



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

JUNE 6, 2012

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7th Floor Board Room at the Air District Headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

Public Comment Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3 For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to commencement of the meeting. The remainder of the speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

Public Comment on Agenda Items After the initial public comment on non-agenda matters, the public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Up to ten (10) speakers may speak for three minutes on each item on the Agenda. If there are more than ten persons interested in speaking on an item on the agenda, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. Speakers are permitted to yield their time to one other speaker; however no one speaker shall have more than six minutes. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

BOARD OF DIRECTORS REGULAR MEETING AGENDA

WEDNESDAY
JUNE 6, 2012
9:45 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance

Chairperson, John Gioia
Clerk of the Boards

PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have three minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.

CONSENT CALENDAR (ITEMS 1 – 3)

Staff/Phone (415) 749-

1. Minutes of the Board of Directors Budget Hearing of May 16, 2012 and Board of Directors Special Meetings of May 16, 2012 and May 21, 2012

Clerk of the Boards

2. Board Communications Received from May 21, 2012 through June 5, 2012

J. Broadbent/5052

jbroadbent@baaqmd.gov

A list of communications directed to the Board of Directors received by the Air District from May 21, 2012 through June 5, 2012, if any, will be at each Board Member's place.

3. Air District Personnel on Out-of-State Business Travel

J. Broadbent/5052

jbroadbent@baaqmd.gov

In accordance with Section 5.4 (b) of the Air District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business.

COMMITTEE REPORTS AND RECOMMENDATIONS

4. Report of the **Mobile Source Committee** Meeting of May 24, 2012
CHAIR: S. Haggerty

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee recommends the Board of Directors approval of the following item(s):

Projects with Proposed Grant Awards over \$100,000

1. *Approve Carl Moyer Program projects with proposed grant awards over \$100,000.*
2. *Authorize the Executive Officer/APCO to enter into agreements for the recommended Carl Moyer Program projects.*

Lower-Emission School Bus Program (LESBP)

1. *Authorize the Executive Officer/APCO to enter into funding agreements with grantees meeting the requirements of the LESBP.*

5. Report of the **Public Outreach Committee** Meeting of May 31, 2012
CHAIR: M. Ross

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee will consider recommending the Board of Directors approval of the following item(s):

Approval of Spare the Air Resource Team Contractor

1. *Staff recommendation of the selected contractor for the Spare the Air Resource Team Program*
2. *Authority for Executive Officer/APCO to enter into a contract with the selected contractor for an amount of \$227,000 per contract year for up to three years.*

Contract Award for Website Recommendation Overview

1. *Funding of up to \$500,000 for an assessment, rebuild and redesign of the Air District website over two fiscal years, Fiscal Year Ending (FYE) 2012 and FYE 2013.*
2. *Staff recommendations of the selected contractor for the first phase of the project.*

PUBLIC HEARING(S)

6. Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees

B. Bateman/4653

bbateman@baaqmd.gov

The Board of Directors will consider adoption of staff's proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2012. Staff has also prepared an alternative to this fee proposal, in response to public comments received and input from the Board of Directors, which would provide lower fee increases (5 percent, rather than 9 percent as proposed) for most gas stations. Under this alternative, the decreased fee revenue from gas stations would be made up by a larger fee increase (11 percent, rather than 9 percent as proposed) from facilities subject to Fee Schedule P: Major Facility Review (Title V).

7. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2013

J. McKay/4629

jmckay@baaqmd.gov

The Board of Directors will consider the adoption of a resolution to approve the Proposed Budget for FYE 2013 and various budget related actions; and hold a final Public Hearing.

CLOSED SESSION

8. **EXISTING LITIGATION (Government Code Section 54956.9(a))**

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case(s):

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693

OPEN SESSION

PUBLIC COMMENT ON NON-AGENDA MATTERS

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3

Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed three minutes each to address the Board on non-agenda matters.

BOARD MEMBERS' COMMENTS

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)

OTHER BUSINESS

9. Report of the Executive Officer/APCO
10. Chairperson's Report
11. Time and Place of Next Meeting is Wednesday, July 11, 2012, at 1:30 p.m. at ConocoPhillips, 1380 San Pablo Avenue, Hercules, California 94572
12. Adjournment

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5130
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109

(415) 771-6000

EXECUTIVE OFFICE: MONTHLY CALENDAR OF DISTRICT MEETINGS

MAY 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Public Outreach Committee <i>(Meets Quarterly at the Call of the Chair)</i>	Thursday	31	9:30 a.m.	4 th Floor Conf. Room

JUNE 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	6	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	13	9:00 a.m.	Board Room

Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)</i> - CANCELLED	Monday	18	9:30 a.m.	4 th Floor Conf. Room
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Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	20	9:45 a.m.	Board Room
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Board of Directors Public Outreach Committee <i>(Meets Quarterly at the Call of the Chair)</i> - CANCELLED	Thursday	21	9:30 a.m.	4 th Floor Conf. Room
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Board of Directors Budget & Finance Committee <i>(Meets the 4th Wednesday Each Month)</i> - CANCELLED	Wednesday	27	9:30 a.m.	4 th Floor Conf. Room
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Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	28	9:30 a.m.	4 th Floor Conf. Room
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JULY 2012

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	4	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets 2nd Wednesday each Month)</i>	Wednesday	11	9:00 a.m.	Board Room
Special Meeting of the Board of Directors <i>(Meets 1st & 3rd Wednesday of each Month)</i>	Wednesday	11	1:30 p.m.	<u>Meeting Location:</u> ConocoPhillips 1380 San Pablo Avenue Hercules, CA 94572 <u>Tour Location:</u> ConocoPhillips 1380 San Pablo Avenue Hercules, CA 94572
Board of Directors Executive Committee <i>(Meets 3rd Monday of each Month)-</i> CANCELLED	Monday	16	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Stationary Source Committee <i>(Meets the 3rd Monday Every Other Month)</i>	Monday	16	10:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets 1st & 3rd Wednesday of each Month)</i> - CANCELLED	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets the 4th Wednesday Each Month)-</i> CANCELLED	Wednesday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets 4th Thursday each Month)</i>	Thursday	26	9:30 a.m.	4 th Floor Conf. Room

MM – 5/29/12 (4:23 p.m.)

P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 25, 2012

Re: Board of Directors Draft Meeting Minutes

RECOMMENDED ACTION

Approve attached draft minutes of the Board of Directors Budget Hearing of May 16, 2012 and Special Meetings of the Board of Directors on May 16, 2012 and May 21, 2012.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Budget Hearing of May 16, 2012 and Special Meetings of the Board of Directors on May 16, 2012 and May 21, 2012.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Jennifer C. Cooper

Attachment

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5000

Board of Directors Special Meeting/Budget Hearing
May 16, 2012

DRAFT MINUTES

CALL TO ORDER

Chairperson John Gioia called the meeting to order at 9:48 a.m.

ROLL CALL

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; and Secretary Nate Miley; and Directors Susan Gorin, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Carol L. Klatt, Katie Rice, Mark Ross, Jim Spering, Brad Wagenknecht, Ken Yeager and Shirlee Zane.

Absent: Directors John Avalos, Tom Bates, Susan Garner, Carole Groom, Liz Kniss, Edwin M. Lee, Eric Mar, and Mary Piepho.

PUBLIC COMMENT ON NON-AGENDA MATTERS

None.

PUBLIC HEARING

- 1. Public Hearing to Consider Testimony on the Air District's Proposed Budget for Fiscal Year End (FYE) 2013. A Final Public Hearing is scheduled for Wednesday, June 6, 2012 to Consider Adoption of the Proposed Budget for FYE 2013.**

Chairperson Gioia opened the public hearing to consider testimony on the Air District's proposed budget for FYE 2013 and noted that a final public hearing is scheduled for Wednesday, June 6, 2012, to consider adoption of the proposed budget for FYE 2013.

Jeffrey McKay, Deputy Air Pollution Control Officer (APCO), gave the staff presentation Proposed FYE 2013 Budget, including a look at the status of FYE 2012, an overview of revenue and expenditure FYE 2013, responses to challenges for FYE 2013, and a detailed review of revenue and expenditure.

NOTED PRESENT: Directors Haggerty and Yeager were noted present at 9:51 a.m.

Chairperson Gioia asked, regarding slide 10, Personnel Costs, if the \$1.9 million figure is the amount necessary to fund Other Post-Employment Benefits (OPEB) at a fully amortized basis. Mr. McKay responded that if the Air District had funded OPEB at the normal cost for the life of the agency then the unfunded obligation today would be zero but the Air District only started funding a few years ago. So the unfunded obligation has not grown since that time as the payments have been at the normal cost. Chairperson Gioia noted that, per the Government Accounting Standards Board, there is no requirement to fully fund OPEB but only to show a plan to do so is in place. Mr. McKay agreed.

Director Hosterman asked, regarding slide 15, Trends in Cost Cutting (1), what form the additional 20% reduction in technical assistance to cities and counties will take, noting the benefits enjoyed by the City of Pleasanton resulting from past Air District assistance. Henry Hilken, Director of Planning, Rules & Research, responded that this reflects funds staff had previously hoped to set aside for assistance to cities both for climate action and risk reduction plans, adding that the Air District also does a great deal of in-kind work for cities which will continue but with a reduction in funds that would have gone to providing some of the technical information cities receive. Director Hosterman asked about the effect on the regulation of Spare the Air Days and referenced a recent letter from the Air District requesting local government assistance with enforcement. Ana Sandoval, Acting Director of Communications & Outreach, responded that the referenced letter was regarding a model ordinance package for use by local governments to tailor enforcement provisions to their respective needs.

Board Comments:

Director Spering asked if all of the vacant positions are funded in the budget. Mr. McKay responded that, of the 44 positions which are currently vacant, 35 are unfunded in the budget.

Director Haggerty noted, regarding slide 16, Trends in Cost Cutting (2), the lower level of janitorial service, urged staff to remember the importance of providing a clean and sanitary work environment for all staff and the importance of a public health agency maintaining a certain level of cleanliness as it speaks to the public about the organization's professionalism and commitment to its own mission statement, and asked for specifics about how the service would be reduced. Mr. McKay responded he believes it will take the form of cleaning three times a week rather than nightly and offered to retrain with more information. Director Haggerty replied that he would be interested in the information, recalled that the management at another agency he worked with was assigned the cleaning duties, and urged staff to be cautious about making this change for the sake of saving a proportionally small amount of money.

Director Hudson noted a recent email from staff suggesting a quorum will likely not be established at the Board meeting on June 6, 2012, and suggested that the full Board should be present for a meeting that will consider adoption of the budget. Jack Broadbent, Executive Officer/APCO, responded that a quorum is expected at this time. Chairperson Gioia added that the Board attendance will have to be dealt with at the time of the meeting.

Director Gorin noted her concern about the reduced OPEB payment and asked how much the payment is being reduced and what the Air District plans to do to make up for the lost funding. Mr. McKay responded that \$50 million was the unfunded balance several years ago, regular payments since that time add up to approximately \$10 million, or in other words OPEB is 20% funded, that the reduction is expected to be for one year only and that a return to a \$2 million annual payment should be aided by the implementation of the cost recovery policy. Mr. Broadbent added that it is staff's intent to come

back during the course of the fiscal year to seek Board approval to increase the OPEB payment to \$2 million if expenditures should come in lower than expected.

Director Wagenknecht said that the Air District has gone through several years of steadily funding OPEB and working towards avoiding the use of reserves to balance the budget, that slides 15 and 16, Trends in Cost Cutting (1) and (2) respectively, include items that concern him, and that he looks forward to righting the financial ship in the immediate future so the Air District may get back to funding these essential items.

Public Comments: None.

Board Action: None; informational only.

OTHER BUSINESS

2. **Board Members' Comments:** None.
3. **Time and Place of Next Meeting:** Regular Meeting on Wednesday, June 6, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:45 a.m.
4. **Adjournment:** The Board of Directors meeting adjourned at 10:10 a.m.

Sean Gallagher
Clerk of the Boards

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5000

Board of Directors Special Meeting
May 16, 2012

DRAFT MINUTES

CALL TO ORDER

Chairperson John Gioia called the meeting to order at 10:11 a.m.

ROLL CALL

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; Secretary Nate Miley; and Directors Susan Gorin, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Carol L. Klatt, Eric Mar, Katie Rice, Mark Ross, Jim Spering, Brad Wagenknecht, Ken Yeager and Shirlee Zane.

Absent: Directors John Avalos, Tom Bates, Susan Garner, Carole Groom, Liz Kniss, Edwin M. Lee, and Mary Piepho.

PLEDGE OF ALLEGIANCE

Director Wagenknecht led the Pledge of Allegiance.

PUBLIC COMMENT ON NON-AGENDA MATTERS

None.

PROCLAMATIONS/AWARDS

Chairperson Gioia made introductory comments regarding the Air District's recognition of employees who have completed milestones of 25, 35 and 40 years of service with the Air District during this first half of the calendar year.

Chairperson Gioia recognized Hari Doss, Air Quality Engineer of Engineering, for his years of service with the Air District. Mr. Doss addressed the Board in gratitude for the recognition.

Director Haggerty recognized Nancy Yee, Senior Air Quality Engineer of Engineering, for her years of service with the Air District. Ms. Yee addressed the Board in gratitude for the recognition.

Director Miley recognized Tim Underwood, Principal Air Quality Engineer of Technical Services, for his years of service with the Air District. Mr. Underwood addressed the Board in gratitude for the recognition.

Director Yeager recognized Donald Van Buren, Senior Air Quality Engineer of Compliance & Enforcement, for his years of service with the Air District. Mr. Van Buren addressed the Board in gratitude for the recognition.

CONSENT CALENDAR (Items 1 – 5)

1. **Minutes of the Board of Directors Regular Meeting of May 2, 2012;**
2. **Board Communications Received from May 2, 2012, through May 15, 2012;**
3. **Quarterly Report of Executive Office and Division Activities;**
4. **Consider Authorization for Execution of a Contract and Associated Purchase Orders in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitation, for Continued Operation of the BioWatch Monitoring Network; and**
5. **Consider Approval of Recommendation to Establish the Classification of Health and Science Officer.**

Board Comments: None.

Public Comments: None.

Board Action: Director Wagenknecht made a motion to approve Consent Calendar Items 1, 2, 3, 4 and 5; Director Sperring seconded; unanimously approved without objection.

ACTION ITEM

6. Update on Senate Bill 1149 (DeSaulnier)

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced Thomas Addison, Senior Advanced Projects Advisor, who gave the staff Update on Senate Bill (SB) 1149 (DeSaulnier) and explained that the bill has changed very little in the two weeks since it became public except the commissioners governing the Bay Area Regional Commission (BARC) will not be directly elected, however, it is not clear how the governing board would be populated in the alternative.

Mr. Addison provided a summary of the highlights provided in the staff report, Update on SB 1149 (DeSaulnier), dated May 10, 2012.

Mr. Addison stated that the bill must clear the Senate Appropriations Committee by May 25, 2012, in order to go to the Senate floor.

Mr. Addison said that he had spoken with Senator DeSaulnier several times in the last week as well as attending the hearings before the Senate Transportation and Housing Committee on May 8 and the Senate Governance and Finance Committee on May 9, where at each time he expressed the Air District's desire to work collaboratively with its sister agencies for the benefit of Bay Area residents and to relay a concern about the lack of opportunity for the public, local agencies, interest groups and other concerned citizens to discuss the local governance repercussions in light of the timing of its release.

Mr. Addison noted that Senator DeSaulnier made a commitment to work with Board members from the agencies involved and that several of these meetings have been scheduled for the following days.

Mr. Addison suggested that Brown Act requirements resulted in delays in responses to the bill from public agencies but that is changing with time and of those that have weighed in, or are about to, it has been solely in opposition.

Mr. Addison reported that he relayed to Senator DeSaulnier the concerns expressed by the Board at the meeting on May 2, 2012, namely that the bill will group the Air District, fundamentally a regulatory public health agency, with several regional planning and funding agencies and staff's belief that a conflict of interest will develop between the goals of improved mobility and economic development and that of public health. Mr. Addison stated that Senator DeSaulnier seems to recognize the issue but has not provided a clear response on how best to address it. Mr. Addison said that staff recommends the Air District oppose the bill unless amended, noting that the Air District shares Senator DeSaulnier's goal of effective regional governance in collaboration with other regional agencies while maintaining a commitment to achieving the individual goals of each agency.

Mr. Addison reminded the Board that SB 1149 (DeSaulnier) is one of three bills put forward by Senator DeSaulnier regarding Bay Area regional governance, including SB 1545 and SB 878.

Board Comments:

Director Haggerty stated his dislike for BARC and suggested that before the recent change in how commissioners were to be seated, SB 1149 (DeSaulnier) seemed to be creating a place for members of the legislature to go when they term out in the legislature, that the bill is likely to come to nothing and despite Senator DeSaulnier's past good work for the State, that this bill is not going in the right direction. Director Haggerty recalled a recent meeting Senator DeSaulnier attended where some positive, collaborative work between the agencies occurred and expressed his hope that the Senator took from that meeting a better sense of the efforts being made. Director Haggerty suggested it is nonsensical to group a regulatory agency with non-regulatory agencies and asked how BARC will be funded. Mr. Addison responded that BARC's funding will come from the regional agencies as well as receiving all of the federal transportation planning funds currently going to the Metropolitan Transportation Commission (MTC) and Bay Area Toll Authority. Director Haggerty replied that the bill suggests it is inappropriate for toll bridge revenue to be used for the purchase of a building as a regional agency headquarters but it is acceptable for the same revenue to pay for BARC and explained that, as an Alameda County representative, it is deeply upsetting for the disproportionate share of this cost to fall to the residents of the East Bay. Director Haggerty stated his intention to vote against SB 1149 (DeSaulnier) at every opportunity, as it is unnecessary, and urged the legislature to work on its own financial house before looking to streamline local governance processes.

Director Hudson inquired how the Joint Policy Committee (JPC) is populated and to whom they will be held accountable. Mr. Broadbent responded that JPC is made up of five members each from the Air District, MTC, Association of Bay Area Governments and San Francisco Bay Conservation and Development Commission. Chairperson Gioia added that the Board appoints the Air District's five members. Director Hudson replied that the inquiry was for the benefit of the audience because BARC is intended to replace JPC and it is important that they know the current state. Chairperson Gioia stated that SB 1449 (DeSaulnier) is currently vague in that it no longer provides for elected members

but it does not explain who appoints them. Director Hudson read several excerpts from SB 1149 (DeSaulnier), noting the redirection of significant revenue, the proposed use of resources for the formation, staffing and housing of an entirely new agency, and the channeling of revenue enjoyed from increased efficiencies to the BARC general fund.

Chairperson Gioia urged, for the sake of time, that a motion be advanced or that comments be brief.

Director Hudson agreed and continued to cite provisions of SB 1149 (DeSaulnier) deemed nonsensical and suggested BARC is intended to provide a place for members of the legislature to go when they term out.

Director Hudson made a motion to oppose SB 1149 (DeSaulnier) and Director Haggerty seconded.

Director Zane stated that the County of Sonoma Board of Supervisors adamantly opposes SB 1149 (DeSaulnier) as it is backwards legislation that creates a bureaucratic layer to regulate a regulatory agency in a time of diminishing resources and urged the Board to strongly oppose the bill.

Director Sperring noted that SB 1149 (DeSaulnier) is permeated by land use issues that should be a cause for concern to all local government officials, that among the BARC's revenue sources is revenue currently going to local congestion management agencies, and that it adds another layer of government. Director Sperring suggested instead that the Board oppose and urge withdrawal of the bill for further discussion with the regional agencies.

Public Comments: None.

Board Action: Director Hudson amended his motion to make a motion to oppose and urge withdrawal for further discussion with the regional agencies; Director Haggerty seconded; unanimously approved without objection.

CLOSED SESSION

The Board of Directors adjourned to Closed Session at 11:00 a.m.

7. EXISTING LITIGATION (Government Code Section 54956.9(a))

Pursuant to Government Code Section 54956.9(a), a need existed to meet in closed session with legal counsel to consider the following case:

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693

8. POTENTIAL LITIGATION (Government Code Section 54956.9(c))

Pursuant to Government Code Section 54956.9(c), a need existed to meet in closed session with legal counsel to consider initiating one item of potential litigation.

OPEN SESSION

The Board of Directors resumed Open Session at 11:11 a.m. with no reportable action.

OTHER BUSINESS

9. Report of the Executive Officer/APCO:

Mr. Broadbent noted that the Board of Directors will meet on Monday, May 21, 2012, Quinlan Community Center, Cupertino Room, 10185 N. Stelling Road, Cupertino, CA 95014 at 10:00 a.m.

