Settlement monies are allocated along with all general fund revenue through the Air District's public budget process. The Air District budget is determined annually and approved after a public hearing at an Air District Board of Directors meeting.

### Opportunity for Public Participation



Opportunities for public participation in the litigation and settlement process are extremely limited to ensure prosecutorial and judicial fairness. As a result, opportunities for public participation are limited to the time allotted for public comment at a Hearing Board meeting.

Interested individuals can sign up to receive e-mail alerts regarding settlement information on the Air District website.

# Appendix F: Stakeholder Advisory Task Force Roster

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*The Air District invited community members, environmental activists, government agencies and industry members to the Stakeholder Advisory Task Force. Members listed below, or a designated alternate, attended at least one meeting of the Stakeholder Advisory Task Force.*

**Wafaa Aborashed**, Bay Area Healthy 880 Communities San Leandro

**Jenny Bard**, American Lung Association

**Guy Bjerke**, Western States Petroleum Association

**Henry Clark**, West County Toxics Coalition

**Randy Colosky**, West Oakland Air Monitors

**Margaret Gordon**, West Oakland Environmental Indicators Project (Alternate: Brian Beveridge)

**Marianna Grossman**, Sustainable Silicon Valley (Alternate: Linda Meiss)

**Marie Harrison**, Green Action (Alternate: Tessie Esther)

**Gillian Hayes**, Santa Rosa City Planner

**Stan Hayes**, Air District Advisory Council Vice-Chair

**Charlene Henderson**, Black Coalition on AIDS

**Edward Kangeter**, Custom Alloy Scrap Sales

**John Knox-White**, Transform

**Le Tim Ly**, Chinese Progressive Association (Alternate: Antonio Diaz)

**Jane Martin**, Alameda County Health Department

**Ken Mendelbaum**, Families for Clean Air (Alternate: Susan Goldsborough)

**Carla Orozco**, Neighborhood House of North Richmond

**Paloma Pavel**, Breakthrough Communities (Alternate: Carl Anthony)

**Kathy Renfrow**, Monument Community Partnership

**Tom Rivard**, San Francisco Department of Health

**Dave Robinson**, AB&I Foundry

**Rosina Roibal**, Bay Area Environmental Health Collaborative

**Janice Schroeder**, West Berkeley Alliance (Alternate: Denny Larson)

**June Wallace**, California Donor Transplant Network

**Janet Whittick**, California Council for Environmental and Economic Balance

# Appendix G: Summary of Public Workshops and Public Participation Activities

This information will be included in the Final version of the Public Engagement Plan (i.e., after public workshops and other public participation activities have occurred)

# Appendix H: Summary of Public Comments and Air District Responses

This information will be included after public workshops and other public participation activities have occurred.