



October 4, 2018

Jack Broadbent  
Chief Executive Officer/Air Pollution Control Officer  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

### **BAAQMD Violation of Environmental Justice in India Basin Mixed Use Project**

Dear Mr. Broadbent,

On October 2<sup>nd</sup> the Bay Area Air Quality Management District betrayed Bayview Hunters Point residents and violated environmental justice.

This betrayal and violation of environmental justice came to light at the October 2, 2018 San Francisco Board of Supervisors' meeting during the hearing on the appeal filed by Greenaction for Health and Environmental Justice of the Planning Commission's July 26<sup>th</sup> approval of the India Basin Mixed Use Project. The Planning Commission approved the project despite the City's own EIR concluding that the project would result in significant, harmful, unavoidable, excessive and likely illegal levels of air pollution in Bayview Hunters Point during construction and operations that cannot be mitigated to less than significant.

Greenaction appealed the Planning Commission's decision on numerous grounds, but primarily due to the fact that it would be unacceptable and reckless to add significant and harmful air pollution to Bayview Hunters Point which is already highly impacted, vulnerable and at risk from pollution.

Several weeks ago Greenaction reached out to BAAQMD to make sure your agency was aware of this project EIR's finding that the project could result in exceedances of air quality standards and violations. We appreciate that BAAQMD's Community Engagement Coordinator Luz Gomez followed up on our request that BAAQMD send a representative to the October 2<sup>nd</sup> public hearing to urge the Board of Supervisors to oppose the proposed project due to the significant and harmful air quality impacts that would likely result in violation of BAAQMD's standards.

Shockingly, instead of speaking out to protect air quality and public health and the integrity of your agency's air quality standards, on the morning of the appeal hearing BAAQMD secretly engaged with the Planning Department, behind our back, to come up with some last minute misleading, weak, and likely unfeasible new "mitigations" that were clearly designed to help the corporate developer win approval for their project.

We only learned of this at 4 pm, in the middle of the hearing, moments after the appellants' finished our presentation and public comment on our side was ended. At that point, the Planning Department handed out a memo entitled "Revisions to air quality mitigation measures for the India Basin Mixed- Use Project...."

The distribution of this document caused an uproar and outrage among both the Board of Supervisors and many in the audience, including Greenaction, particularly because these so-called mitigation measures were never distributed for public review or comment and clearly were distributed to encourage Supervisors to support the project and reject our appeal.

Supervisors demanded to know where this information came from and why it was put forward at this late day and time, after all the public comment and appeal periods had closed. The Planning Department representatives stated that it was based on “real time” discussions earlier that day with BAAQMD. The Planning Department also admitted that even if these so-called mitigations were implemented and complied with, they would not result in lowering emissions to less than significant.

When Board of Supervisors President Malia Cohen asked if BAAQMD was in the audience, BAAQMD Senior Environmental Planner Alison Kirk stepped forward. She acknowledged that she had been communicating with the Planning Department during the day to help them devise some possible mitigations. She incorrectly stated that the India Basin issue had come BAAQMD’s attention the previous week following contact from a community group, when in fact BAAQMD has known about this for over two years.

She expressed no concern about the harmful and likely illegal air quality impacts of the project. I later asked Ms. Kirk later why she did not contact Greenaction about potential additional mitigation measures, and she did not respond.

This incident illustrates that BAAQMD is more interested in protecting mega-developers whose project will harm residents of a CARE community than in protecting health and air quality and upholding your own pollution limits.

This is a serious and unacceptable violation of environmental justice, and undermines and violates BAAQMD’s legal mandate to protect air quality.

We therefore demand that BAAQMD put in writing to the Board of Supervisors a statement urging them to reject any project that would result in significant, harmful, unavoidable air pollution in a CARE community.

Please let us know by Monday, October 8<sup>th</sup> your response. Greenaction, Bayview Hunters Point Community Advocates, Bayview Hunters Point Mothers and Fathers Committee, and the Golden Gate University Environmental Law and Justice Clinic would be willing to discuss this further, but time is of the essence.

Sincerely,



Bradley Angel, Executive Director  
Greenaction for Health and Environmental Justice