10. Chairperson's Report:

Chairperson Gioia noted the re-appointment of Director Bates to the Board of Directors of the Air District by the Alameda County Mayors' Conference on May 9, 2012.

PRESENTATION

11. Tour of Gas Dispensing Facility

Mr. Broadbent introduced John Marvin, Air Quality Program Manager of Compliance & Enforcement, who gave the staff presentation District Gasoline Dispensing Facility (GDF) Program Overview, including background information, a history of vapor recovery at GDFs, an overview of the Air District GDF program, a look at enhanced vapor recovery and introduced a GDF tour to occur at the close of the Board meeting.

Mr. Marvin noted, regarding slide 5, History of Vapor Recovery, that the Air District was the first air quality management district, along with San Diego, to adopt regulations requiring vapor recovery systems.

Director Haggerty asked, regarding slide 4, Vapor Recovery Program, the meaning of statements from the Obama administration that boots on nozzles will no longer be necessary in light of advances in the manufacturing of automobiles. Mr. Broadbent responded that the statements are regarding the withdrawal of Phase II Vapor Recovery requirements no longer being necessary as a result of Onboard Refueling Vapor Recovery (ORVR), a ruling that the Air District and State will likely disagree with. Brian Bunger, District Counsel, added that the Phase II Vapor Recovery program will no longer be required under federal law but instead leaves to the states the setting of standards and stated that the California Air Resources Board (ARB) has indicated they will maintain the requirement, at least in those areas where it is already in place as it is not currently universal. Director Haggerty suggested a possible savings of millions of dollars to which Mr. Broadbent agreed. Director Haggerty asked for more information and an in depth discussion on the topic. Mr. Broadbent agreed and suggested that there will be little effect for the Air District as the ARB is expected to continue to insist upon it and suggested that staff will bring the matter back to Committee.

Chairperson Gioia indicated the matter should go to the Stationary Source Committee and asked where the vapors from the car are released. Mr. Marvin responded that they are fed into the underground storage tank where they are stored until the truck refills the underground storage tanks and loads the vapors.

Chairperson Gioia asked, regarding slide 11, ORVR, the fate of the vapors in the ORVR. Mr. Marvin responded that they burn off during engine operation.

Director Zane asked why some large trucks smell so strongly of gasoline when others do not. Mr. Marvin suggested that not every large truck has an ORVR or it is possible that the GDF's vapor recovery system is not working properly. Director Zane asked the amount of the penalty imposed for these violations to which Mr. Marvin responded that the federal government deals with that. Director Zane asked for confirmation that the Air District is not fining GDFs that don't have the proper equipment. Mr. Marvin responded that he misunderstood the previous question to be relative to ORVR. Director Zane asked if the Air District is fining GDFs for not having the proper nozzle to capture the vapor and whether all nozzles have been updated or, if not, whether the Air District fines and for how much. Mr. Broadbent responded that the Air District has a rigorous enforcement program and fines vary by circumstances. Mr. Bunger added that there are a number of components and potential problems to consider in setting a fine or penalty in the range from several hundred dollars to several thousand, the larger fines generally being applied for failure to have the proper equipment. Director Zane asked if there is general compliance overall to which Mr. Bunger responded in the affirmative, noting that there are peaks in non-compliance when a new regulation is put in place. Director Zane asked if there is a grant program in place, similar to the Port Drayage Truck Program, to provide funding to assist GDF owners with facility upgrades. Mr. Broadbent responded that the Air District generally does not, adding this is caused primarily by the regulations being a part of the Air District's own statutory requirements and it is difficult to find a way to correctly use grant money for this purpose but that staff routinely look to see how a facility can be brought back into compliance as quickly as possible and a lot of these concerns are taken into consideration in that process. Director Zane asked for information regarding compliance levels and suggested that if non-compliance is significant she will request the Board revisit the possibility of a grant program.

Board Comments: None.

Public Comments: None.

Board Action: None; informational only.

PUBLIC COMMENT ON NON-AGENDA MATTERS

None.

BOARD MEMBERS' COMMENTS

None.

OTHER BUSINESS (CONTINUED)

- 12. Time and Place of Next Meeting:** Special Meeting on Monday, May 21, 2012, Quinlan Community Center, Cupertino Room, 10185 N. Stelling Road, Cupertino, CA 95014 at 10:00 a.m. A tour to Lehigh Southwest Cement Company, located at 24001 Stevens Creek Boulevard, Cupertino, California 95014, immediately following.

13. **Adjournment:** The Board of Directors meeting adjourned at 11:30 a.m. and attendees departed to receive a tour of the Shell Gas Station located at 800 Turk Street, San Francisco, California 94102.

Sean Gallagher
Clerk of the Boards

Bay Area Air Quality Management District
Cupertino Room, Quinlan Community Center
10185 N. Stelling Rd
Cupertino, CA 95014
(415) 749-5000

Board of Directors Special Meeting
May 21, 2012

DRAFT MINUTES

CALL TO ORDER

Chairperson John Gioia called the meeting to order at 10:11 a.m.

ROLL CALL

Present: Chairperson John Gioia; Vice Chairperson Ash Kalra; and Directors John Avalos, Susan Garner, Scott Haggerty, Jennifer Hosterman, David E. Hudson, Liz Kniss, Eric Mar, Mary Piepho, Mark Ross, Jim Spering, Brad Wagenknecht and Ken Yeager.

Absent: Secretary Nate Miley; and Directors Tom Bates, Susan Gorin, Carole Groom, Carol L. Klatt, Edwin M. Lee, Katie Rice and Shirlee Zane.

OPENING COMMENTS

Chairperson Gioia explained that a Stationary Source Committee meeting was initially scheduled for this time and location but because of Board member interest it was canceled and re-noticed as a Special Meeting of the Board of Directors.

PLEDGE OF ALLEGIANCE

Director Kniss led the Pledge of Allegiance.

Chairperson Gioia explained the meeting agenda item regarding the Lehigh Southwest Cement Company (Lehigh) is an informational item which will be followed by a tour of the exterior of the facility, located not in the City of Cupertino but in the unincorporated area of Santa Clara County, District 5.

PUBLIC COMMENT ON NON-AGENDA MATTERS

Cathy Helgerson, Citizens Against Pollution, addressed the Board regarding her concerns about and request for Air District assistance with emissions from the Apple, Inc., prototype manufacturing facility located in close proximity to her residence.

NOTED PRESENT: Directors Haggerty and Avalos were noted present at 10:20 a.m.

CONSENT CALENDAR (Item 1)

The Board of Directors observed a moment of silence in recognition of the late Supervisor Gayle Uilkema.

1. Board Communications Received from May 16, 2012, through May 20, 2012

Board Comments: None.

Public Comments: None.

Board Action: Director Kniss made a motion to approve Consent Calendar Item 1; Director Yeager seconded; unanimously approved without objection.

PRESENTATION

2. Overview of the Lehigh Southwest Cement Company – Permanente Plant, update on proposed Regulation 9, Rule 13: Portland Cement Manufacturing, and tour of the Lehigh Facility

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), introduced Jeffrey McKay, Deputy APCO, who began to give the staff presentation, Overview of Lehigh Southwest Cement Plant and Update on Proposed Air District Cement Manufacturing Rule, regarding background information.

NOTED PRESENT: Director Mar was noted present at 10:25 a.m.

Mr. McKay introduced Brian Bateman, Director of Compliance & Enforcement, who continued to give the staff presentation, Overview of Lehigh Southwest Cement Plant and Update on Proposed Air District Cement Manufacturing Rule, regarding regulatory issues and air monitoring.

NOTED PRESENT: Director Sperring was noted present at 10:28 a.m.

Mr. Bateman added, regarding slide 7, Amended U.S. Environmental Protection Agency (EPA) National Emission Standards for Hazardous Pollutants (NESHAP), introductory information regarding how the NESHAP standards were established and a newly introduced provision took into consideration the raw materials used by a facility when setting emissions standards.

Director Ross asked, regarding slide 7, Amended EPA NESHAP, the maximum annual clinker tonnage permitted at the Lehigh facility. Mr. Bateman responded that the maximum is 1.7 million tons but production is down, primarily due to a slow-down in construction projects, so current levels are generally less than one million tons.

Chairperson Gioia noted, regarding slide 7, Amended EPA NESHAP, the mercury emission standard of 55 lb. per million tons is not required by the EPA until September 9, 2013, and that some other standard will need to be put in place in the interim. Mr. Bateman responded in the affirmative, noted that the EPA may opt to move back its deadline and the Air District has included in its proposed rule the current deadline in the event of an EPA extension.

Director Hosterman noted, regarding slide 7, Amended EPA NESHAP, that the figures are 30-day averages and asked for information regarding daily emissions. Mr. Bateman responded that the information is not readily available in the presentation but that it will be provided in follow up and noted that CEMs are required for all of these and currently in place for most of them.

Mr. Bateman added, regarding slide 7, Amended EPA NESHAP, that the large variation in hydrochloric acid emissions is a function of one the plant's several modes, called a raw mill where limestone is ground to a fine powder, and because limestone powder works to neutralize the hydrochloric acid emissions, the emissions increase to the high end of the range during the 25% of the time the raw mills are off for maintenance, a situation that should have fully effective controls in place by September 2012 pending the resolution of some County permitting issues.

Director Mar asked, regarding slide 10, Compliance Status, whether the monitoring sites and new health risk assessment (HRA) methods take into account sensitive populations. Mr. Bateman responded that the presentation includes information on that topic and asked for permission to defer the response momentarily.

Director Garner asked, regarding slide 10, Compliance Status, for staff to comment on the number of Notices of Violation (NOVs) at the Lehigh facility as compared with other large facilities. Mr. Bateman responded that refineries are the biggest facilities and receive the most NOVs, often get as many as three to five times this amount per year but there are some, generally less complex facilities, that get fewer.

Chairperson Gioia asked, regarding slide 11, Air Monitoring Sites, where the emissions sources are on the map and the distance between the kiln and monitors. Mr. Bateman responded that the kiln is located approximately at the bottom of the "t" in "Cement" and the distance between the kiln and Monta Vista Park monitor is approximately 0.75 miles and between the kiln and Stevens Creek Elementary School is approximately 1.75 miles.

Director Garner noted, regarding slide 11, Air Monitoring Sites, comments from the broader community regarding wind patterns and concerns about the placement of the monitoring stations. Mr. Bateman said that staff at the Air District and Lehigh have each done their own meteorological tests both showing that, although the wind can blow any direction at particular times, the prevailing winds flow west to east out of the gap in the hills and there is veering in the valley, generally to the south but sometimes to the north, depending on whether it is night or day.

Chairperson Gioia asked, regarding slide 12, Air Monitoring Results, what is meant by "lifetime inhalation cancer risk." Mr. Bateman responded that it represents the risk factor for an individual who was born and remained at the site for 72 years.

Chairperson Gioia asked, regarding slide 20, if all of the data provided came from the Monta Vista Park monitoring site to which Mr. Bateman responded in the affirmative.

Director Haggerty asked, regarding slide 22, Measured Mercury Levels: Comparisons to Reference Exposure Levels (RELs), for confirmation that the amended Title V permit will allow up to 1.5 million tons of clinker annually. Mr. Bateman responded that the permit will allow up to 1.7 million tons of concrete annually, 95% of which is clinker. Director Haggerty asked if the Title V permit was

done based on the 1.7 million tons figure or the current level of approximately 1 million tons. Mr. Bateman responded that there are a number of different scenarios, one of which was operating at full capacity, but the program requires the use of actual emissions. Director Haggerty asked, in an effort to make some sense of what 1 million tons of concrete looks like, how many houses it will build. Mr. Bateman responded that he too didn't have a sense of it either but suggested that staff from Lehigh may be able to touch on that in their presentation. Director Haggerty asked if there are other, similar facilities in the area. Mr. Bateman responded that there are not in the Bay Area. Director Haggerty asked if it is likely that a spike in production will occur to supply the new stadium to be constructed in Santa Clara. Mr. Broadbent responded in the affirmative. Director Haggerty asked if Air District staff have taken this into consideration or whether it will even amount to a measurable quantity. Mr. Bateman responded that Air District staff has not but suggested that Lehigh staff may be able to answer that during their presentation.

Mr. Bateman introduced, Robert Cave, Senior Air Quality Specialist of Planning, Rules & Research, who finished giving the staff presentation, Overview of Lehigh Southwest Cement Plant and Update on Proposed Air District Cement Manufacturing Rule, regarding the proposed Air District rule.

Director Hosterman asked, regarding slide 26, Workshop Proposal, how opacity is measured and what 10% means. Mr. Cave responded that a chart is used to determine how much blockage of a clear view there is, with 100% opacity meaning that one cannot see at all and 10% being the most stringent regulatory standard, a standard similar to that set by the South Coast Air Quality Management District for similar facilities. Director Hosterman suggested that the measurement process seems likely a somewhat subjective, visual test. Mr. Cave responded that performing the measurement requires training and certification.

Chairperson Gioia asked where else continuous emissions monitors (CEM) are used in the Bay Area. Mr. Broadbent responded that CEM can be found at most of the major sources, certainly all of the power plants and refineries. Chairperson Gioia replied that each of the five refineries has CEM on some of their stacks. Mr. Broadbent answered in the affirmative, adding that it varies by facility as to which processes have the CEM.

Mr. Cave added, regarding slide 27, Comments Received, that written comments were received by the Air District at the workshop from Lehigh, concerned members of the public, local and regional environmental organizations, and elected officials, including the mayors of the cities of Cupertino, Los Altos and Los Altos Hills.

Board Comments:

Director Garner asked, regarding slide 31, Current Proposal, for staff to provide more information on the stack requirements configuration. Mr. Cave responded that the updated HRA proposed a 300 foot stack under the full production capacity scenario and an analysis based on this showed the Lehigh facility would stay below the notification levels under the toxic hot spots program, that Lehigh has responded that a 300 foot stack may be difficult to implement, and that whatever the solution, Air District staff will make sure that it meets the requirements of the HRA. Director Garner asked if a single stack is still being considered. Mr. Cave responded that there may be more than one stack but that CEM are required at every emission point so a single stack makes more sense economically.

Axel Conrads, Vice President of Cement Operations for Lehigh Region West, Lehigh Southwest Cement, gave the company presentation, Lehigh Southwest Cement, including historical and production information regarding cement, a history of the Permanente Plant and a look to its current role in the community.

Chairperson Gioia asked, regarding slide 5, History of the Permanente Plant, how the Permanente Plant compares in size to its counterparts. Mr. Conrads responded that it is a mid-size facility.

Timothy Matz, Director of Environmental Affairs for North America, Lehigh Southwest Cement, continued to give the company presentation, Lehigh Southwest Cement, including information regarding the Cement Sustainability Initiative, regulation of the cement industry, Title V air operating permit, local air monitoring studies, NESHAP and its proposed limits, Permanente compliance plans, the HRA and the new cement rule from the Air District.

Mr. Conrads gave the company presentation, Lehigh Southwest Cement, including Lehigh's commitment to environmental stewardship and how the company intends to live up to that commitment, a summary of Lehigh's community relations efforts and a summary of the presentation.

Director Hosterman asked, regarding slide 18, Community Relations, whether today's tour might be allowed an opportunity to go inside the plant. Mr. Conrads responded that it is not possible with a group of this size. Mr. Broadbent said that staff purposefully provided notice of an exterior tour in an effort to avoid putting the company in a position of complying with public meeting law inside its facility but that Air District staff can work with Lehigh staff to schedule later tours for interested Directors. Director Hosterman replied that a tour of the facility today would have been appreciated. Mr. Conrads repeated that anyone who is interested is welcome to return and apologized for the confusion.

Director Piepho asked, regarding slide 18, Community Relations, about the size of the facility and for some financial information to put the permit fees in perspective. Mr. Conrads responded that the Permanente plant has 158 direct employees but that he could not provide financial information. Director Piepho asked for a revenue-to-fees ratio. Mr. Conrads responded that he could not provide specifics but stated that fees represent a significant cost for the facility.

Board Comments:

Director Garner noted that the Lehigh facility is an open-pit mine and asked how construction and reconstruction are defined. Mr. Matz responded that construction of a greenfield facility is exactly what it sounds like, construction of a brand new facility, and reconstruction is specifically defined in the Clean Air Act and is a function of the percentage of construction costs, adding that none of the construction at the Lehigh facility meets the requirements of a new facility. Director Garner asked if Air District staff agree. Mr. Broadbent clarified that the New Source Performance Standard is what is being discussed and responded to Director Garner's inquiry in the affirmative. Director Garner asked what a detached plume is. Mr. Matz responded that certain meteorological conditions, such as found on a very cool, humid morning, result in the formation of opacity, mainly aerosols, as emissions exit a stack and Lehigh is abating the issue with the lime injection.

Director Kniss stated that the cement produced by the Permanente plant is considered among the highest quality available and is produced in a highly competitive industry and offered Lehigh staff an

opportunity to explain further. Mr. Conrads responded that the Permanente plant is a very efficient facility producing cement with a high quality raw material.

Chairperson Gioia noted that the public will be given an opportunity to comment on the proposed cement plant rule at the Board meeting in September and asked that speakers keep in mind that today's agenda item is merely to provide an overview and to get the discussion started. Mr. Broadbent responded that the cement rule will be considered by the Board at the meeting on September 19, 2012, at which time there will be an opportunity for public comment, as there will be leading up to that meeting.

Public Comments:

Gary Latshaw submitted printed materials, including Citizen's Report on Cement Plant Regulation in the San Francisco Bay Area, and addressed the Board regarding sulfur dioxide, nitrogen oxide and particulate matter levels, namely the possibility of imposing stricter and more effective controls than those contained in the current NESHAP proposals and the Air District's authority to do so without EPA concurrence.

Rod Sinks, a City of Cupertino Council Member, addressed the Board regarding the economic and public health value of the residents of the City of Cupertino and urged the Air District to consider more stringent regulation than that proposed by staff, namely in accordance with the information provided by Dr. Latshaw.

Barry Chang, Bay Area for Clean Environment, addressed the Board regarding Lehigh's unfair and noncompliant business practices that threaten public health.

Michelle Bazargun addressed the Board regarding her family's diminished quality of life due to the cement dust deposits on and in their residence and vehicles, suggested that air quality monitoring results cannot be accurate given her experiences and asked for government agencies to step forward and work for the benefit of the public.

Bill Almon, Quarry No, submitted Missing Facts in Lehigh Fact Sheet and addressed the Board regarding the concern held by his organization's membership, the loss suffered with Gayle Uilkema's passing, noted that a major polluter is located in a residential area where production and pollution will only increase over time. Mr. Almon referred to the Missing Facts in Lehigh Fact Sheet and suggested that Air District staff is running interference for Lehigh as facts have been omitted by staff.

Tim Brand, West Valley Citizen's Air Watch, addressed the Board regarding the belief that an HRA doesn't replace a central stack that is critical to getting accurate measurements and proper filtering of emissions and which has been promised for a long time. Mr. Brand stated that more proactive measures are needed than injecting mercury waste into the cement product as an alternative to disposing of it properly as solid waste.

Dennis Acha, Breathe California, addressed the Board regarding his organization's support for cement production so long as public health is strongly considered and protective measures are put into place.

Rhoda Fry addressed the Board regarding the misleading data being provided to the Board, the ramifications of the cancer risk it presents and suggested the Lehigh facility should be considered

fully constructed. Ms. Fry expressed her concerns about Lehigh's use of imported limestone with lower toxicity levels than that quarried locally and urged the Air District to take meaningful and swift enforcement action.

Karen Del Compare addressed the Board regarding the unfair disadvantage members of the public are suffering in terms of general access to staff and specifically today as the time for comment before the Board is drastically less than that provided Lehigh. Ms. De Compare suggested that much of the health risk data has been skewed by a variety of methods, including the importation of less toxic limestone, and noted the mercury poisoning of the local water.

Cathy Helgerson, Citizens Against Pollution, addressed the Board regarding the poor air quality on Friday and her plans to grow a grassroots effort to engage this issue more fully.

Board Action: None; informational only.

PUBLIC COMMENT ON NON-AGENDA MATTERS

None.

BOARD MEMBERS' COMMENTS

None.

OTHER BUSINESS

3. Report of the Executive Officer/APCO:

Mr. Broadbent stated that staff has been working on this proposal for at least 18 months and believe the proposed rule is a balanced and very health-protective measure that staff believes will reduce mercury and nitrogen oxide emissions, that Lehigh Southwest Cement Company does not want mercury included and staff feels that it should be, that staff has heard community concerns that the Air District doesn't go far enough but believe staff has pushed very hard on this facility, noted that there will be ample opportunity for continued public input and clarified that the Board meeting where the Board will consider the proposed cement plant rule will likely be September 5, 2012, instead of September 19, 2012.

