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Dear Mayor Arreguín, Members of the Berkeley City Council, City Manager Dee Williams-Ridley, Deputy City Manager Buddenhagen, and Planning and Building Director Jordan Klein,

I request the following in relation to the air pollution concerns of Berkeley Asphalt:

- 1. Strengthened code and nuisance abatement enforcement tools**
- 2. A City hosted community meeting to update the community on Berkeley Asphalt pollution issues**
- 3. Ongoing air pollution sensing, monitoring, and management at Berkeley Asphalt**

During the most recent extended air pollution episode at Berkeley Asphalt, from October 2020 through February 2021, more than 200 air quality complaints were reported by the community to City and Bay Area Air Quality Management District (BAAQMD) officials. BAAQMD issued four Notices of Violation to Berkeley Asphalt, and the City of Berkeley issued one Notice of Violation and two Administrative Citations.

Neither Berkeley Asphalt nor the City of Berkeley kept to the schedules outlined in the City of Berkeley Notice of Violation and Administrative Citations. Despite missing compliance deadlines, Berkeley Asphalt received no fines or additional violations as stipulated. The enforcement mechanisms of the City of Berkeley are insufficient to motivate compliance of large multinational corporations operating in Berkeley such as Lehigh Hanson, the owner of Berkeley Asphalt. \$100/day fines might be an annoyance to that company, though in the most recent case, where the City did not follow-through on its own enforcement schedule, the fines come off as an empty threat.

City code enforcement and nuisance ordinances must be strengthened to give the City proper leverage to compel corrections. Use Permits must be updatable to include the potential to include pollution control upgrades in the event of permit renewals and/or modifications. And City Departments must follow-through and be accountable to their own timelines and enforcement conditions.

I also ask for a **community meeting** organized and hosted by the City to update the community on what the City has and will do to regulate Berkeley Asphalt. This meeting would focus on air pollution and settlement compliance, and would also include ongoing community questions regarding the safety and regulation of above ground storage tanks of thousands of gallons of heated asphalt oil. The City of Berkeley should arrange for BAAQMD officials to also present at

this meeting. When will this meeting be scheduled? Certainly, there must be City staff with sufficient expertise and history in this subject for this form.

I also ask the City to establish **ongoing continuous air pollution sensing and monitoring** in West Berkeley to provide documentation and alerts of air pollution problems in real time. This would allow for rapid detection and correction of pollution problems from stationary source air polluters such as Berkeley Asphalt.

It is time for the City of Berkeley to lead on this issue, to remedy past oversites and invest in long-term public health and environmental outcomes.

Sincerely,