

MINUTES OF THE TASK FORCE MEETING
BAYVIEW HUNTERSPPOINT ENVIRONMENTAL JUSTICE RESPONSE TASK FORCE
Wednesday, June 21, 2017

The Bayview Hunters Point Environmental Justice Response Task Force convened the monthly meeting at the Southeast Campus, Alex Pitcher Room at 1800 Oakdale Street, Bayview Hunters Point, San Francisco, California on the above date at 2:04pm.

- I. **Welcome and introduction of participants.** Facilitator, Mavis Williams of Bayview Mothers & Fathers welcomed Community Partners and Residents to the meeting. Everyone went around circle and introduced themselves.

- II. **Review & and updates on IVAN complaints:** Brian reviewed complaints received since May Task Force meeting. Brian shared status and updates submitted on pending reports. Brian reviewed downloading IVAN and how to submit a complaint online. It was noted that following Greenaction's Interns did outreach, reports on IVAN increased. Community reporting on solid waste and air quality. Dr. Thompkins: work site for clarity: when we deal with smells, different smells have odors. Perhaps we could have a checkoff box of the type of smell, that can help us determine what's causing the odors. This will make it more user friendly, and increase participation. He wants it incorporated on the IVAN website.

Michelle (Candlestick Point): last 6 months, presenter handed out fact sheet that showed exactly what smells are caused by what. Brian talked about odor wheel (smells like eggs, sweet, pine sol, etc.) shows PC what the source. Discussion around identifying and reporting smells when contacting air district. John reminded everyone that it is best to contact the air district and submit reports.

Bradley: Advised community to call 311 for solid waste. Dr. Thompkins Manion from SF Department Environment: asked why our outreach material doesn't encourage people to call 311 for illegal dumping reports. Brian led further conversation and solicited ideas on other ways to make site user friendly. A comment made on challenge to have conversation with individuals if you want to follow up. Brian, advised that comments section is meant to follow up. We try and leave things anonymous. We're trying to bring these resources closer to the community.

Bradley: if you are in community group or work with them, and would like training on how to use IVAN, Greenaction would love to come out. John (Greenaction) reminded everyone on the ability to submit IVAN reports by phone number. Encouraged everyone too add to address/phone book. The phone number is on the flyer that was passed out. It is still recommended to download the app and submit report online for tracking and direct connection to appropriate agencies.

- III. **Presentation: Air quality concerns from particulates from Concrete plants (Golden Gate University Environmental Law and Justice Clinic)**

-Steve Castleman: Environmental Justice clinician at Golden Gate University Environmental Law and Justice Clinic, shared a video about concrete pollution

- Steve Castleman: Me and my students investigated the concrete facilities. Here's what we found:
 - Talk about our investigative findings
 - BAAQMD's enforcement
 - Recommendations
 - What led to our concern is that the concrete plants at pier 92 and 94, community concerned about PM. PM can cause health problems. We had conversation with dr. Thompkins.
 - We were concerned because of the particulate matter
 - BVHP is a CARE community: higher pollution and air pollution
 - We started with public records act request for leases for CEMEX, Hanson, and Central concrete
 - We did public records request for BAAQMD. We believe we found possible violations with their permits. We asked for a meeting in April 2016. BAAQMD confirmed what we thought. BAAQMD inspected 3 facilities. We found violations for permits from all 3 facilities. WE wanted to expand investigation to outside of SF.
 - CMEX, Hanson, and Central have facilities all over bay area
 - Identify which communities were most disadvantaged
 - Asked for public records request in SF, Union, etc.
 - CEMEX SF: barge offloads sand. CMEX SF has conveyor belt system (source #14), and there's a limit of 16,000 tons per year of cement that can go through the conveyor belt.
 - Incorrect environmental analysis. Hadn't been inspected for 6 years.
- Dr. Thompkins: by how much:
- Steve: I don't know, but we know from previous years.
 - Steve: BAAQMD found cement places did not have back records for 12-month period prior to the inspection.
 - Health risk assessment report: we need new applications to change the permit. Regulations say if there's high cancer or chronic health risk higher than 1.0, permit cannot be granted. Assessment found hazard index of 2.6 (above 1.0 requirement). After this, BAAQMD did a second assessment which did only incremental hourly emissions (was 0.52), instead of total emissions at the maximum output.
 - We don't understand how BAAQMD could use this formula.
 - Data updates: self-reported documentation of annual throughput.
 - 2011: 60,000 tons per year was limit. Actual: 155,808. The actual increases every year though. In 2013 it was 192,890.
 - We asked for 2014 and 2015 info, but we haven't gotten it. We believe they are over as well
 - CEMEX didn't get any notice of violation.
 - Union city, we found overages for throughput again.
 - CEMEX as a company, they don't take throughput limitations seriously in the bay area.