Director Garner asked if staff will comment on the written materials received from the public today. Mr. Broadbent responded that staff will treat them as comments on the rule proposal process and address them in kind.

4. Chairperson's Report: None.

5. Time and Place of Next Meeting: Wednesday, June 6, 2012, Bay Area Air Quality Management District Office, 939 Ellis Street, San Francisco, CA 94109 at 9:45 a.m.

6. Adjournment: The Board of Directors meeting adjourned at 12:04 p.m. to a tour of the Lehigh Facility located at 24001 Stevens Creek Boulevard, Cupertino, California 95014.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 25, 2012

Re: Board Communications Received from May 21, 2012 through June 5, 2012

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

A list of communications directed to the Board of Directors received by the Air District from May 21, 2012 through June 5, 2012 if any, will be at each Board Member's place at the June 6, 2012 Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Jennifer C. Cooper

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 25, 2012

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the following District personnel have traveled on out-of-state business:

The report covers the out-of-state business travel for the period April 29, 2012 through May 30, 2012. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

Glen Long, Supervising Air Quality Engineer, attended EPA Regional/State/Local Dispersion Modelers Workshop in Chicago, IL April 29, 2012 - May 2, 2012

Eric Stevenson, Technical Services Division Director, attended NACAA Spring Membership Meeting in Denver, CO May 6, 2012 May 9, 2012

Eric Stevenson, Technical Services Division Director, attended Ambient Air Monitoring Conference in Denver, CO May 14, 2012 – May 17, 2012

Glen Colwell, Air Monitoring Manager, attended Ambient Air Monitoring Conference and EPA PM2.5 Training Workshop in Denver, CO May 14, 2012 – May 17, 2012

Steve Randall, Air Quality Instrument Specialist Supervisor, attended Ambient Air Monitoring Conference and EPA PM2.5 Training Workshop in Denver, CO May 14, 2012 – May 17, 2012

Mark Stoelting, Principal Air Quality Engineer, attended Ambient Air Monitoring Conference and EPA PM2.5 Training Workshop in Denver, CO May 13, 2012 – May 17, 2012

Adam Shapiro, Strategic Incentive Division Admin Analyst, attended 2012 West Coast Collaborative Partners Conference Seattle, WA May 29, 2012 – May 31, 2012

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Glasser
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 24, 2012

Re: Report of the Mobile Source Committee Meeting of May 24, 2012

RECOMMENDED ACTION:

- A) Projects with Proposed Grant Awards over \$100,000.
 - 1) Approve Carl Moyer Program (CMP) projects with proposed grant awards over \$100,000.
 - 2) Authorize the Executive Officer/Air Pollution Control Officer (APCO) to enter into agreements for the recommended Carl Moyer Program projects.
- B) None. Informational item, receive and file.
- C) None. Informational item, receive and file.
- D) Authorize the Executive Officer/APCO to enter into funding agreements with grantees meeting the requirements of the Lower Emission School Bus Program.

BACKGROUND

The Mobile Source Committee met on Thursday, May 24, 2012. The Committee received and considered the following reports and recommendations:

- A) Projects with Proposed Grant Awards over \$100,000
- B) Marine Highway Project
- C) Port Drayage Truck Program
- D) Lower Emission School Bus Program

Attached are the staff reports presented in the Mobile Source Committee packet.

Chairperson Scott Haggerty will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None. Through the CMP, Mobile Source Incentive Funds (MSIF) and Transportation Fund for Clean Air (TFCA), the Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for both programs are provided by each funding source.
- B) None. The Air District receives funding for the administration of these programs as part of the TFCA program.
- C) None. The Air District receives funding for the administration of these programs as part of the TFCA and Proposition 1B programs (I-Bond).
- D) None. Through the MSIF and I-Bond, the Air District distributes “pass-through” funds to school districts and private entities that provide service to school districts on a reimbursement basis. Administrative costs are provided by each funding source.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Jennifer C. Cooper

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Mobile Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 14, 2012

Re: Projects with Proposed Grant Awards over \$100,000

RECOMMENDATIONS:

Recommend the Board of Directors:

1. Approve Carl Moyer Program projects with proposed grant awards over \$100,000.
2. Authorize the Executive Officer/APCO to enter into agreements for the recommended Carl Moyer Program projects.

BACKGROUND

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (ARB), since the program began in fiscal year 1998/1999. The CMP provides grants to public and private entities to reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG) and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road equipment, marine vessels, locomotives, stationary agricultural pump engines and forklifts.

Assembly Bill 923 (AB 923 - Firebaugh), enacted in 2004 (codified as Health and Safety Code Section 44225), authorized local air districts to increase their motor vehicle registration surcharge up to an additional \$2 per vehicle. The revenues from the additional \$2 surcharge are deposited in the Air District's Mobile Source Incentive Fund (MSIF). AB 923 stipulates that air districts may use the revenues generated by the additional \$2 surcharge for projects eligible for grants under the CMP.

Since 1991, the Transportation Fund for Clean Air (TFCA) program has funded projects that achieve surplus emission reductions from on-road motor vehicles. Sixty percent (60%) of TFCA funds are awarded directly by the Air District through a grant program known as the Regional Fund that is allocated on a competitive basis to eligible projects proposed by project sponsors. Funding for this program is provided by a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area as authorized by the California State Legislature. The statutory authority

for the TFCA and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242.

On February 2, 2011, the Board of Directors authorized Air District participation in Year 13 of the CMP, and authorized the Executive Officer/APCO to execute Grant Agreements and amendments for projects funded with CMP funds or MSIF revenues, with individual grant award amounts up to \$100,000. On November 18, 2009, the Air District Board of Directors authorized the Executive Officer/APCO to execute Grant Agreements and amendments for projects funded with TFCA funds, with individual grant award amounts up to \$100,000.

CMP and TFCA projects with grant award amounts over \$100,000 are brought to the Committee for consideration at least on a quarterly basis. Staff reviews and evaluates the grant applications based upon the respective governing policies and guidelines established by the ARB and/or the Air District's Board of Directors.

DISCUSSION

Carl Moyer Program:

The Air District started accepting applications for CMP Year 13 projects on August 8, 2011. The Air District has approximately \$14 million available for CMP projects from a combination of MSIF and CMP funds. Project applications are being accepted and evaluated on a first-come, first-served basis.

As of May 9, 2012, the Air District had received 87 project applications. Of the applications that have been evaluated between April 11, 2012 and May 9, 2012, three eligible projects have proposed individual grant awards over \$100,000. These projects will replace five (5) pieces of off-road equipment, and install remanufacture kits on two marine engines which will result in the reduction of over 31 tons of NO_x, ROG and PM per year. Staff recommends allocating \$547,982 to these projects from a combination of CMP funds and MSIF revenues. Attachment 1 to this staff report provides additional information on these projects.

Attachment 2 lists all of the eligible projects that have been received by the Air District as of May 9, 2012, and summarizes the allocation of funding by equipment category (Figure 1), and county (Figure 2). This list also includes the Voucher Incentive Program (VIP) on-road replacement projects awarded since the last committee update. Approximately 56% of the funds have been awarded to projects that reduce emissions in highly impacted Bay Area communities.

TFCA:

No TFCA applications requesting individual grant awards over \$100,000 received as of May 9, 2012 are being forwarded for approval at this time.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. Through the CMP, MSIF and TFCA, the Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for both programs are provided by each funding source.

Respectfully submitted,

Jack P. Broadbent
Executive Director/APCO

Prepared by: Anthony Fournier
Reviewed by: Damian Breen

- Attachment 1: BAAQMD Year 13 Carl Moyer Program/MSIF projects with grant awards greater than \$100,000 (evaluated between 4/11/12 and 5/9/12)
- Attachment 2: Summary of all CMP Year 13/MSIF and VIP approved/eligible projects (as of 5/9/12)

Attachment 1:

BAAQMD Year 13 Carl Moyer Program/ MSIF projects with grant awards greater than \$100k
(Evaluated between 4/11/12 and 5/9/12)

Project #	Applicant name	Equipment category	Project type	Proposed contract award	NOx (TPY)	ROG (TPY)	PM (TPY)	County
13MOY77	Gregory Lyons (Lyon's Farm)	Off-road	Equipment replacement of one (1) diesel-powered, 285 hp agricultural tractor.	\$ 142,164.00	0.848	0.099	0.035	Solano
13MOY79	Sortwell Inc. (dba) Amnav Maritime Services	Marine	Installation of engine remanufacture kits on two (2) diesel-powered, 1650 hp main engines for the tugboat "Liberty."	\$ 233,768.00	27.011	0.483	0.803	San Francisco
13MOY40	Premier Recycle Company	Off-road	Equipment replacement of two (2) diesel-powered off-road loaders, and two (2) diesel powered excavators.	\$ 172,050.00	1.486	0.220	0.051	Santa Clara
				\$ 547,982.00	29.345	0.802	0.889	

Attachment 2

Summary of all CMP Yr 13/ MSIF and VIP approved/ eligible projects (As of 5/9/12)

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	NOx (TPY)	ROG (TPY)	PM (TPY)	Board approval date	County
13MOY4	Off-road	Tractor replacement	2	\$ 122,000.00	Humberto Castaneda (farmer)	1.076	0.142	0.037	12/7/2011	Sonoma
13MOY6	Off-road	Tractor replacement	2	\$ 29,757.00	Ronald Palmer (Vineyard)	0.126	0.027	0.007	APCO	Sonoma
13MOY9	Off-road	Tractor replacement	1	\$ 23,576.00	Joesph Pinheiro (Dairy)	0.159	0.028	0.008	APCO	Sonoma
13MOY15	Off-road	Tractor replacement	1	\$ 23,576.00	David Evans dba Marin Sun Farms, Inc.	0.299	0.050	0.016	APCO	Marin
13MOY10	Off-road	Loader replacement	10	\$ 379,700.00	GreenWaste Recovery, Inc.	2.095	0.456	0.115	12/7/2011	Santa Clara
13MOY12	Off-road	Loader replacement	1	\$ 110,132.00	Deniz Dairy	0.541	0.066	0.025	12/7/2011	Sonoma
13MOY17	Off-road	Tractor replacement	1	\$ 36,163.00	Neil McIsaac & Son Dairy	0.158	0.029	0.013	APCO	Marin
13MOY19	Off-road	Tractor replacement	1	\$ 24,577.00	Foley Family Wines dba Sebastiani Vineyards	0.151	0.033	0.008	APCO	Sonoma
13MOY13	Off-road	Loader replacement	1	\$ 104,943.00	Renati Dairy	0.375	0.070	0.025	12/7/2011	Sonoma
13MOY18	Off-road	Tractor replacement	2	\$ 75,489.00	Gerald & Kristy Spaletta (Dairy)	0.520	0.088	0.029	APCO	Sonoma
13MOY14	Off-road	Tractor replacement	1	\$ 181,905.00	Silva Farms	1.270	0.151	0.055	3/7/2012	Santa Clara
13MOY16	Off-road	Tractor replacement	2	\$ 75,971.00	R. Castaneda Farms	0.490	0.085	0.030	APCO	Sonoma
13MOY23	Off-road	Tractor replacement	1	\$ 257,132.00	Simoni & Massoni Farms	1.365	0.088	0.031	3/7/2012	Contra Costa
13MOY28	Off-road	Tractor replacement	2	\$ 54,212.00	Boisset Family Estates (Vineyard)	0.305	0.062	0.019	APCO	Napa
13MOY21	Off-road	Tractor replacement	1	\$ 28,948.00	Roy and Beverly King (Dairy)	0.105	0.030	0.012	APCO	Sonoma
13MOY29	Off-road	Tractor replacement	2	\$ 158,666.00	RANKINS AG INC.	1.408	0.181	0.063	3/7/2012	Conta Costa
13MOY30	Off-road	Tractor replacement	1	\$ 28,651.00	Clos Du Val Wine Company, Ltd.	0.085	0.016	0.007	APCO	Napa
13MOY33	Off-road	Tractor replacement	1	\$ 29,920.00	Michael Meyer DBA: Meyer Farming	0.107	0.023	0.006	APCO	Sonoma
13MOY24	Marine	Engine reman and repower	4	\$ 590,263.00	Harley Marine Services, Inc.	40.012	0.636	1.192	3/7/2012	Alameda
13MOY37	Off-road	Tractor replacement	1	\$ 30,748.00	Greg Lyons (farmer)	0.324	0.054	0.020	APCO	Solano
13MOY35	Off-road	Tractor replacement	1	\$ 39,700.00	Dominus Estate Corporation	0.129	0.025	0.009	APCO	Napa
13MOY25	Marine	Engine reman and repower	4	\$ 579,878.00	Harley Marine Services, Inc.	37.843	0.602	1.126	3/7/2012	Alameda
13MOY26	Marine	Engine reman and repower	4	\$ 594,249.00	Harley Marine Services, Inc.	34.517	0.542	1.034	3/7/2012	Alameda
13MOY36	Off-road	Equipment replacement	2	\$ 45,106.00	Dutton Ranch Corp.	0.189	0.040	0.012	APCO	Sonoma
13MOY41	Off-road	Equipment replacement	1	\$ 114,014.00	F.A. Maggiore & Sons (Farming)	0.933	0.102	0.040	5/2/2012	Contra Costa
13MOY42	Off-road	Equipment replacement	2	\$ 55,966.00	Dutton Ranch Corp.	0.243	0.046	0.021	APCO	Sonoma
13MOY45	Off-road	Equipment replacement	1	\$ 30,900.00	Arthur Kunde and Sons Inc	0.092	0.018	0.005	APCO	Sonoma
13MOY46	Off-road	Equipment replacement	2	\$ 34,871.00	Carty Bros.	0.179	0.048	0.013	APCO	Solano
13MOY38	Off-road	Equipment replacement	1	\$ 24,175.00	Moon Vineyards	0.099	0.017	0.005	APCO	Napa
13MOY39	Marine	Engine repower	2	\$ 98,386.00	Sal Papetti (Commercial fisherman)	0.601	0.016	0.021	APCO	San Francisco
13MOY31	Marine	Engine repower	2	\$ 82,790.00	Blue & Gold Fleet LP	0.772	-0.017	0.028	APCO	San Francisco
13MOY58	Off-road	Equipment replacement	5	\$ 150,266.00	Diamond M Dairy	0.873	0.170	0.058	5/2/2012	Sonoma
13MOY63	Off-road	Equipment replacement	1	\$ 151,841.00	Andrew Poncia (Fertilizer co.)	0.928	0.106	0.037	5/2/2012	Sonoma
13MOY60	Off-road	Equipment replacement	1	\$ 14,210.00	Cameros Vineyard Management LLC	0.002	0.018	0.004	APCO	Sonoma
13MOY59	Off-road	Equipment replacement	2	\$ 58,766.00	Sinskey Vineyards, Inc., dba Robert Sinskey Vineyards	0.156	0.047	0.019	APCO	Napa

13MOYFA1	Emergency Equipment	Equipment replacement	1	\$ 43,000.00	City of Sunnyvale	0.112	0.006	0.009	APCO	Santa Clara
13MOY73	Off-road	Equipment replacement	1	\$ 30,321.00	Renati Dairy	0.243	0.041	0.015	APCO	Sonoma
13MOY74	Off-road	Equipment replacement	1	\$ 39,507.00	Jacobs Farm Del Cabo Inc.	0.135	0.029	0.007	APCO	San Mateo
13MOY77	Off-road	Equipment replacement	1	\$ 142,164.00	Gregory Lyons (Lyon's Farm)	0.848	0.099	0.035	TBD	Solano
13MOY79	Marine	Engine remanufacture kit	2	\$ 233,768.00	Sortwell Inc. (dba) Amnav Maritime Services	27.011	0.483	0.803	TBD	San Francisco
13MOY61	Off-road	Equipment replacement	3	\$ 99,229.00	Diageo Chateau & Estate Wines	0.312	0.061	0.016	APCO	Napa
13MOY40	Off-road	Equipment replacement	4	\$ 172,050.00	Premier Recycle Company	1.486	0.220	0.051	TBD	Santa Clara
VIP41	VIP	Truck replacement	1	\$ 40,000.00	James Bell	0.550	0.017	0.036	APCO	Santa Clara
VIP42	VIP	Truck replacement	1	\$ 40,000.00	Robert E. Poole	0.547	0.002	0.036	APCO	Marin
VIP43	VIP	Truck replacement	1	\$ 45,000.00	Thomas Garcia	0.970	0.019	0.022	APCO	San Mateo
VIP44	VIP	Truck replacement	1	\$ 20,000.00	Clark's Rock	0.280	0.010	0.019	APCO	Napa
VIP45	VIP	Truck replacement	1	\$ 45,000.00	Nanak Singh	0.970	0.019	0.022	APCO	Contra Costa
VIP48	VIP	Truck replacement	1	\$ 20,000.00	Jill Lee	0.282	0.009	0.019	APCO	Contra Costa
VIP49	VIP	Truck replacement	1	\$ 35,000.00	Domingo Rodriguez III	0.649	0.016	0.022	APCO	Alameda
VIP50	VIP	Truck replacement	1	\$ 15,000.00	Kon Chen	0.464	0.009	0.000	APCO	Alameda
VIP51	VIP	Truck replacement	1	\$ 10,000.00	Kon Chen	0.314	0.006	0.000	APCO	Alameda
VIP52	VIP	Truck replacement	1	\$ 10,000.00	Kon Chen	0.314	0.006	0.000	APCO	Alameda
VIP53	VIP	Truck replacement	1	\$ 10,000.00	Kon Chen	0.314	0.006	0.000	APCO	Alameda
VIP54	VIP	Truck replacement	1	\$ 45,000.00	Richard Renfro	0.452	0.000	0.048	APCO	Alameda
VIP55	VIP	Truck replacement	1	\$ 5,000.00	James Bell	0.000	0.000	0.008	APCO	Santa Clara
VIP56	VIP	Truck replacement	1	\$ 45,000.00	James Key	0.970	0.190	0.022	APCO	San Benito
VIP57	VIP	Truck replacement	1	\$ 20,000.00	Saleem M. Salimi	0.281	0.000	0.007	APCO	Alameda
VIP58	VIP	Truck replacement	1	\$ 5,000.00	All Points Rolloff Inc.	0.160	0.000	0.011	APCO	Santa Clara
VIP60	VIP	Truck replacement	1	\$ 45,000.00	Tammy Huang	2.786	0.056	0.000	APCO	San Mateo
VIP61	VIP	Truck replacement	1	\$ 45,000.00	Tammy Huang	2.786	0.056	0.000	APCO	San Mateo
VIP62	VIP	Truck replacement	1	\$ 35,000.00	Freddy Alberto Largaespada	2.143	0.053	0.000	APCO	Los Angeles
VIP63	VIP	Truck replacement	1	\$ 45,000.00	Edward Eric Martinez	2.786	0.056	0.000	APCO	Placer County
VIP64	VIP	Truck replacement	1	\$ 45,000.00	S/S Trucking	2.786	0.056	0.000	APCO	Alameda
VIP65	VIP	Truck replacement	1	\$ 25,000.00	Don White	1.546	0.034	0.000	APCO	Alameda
VIP66	VIP	Truck replacement	1	\$ 45,000.00	Jaswinder Singh	2.768	0.058	0.000	APCO	Contra Costa
VIP68	VIP	Truck replacement	1	\$ 45,000.00	Robert Kenny	2.786	0.056	0.000	APCO	San Francisco
VIP69	VIP	Truck replacement	1	\$ 40,000.00	Tien Cong Huynh	2.427	0.081	0.000	APCO	Alameda
VIP70	VIP	Truck replacement	1	\$ 20,000.00	William Ballinger	1.236	0.032	0.000	APCO	Alameda
68 Projects			108	\$ 6,001,486.00		190.240	5.882	5.360		

Figure 1: CMP/ MSIF Funding Distribution by Equipment Category as of 5/9/12

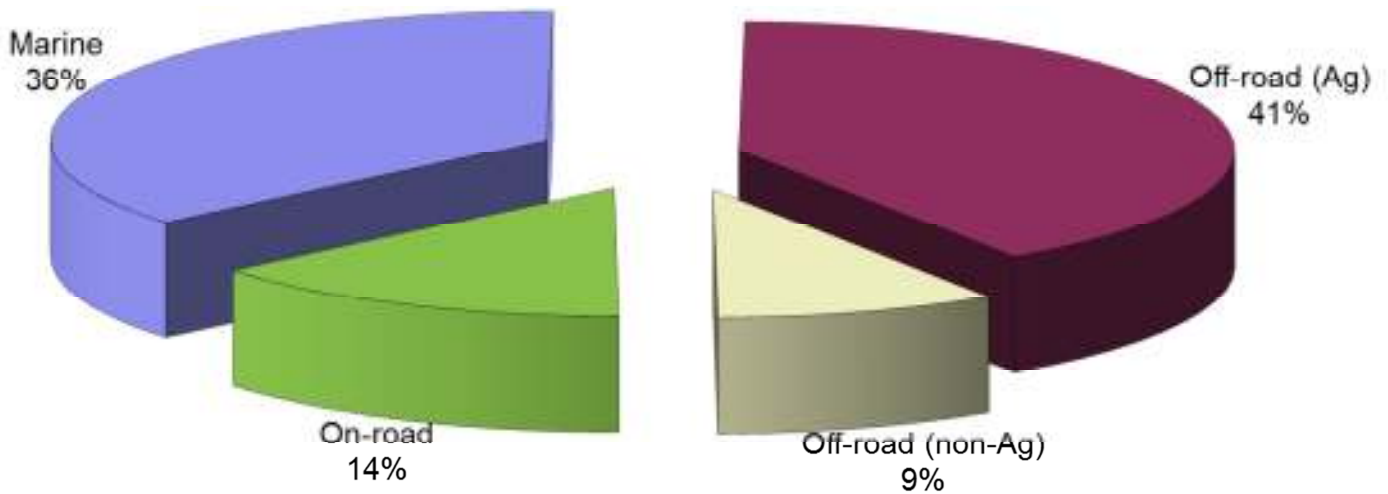
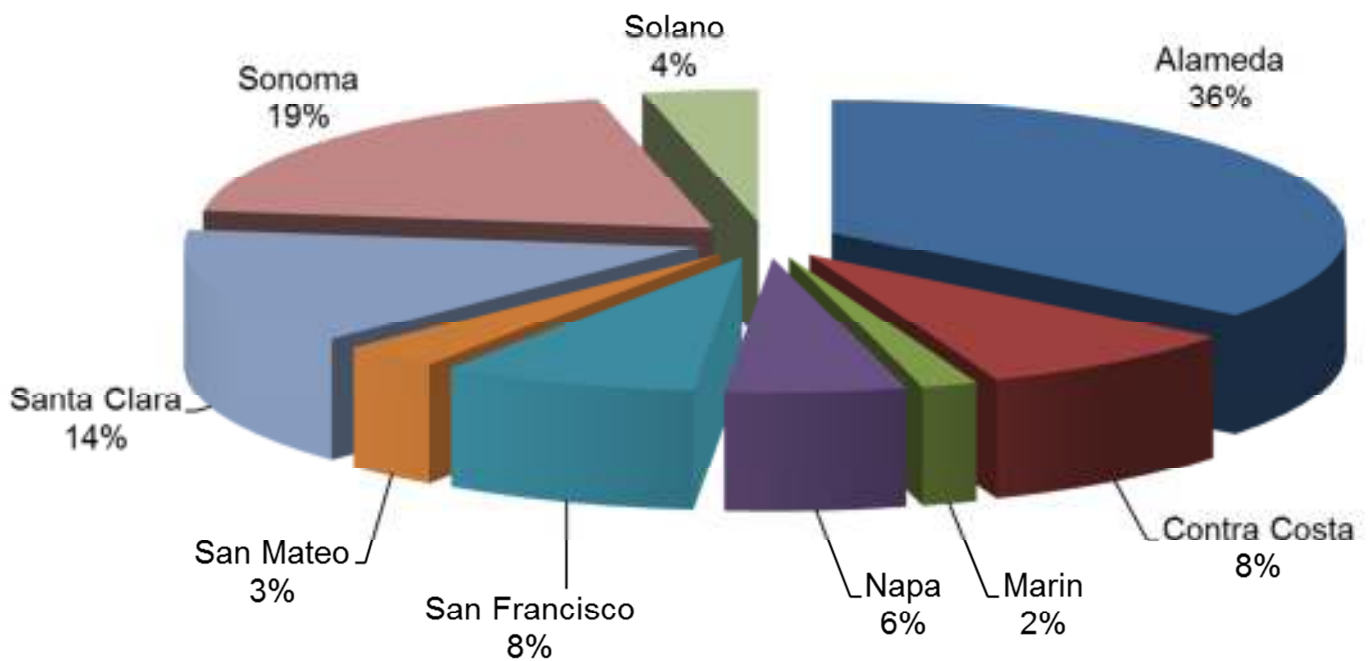


Figure 2: CMP/ MSIF Funding Distribution by County as of 5/9/12



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Mobile Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 15, 2012

Re: Marine Highway Project

RECOMMENDATION:

None. Informational item, receive and file.

BACKGROUND

On August 5, 2009, the Bay Area Air Quality Management District (Air District) Board of Directors (Board) approved the allocation of \$750,000 in general fund revenue to support a Marine Highway project between the Ports of Oakland (Oakland) and Stockton (Stockton). This funding allocation was made for a proposed project that at peak capacity was projected to transport 50% of the agricultural cargo moving between the two ports. The project also promised to eliminate approximately 4,900 truck trips per week through the West Oakland community and along Bay Area highways; reducing diesel particulate matter emissions by 15 tons per year.

Air District funding for this project was conditional on match funding from Oakland and the San Joaquin Valley Air Pollution Control District (SJVAPCD), performance-based milestones and an operational schedule that commenced in summer 2010 ramping up to peak capacity by summer 2012. Following a number of unsuccessful attempts to negotiate contracts with local unions and the ports, the project sponsor withdrew its proposal to the Air District in January 2010 and the project was canceled.

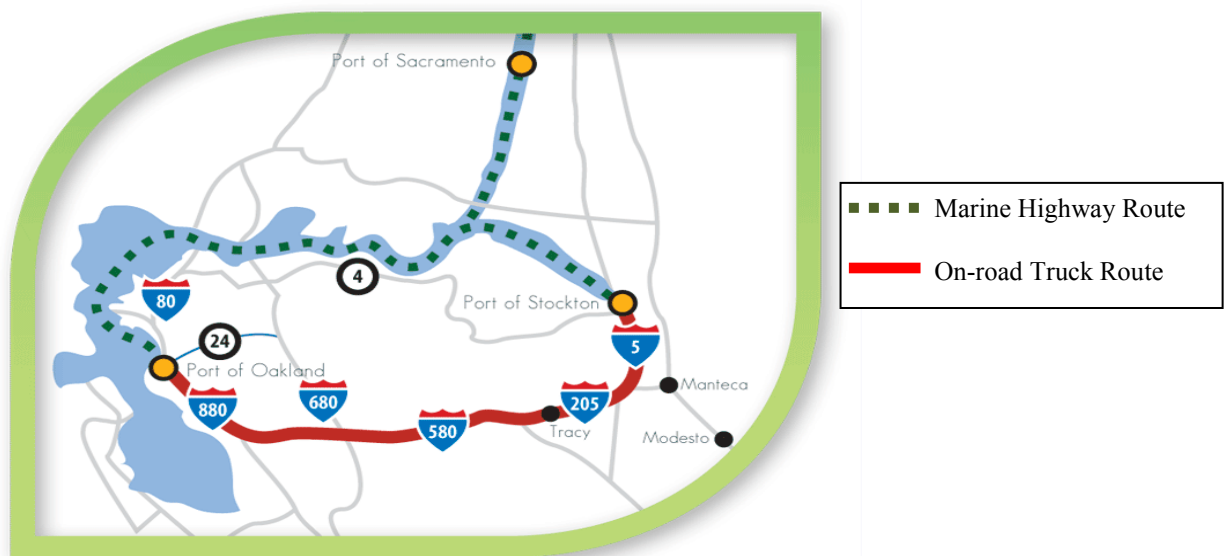
Subsequent to that cancellation, the Ports of Oakland, Stockton and West Sacramento (West Sacramento) were notified on February 17, 2010, by the United States Department of Transportation (DOT) that they had received funding under the transportation investment generating economic recovery (TIGER) grant program for a separate Marine Highway project. As part of this report, staff will update the Committee on a request from Oakland and Stockton for funding to support this new Marine Highway project.

DISCUSSION

Marine Highway Concept

The current truck transportation system for intermodal containers to and from Oakland is highly inefficient. Multiple contractors are used to transport cargo from Oakland to railhead destinations and distribution centers in the Central Valley and Reno. For example, shippers who own the ocean going vessels that transport cargo internationally have no connection to the truckers who move their cargo when it arrives at Oakland. Similarly, the train companies who receive the cargo have no connection with either the shipper or the trucker that is the intermediary between them. Consequently, transporting one loaded container from Oakland to Stockton and back again unloaded may take up to six truck trips covering a distance of 170 miles and may involve up to three or four trucking companies.

Figure 1-Marine Highway Route between Oakland, West Sacramento and Stockton



The Marine Highway concept relies on the fact that because containers on barges are not required to travel over highways they can be loaded to weights of 52,000 pounds versus the 40,000 pound limit imposed to travel California's roads. This means that it takes fewer containers to transport cargo via barge than via truck. For example, the amount of cargo that will fit in 100 forty (40) foot containers transported by barge would require 130 containers if transported by truck. Less containers means less pollution generated in handling and shipping of cargo and less pollution on Bay Area highways as a result of truck congestion.

Current Project

The current Marine Highway project proposed by Oakland and Stockton would eliminate 744 truck trips weekly between the ports based on the transportation of 350 overweight containers (52,000 pounds) via barge between the ports twice-weekly. The project assumes that containers transported to Stockton are moved approximately 13 miles to and from railhead to distribution centers in that area, that the barges used in the transportation of containers meet United States Environmental Protection Agency (EPA) Tier 2 emissions standards and that comparative transportation emissions would be generated by trucks meeting an engine model year 2007 emissions standards. Under that scenario, the following emissions would result from the implementation of the Marine Highway project in the Bay Area:

Table 1- Bay Area Emissions from Marine Highway Project Vs. Truck Transportation

	NOx (tpy)	ROG (tpy)	PM10 (tpy)	PM2.5 (tpy)	CO2 (metric tpy)
Truck Travel Emissions	67.1	0.8	1.6	0.8	6,826
Marine Highway Emissions	22.4	1.8	0.6	0.5	2,206
Net Difference	44.6	(1.0)	1.0	0.3	4,620

While the proposed project slightly increases the amount of reactive organic gases (ROG) emitted in the Bay Area, staff believes that this increase is more than offset by the additional reductions of nitrogen oxides, greenhouse gases (CO2) and more importantly the reductions in diesel particulate matter (PM 2.5). Diesel particulate matter is responsible for 85% of the cancer health risk from toxic air contaminants in the Bay Area. This project would reduce the total emissions from on-road heavy diesel trucks in the Bay Area and the resultant health risk in both the community surrounding the Port of Oakland and along Bay Area highways.

It should also be noted that the project provides additional emissions equipment benefits in the San Joaquin Valley. The SJVAPCD has provided \$750,000 in funding towards this project.

Next Steps

Oakland and Stockton are requesting \$750,000 to support the purchase of barges and the operation of tugs boats for this project. In order to provide this support, staff proposes to make this project an eligible category under the policies for the Fiscal Year Ending 2013 Transportation Fund for Clean Air Regional Fund program which will come to the Board for review in June 2012. However, due to the legislative requirements of that program it will also be necessary for the Port of Oakland to make the Marine Highway a "physical improvement project" that achieves motor vehicle emissions reductions under their Maritime Air Quality Improvement Plan (MAQIP). Provided the Board of

Directors approves this project type, Staff will work with Oakland to ensure that the required changes to the MAQIP are made.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District receives funding for the administration of these programs as part of the TFCA program.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Mobile Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 15, 2012

Re: Port Drayage Truck Program

RECOMMENDATION:

None. Informational item, receive and file.

BACKGROUND

In December of 2007, the California Air Resources Board (ARB) approved a regulation to reduce emissions from drayage trucks operating at California's ports and intermodal rail yards. The first phase of the regulation went into effect on December 31, 2009, and Phase 2 of the regulation goes into effect on December 31, 2013. A summary of the regulation's compliance requirements is shown in Table 1:

Table 1: ARB Drayage Truck Regulation Compliance Schedule

Phase	Date	Engine Model Years (MY)	Regulation requirement
Phase 1	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
Phase 2	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

As part of this report, the Committee will be updated on the Bay Area Air Quality Management District's (Air District) continued efforts to assist port truck drivers reduce their emissions ahead of these regulatory deadlines.

DISCUSSION

Table 2, below contains data from ARB's Drayage Truck Registry database, and describes the population of vehicles calling on Northern California ports by engine model year. Table 2 also identifies the number of trucks that received grant funds from the original Air District Drayage Truck Program in 2009/2010 that provided over \$25 million for port truck retrofits and replacements.

Table 2: Drayage truck population as of November 2011

Engine MY	Compliant until	# of Drayage trucks in Northern CA ¹	# of trucks that received grant funds	Grant funds expended ³
1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
2004	12/31/11	700	TBD ²	TBD
2005 & 2006	12/31/12	2,200	TBD	TBD
2007 – 2009	2022	1,400	203	\$10,150,000
2010 +	Fully compliant	500		
Total		6,500	1,522	\$25,736,534

Notes:

1. The number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.
2. Final payments for the engine MY 2004 port truck program have not yet been made.
3. Funding sources for the Air District's Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

I-Bond Year 3 Program

On March 7, 2012, the Air District's Board of Directors approved participation in Year 3 of the California Goods Movement Bond Program (I-Bond), and authorized the Executive Officer to enter into agreements for port truck projects ranked and approved by the ARB. The Year 3 program provides up to \$30,000 in grant funding for the replacement of port trucks with engine model years between 1994 and 2003.

In contrast to the previous I-Bond port truck program, the Year 3 funding cycle was structured by ARB as a closed process only available to the trucks meeting specific eligibility requirements. ARB published a list of the eligible trucks and notified the truck owners on the list of the funding opportunity by mail. There were approximately 1700 port trucks eligible to participate in this program. Applications for this funding cycle were submitted to ARB for initial review, and then forwarded to Air District staff for completeness checks, eligibility review, contracting and administration.

When the application period closed on February 9, 2012, over 950 project applications had been submitted. Staff completed the evaluation of all applications by early March and submitted a list of 888 eligible trucks to ARB that were then ranked and approved for funding. As a result of this process, ARB awarded the Air District \$25,268,250 in I-

Bond funds for port truck replacement projects. Of this funding, up to \$1,203,250 can be used to help with the Air District's administrative costs. The Air District also plans to allocate an additional \$1.55 million in Diesel Emission Reduction Act (DERA) funding from the U.S. Environmental Protection Agency to fund additional port truck replacement projects submitted as part of this solicitation. The replacement trucks funded through this program must be inspected and on the road by December 31, 2012.

MY 2004 Program

On December 7, 2011, the Air District's Board of Directors approved a grant program for engine MY 2004 port trucks registered in the Bay Area. The program was funded by \$1.04 million in Transportation Fund for Clean Air (TFCA) Regional Funds, and provided \$10,000 in assistance for the replacement of up to 104 of the estimated 247 eligible trucks. The Board of Directors also selected Cascade Sierra Solutions (CSS), a contractor, to assist the Air District with the implementation of the program, coordination of truck trade-ins and the sale of new trucks. Staff opened the project solicitation period for this grant on December 15, 2011, and accepted applications until January 13, 2012. Staff sent out notices to all eligible applicants, and worked with the Port, CSS, and local trucking groups to distribute program materials.

While outreach for this program was broad staff only received 23 applications requesting \$230,000 in total grant funding. Based on staff discussions with industry groups, it is believed that many of the drivers affected by the ARB Phase 1 deadline for MY 2004 trucks had previously made decisions about regulatory compliance and that the program came too late for them. Of the 23 applications received, only 4 projects will likely be completed as many projects were withdrawn due to changes in the truck's vocation (on-road vs. port), and lack of matching funds to complete the projects.

MY 2005/ 2006 Program

On March 7, 2012, the Air District's Board of Directors approved a grant program for engine MY 2005/ 2006 port trucks registered in the Bay Area. The program is funded by a combination of the balance of the 2004 drayage truck program funding, \$1 million in TFCA Regional Funds, and \$1.43 million in Alameda County TFCA Program Manager Funds. The program will provide \$10,000 in assistance for the replacement of more than 300 of the 916 eligible Bay Area trucks.

As part of the program CSS was to assist the Air District with the implementation of the program, coordination of truck trade-ins and the sale of new trucks. The program is not yet open for applications as staff is currently working with CSS to finalize a contract for their participation in this program. CSS raised concerns regarding their costs to assist with this program due to the low participation numbers from the 2004 program. In an attempt to address concerns staff is proposing to reduce the requirement for monitoring of the old truck from 10 years to 5 years. Staff is also proposing to provide \$500 per truck replaced to CSS for their work in identifying eligible participants. These funds would be considered part of the individual project's cost-effectiveness evaluation and would not impact the \$10,000 grant being offered to the truck owners. With the inclusion of the contractor payment, the program would still be able to replace over 300

port trucks. If the Air District is unable to agree to contract terms with CSS for the administration of this program, a request for proposals would need to be issued to identify a new contractor.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District receives funding for the administration of these programs as part of the TFCA and I-Bond programs.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen
Reviewed by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Haggerty and Members
of the Mobile Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 15, 2012

Re: Lower-Emission School Bus Program (LESBP)

RECOMMENDATION:

Recommend the Board of Directors:

1. Authorize the Executive Officer/APCO to enter into funding agreements with grantees meeting the requirements of the LESBP.

BACKGROUND

Since 1993, the Air District has provided grant funding to reduce emissions from school buses through both the Transportation Fund for Clean Air (TFCA) and the Lower-Emission School Bus (LESB) Programs. These funds have been used to retrofit school buses with emission control devices and replace older school buses with clean buses, including compressed natural gas (CNG) buses. The program is currently subject to the California Air Resources Board (CARB) 2008 LESBP Guidelines, which provide for the replacement of 1986 model year and older public school buses, and the retrofitting of 1987 model year and newer school buses. To date, the Air District has allocated over \$6.9 million to retrofit 371 school buses and over \$16 million to replace 107 school buses.

On December 10, 2011, CARB revised the 2008 LESBP Guidelines to allow Mobile Source Incentive Fund (MSIF) funds to be used for three additional project categories: 1) on-board CNG fuel tanks replacements, 2) improvements of deteriorating CNG fueling dispensers operated by a public school district, and 3) retrofit of in-use school buses. On May, 2, 2012, the Air District's Board of Directors authorized an expansion of the MSIF program to include these new project types and an allocation of \$7.5 million in MSIF funds for the LESBP.

As part of this report, staff will update the Committee on staff's efforts to expedite the current solicitation for LESBP projects including CNG tank replacements, provide an update on data gathered to date on school buses funded with Air District grants, and request authorization for the Executive Officer to enter into funding agreements with grantees meeting the requirements of the LESBP.

DISCUSSION

Since the Board of Director’s funding allocation on May 2, 2012, staff has worked to expedite a call for projects that is anticipated to open in the next two weeks. This solicitation will provide funding for all eligible project types and will give priority to CNG tank replacement and diesel retrofit projects.

In support of this solicitation staff is focusing its outreach efforts on school districts that have CNG buses that have tanks that are at or near their expiration date to ensure that they are aware of the funding that is available. These efforts will include postings on the Air District’s website, e-mail notifications and mail outs. In addition, designated staff will follow up by telephone to assist school districts with any questions that they have regarding program requirements and the application process. Also, to expedite the contracting process, staff is requesting authorization for the Executive Officer/APCO to enter into contracts with eligible applicants.

Based on the number of CNG buses that were previously funded by Air District grants (see Table 1) and the results of a recent survey of Bay Area school districts, staff expects to have sufficient funds to meet the needs of vehicles that require immediate tank replacement (buses with CNG tanks between 14 to 16 years old).