- In Oakland: another violation from CEMEX.
 - Hanson Aggregates
 - We asked for records for pier 92 and pier 94 facilities.
 - They were running an unpermitted facility at pier 94
 - In Oakland: we asked for documents on tidewater, and they didn't have records either. BAAQMD has not gotten back to us if they've investigated or not.
 - We believe a facility should not run without a permit
- Dr. Thompkins: Like how you can't drive a car without a license?
- Steve: like how I can't run a hot-dog stand without a health permit
 - SF for central concrete: 4 unpermitted silos
 - Inoperable dust collector. Supposed to prevent PM from escaping, but was not operating at time of inspection
 - Notice to comply, no penalties involved
 - What is occurring now:
 - BAAQMD investigation of the facilities, report it, and attempt to work out settlement agreement
 - Even after a year, notice of violations are still pending (it's confidential what's happening until a settlement is reached)
 - BAAQMD's enforcement culture
 - Hanson, pier 94, Oakland, and silos and slag facilities are unpermitted. May be a penalty in that, but we just don't know yet. Record keeping violations (noted as minor violations). We believe they should be major violations. Risk assessments: 2 for CEMEX (one in violation and one is not). We believe there should be an explanation for that.
 - Record keeping violations: We believe that they aren't minor violations, since it hinders district from determining if companies are complying. Also, not a minor violation: they didn't record it not only on 1 day or few days. They didn't record for a year.
 - Risk assessments:
 - CEMEX and central SF. Cancer risks. Those risks should be cumulative.
 - Public records act requests: BAAQMD unreasonably delay production of records. Should only be 10 days, but we waited for months to receive documents. Some documents were not produced (CEMEX 2014 and 2015)
 - BAAQMD's public records process needs to be updated
 - Recommendations:
 - Increased inspections
 - Prohibit unpermitted facilities/ equipment to operate until permits are obtained
 - Take record keeping violations seriously
 - BAAQMD internal audit re: enforcement and HRSA's
 - BAAQMD should consult with affected communities in settling violations and require Supplemental Environmental projects (SEP)

Q&A

Q Dr Thompkins: we know they want to triple cement production. Is it required from the law to have risk assessment and have accurate info before there's a permit?

A. Steve, all facilities need a permit

- Dr. Thompkins: what's the point of that if the current one's violating
- Dr Thompkins:
- Steve: as far as we know, no. they're still pending
- Dr. Is that an issue for the board of legal division?
- Michelle: is the huge gap with inspection and requirements a capacity issue with BAAQMD?
- Steve: we don't know.
- Leoatis: I grew up here since I was 6 years old. One person can make a difference by speaking up. I have compassion for my community. When they in their momma's stomach, they're breathing in the air.
- Dr. Thompkins: thank you for what's been done. Most of the people here aren't community members, we have people on the public pay line. Unfortunately, we don't have people here to hear what you're doing. People would be angry to hear this. It shouldn't take a year to come up with conclusion for BAAQMD, it's criminal. You don't see our supervisors or mayor here. They haven't even sent a stinking aid here. It's outrageous. I group up her, and it bothers the hell out of me to think it's ok to have these unpermitted operations and equipment in violation of the rules, and no one keeping records, and only giving them minor fines. What we have here is mesothelioma with asbestos: you can't see it. It's what you can't see that gets in your lungs and it gets back out. It's a silent killer. It'll ruin a kid's life (any kids). Please, don't be quiet about this, ask questions.
- John with BAAQMD:
 - So unfortunately, we got back from vacation, and I just saw the agenda on my way over
 - Let's go over a few of the issues. Give it perspective. The CEMEX facility and conveyor belt:
 - They were way over
 - We issued violation
 - Facility applied for new permit
 - It's under review in our office.
 - Are there penalties associated with that violation? Yes.
 - Our lawyers have not seen that violation notice until we see compliance at the source
 - Then it goes upstairs and has settlement.
 - They can be charged back fees up to 5 years. Fees are doubled because they're late fees.
 - There will be monetary settlement.
 - Record keeping notices to comply:
 - Facilities keep very good records of throughput. Did not put them in format we required. Had records. It's not that they didn't have them, they did.

- It's not that the records weren't available. They could prove that they did.
- Brian: can I stop you? This is a community perspective. With penalties, what does this mean for the community?
- BAAQMD: we have a right to defend ourselves. These unpermitted facilities. Exempt source. Material is dredged from the bay. Completely sopping wet. Pier 92 facility. Inspector took some samples and found samples may be less than moisture content. We don't know. Should be evaluated. Instead of violation, submit an application. And see if they need permits
- Dr. Thompkins: how many more years will it take to figure out?
- Michelle: carver (the school highlighted) has had children die of asthma attacks. If it's not incompliance, why is a facility allowed to operate until it's permitted.
- John: I understand what you're talking about. To make the conclusion it's causing a health issue, is a stretch.
- Michelle: Facility not in regulation. Undue burden in our air. Facilities not in compliance
- John: it was known to us. We knew about pier 94. We knew about it
- Bradley: I'm glad we get to problem solve. For Phil Martin, they do a lot of good here. To hear an air district official that the air is just fine, when it's not, is concerning. If there's someone from the community, if they were driving around without a license, they'd be in jail. We let these companies operate. We should legally say "we are going to issue a permit". Not acceptable. Doesn't comply with hard work we all do. Doesn't comply with civil rights. Air district cannot issue a permit without the public process.
- John: we do have a public process. There is an opportunity for each of us to provide comments
- Bradley: will we be notified?
- John; I don't know the exact process, but it's online.
- Bradley: can we make a request you'll notify us?
- John: yes.
- Brian: I've been struggling with the whole idea of the CARE community. I think CARE communities should have greater attention (before: not registered)
- John: I'm trying to educate you
- Leoatis: we're trying to educate you
- John: they don't have a permit for one of their silos. They look like four, they're combined
- Dr. Thompkins: when were silos built?
- John: I don't know. Several years?
- Dr. Thompkins: several years is unacceptable