Table 1: CNG Buses funded under TFCA and LESBP

County	Date Delivered			Total # purchased	Total Paid
	1995-1998	1999-2001	2002-2006		
Alameda	7	28	12	47	\$5,713,817
Contra Costa	4	20	4	27	\$3,117,588
Marin	1	--	--	1	\$123,973
Napa	2	23	--	25	\$2,867,841
Santa Clara	2	38	46	86	\$3,596,132
San Mateo	7	16	17	35	\$4,180,900
Solano	3	16	17	36	\$3,302,336
Sonoma	8	20	13	41	\$4,823,390
TOTAL	34	161	109	298	\$27,725,977

Additionally, as part of ongoing efforts to strategically plan to meet the future needs for school buses previously funded by the Air District, staff plans to engage Bay Area school district transportation managers to determine when, why and how they replace their vehicles. Staff anticipates that this effort will run in parallel to the issuance of grant contracts through summer 2012 and that it will allow the Air District to better align its grant funding with the needs of the school bus transportation community.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. Through the MSIF and Proposition 1B (I-Bond), the Air District distributes “pass-through” funds to school districts and private entities that provide service to school districts on a reimbursement basis. Administrative costs are provided by each funding source.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Karen Schkolnick
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 31, 2012

Re: Report of the Public Outreach Committee Meeting of May 31, 2012

PROPOSED RECOMMENDED ACTION:

The Committee will consider recommending the Board of Directors approval of the following item(s):

- A) Approval of Spare the Air Resource Team Contractor
 - 1) Staff recommendation of the selected contractor for the Spare the Air Resource Team Program.
 - 2) Authority for Executive Officer/Air Pollution Control Officer to enter into a contract with the selected contractor for an amount of \$227,000 per contract year for up to three years.
- B) Contract Award for Website Recommendation Overview
 - 1) Funding of up to \$500,000 for an assessment, rebuild and redesign of the Air District website over Fiscal Year Ending (FYE) 2012 and FYE 2013.
 - 2) Staff recommendations of the selected contractor for the first phase of the project.
- C) None. Informational item, receive and file.

BACKGROUND

The Public Outreach Committee will meet on Thursday, May 31, 2012. The Committee will receive the following reports:

- A) Approval of Spare the Air Resource Team Contractor
- B) Contract Award for Website Recommendation Overview
- C) Spare the Air Campaign & Great Race for Clean Air

Attached are the staff reports that will be presented in the Public Outreach Committee packet.

Chairperson Mark Ross will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) Funding for the first year of this contract is included in the proposed FYE 2013 budget.
- B) Funding for this contract is included in the FYE 2012 and FYE 2013 budget.
- C) Funding for the campaign is included in the FYE 2012 and FYE 2013 budgets. The campaign is funded primarily through the Congestion Mitigation Air Quality program, supplemented by the Transportation Fund for Clean Air.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher
Reviewed by: Jennifer C. Cooper

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Mark Ross and Members
of the Public Outreach Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 16, 2012

Re: Approval of Spare the Air Resource Team Contractor

RECOMMENDED ACTION

The Committee will consider recommending Board of Directors approval of:

- Staff recommendation of the selected contractor for the Spare the Air Resource Team Program
- Authority for Executive Officer/APCO to enter into a contract with the selected contractor for an amount of \$227,000 per contract year for up to three years.

BACKGROUND

One of the Air District's innovative efforts to engage the public was the formation of local resource teams in 1991, in conjunction with the creation of the Spare the Air program. Since the inception of the program, local civic groups, agencies, businesses and environmental organizations meet regularly and work collaboratively to implement projects that promote cleaner air. The Air District currently operates nine teams in the region:

- Contra Costa County Spare the Air Resource Team
- Napa Valley Clean Air Coalition
- San Francisco Spare the Air Resource Team
- San Mateo County Spare the Air Resource Team
- San Jose Green Vision Resource Team
- Santa Clara County Spare the Air Resource Team
- Sonoma County Spare the Air Resource Team
- Southern Alameda County Spare the Air Resource Team
- Tri-Valley Spare the Air Resource Team

The teams meet at least every two months to select and coordinate work on team projects. Past projects have included Walk and Roll to School; the Great Race for Clean Air; Green Business Workshops; and Home Energy Workshops.

DISCUSSION

The Communications and Outreach Division relies on a contractor to assist with the administration, coordination, recruitment, retention and facilitation of the nine Spare the Air Resource Teams.

On May 1, 2012, the Air District issued a request for proposals (RFPs) for this project. In this request, the Air District invited proposals from qualified firms experienced: in social marketing to influence behaviors at the community-scale; bringing together businesses, civic organizations and local governments to collectively develop and implement collaborative, community-wide air pollution reduction programs; and with the capability to foster innovative ideas among team members.

The RFP was distributed to a list of over 30 firms in the area of civic engagement and Air District's Community Groups mailing list made up of approximately 85 stakeholders. The RFP was also distributed through 1500-member listserv of the National Coalition for Dialogue & Deliberation and posted on its blog.

EVALUATION

Staff evaluated all proposals according to the criteria below:

Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner.	30%
Experience of the team working on projects of similar scope for other governmental agencies.	20%
Responsiveness of the proposal, based upon a clear understanding of work to be performed.	20%
Cost effectiveness and resource allocation strategy	20%
References of the firm, Green Business certification	10%

Based on the evaluation described above, staff recommends Community Focus as the contractor for the Spare the Air Resource Team Program. Staff will provide a summary of the scores and evaluation process at your Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the first year of this contract is included in the proposed Fiscal Year End 2013 budget.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is fluid and cursive, with a large initial "J" and "B".

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Ana Sandoval

Reviewed by: Lisa Fasano

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Mark Ross and Members
of the Public Outreach Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 16, 2012

Re: Website Rebuild and Redesign

RECOMMENDED ACTION

The Committee will consider recommending that the Board of Directors authorize the Executive Officer/APCO to execute agreements not to exceed \$500,000 for an assessment, rebuild and redesign of the Air District website over two fiscal years, Fiscal Year Ending (FYE) 2012 and FYE 2013:

- \$250,000 from the approved FYE 2012 Communications and Outreach Budget
- \$250,000 from the FYE 2013 Communications and Outreach Budget (pending approval of the budget)

BACKGROUND

The website rebuild and redesign project spans multiple fiscal years and will be executed in two phases due to the complexity of the project. Appropriating budgeted funds for this project will ensure efficient and consistent project management.

The Air District's Communications and Outreach Division relies on contractors to assist with various aspects of its communications tools. The Communications and Outreach Division recently completed a request for proposal (RFP) process to solicit proposals for the first phase of the overall website rebuild and redesign project.

Phase I is expected not to exceed \$100,000 and includes the following services:

- **Audit/Assessment of Existing Website:** To complete a comprehensive review and analysis of the existing Air District website.
- **Research and Strategy Development:** To assess and measure the effectiveness of the Air District website and develop a strategy for site redevelopment and redesign.

Phase II is expected not to exceed \$400,000 and will include:

- **Rebuild/Redesign:** To rebuild and redesign existing Air District website based on findings from the assessment to increase functionality, usability and accessibility for the public and internal staff.

DISCUSSION

The RFP for the website assessment and strategy development (Phase 1) was released on May 7, 2012.

Air District staff is performing a thorough evaluation of audit/assessment contractor expertise in assessing technical and non-technical aspects of the website including: functionality, accessibility, performance, content and design style, as well as compliance with modern web standards.

EVALUATION

Proposals were evaluated on the following criteria:


Technical expertise, size and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner.	30%
Experience of the team working on projects of similar scope for other governmental agencies.	20%
Responsiveness of the proposal, based upon a clear understanding of work to be performed.	20%
Cost effectiveness and resource allocation strategy	20%
References of the firm, Green Business certification	10%

Based on the evaluation described above, staff recommends Lightmaker as the contractor for Phase I of the website project. Staff will provide a summary of the scores and evaluation process at your Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this project is included in the FYE 2012 budget and FYE 2013 proposed budget.

Respectfully submitted,



Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristine Roselius

Reviewed by: Lisa Fasano

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Mark Ross and Members
of the Public Outreach Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 16, 2012

Re: Spare the Air Campaign & Great Race for Clean Air

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Since 1991, the Spare the Air campaign has encouraged the public to adopt long-term behaviors to reduce air pollution and protect air quality. Spare the Air campaigns have targeted the general population, household decision-makers, solo drivers and most recently, young adults.

This season's campaign will focus on 'smart transportation' alternatives to driving alone. The public will be encouraged to choose alternatives to driving alone two days a week through public relations messaging and active social media interaction. Advertising collateral will be repurposed from the last two seasons and utilized on TV and radio throughout the season. Emphasis will be placed on social media, engaging employers and targeted public relations campaign messaging. Extensive surveying and planning will be conducted throughout the summer to gear up for a refreshed campaign launch next spring.

The Air District's Great Race for Clean Air campaign will run from September 1 through October 31, 2012 and encourages the use of commute alternatives such as transit, carpooling, vanpooling, walking and bicycling rather than driving solo to work.

DISCUSSION

Air District staff is developing and rolling out the 2012 Spare the Air and Great Race for Clean Air campaigns and will present and update for both at the May 31, 2012 committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the campaign is included in the Fiscal Year Ending (FYE) 2012 and FYE 2013 budgets. The campaign is funded primarily through the Congestion Mitigation Air Quality (CMAQ) program, supplemented by the Transportation Fund for Clean Air.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristine Roselius

Reviewed by: Lisa Fasano

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 23, 2012

Re: Public Hearing to Consider Adoption of Proposed Amendments to Air District
Regulation 3: Fees

RECOMMENDED ACTION:

Staff recommends that the Board of Directors adopt staff's proposed amendments to District Regulation 3: Fees that would become effective on July 1, 2012. Staff has also prepared an alternative to this fee proposal, in response to public comments received and input from the Board of Directors, which would provide lower fee increases (5 percent, rather than 9 percent as proposed) for most gas stations. Under this alternative, the decreased fee revenue from gas stations would be made up by a larger fee increase (11 percent, rather than 9 percent as proposed) from facilities subject to Fee Schedule P: Major Facility Review (Title V).

BACKGROUND

Staff develops amendments to the District's fee regulation as a part of the annual budget preparation process. The Cost Recovery Policy recently adopted by the Board indicates that fee amendments should be adopted for FYE 2013 through FYE 2016 sufficient to increase the recovery of regulatory program activity costs to 85 percent by the end of this time period. Staff estimates that fee revenue will need to be increased by an average of 6.4 percent per year over the next four years in order to meet this goal (this estimate is based on the assumption that program activity costs will increase by 2 percent per year).

DISCUSSION

At the April 18, 2012 Board of Directors meeting, staff presented proposed fee amendments for FYE 2013 that are consistent with provisions of the Cost Recovery Policy. The proposed fee amendments for FYE 2013 were designed to increase overall fee revenue by 6.4 percent (relative to fee revenue that would be expected without the amendments). Recently updated cost recovery analyses were used to establish amendments for each existing fee schedule based on the degree to which fee revenue recovers the regulatory program activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would not be increased, while other fee schedules would be increased by 5, 7, or 9 percent. Several fees that are administrative in nature (e.g., permit application filing fees and permit renewal processing fees) would be increased by 7 percent.

Two new proposed fees were also discussed: (1) an inspection fee would be added to recover the costs of conducting inspections of sites required to have an Asbestos Dust Mitigation Plan (ADMP) under the State Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (currently, there is only a fee to recover the costs of reviewing an ADMP), and (2) an annual registration renewal fee would be added to recover the costs of ongoing inspections of boilers, steam generators and process heaters required to register equipment with the District (currently, there is only a one-time initial registration fee to recover the costs of program development and an initial inspection).

In response to comments received from Board members at the April 18, 2012 meeting, staff has developed an alternative to the staff fee proposal which would provide lower fee increases (5 percent, rather than 9 percent as proposed) for most gas stations. Under this alternative, the decreased fee revenue from gas stations would be made up by a larger fee increase (11 percent, rather than 9 percent as proposed) from facilities subject to Fee Schedule P: Major Facility Review (Title V). Staff discussed this alternative with the Budget and Finance Committee at their meeting on April 25, 2012. The Committee discussed the alternative, and the majority of Committee members indicated their preference for the original staff proposal rather than the alternative. The Committee felt that the original staff proposal, and the alternative, should be presented to the full Board for consideration of adoption at the June 6, 2012 Board of Directors meeting.

A Staff Report that is enclosed with this memorandum provides additional details regarding the proposed fee amendments (and the alternative discussed above).

BUDGET CONSIDERATION/FINANCIAL IMPACT:

The proposed fee amendments (and the alternative discussed above) are expected to increase fee revenue in FYE 2013 by approximately \$1.85 million (relative to fee revenue that would be expected without the amendments). This revenue has been included in the proposed FYE 2013 budget, which will be considered for adoption on June 6, 2012.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian Bateman
Revised by: Jeffrey McKay

Enclosure



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

MAY 18, 2012

1. EXECUTIVE SUMMARY

District staff has prepared proposed amendments to District Regulation 3: Fees, for Fiscal Year Ending (FYE) 2013 (i.e., July 1, 2012 to June 30, 2013) that would increase revenue to enable Bay Area Air Quality Management District (the District) to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution. A recently completed 2012 Cost Recovery Study (a copy of which is available on request) indicates that a significant cost recovery gap exists. For the most recently completed fiscal year (FYE 2011), fee revenue recovered just 69 percent of program activity costs.

The proposed fee amendments for FYE 2013 are consistent with the District's Cost Recovery Policy, which was adopted on March 7, 2012 by the District's Board of Directors (see Appendix A). This policy indicates that the District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent by the end of FYE 2016. The policy also indicates that amendments to specific fee schedules should continue to be made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being adopted for the schedules that have the larger cost recovery gaps.

Staff estimates that fee revenue will need to be increased by an average of 6.4 percent per year over the next four years in order to meet the Cost Recovery Policy's 85 percent cost recovery goal (this estimate is based on the assumption that program activity costs will increase by 2 percent per year over this period). The proposed fee amendments for FYE 2013 were designed to increase fee revenue by 6.4 percent (relative to fee revenue that would be expected without the amendments).

The results of the 2012 Cost Recovery Study (a copy of which is available on request) were used to establish proposed fee amendments for each existing fee schedule based on the degree to which existing fee revenue recovers the regulatory program activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would not be increased, while other fee schedules would be increased by 5, 7, or 9 percent. Several fees that are administrative in nature (e.g., permit application filing fees and permit renewal processing fees) would be increased by 7 percent.

Two new fees are also proposed: (1) an inspection fee would be added to recover the costs of conducting inspections of sites required to have an Asbestos Dust Mitigation Plan (ADMP) under the State Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (currently, there is only a fee to recover the costs of reviewing an ADMP), and (2) an annual renewal fee would be added to recover the costs of ongoing inspections of boilers, steam generators and process heaters required to register equipment with the District (currently, there is only a one-time initial registration fee to recover the costs of program development and an initial inspection).

The proposed fee amendments would increase annual permit renewal fees for most

small businesses that require District permits by less than \$100, with the exception of gas stations with more than four three-product (i.e., regular, mid-grade, and premium) gasoline dispensing nozzles, which would have larger fee increases (e.g., a larger gas station with 12 three-product gasoline dispensing nozzles would have an increase of \$251 in annual permit renewal fees). For larger facilities, increases in annual permit renewal fees would cover a considerable range due to differences in the facility's size, type of emission sources, and emissions. District permit fees would generally remain well below those of the South Coast AQMD, where fee revenue recovers a higher percentage of associated program activity costs relative to the Bay Area AQMD.

District staff has also prepared an alternative to the staff fee proposal, in response to public comments received and input from the Board of Directors, which would provide lower fee increases (5 percent, rather than 9 percent as proposed) for most gas stations. Under this alternative, the decreased fee revenue from gas stations would be made up by a larger fee increase (11 percent, rather than 9 percent as proposed) from facilities subject to Fee Schedule P: Major Facility Review (Title V). For FYE 2011, Schedule P recovered only 57 percent of the associated program activity costs.

The proposed fee amendments would increase overall District fee revenue in FYE 2013 by approximately \$1.85 million relative to fee revenue that would be expected without the amendments. These revenue projections have been included in the draft FYE 2013 budget prepared by District staff.

District staff recommends that the Board of Directors adopt the proposed amendments, to Regulation 3: Fees, with an effective date of July 1, 2011, and approve the filing of a CEQA Notice of Exemption, following the 2nd public hearing scheduled to consider this matter on June 6, 2012.

2. BACKGROUND

State law authorizes the District to assess fees to generate revenue to recover the reasonable costs of regulatory program activities for stationary sources of air pollution. The largest portion of District fees is collected under provisions that allow the District to impose permit fees sufficient to recover the costs of program activities related to permitted sources. The District is also authorized to assess fees for: (1) areawide or indirect sources of emissions which are regulated, but for which permits are not issued by the District, (2) sources subject to the requirements of the State Air Toxics Hot Spots Program (Assembly Bill 2588), and (3) activities related to the District's Hearing Board involving variances or appeals from District decisions on the issuance of permits. The District has established, and regularly updates, a fee regulation (District Regulation 3: Fees) under these authorities.

The District has analyzed whether fees result in the collection of a sufficient and appropriate amount of revenue in comparison to the costs of related program activities. In 1999, a comprehensive review of the District's fee structure and revenue was completed by the firm KPMG Peat Marwick LLP (*Bay Area Air Quality Management*

District Cost Recovery Study, Final Report: Phase One – Evaluation of Fee Revenues and Activity Costs, KPMG Peat Marwick LLP, February 16, 1999). This 1999 Cost Recovery Study indicated that fee revenue did not nearly offset the full costs of program activities associated with sources subject to fees as authorized by State law. Property tax revenue (and in some years, reserve funds) had been used to close this cost recovery gap.

The District Board of Directors adopted an across-the-board fee increase of 15 percent, the maximum allowed by State law for permit fees, for FYE 2000 as a step toward more complete cost recovery. The District also implemented a detailed employee time accounting system to improve the ability to track costs by program activities moving forward. In each of the next five years, the District adjusted fees only to account for inflation (with the exception of FYE 2005, in which the District also approved further increases in Title V permit fees and a new permit renewal processing fee).

In 2004, the District funded an updated Cost Recovery Study. The accounting firm Stonefield Josephson, Inc. completed this study in March 2005 (*Bay Area Air Quality Management District Cost Recovery Study, Final Report*, Stonefield Josephson, Inc., March 30, 2005). This 2005 Cost Recovery Study indicated that a significant cost recovery gap continued to exist. The study also provided cost recovery results at the level of each individual fee schedule based on detailed time accounting data. Finally, the contractor provided a model that could be used by District staff to update the analysis of cost recovery on an annual basis using a consistent methodology.

For the five years following the completion of the 2005 Cost Recovery Study (i.e., FYE 2006 through 2010), the District adopted fee amendments that increased overall projected fee revenue by an average of 8.9 percent per year. In order to address fee equity issues, the various fees were not all increased in a uniform manner. Rather, individual fee schedules were amended based on the magnitude of the cost recovery gap for that schedule, with the schedules with the more significant cost recovery gaps receiving more significant fee increases. In FYE 2009, the District's fee amendments also included a new greenhouse gas (GHG) fee schedule. The GHG fee schedule recovers costs from stationary source activities related to the District's Climate Protection Program. In FYE 2011, the District adopted an across-the-board 5 percent fee increase, except for the Title V fee schedule (Schedule P) which was increased by 10 percent (the District's 2010 Cost Recovery Study indicated that Fee Schedule P recovered only 46 percent of program activity costs).

In September 2010, the District contracted with the firm Matrix Consulting Group to complete an updated analysis of cost recovery that could be used in developing fee amendments for FYE 2012 and beyond. This study also included a review of the District's current cost containment strategies, and provided recommendations to improve the management of the District's costs and the quality of services provided to stakeholders. The study was completed in March 2011 (*Cost Recovery and Containment Study, Bay Area Air Quality Management District, Final Report*, Matrix Consulting Group, March 9, 2011). The 2011 Cost Recovery and Containment Study

concluded that, for FYE 2010, overall fee revenue recovered 62 percent of related program activity costs. The study also provided cost recovery results at the level of each individual fee schedule based on detailed time accounting data, and provided a methodology for District staff to update the analysis of cost recovery on an annual basis using a consistent methodology.

The results of the 2011 Cost Recovery and Containment Study were used to establish fee amendments for FYE 2012 that were designed to increase overall fee revenue by 10 percent (relative to fee revenue that would result without the fee amendments). In order to address fee equity issues, the various fees were not all increased in a uniform manner. Rather, existing fee schedules were amended based on the magnitude of the cost recovery gap for that schedule, with the schedules with the more significant cost recovery gaps receiving more significant fee increases. Based on this approach, the fee rates in several fee schedules were not increased, while the fee rates in other fee schedules were increased by 10, 12, or 14 percent.

One of the recommendations made by Matrix Consulting Group in their 2011 Cost Recovery and Containment Study indicated that the District should consider the adoption of a Cost Recovery Policy to guide future fee amendments. District staff initiated a process to develop such a Policy in May 2011, and a Stakeholder Advisory Group was convened to provide input in this regard. A Cost Recovery Policy was adopted by the District's Board of Directors on March 7, 2012 (see Appendix A). This policy indicates that the District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent by the end of FYE 2016. The policy also indicates that amendments to specific fee schedules should continue to be made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being adopted for the schedules that have the larger cost recovery gaps.

Staff has updated the cost recovery analysis for the most recently completed fiscal year (FYE 2011) using the methodology established by Matrix Consulting Group. This 2012 Cost Recovery Study (a copy of which is available on request) indicates that overall cost recovery increased to 69 percent in FYE 2011. The increase in cost recovery observed relative to the prior fiscal year FYE 2010 is due in large part to aggressive cost containment measures implemented by the District in response to continuing fiscal challenges.

3. PROPOSED FEE AMENDMENTS FOR FYE 2013

3.1 SUMMARY OF METHODOLOGY

For FYE 2013, District staff has developed proposed amendments to Regulation 3 that would increase fee revenue by approximately 6.4 percent (relative to fee revenue that would result without the fee amendments), or \$1.85 million. Staff estimates that a 6.4 percent annual increase in fee revenue will be needed over the next four years in order to meet the recently adopted Cost Recovery Policy's goal of achieving 85 percent

overall cost recovery by the end of FYE 2016. This estimate is based on projections of 72 percent overall cost recovery for FYE 2012 (\$31 million in revenue and \$43 million in program costs), and an increase in program costs of 2 percent per year for FYE 2013 through FYE 2016.

The results of the 2012 Cost Recovery Study (a copy of which is available on request) were used to establish proposed fee amendments for existing fee schedules based on the degree to which existing fee revenue recovers the activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would not be increased, while the fee rates in other fee schedules would be increased by 5, 7, or 9 percent. The specific basis for these proposed fee amendments is summarized in Table 1 as follows.

Table 1. Proposed Fee Changes Based on Cost Recovery by Fee Schedule

Revenue from Fee Schedule as a Percentage of Program Activity Costs (from 2012 Cost Recovery Study)	Change in Fees	Affected Fee Schedules
Revenue exceeds 95% of costs	No Change	C, G-2, G-4, N, T
Revenue is 85 to 95% of costs	5% increase	B
Revenue is 70 to 84% of costs	7% increase	G-5
Revenue is less than 70% of costs	9% increase	A, D, E, F, G-1, G-3, H, I, K, L, P, Q, R, S

Note that no change is proposed for Fee Schedule M: Major Stationary Source Fees, which is not listed in Table 1 because cost recovery cannot be directly analyzed for this emissions-based schedule that applies to certain facilities with emissions of organic compounds, sulfur oxides, nitrogen oxides, and/or PM₁₀. The fee revenue associated with this schedule is distributed into source-category based fee schedules (for which program activities and costs are tracked) in proportion to the emissions from each source category.

District staff has also prepared an alternative to the staff fee proposal, in response to public comments received and input from the Board of Directors, which would provide lower fee increases (5 percent, rather than 9 percent as proposed) for most gas stations. Under this alternative, the decreased fee revenue from gas stations (under Fee Schedule D) would be made up by a larger fee increase (11 percent, rather than 9 percent as proposed) for facilities subject to Fee Schedule P: Major Facility Review (Title V).

In addition to the proposed amendments to fee schedules, District staff is proposing to increase several add-on fees that appear in the Standards section of Regulation 3 by 7 percent. This includes permit application filing fees and permit renewal processing fees. Existing permit fees are well below the point of full cost recovery, and these fee increases are proposed to help the District reduce its cost recovery gap.

Finally, two additional new fees are proposed to recover costs of activities that do not currently have a fee:

- (1) A new inspection fee within Fee Schedule S: Naturally Occurring Asbestos Operations, for sites with Asbestos Dust Mitigation Plans (ADMPs). ADMP projects would be invoiced on a quarterly basis to recover the costs of inspections conducted to determine compliance with an ADMP based on a time and materials rate of \$90 per hour. Currently, fees for these operations only cover the review of ADMPs (including any additional review that is needed if air monitoring is a required component of the ADMP).
- (2) A new annual registration renewal fee within Fee Schedule R: Equipment Registration Fees, for small boilers and other types of combustion devices that are subject to registration requirements. Currently, the fee for these sources is a one-time initial registration fee that covers program development costs and an initial inspection. The proposed annual registration renewal fee of \$65 per device is intended to recover the cost of additional inspections on an ongoing basis (one inspection every three years).

Additional details on the proposed fee amendments follow.

3.2 PROPOSED AMENDMENTS

The complete text of the proposed changes to District Regulation 3: Fees, has been prepared in strikethrough (deletion of existing text) and underline (new text) format, and is included in Appendix B-1. Appendix B-2 contains alternative amendments to Fee Schedule D and Fee Schedule P that would provide lower fee increases for most gas stations, and higher fee increases (11 percent, rather than 9 percent as proposed) for facilities subject to Fee Schedule P.

Additional details on the proposed fee amendments follow.

- Section 3-302: Fees for New and Modified Sources

The proposed amendment for Section 3-302 is a 7 percent increase in the filing fee for permit applications for new/modified sources and abatement devices (subsection 3-302.3) (rounded to the nearest whole dollar), from \$389 to \$416.

- Section 3-310: Fees for Constructing Without a Permit

Clarifying changes are proposed for subsections 3-301.1 and 3-301.3, which specify fees that are due for sources that construct without a required permit. In the first sentence of subsections 310.1, and in subsection 310.3, the phrase “plus the risk screening fee” would be deleted because risk screening fees (if applicable) are included in the “fees for new construction pursuant to Section 3-302”, which is already specified as applying. Deletion of this phrase would clarify that the risk screening fee does not need to be paid twice. In the second sentence of subsections 310.1, which applies to modified gasoline dispensing facilities that are not required to pay an initial fee under Fee Schedule D, the phrase “fees for a modified source pursuant to Section 3-302” would be added and the phrase “plus the risk screening fee” would be deleted. Again, this should clarify that the risk screening fee (if applicable) does not need to be paid twice. (Note that, under Fee Schedule D, fees for a modified gasoline dispensing facility pursuant to Section 3-302 may include only a filing fee, and not an initial fee or permit to operate fee).

- Section 3-311: Banking

The proposed amendment for Section 3-311 is a 7 percent increase in the filing fee for banking applications (rounded to the nearest whole dollar), from \$389 to \$416.

- Section 3-312: Emission Caps and Alternative Compliance Plans

No change in regulatory language is proposed for subsection 3-312.1, which requires an additional annual fee equal to 15 percent of the facility’s Permit to Operate fee for facilities that elect to use an Alternative Compliance Plan (ACP) for compliance with Regulation 8, or Regulation 2, Rule 2. These ACP fees would change along with the proposed changes in Permit to Operate renewal fees listed in Table 1 for sources in Schedules B, C, D, E, F, G-1, G-2, G-3, G-4, G-5, H, I, and K.

The proposed amendment for subsection 3-312.2 is a 7 percent increase in the annual fee (rounded to the nearest whole dollar) for a facility that elects to use an ACP contained in Regulation 2, Rule 9: Interchangeable Emission Reduction Credits. The fee for each source included in the ACP would be increased from \$982 to \$1,051, and the maximum fee would be increased from \$9,827 to \$10,515.

- Section 3-320: Toxic Inventory Fees

No change is proposed for the maximum toxic inventory fee for a small business specified in subsection 3-320.1. This fee is related to Schedule N: Toxic Inventory Fees, which would also not be changed based on the cost recovery methodology listed in Table 1.

- Section 3-327: Permit to Operate, Renewal Fees

The processing fees for renewal of Permits to Operate specified in subsections 3-327.1 through 3-327.6 would be increased by 7 percent (rounded to the nearest whole dollar).

- Section 3-329: Fee for Risk Screening

No change in regulatory language is proposed for Section 3-329: Fee for Risk Screening. Increases in risk screening fees are instead specified in Schedules B, C, D, E, F, G-1, G-2, G-3, G-4, G-5, H, I, and K. For each applicable fee schedule, the base fee for each application that requires a Health Risk Screening Analysis would be increased by 7 percent from \$389 to \$416. The portion of the risk screening fee that is based on the type of source involved would be changed along with the proposed changes in Permit to Operate renewal fees listed in Table 1 for sources in Schedules B, C, D, E, F, G-1, G-2, G-3, G-4, G-5, H, I, and K.

- Fee Schedules

Schedule A: Hearing Board Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule A would be increased by 9 percent (rounded to the nearest whole dollar). The schedules of fees for excess emissions (Schedule A: Table I) and visible emissions (Schedule A: Table II) would also be increased by 9 percent.

Schedule B: Combustion of Fuel

Based on the cost recovery methodology listed in Table 1, the fees in Schedule B would be increased by 5 percent (rounded to the nearest whole dollar). The base fee for a health risk screening analysis for a source covered by Schedule B would be increased by 7 percent, from \$389 to \$416.

Schedule C: Stationary Containers for the Storage of Organic Liquids

Based on the cost recovery methodology listed in Table 1, the fees in Schedule C would not be changed, except for the base fee for a health risk screening analysis for a source covered by Schedule C, which would be increased by 7 percent from \$389 to \$416.

Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals

Based on the cost recovery methodology listed in Table 1, the fees in Schedule D would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule D, which would be increased by 7 percent from \$389 to \$416. For bulk plants, terminals or other facilities subject to Schedule D, Part B., the base fee for a health risk screening analysis is included in the Risk Screening Fee (RSF) for the first TAC source in the application.

District staff has also prepared alternative amendments for Fee Schedule D, Part A, (see Appendix B-2) that would increase fees for certain gasoline dispensing facilities (GDFs) by 5 percent, rather than 9 percent. The cutoff for this lower fee increase would be established at 24 or fewer gasoline nozzle-products (e.g., facilities with 24 or fewer single product nozzles, 12 or fewer double product nozzles, or 8 or fewer triple product nozzles).

Review of the District's permit database indicates that the following percentage of Bay Area GDFs would qualify for the 5 percent fee increase if this alternative were adopted: (1) 80 percent of all GDFs, (2) 99.7 percent of non-retail GDFs, and (3) 69 percent of retail GDFs. The alternative amendments would decrease fee revenue from GDFs by approximately \$70,000 relative to the staff proposal which recommends a uniform 9 percent fee increase for all GDFs. In order to maintain the overall fee revenue target of a 6.4 percent increase (needed to stay on track with the milestones established under the District's Cost Recovery Policy), staff recommends that, if the alternative amendments are adopted for GDFs under Schedule D, higher fee increases should be adopted for facilities subject to Major Facility Review under Schedule P (see below).

The 5 percent fee increase for smaller GDFs under the alternative amendments would be applicable to Initial Fees (under Part A.1.), permit to operate renewal fees (under Part A.2.), and hardware modifications where gasoline nozzles are being added to a GDF (under Part A.3.). Note that for hardware modifications, the determination of whether the GDF would qualify for reduced fees would be based on the total nozzle count of the GDF after the requested modifications are made.

Schedule E: Solvent Evaporating Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule E would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule E, which would be increased by 7 percent from \$389 to \$416.

Schedule F: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule F would be increased by 9 percent. The base fee for a health risk screening analysis for a source covered by Schedule F would be increased by 7 percent, from \$389 to \$416. The base fee for a health risk screening analysis in Schedule F is included in the RSF for the first TAC source in the application.

Schedule G-1: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-1 would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-1, which would be increased by 7 percent from \$389 to \$416. The base fee for a health risk screening analysis in Schedule G-1

is included in the RSF for the first TAC source in the application.

Schedule G-2: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-2 would not be changed, except for the base fee for a health risk screening analysis for a source covered by Schedule G-2 which would be increased by 7 percent from \$389 to \$416. The base fee for a health risk screening analysis in Schedule G-2 is included in the RSF for the first TAC source in the application.

Schedule G-3: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-3 would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-3, which would be increased by 7 percent from \$389 to \$416. The base fee for a health risk screening analysis in Schedule G-3 is included in the RSF for the first TAC source in the application.

Schedule G-4: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-4 would not be changed, except for the base fee for a health risk screening analysis for a source covered by Schedule G-4, which would be increased by 7 percent from \$389 to \$416. The base fee for a health risk screening analysis in Schedule G-4 is included in the RSF for the first TAC source in the application.

Schedule G-5: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-5 would be increased by 7 percent. The base fee for a health risk screening analysis for a source covered by Schedule G-5 (included in the RSF for the first TAC source in the application), would also be increased by 7 percent. The base fee for a health risk screening analysis in Schedule G-5 is included in the RSF for the first TAC source in the application.

Schedule H: Semiconductor and Related Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule H would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule H, which would be increased by 7 percent from \$389 to \$416.

Schedule I: Dry Cleaners

Based on the cost recovery methodology listed in Table 1, the fees in Schedule I would be increased by 9 percent, except for the base fee for a health risk screening analysis

for a source covered by Schedule I, which would be increased by 7 percent from \$389 to \$416.

Schedule K: Solid Waste Disposal Sites

Based on the cost recovery methodology listed in Table 1, the fees in Schedule K would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule K, which would be increased by 7 percent from \$389 to \$416.

Schedule L: Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule L would be increased by 9 percent.

Schedule M: Major Stationary Source Fees

Schedule M is an emissions-based fee schedule that applies to various permitted facilities emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, and/or PM₁₀. The District's time accounting system does not provide data to allow for direct analyses of cost recovery for this schedule. Rather, the fee revenue collected from Fee Schedule M is allocated to the other source category-based permit fee schedules (i.e., Fee Schedules B, C, D, E, F, H, I, and K) based on the specific sources that are subject to Schedule M fees and their level of emissions. In this manner, the cost recovery for Schedule M is indirectly accounted for in the cost recovery analyses completed for the source-category based fee schedules. District staff is proposing no change for Fee Schedule M for FYE 2013.

Schedule N: Toxic Inventory Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule N would not be changed.

Fees for Schedule N are calculated by a formula that includes the fee revenue that is to be collected for District purposes, as well as the fee revenue that is to be passed through to the State to recover State agency costs related to the Air Toxics Hot Spots Program. The value of the variable F_T , the total amount of fees to be collected, used to calculate fees for Schedule N is proposed to be remain unchanged from FYE 2012 to FYE 2013 (\$724,000).

Schedule P: Major Facility Review Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule P would be increased by 9 percent, except for the cap on the cost of a public hearing specified under Part 5.a., which would be unchanged (the existing cap has never been exceeded).

District staff has also prepared alternative amendments for Fee Schedule P (see Appendix B-2) that would increase fees by 11 percent, rather than 9 percent. Staff recommends that this alternative only be adopted if the previously described alternative lower fee increase for GDFs under Schedule D is also adopted. The larger fee increase for Schedule P (11 percent, rather than 9 percent) would approximately make up for the loss in fee revenue from GDFs that would result under this alternative. It should be noted that, for FYE 2011, Schedule P recovered only 57 percent of the associated program activity costs.

Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks

Based on the cost recovery methodology listed in Table 1, the fee in Schedule Q would be increased by 9 percent.

Schedule R: Equipment Registration Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule R would be increased by 9 percent.

District staff is also proposing a new fee that would be created as Schedule R, Part 4.c. This is an annual registration renewal fee that would be added to recover the costs of ongoing inspections of smaller-size boilers, steam generators and process heaters required to register equipment with the District under District Regulation 9-7-404. Currently, there is only a one-time initial registration fee for these sources (in Schedule R, Parts 4.a and 4.b) which recovers the costs of program development and an initial inspection. The new annual renewal fee is intended to recover the costs of ongoing inspections that will be conducted to determine compliance with Regulation 9-7. The proposed annual fee is \$65 per device, and was derived based on an assumed inspection frequency of one inspection every three years. (It was assumed that each inspection would require 2.2 hours of time for the inspector, 0.17 hours of time for the supervisor, and 0.08 hours of time for the manager. Direct labor costs were adjusted to a fully-burdened cost by multiplying by a factor of 1.95, which was derived from cost recovery data).

Schedule S: Naturally Occurring Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule S would be increased by 9 percent.

District staff is also proposing a new fee that would be created as Schedule S, Part 3. This is an inspection fee that would be added to recover the costs of conducting inspections of sites required to have an Asbestos Dust Mitigation Plan (ADMP) under the State Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. Currently, there is only a fee to recover the costs of

reviewing an ADMP (including the monitoring component, if required) under Schedule S, Parts 1 and 2. The proposed inspection fee is \$90 per hour based on the actual time spent in conducting such inspections. (The \$90 per hour time and materials rate assumes that each inspection hour will require 0.1 hours of time for the supervisor, and 0.03 hours of time for the manager. Direct labor costs were adjusted to a fully-burdened cost by multiplying by a factor of 1.95, which was derived from cost recovery data). The inspection fees for ADMP sites would be invoiced by the District on a quarterly basis and at the conclusion of dust generating activities covered under the ADMP.

Schedule T: Greenhouse Gas Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule T would not be changed.

Schedule U: Indirect Source Review Fees

District staff is proposing no changes in Schedule U: Indirect Source Review Fees. Schedule U was adopted in 2009 to establish fees for an upcoming District Indirect Source Review (ISR) rule. The ISR rule has been included as a Land Use and Local Impact Measure in the Bay Area 2010 Clean Air Plan, and the fees in Schedule U will be considered for amendment concurrent with development of this new rule.

4. FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES

On an overall basis, the 2012 Cost Recovery Study (a copy of which is available on request) concluded that, for FYE 2011, fee revenue recovered 69 percent of regulatory program activity costs, with revenue of \$29,369,576 and costs of \$42,747,034. This resulted in a shortfall, or cost recovery gap, of \$13,377,458. For permitted sources, fees recovered 71 percent of costs, with revenue of \$27,362,882 and costs of \$38,645,487 (this excludes revenue and costs for non-permitted sources associated with Fee Schedules L, Q, R, and S). For non-permitted sources (covered by Fee Schedules L, Q, R, and S), fees recovered 49 percent of costs, with revenue of \$2,006,694 and costs of \$4,101,547.

Overall cost recovery is expected to increase slightly from FYE 2011 to the current FYE 2012. For FYE 2012, overall fee revenue was initially projected to increase by 5 percent relative to FYE 2011. However, actual fee revenue for FYE 2012 is expected to fall short of budget projections due to greater than expected decreases in activity levels at facilities and other regulated entities. Regulatory program costs are expected to decrease slightly from FYE 2011 to FYE 2012 due to implementation of cost containment measures.

The proposed fee amendments for FYE 2013 are projected to increase overall District fee revenue in FYE 2013 by approximately \$1.85 million relative to fee revenue levels that would be expected without the amendments. Clearly, fee revenue in FYE 2013 will remain well below the District's regulatory program costs for both permitted and non-

permitted sources. With the proposed fee amendments, overall cost recovery should increase by about 3 percent, by the end of FYE 2013 (unless fee revenue is further impacted by declining activity levels).

5. STATUTORY AUTHORITY FOR PROPOSED FEE INCREASES

The District is a regional regulatory agency, and its fees are used to recover the costs of issuing permits, performing inspections, and other associated regulatory activities. The District's fees fall into the category specified in Section 1(e) of Article XIII C of the California Constitution which specifies that charges of this type assessed to regulated entities to recover regulatory program activity costs are not taxes. The amount of fee revenue collected by the District has been clearly shown to be much less than the costs of the District's regulatory program activities both for permitted and non-permitted sources.

The District's fee regulation, with its various fee schedules, is used to allocate regulatory program costs to fee payers in a manner which bears a fair or reasonable relationship to the payer's burden on, or benefits received from, regulatory activities. Permit fees are based on the type and size of the source being regulated, with minimum and maximum fees being set in recognition of the practical limits to regulatory costs that exist based on source size. Add-on fees are used to allocate costs of specific regulatory requirements that apply to some sources but not others (e.g., health risk screening fees, public notification fees, alternative compliance plan fees). Emissions-based fees are used to allocate costs of regulatory activities not reasonably identifiable with specific fee payers.

Since 2006, the District has used annual analyses of cost recovery performed at the fee-schedule level, which is based on data collected from a labor-tracking system, to adjust fees. These adjustments are needed as the District's regulatory program activities change over time based on changes in statutes, rules and regulations, enforcement priorities, and other factors.

State law authorizes air districts to adopt fee schedules to cover the costs of various air pollution programs. California Health and Safety Code (H&S Code) section 42311(a) provides authority for an air district to collect permit fees to cover the costs of air district programs related to permitted stationary sources. H&S Code section 42311(f) further authorizes the District to assess additional permit fees to cover the costs of programs related to toxic air contaminants. H&S Code section 41512.7 limits the allowable percentage increase in fees for authorities to construct and permits to operate to 15 percent per year.

H&S Code section 44380(a) authorizes air districts to adopt a fee schedule that recovers the costs to the air district and State agencies of the Air Toxics Hot Spots Program (AB 2588). The section provides the authority for the District to collect toxic inventory fees under Schedule N.