David Ralston from BAAQMD:

- I agree it is unacceptable. I know there are two sides. For the sake of community engagement, we don't want to undermine our ability to talk with people in good faith. We want to work together. We don't want you to get the impression that this is acceptable.

- Dr Thompkins: when measuring moisture content. We can measure on remote, and get info and direct measurement on content to control issue. Fines that may be levied.
- David: let's write up a proposal
- Leoatis: As a CARE community. People recognized they jacked us up after we got recognized as a care community. They're kids aren't going to the hospital every other damn day. These are facts. WE can come to an understanding, let's come to a right understanding. Otherwise we're doing it all for nothing. I had a brother who died from diabetes. My mom died from cancer. Father died from high blood pressure. I talk with people who have cancer on top of that damn hill. We need to come to a damn decision. We need to make people accountable for the stuff they do.

IV. **Update on Hunters Point Shipyard Superfund Site (Information from US Navy and US EPA)**

Brian: we reached out to the NAVY and asked them to come. They were unable to come to this meeting. They provided a statement.

- Mavis, we have the EPA here, any questions will be asked (superfund site)
- Lilly and Jackie (from EPA and superfund program)

Dr. Thompkins: A couple questions, dealing with areas going to be sampled. Morgan Heights and Marinas Village, will they be investigated?

- Where they did research on the building, a couple of the survivor's testimonies that they spilt radiation all over the base. (woman and lab worker)
- We spilt "we spilt shit all over the base, and on myself, that's why I'm sick"
- Secondary contamination is an issue.
- Marines village, built on radiation. I have seen no revision of this property. Will that be reviewed.
- Tetra tech took samples from soil and put it in areas without contamination. Will you do sampling at water table (underneath the base) to see if their radioactive.
- Navy: we would like info to deal with issues, in terms of the isotopes and contamination of parcel 8 which was cut off. What was done for the cleanup.
- In your cleanup: redo the evaluation of the entire base. Records are falsified. If workers with their dying breath are saying stuff is being dumped all over, it should be considered.

Michelle Pierce advocate: Navy's comment on past 15 years' worth of work. If you check public records, Tetra Tech's involvement goes back 30 years. I would like to have all of Tetra Tech's work (since it's a systemic problem with falsification). It needs to be expanded.

Dr. Thompkins: I saw recorded writing that BAAQMD, they have \$512,000 collected for the same kind of problem from 20 years ago. If you've sampled already 20-60% of base. we may need tag grant for radiologist to ensure samples and methodologies are done correctly. What about the risk factor that the law requires? Possible background radiation levels. How far back did the navy worked on land?

Theresa (Bayview Mothers & Fathers) Live on Fairfax avenue. Right on side of us is construction with nothing to control dust. Dust needs to be cleaned in house. If buildings are going to be

demolished, who do we talk to so that we make sure mist and air doesn't harm us during construction. No one is monitoring it. There's no nets.

Michelle: that's what IVAN is supposed to do. Call 311. Young men who talked from air district, supposed to come out. Talk to me afterwards (Theresa says they're still not coming out)

Dr Thompkins: fugitive dust. Dust left behind, has potential exposure to impact. I have not seen from navy it won't have an impact. We need to get standards on fugitive dust cite. If EPA is intended to lead, we need to make sure both institutions are working on same table, and using best practices.

- Bradley:
 - Theresa; we'll help you
 - I have some questions for EPA:
 - Bradley's stuff
 - Why were we misled?
 - I feel we were lied to our face in the EPA office.
 - Will EPA, Navy, and city officers explain what's going on and give us transparency.
- Michelle: community liaison. Why are there one of you guys reaching out to us
 - Bradley: why aren't we involved?
- Leoatis: serpentine rock. Popular in BVHP. Lots of digging in BVHP. Digging goes into the air. Me and Brian were walking and doing an outreach. They were pulling up pipes. Green rocks are serpentine. Serpentine rocks being broken up.
- Brian: want to end properly. Couldn't get anywhere with main EPA. Wanted to charge them \$600 for document.
 - Correspondence between group of people: mayor's staff wanted to meet with Lennar.
 - Developer developing goals and tasks of tiger team.
 - We need complete transparency

V. Announcements

Amy Yang is retiring. Retirement party at her office next Thursday 29th from 4:30-7:00.

Next Task Force Meeting July 19th at 6pm (Dinner served at 5:30pm)

Meeting Adjourned 4:00pm