H&S Code section 42311(h) authorizes air districts to adopt a schedule of fees to cover

the reasonable costs of the Hearing Board incurred as a result of appeals from air district decisions on the issuance of permits. Section 42364(a) provides similar authority to collect fees for the filing of applications for variances or to revoke or modify variances. These sections provide the authority for the District to collect Hearing Board fees under Schedule A.

H&S Code section 42311(g) authorizes air districts to adopt a schedule of fees to be assessed on areawide or indirect sources of emissions, which are regulated but for which permits are not issued by the air district, to recover the costs of air district programs related to these sources. This section provides the authority for the District to collect asbestos fees (including fees for Naturally Occurring Asbestos operations), soil excavation reporting fees, registration fees for various types of regulated equipment, and fees for Indirect Source Review.

The proposed fee amendments are in accordance with all applicable authorities. Based on the results of the 2012 Cost Recovery Study (a copy of which is available on request), the District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the District's regulatory activities, and the manner in which the District fees allocate those costs to a payor bear a fair and reasonable relationship to the payor's burdens on the District regulatory activities and benefits received from those activities. Permit fee revenue (after adoption of the proposed amendments) would still be well below the District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted areawide sources would be below the District's costs of regulatory programs related to these sources. Hearing Board fee revenue would be below the District's costs associated with Hearing Board activities related to variances and permit appeals. Fee increases for authorities to construct and permits to operate would be less than 15 percent per year.

6. ASSOCIATED IMPACTS AND OTHER RULE DEVELOPMENT REQUIREMENTS

6.1 EMISSIONS IMPACTS

There will be no direct change in air emissions as a result of the proposed amendments.

6.2 ECONOMIC IMPACTS

The District must, in some cases, consider the socioeconomic impacts and incremental costs of proposed rules or amendments. Section 40728.5(a) of the California H&S Code requires that socioeconomic impacts be analyzed whenever a district proposes the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations. The proposed fee amendments will not significantly affect air quality or emissions limitations, and so a socioeconomic impact analysis is not required.

Section 40920.6 of the H&S Code specifies that an air district is required to perform an incremental cost analysis for a proposed rule, if the purpose of the rule is to meet the requirement for best available retrofit control technology or for a feasible measure. The proposed fee amendments are not best available retrofit control technology requirements, nor are they a feasible measure required under the California Clean Air Act. Therefore, an incremental cost analysis is not required.

The financial impact of the proposed fee amendments on small businesses is expected to be minor. Many small businesses operate only one or two permitted sources, and generally pay only the minimum permit renewal fees. As is shown in Table 2, increases in annual permit and registration renewal fees for most small businesses would be under \$100, with the exception of gas stations that have five or more three-product (i.e., regular, mid-grade, and premium) gasoline dispensing nozzles.

Table 2. Changes in Annual Permit / Registration Renewal Fees for Typical Small Businesses

Facility Type	Facility Description	Fee Increase	Total Fee
Gas Station - large	12 three-product gasoline nozzles	\$251	\$2,985
Gas Station - small	4 three-product gasoline nozzles	\$87	\$1,097
Auto Body Shop	2 spray booths; 500 gal./yr. paint; 200 gal./yr. cleanup solvent	\$67	\$848
Dry Cleaner (Perc)	1 machine; 1400 lb./yr. Perc emissions	\$34	\$505
Dry Cleaner (Hydrocarbon)	1 machine; 800 lb./yr. VOC emissions	\$12	\$146
Office Building with Back-up Generator	One 300 hp. diesel engine	\$15	\$297
Printing Shop	2 printing presses; 1000 lb./yr. VOC emissions	\$13	\$158

The fees for gas stations are higher than the fees for many other types of small businesses because the District's costs of regulating gas stations are much higher. There are a number of reasons for this including: (1) a large amount of gasoline (approximately 9 million gallons per day) is pumped in the Bay Area, (2) gasoline vapors

are a significant source of ozone precursor emissions, and may also be of concern due to local community exposures to the carcinogen benzene (a component of gasoline), and so the District established vapor recovery requirements for gas stations dating back to the 1970's, (3) the emissions from gas stations are highly dependent on the effectiveness of their vapor recovery systems, and a small decrease in this effectiveness can have large emission consequences (e.g., a 5 percent decrease in control efficiency can double emissions) (4) gas station vapor recovery systems are quite complex, and have many components that can malfunction including the nozzles which are subject to significant wear and tear, (5) widespread problems with vapor recovery systems at gas stations became so significant that, in the year 2000, the State began a 10 year program for Enhanced Vapor Recovery (EVR), (6) the EVR Program required the re-design and replacement of most gas vapor recovery systems, and established much more detailed monitoring requirements for them. Due to these issues, the District maintains a dedicated team comprised of 12 members that is continuously inspecting gas stations throughout the Bay Area.

For reference, District permit fees are generally well below that of the South Coast AQMD, the other major metropolitan air district in the state with a cost of living similar to that of the Bay Area. South Coast AQMD staff have indicated that their fee revenue recovers a much higher percentage of associated program activity costs (i.e., about 90 percent) relative to the Bay Area AQMD. A comparison of permit renewal fees recently completed by District staff for 12 different categories of small and medium-sized sources indicated that South Coast AQMD fees are approximately 2.3 times higher than District fees, on average. These fee comparisons are provided in Figures 1 and 2 as follows.

Figure 1. Comparison of FYE 2012 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Small Sources

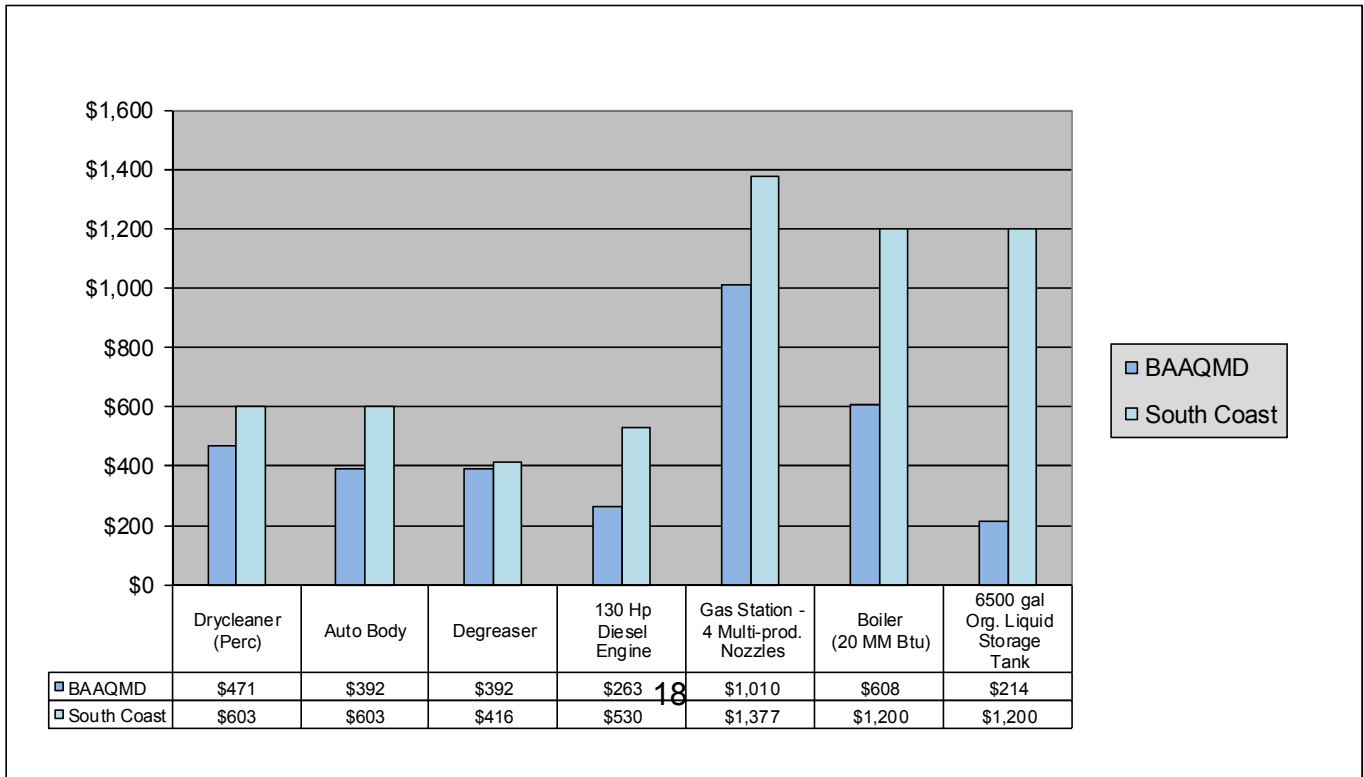
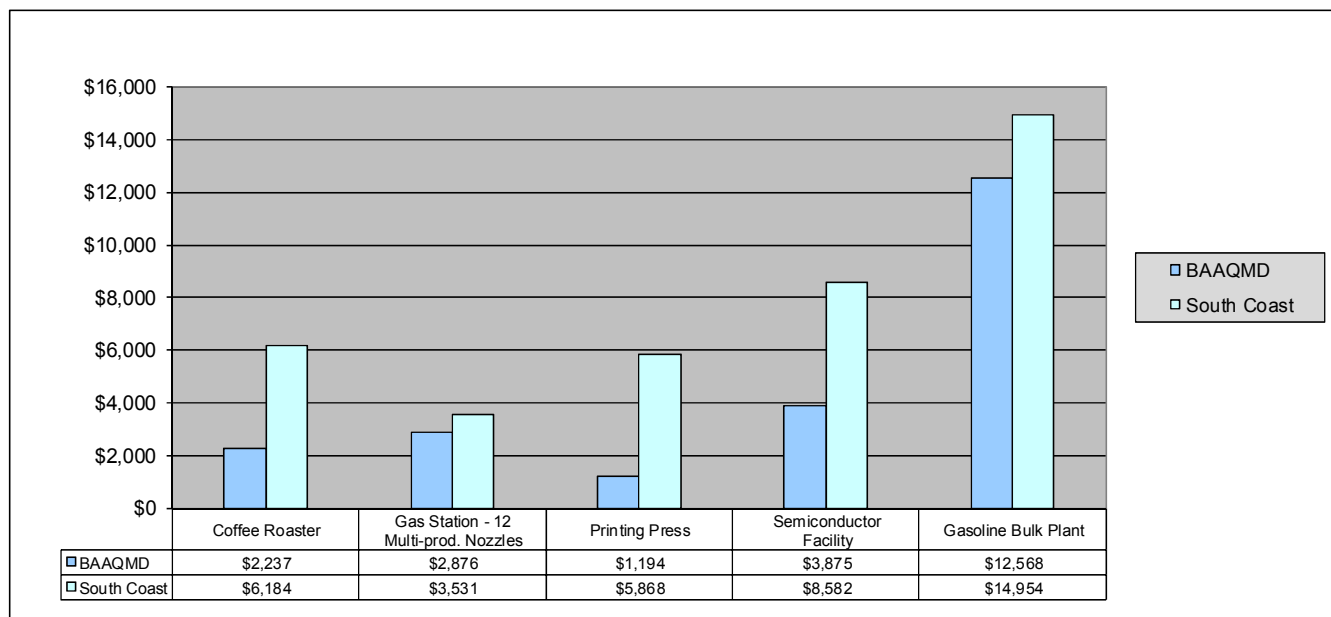


Figure 2. Comparison of FYE 2012 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Medium-sized Sources



For larger facilities, increases in annual permit renewal fees would cover a considerable range due to differences in the facility’s size, type of emission sources, and emissions. The annual permit renewal fees for the five Bay Area refineries, the District’s highest fee payers, would increase within an estimated range of 3.1 to 4.7 percent (\$49,000 to \$111,300).

If the previously described alternative fee amendments are adopted (i.e., a 5 percent increase for most GDFs, rather than a 9 percent increase as proposed), the increase in annual permit renewal fees for all GDFs meeting the criteria for lower fees would be \$96 or less. For the small gas station example provided in Table 2 (i.e., four 3-product nozzles), the annual permit renewal fee increase under this alternative would be \$51 (rather than an increase of \$87 under the staff proposal). The alternative’s recommended larger fee increase for facilities subject to Major Facility Review under Schedule P (i.e., an 11 percent increase, rather than 9 percent under the staff proposal) would increase annual permit renewal fees for each of the five Bay Area refineries by an additional \$6600, on average. An estimated 85 non-refinery facilities subject to Schedule P would see additional increases in their permit renewal fees under this

alternative of between \$10 and \$2200, depending on the size and complexity of the facility.

District staff is sympathetic to businesses that are impacted by the prolonged economic downturn, but feel that additional revenue is needed to continue the District's core regulatory programs and other air quality initiatives. In general, District fee increases are expected to have a minor financial impact on businesses relative to other factors (e.g., the costs of property and labor).

6.3 ENVIRONMENTAL IMPACTS

The California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines, 14 CCR 15000 et seq., require a government agency that undertakes or approves a discretionary project to prepare documentation addressing the potential impacts of that project on all environmental media. Certain types of agency actions are, however, exempt from CEQA requirements. The proposed fee amendments are exempt from the requirements of the CEQA under Section 15273 of the CEQA Guidelines, which state: "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies...." (See also Public Resources Code Section 21080(b)(8)).

Section 40727.2 of the H&S Code imposes requirements on the adoption, amendment, or repeal of air district regulations. It requires an air district to identify existing federal and air district air pollution control requirements for the equipment or source type affected by the proposed change in air district rules. The air district must then note any differences between these existing requirements and the requirements imposed by the proposed change. This fee proposal does not impose a new standard, make an existing standard more stringent, or impose new or more stringent administrative requirements. Therefore, section 40727.2 of the H&S Code does not apply.

6.4 STATUTORY FINDINGS

Pursuant to H&S Code section 40727, regulatory amendments must meet findings of necessity, authority, clarity, consistency, non-duplication, and reference. The proposed amendments to Regulation 3:

- Are necessary to fund the District's efforts to attain and maintain federal and state air quality standards, and to reduce public exposure to toxic air contaminants;
- Are authorized by H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9;
- Are clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Are consistent with other District rules, and not in conflict with any state or federal law;
- Are not duplicative of other statutes, rules or regulations; and
- Reference H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9.

7. RULE DEVELOPMENT PROCESS

On February 3, 2012, the District issued a notice for a public workshop to discuss with interested parties an initial proposal to increase District fees. Distribution of this notice included all District-permitted and registered facilities, asbestos contractors, sites required to have Asbestos Dust Mitigation Plans (ADMPs), and a number of other potentially interested stakeholders. The notice was also posted on the District website.

A public workshop was held on February 28, 2012 to discuss the initial fee proposal. Nine members of the public attended the workshop. On March 28, 2012, District staff provided a briefing on the proposed amendments to the District Board of Directors' Budget and Finance Committee.

Under H&S Code section 41512.5, the adoption or revision of fees for non-permitted sources requires two public hearings that are held at least 30 days apart from one another. This provision applies to Schedule L: Asbestos Operations, Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, Schedule R: Equipment Registration Fees, and Schedule S: Naturally Occurring Asbestos Operations. A Public Hearing Notice for the proposed Regulation 3 amendments was published on March 19, 2012. An initial public hearing to consider testimony on the proposed fee amendments has been scheduled for April 18, 2012. A second public hearing, to consider adoption of the proposed fee amendments, has been scheduled for June 6, 2012. If adopted, the amendments would be made effective on July 1, 2012, which is the beginning of FYE 2013.

8. PUBLIC COMMENTS

As of the date of this report, three sets of written comments were received on the staff fee proposal as follows: (1) David Sahagun of Pacific Heights Chevron, (2) Alex Gaviola of Bay Area Oil Supply (via Sunny Campbell of California Service Station and Automotive Repair Association), and (3) Michael Vukelich of Michael J. Vukelich & Associates Professional Consultants. In addition, verbal comments were provided at the March 7, 2012 Board of Directors' meeting (on an item to consider adoption of a Cost Recovery Policy) by Sunny Campbell of the California Service Station and Automotive Repair Association. A summary of the comments received, and District staff responses to these comments, follows.

David Sahagun Comments: The commenter indicates that the small business community is opposed to the fee increases, and has been significantly impacted by the economy, banks, oil companies and the government. The commenter indicates that District fee increases should not be seen in isolation from all the other fees and taxes that small businesses must pay. A list of the various fees and taxes paid by a gas station is provided (some of which specific annual dollar amounts are specified, and which total over \$50,000).

Response: District staff acknowledges the difficulties that the commenter and other businesses are having due to the lingering economic downturn, but believe that the proposed fee increases are needed to maintain core regulatory programs and move towards more complete cost recovery as specified in the District's Cost Recovery Policy.

Because of the importance of minimizing emissions from gas stations, the District maintains a rigorous gas station enforcement program, including 12 full-time dedicated inspection staff members. The District's regulatory costs for gas stations have increased over the last decade due to numerous problems with vapor recovery systems at stations that necessitated a statewide program of Enhanced Vapor Recovery (EVR). The EVR Program required the re-design and replacement of most gas vapor recovery systems, and established much more detailed monitoring requirements for them. The fee revenue received from gas stations currently covers less than 50 percent of the District's regulatory program costs. Under the staff proposal, fee schedules that recover less than 70 percent of program costs would all be increased by 9 percent. The annual permit renewal fee for a small gas station with four three-product gasoline dispensing nozzles would increase by less than \$100. A more typical retail gas station with 12 three-product nozzles would have an increase in annual permit renewal fees of \$251.

An alternative to the staff proposal has also been prepared for the District Board of Directors' consideration that would result in lower fee increases for most GDFs.

Alex Gaviola Comments: The commenter provides a list of annual District, City, County, and State fees that he indicates applies to one of his gas station sites in San Jose. The total of these fees is \$13,561, of which the District permit fee is \$2,023.

Response: See previous response to comments from David Sahagun.

Michael Vukelich Comments: The commenter raises a number of issues that are not directly related to the staff fee proposal. He asserts that: (1) EPA is unconstitutional, (2) the District is illegal and should be disbanded, (2) outdoor air is clean and the District has covered up indoor air pollution which is more polluted, (3) wood smoke has no effect on health, (4) District rules and regulations and fees are killing jobs, and (5) county health departments can control air pollution.

Response: District staff disagrees with most of the points raised by the commenter. Neither the EPA nor the District are "unconstitutional" or "illegal". California air districts are specifically provided with legal authority to regulate stationary sources of air pollution. Although significant progress has been made in improving air quality, emissions must continue to be reduced in order to meet health-based ambient air quality standards for ozone and fine particulate matter, and to further reduce health risks associated with exposures to toxic air contaminants. Many studies have shown that air pollution control programs provide significant economic benefits in terms of reducing health care costs. Substantial epidemiological evidence indicates that fine particulate matter (e.g., from wood smoke) contributes to significant adverse health

effects with associated costs. District staff acknowledges the difficulties that many businesses are having in the economic downturn, but believe that the proposed fee increases are needed to maintain core regulatory programs. Annual fee increases for most small businesses regulated by the District would be under \$100.

Sunny Campbell Comments: The commenter indicates his trade association's opposition to the proposed fee increases for gas stations. He cites the difficult economic times, and the costs of increasing fees from the District and other agencies.

Response: See previous response to comments from David Sahagun.

9. CONCLUSIONS

District staff finds that the proposed fee amendments meet the findings of necessity, authority, clarity, consistency, non-duplication and reference specified in H&S Code section 40727. The proposed amendments:

- Are necessary to fund the District's efforts to attain and maintain federal and state air quality standards, and to reduce public exposure to toxic air contaminants;
- Are authorized by H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9;
- Are clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Are consistent with other District rules, and not in conflict with any state or federal law;
- Are not duplicative of other statutes, rules or regulations; and
- Reference H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9.

The proposed fee amendments will be used by the District to recover the costs of issuing permits, performing inspections, and other associated regulatory activities. Based on the results of the 2012 Cost Recovery Study (a copy of which is available on request), the District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the District's regulatory activities, and the manner in which the District fees allocate those costs to a payor bear a fair and reasonable relationship to the payor's burdens on the District regulatory activities and benefits received from those activities. Permit fee revenue (after adoption of the proposed amendments) would still be well below the District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted sources would be below the District's costs of regulatory programs related to these sources. Fee increases for authorities to construct and permits to operate would not exceed 15 percent per year as required under H&S Code section 41512.7.

The proposed amendments to Regulation 3 are exempt from the requirements of the CEQA under Section 15273 of the CEQA Guidelines.

District staff recommends that the Board of Directors adopt the proposed amendments to Regulation 3: Fees, with an effective date of July 1, 2011, and approve the filing of a CEQA Notice of Exemption, following the 2nd public hearing scheduled to consider this matter on June 6, 2012.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

APPENDIX A COST RECOVERY POLICY (Adopted March 7, 2012)

DRAFT

APRIL 2, 2012

COST RECOVERY POLICY FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATORY PROGRAMS

PURPOSE

WHEREAS, the District has the primary authority for the control of air pollution from all sources of air emissions located in the San Francisco Bay Area, other than emissions from motor vehicles, in accordance with the provisions of Health & Safety Code sections 39002 and 40000.

WHEREAS, the District is responsible for implementing and enforcing various District, State, and federal air quality regulatory requirements that apply to non-vehicular sources.

WHEREAS, the District's regulatory programs involve issuing permits, performing inspections, and other associated activities.

WHEREAS, the District is authorized to assess fees to regulated entities for the purpose of recovering the reasonable costs of regulatory program activities, and these authorities include those provided for in California Health and Safety Code sections 42311, 42364, and 44380.

WHEREAS, the District's fees fall within the categories provided in Section 1(e) of Article XIII C of the California Constitution, which indicates that charges assessed to regulated entities to recover regulatory program activity costs, and charges assessed to cover the cost of conferring a privilege or providing a service, are not taxes.

WHEREAS, the District has adopted, and periodically amends, a fee regulation for the purpose of recovering regulatory program activity costs, and this regulation with its various fee schedules, is used to allocate costs to fee payers in a manner which bears a fair or reasonable relationship to the payer's burden on, or benefits received from, regulatory activities.

WHEREAS, the District analyzes whether assessed fees result in the collection of sufficient revenue to recover the costs of related program activities; these analyses have included contractor-conducted fee studies completed in 1999, 2005, and 2011, and annual District staff-conducted cost recovery updates completed in 2006 through 2010. Each fee study and cost recovery update completed revealed that District fee revenue falls significantly short of recovering the costs of related program activities.

WHEREAS, the District's most recently completed fee study (*Cost Recovery*

and Containment Study, Bay Area Air Quality Management District, Final Report, Matrix Consulting Group, March 9, 2011) concluded that in Fiscal Year Ending (FYE) 2010, the District recovered approximately 62 percent of its fee-related activity costs, resulting in an under-recovery of costs (i.e., a cost recovery gap), and a subsidy to fee payers, of approximately \$16.8 million, and that this cost recovery gap resulted despite the implementation of a number of strategies to contain costs.

WHEREAS, cost recovery analyses have indicated that the District's Fee Schedule P: Major Facility Review Fees, which establishes fees for program activities associated with the Title V permit program, has under-recovered costs by an average of \$3.4 million per year over the period FYE 2004 through FYE 2010.

WHEREAS, the District's Board of Directors has recognized since 1999 that the District's cost recovery gap has been an issue that needs to be addressed, and since that time has adopted annual fee amendments in order to increase fee revenue.

WHEREAS, in addition to fee revenue, the District receives revenue from Bay Area counties that is derived from property taxes, and a large portion of this tax revenue has historically been used on an annual basis to fill the cost recovery gap.

WHEREAS, the tax revenue that the District receives varies on a year-to-year basis, and cannot necessarily be relied on to fill the cost recovery gap and also cover other District expenses necessitating, in certain years, the use of reserve funds.

WHEREAS, tax revenue that the District receives, to the extent that it is not needed to fill the cost recovery gap, can be used to fund initiatives or programs that may further the District's mission but that lack a dedicated funding source.

WHEREAS, it may be appropriate as a matter of policy to establish specific fee discounts for small businesses, green businesses, or other regulated entities or members of the public, where tax revenue is used to cover a portion of regulatory program activity costs, and the District's existing fee regulation contains several fee discounts of this type.

POLICY

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bay Area Air Quality Management District that:

(1) Cost Containment –In order to ensure that the costs of its regulatory programs remain reasonable, the District should continue to implement feasible cost containment measures, including the use of appropriate best management practices, without compromising the District’s effective implementation and enforcement of applicable regulatory requirements. The District’s annual budget documents should include a summary of cost containment measures that are being implemented.

(2) Analysis of Cost Recovery – The District should continue to analyze the extent to which fees recover regulatory program activity costs, both on an overall basis, and at the level of individual fee schedules. These cost recovery analyses should be periodically completed by a qualified District contactor, and should be updated on an annual basis by District staff using a consistent methodology.

(3) Cost Recovery Goals – It is the general policy of the District, except as otherwise noted below, that the costs of regulatory program activities be fully recovered by assessing fees to regulated entities. In order to move towards this goal, the District should amend its fee regulation over the next four years, in conjunction with the adoption of budgets for Fiscal Year Ending (FYE) 2013 through FYE 2016, in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent. Amendments to specific fee schedules should also be made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being adopted for the schedules that have the larger cost recovery gaps. This includes Fee Schedule P: Major Facility Review Fees, which has been determined to under-recover costs by a significant amount. Newly adopted regulatory measures should include fees that are designed to recover increased regulatory program activity costs associated with the measure, unless the Board of Directors determines that a portion of those costs should be covered by tax revenue. Tax revenue should also continue to be used to subsidize existing fee discounts that the District provides (e.g., for small businesses, green businesses, and third-party permit appeals), and to cover the cost of the District’s wood smoke enforcement program.

BE IT FURTHER RESOLVED that this resolution is non-binding in the case of unforeseen financial circumstances, and may also be reconsidered or updated by the District’s Board of Directors.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

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MAY 18, 2012

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REGULATION 3 FEES

(Adopted June 18, 1980)

3-100 GENERAL

3-101 Description: This regulation establishes fees to be charged for Hearing Board filings, for permits, banking, renewal of permits, costs of environmental documentation, asbestos operations, air toxics inventories, equipment registrations, soil excavation and underground tank removals, and indirect source review.

(Amended 7/6/83; 11/2/83; 2/21/90; 12/16/92; 8/2/95; 12/2/98; 5/21/03; 5/21/08; 5/20/09)

3-102 Deleted July 12, 1989

3-103 Exemption, Abatement Devices: Installation, modification, or replacement of abatement devices on existing sources are subject to fees pursuant to Section 3-302.3. All abatement devices are exempt from annual permit renewal fees. However, emissions from abatement devices, including any secondary emissions, shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, P, and T.

(Amended 6/4/86; 7/1/98; 6/7/00; 5/21/08)

3-104 Deleted August 2, 1995

3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees: Fees shall not be required, pursuant to Section 3-322, for operations associated with the excavation of contaminated soil and the removal of underground storage tanks if one of the following is met:

105.1 The tank removal operation is being conducted within a jurisdiction where the APCO has determined that a public authority has a program equivalent to the District program and persons conducting the operations have met all the requirements of the public authority.

105.2 Persons submitting a written notification for a given site have obtained an Authority to Construct or Permit to Operate in accordance with Regulation 2, Rule 1, Section 301 or 302. Evidence of the Authority to Construct or the Permit to Operate must be provided with any notification required by Regulation 8, Rule 40.

(Adopted 1/5/94; Amended 5/21/03)

3-106 Deleted December 2, 1998

3-107 Exemption, Sources Exempt from Permit Requirements: Any source that is exempt from permit requirements pursuant to Regulation 2, Rule 1, Sections 103 through 128 is exempt from permit fees. However, emissions from exempt sources shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, and P.

(Adopted June 7, 2000)

3-200 DEFINITIONS

3-201 Cancelled Application: Any application which has been withdrawn by the applicant or cancelled by the APCO for failure to pay fees or to provide the information requested to make an application complete.

(Amended 6/4/86; 4/6/88)

3-202 Gasoline Dispensing Facility: Any stationary facility which dispenses gasoline directly into the fuel tanks of vehicles, such as motor vehicles, aircraft or boats. The facility shall be treated as a single source which includes all necessary equipment for the exclusive use of

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- the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing and storage tanks.
(Amended February 20, 1985)
- 3-203 Filing Fee:** A fixed fee for each source in an authority to construct.
(Amended June 4, 1986)
- 3-204 Initial Fee:** The fee required for each new or modified source based on the type and size of the source. The fee is applicable to new and modified sources seeking to obtain an authority to construct. Operation of a new or modified source is not allowed until the permit to operate fee is paid.
(Amended June 4, 1986)
- 3-205 Authority to Construct:** Written authorization from the APCO, pursuant to Section 2-1-301, for a source to be constructed or modified or for a source whose emissions will be reduced by the construction or modification of an abatement device.
(Amended June 4, 1986)
- 3-206 Modification:** See Section 1-217 of Regulation 1.
- 3-207 Permit to Operate Fee:** The fee required for the annual renewal of a permit to operate or for the first year of operation (or prorated portion thereof) of a new or modified source which received an authority to construct.
(Amended 6/4/86; 7/15/87; 12/2/98; 6/7/00)
- 3-208 Deleted June 4, 1986**
- 3-209 Small Business:** A business with no more than 10 employees and gross annual income of no more than \$750,000 that is not an affiliate of a non-small business.
(Amended 6/4/86; 6/6/90; 6/7/00; 6/15/05; 6/16/10)
- 3-210 Solvent Evaporating Source:** Any source utilizing organic solvent, as part of a process in which evaporation of the solvent is a necessary step. Such processes include, but are not limited to, solvent cleaning operations, painting and surface coating, rotogravure coating and printing, flexographic printing, adhesive laminating, etc. Manufacture or mixing of solvents or surface coatings is not included.
(Amended July 3, 1991)
- 3-211 Source:** See Section 1-227 of Regulation 1.
- 3-212 Deleted August 2, 1995**
- 3-213 Major Stationary Source:** For the purpose of Schedule M, a major stationary source shall be any District permitted plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the base calendar year, emitted to the atmosphere organic compounds, oxides of nitrogen (expressed as nitrogen dioxide), oxides of sulfur (expressed as sulfur dioxide), or PM₁₀ in an amount calculated by the APCO equal to or exceeding 50 tons per year.
(Adopted 11/2/83; Amended 2/21/90; 6/6/90; 8/2/95; 6/7/00)
- 3-214 Deleted October 20, 1999, effective March 1, 2000**
- 3-215 Deleted October 20, 1999, effective March 1, 2000**
- 3-216 Deleted October 20, 1999, effective March 1, 2000**
- 3-217 Deleted October 20, 1999, effective March 1, 2000**
- 3-218 Deleted October 20, 1999, effective March 1, 2000**
- 3-219 Deleted October 20, 1999, effective March 1, 2000**
- 3-220 Deleted October 20, 1999, effective March 1, 2000**
- 3-221 Deleted October 20, 1999, effective March 1, 2000**
- 3-222 Deleted October 20, 1999, effective March 1, 2000**
- 3-223 Start-up Date:** Date when new or modified equipment under an authority to construct begins operating. The holder of an authority to construct is required to notify the APCO of this date at least 3 days in advance. For new sources, or modified sources whose authorities to construct have expired, operating fees are charged from the startup date.
(Adopted 6/4/86; Amended 6/6/90)

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- 3-224 Permit to Operate:** Written authorization from the APCO pursuant to Section 2-1-302.
(Adopted 6/4/86; Amended 6/7/00)
- 3-225 Minor Modification:** Any physical change or alteration to a source listed on Schedules G-3, G-4, or G-5 that will not increase emissions of any air contaminant. Such modifications may include alterations to improve energy and operational efficiency and those that reduce emissions. Alterations to increase actual or maximum production capacity shall not be considered minor modifications. Final determination of the applicability of this section shall be made by the APCO.
(Adopted 6/6/90; Amended 5/4/11)
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987:** The Air Toxics "Hot Spots" Information and Assessment Act of 1987 directs the California Air Resources Board and the Air Quality Management Districts to collect information from industry on emissions of potentially toxic air contaminants and to inform the public about such emissions and their impact on public health. It also directs the Air Quality Management District to collect fees sufficient to cover the necessary state and District costs of implementing the program.
(Adopted 10/21/92; Amended 6/15/05)
- 3-227 Toxic Air Contaminant, or TAC:** An air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1 of Regulation 2, Rule 5.
(Adopted 10/21/92; Amended 6/15/05)
- 3-228 Deleted December 2, 1998**
- 3-229 Deleted December 2, 1998**
- 3-230 Deleted December 2, 1998**
- 3-231 Deleted December 2, 1998**
- 3-232 Deleted December 2, 1998**
- 3-233 Deleted December 2, 1998**
- 3-234 Deleted December 2, 1998**
- 3-235 Deleted December 2, 1998**
- 3-236 Deleted December 2, 1998**
- 3-237 PM₁₀:** See Section 2-1-229 of Regulation 2, Rule 1.
(Adopted June 7, 2000)
- 3-238 Risk Screening Fee:** Fee for a new or modified source of toxic air contaminants for which a health risk screening analysis (HRSA) is required under Regulation 2-5-401, or for an HRSA prepared for other purposes (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402).
(Adopted June 15, 2005)
- 3-239 Toxic Surcharge:** Fee paid in addition to the permit to operate fee for a source that emits one or more toxic air contaminants at a rate which exceeds a chronic trigger level listed in Table 2-5-1.
(Adopted June 15, 2005)
- 3-240 Biogenic Carbon Dioxide:** Carbon dioxide emissions resulting from materials that are derived from living cells, excluding fossil fuels, limestone and other materials that have been transformed by geological processes. Biogenic carbon dioxide originates from carbon (released in the form of emissions) that is present in materials that include, but are not limited to, wood, paper, vegetable oils, animal fat, and food, animal and yard waste.
(Adopted May 21, 2008)
- 3-241 Green Business:** A business or government agency that has been certified under the Bay Area Green Business Program coordinated by the Association of Bay Area Governments and implemented by participating counties.
(Adopted June 16, 2010)

3-300 STANDARDS

3-301 Hearing Board Fees: Applicants for variances or appeals or those seeking to revoke or modify variances or abatement orders or to rehear a Hearing Board decision shall pay the applicable fees, including excess emission fees, set forth in Schedule A.

(Amended June 7, 2000)

3-302 Fees for New and Modified Sources: Applicants for authorities to construct and permits to operate new sources shall pay for each new source: a filing fee of ~~\$389~~\$416, the initial fee, the risk screening fee, the permit to operate fee, and toxic surcharge (given in Schedules B, C, D, E, F, H, I or K). Applicants for authorities to construct and permits to operate modified sources shall pay for each modified source, a filing fee of ~~\$389~~\$416, the initial fee, the risk screening fee, and any incremental increase in permit to operate and toxic surcharge fees. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. Except for gasoline dispensing facilities (Schedule D) and semiconductor facilities (Schedule H), the size to be used for a source when applying the schedules shall be the maximum size the source will have after the construction or modification. Where applicable, fees for new or modified sources shall be based on maximum permitted usage levels or maximum potential to emit including any secondary emissions from abatement equipment. The APCO may reduce the fees for new and modified sources by an amount deemed appropriate if the owner or operator of the source attends an Industry Compliance School sponsored by the District.

302.1 Small Business Discount: If an applicant qualifies as a small business and the source falls under schedules B, C, D (excluding gasoline dispensing facilities), E, F, H, I or K, the filing fee, initial fee, and risk screening fee shall be reduced by 50%. All other applicable fees shall be paid in full.

302.2 Deleted July 3, 1991

302.3 Fees for Abatement Devices: Applicants for an authority to construct and permit to operate abatement devices where there is no other modification to the source shall pay a ~~\$389~~\$416 filing fee and initial and risk screening fees that are equivalent to 50% of the initial and risk screening fees for the source being abated. For abatement devices abating more than one source, the initial fee shall be 50% of the initial fee for the source having the highest initial fee.

302.4 Fees for Reactivated Sources: Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, risk screening, permit, and toxic surcharge fees.

302.5 Schedule G Fees: Applicants for minor modifications to permitted sources subject to Schedules G-3, G-4, or G-5 shall pay filing, initial, risk screening, permit to operate, and toxic surcharge fees specified under Schedule G-2. Permit renewal fees will continue to be charged under Schedules G-3, G-4, and G-5.

302.6 Green Business Discount: If an applicant qualifies as a green business, the filing fee, initial fee, and risk screening fee shall be reduced by 10%. All other applicable fees shall be paid in full.

(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

3-303 Back Fees: An applicant required to obtain a permit to operate existing equipment in accordance with District regulations shall pay back fees equal to the permit to operate fees and toxic surcharges given in the appropriate Schedule (B, C, D, E, F, H, I or K) prorated from the effective date of permit requirements. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. The applicant shall also pay back fees equal to toxic inventory fees pursuant to Section 3-320 and Schedule N. The maximum back fee shall not exceed a total of five years' permit, toxic surcharge, and toxic inventory fees. An owner/operator required to register existing

equipment in accordance with District regulations shall pay back fees equal to the annual renewal fee given in Schedule R prorated from the effective date of registration requirements, up to a maximum of five years.

(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87, 6/6/90; 7/3/91; 10/8/97; 6/15/05; 5/20/09)

3-304 Alteration: An applicant to alter an existing permitted source shall pay only the filing fee, provided that the alteration does not result in an increase in emissions of any regulated air pollutant.

(Amended 6/4/86; 11/15/00; 6/2/04)

3-305 Cancellation or Withdrawal: There will be no refund of initial, risk screening, and filing fees if an application is cancelled or withdrawn. However, if an application for identical equipment is submitted within six months of the date of cancellation or withdrawal, the initial fee will be credited in full against the fee for the new application.

(Amended 7/6/83; 4/6/88; 10/8/97; 6/15/05)

3-306 Change in Conditions: If an applicant applies to change the conditions on an existing authority to construct or permit to operate, the applicant will pay the following fees. There will be no change in anniversary date.

306.1 Administrative Condition Changes: An applicant applying for an administrative change in permit conditions shall pay a fee equal to the filing fee for a single source, provided the following criteria are met:

1.1 The condition change applies to a single source or a group of sources with shared permit conditions.

1.2 The condition change does not subject the source(s) to any District Regulations or requirements that were not previously applicable.

1.3 The condition change does not result in any increase in emissions of POC, NPOC, NO_x, CO, SO₂, or PM₁₀ at any source or the emission of a toxic air contaminant above the trigger levels identified in Table 2-5-1

1.4 The condition change does not require a public notice.

306.2 Other Condition Changes: Applicant shall pay the filing, initial, and risk screening fees required for new and modified equipment under Section 3-302. If the condition change will result in higher permit to operate fees, the applicant shall also pay any incremental increases in permit to operate fees and toxic surcharges.

(Amended 7/6/83; 6/4/86; 6/6/90; 10/8/97; 6/7/00; 6/15/05)

3-307 Transfers: The owner/operator of record is the person to whom a permit is issued or, if no permit has yet been issued to a facility, the person who applied for a permit. Permits are valid only for the owner/operator of record. Permits are re-issued to the new owner/operator of record with no change in expiration dates.

(Amended 2/20/85; 6/4/86; 11/5/86; 4/6/88; 10/8/97, 5/1/02; 5/21/03; 6/02/04)

3-308 Change of Location: An applicant who wishes to move an existing source, which has a permit to operate, shall pay no fee if the move is on the same facility. If the move is not on the same facility, the source shall be considered a new source and subject to Section 3-302. This section does not apply to portable permits meeting the requirements of Regulation 2-1-220 and 413.

(Amended 7/6/83; 6/4/86; 6/15/05)

3-309 Duplicate Permit: An applicant for a duplicate permit to operate shall pay a fee of \$72 per permit.

(Amended 5/19/99, 5/1/02; 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10)

3-310 Fee for Constructing Without a Permit: An applicant for an authority to construct and a permit to operate a source, which has been constructed or modified without an authority to construct, shall pay the following fees:

310.1 Sources subject to permit requirements on the date of initial operation shall pay fees for new construction pursuant to Section 3-302, any back fees pursuant to Section 3-303, and a late fee equal to 100% of the initial fee, ~~plus the risk screening fee.~~ A

modified gasoline dispensing facility subject to Schedule D that is not required to pay an initial fee shall pay fees for a modified source pursuant to Section 3-302, back fees, and a late fee equal to 100% of the filing fee, plus the risk screening fee.

310.2 Sources previously exempt from permit requirements that lose their exemption due to changes in District, state, or federal regulations shall pay a permit to operate fee and toxic surcharge for the coming year and any back fees pursuant to Section 3-303.

310.3 Sources previously exempt from permit requirements that lose their exemption due to a change in the manner or mode of operation, such as an increased throughput, shall pay fees for new construction pursuant to Section 3-302. In addition, sources applying for permits after commencing operation in a non-exempt mode shall also pay a late fee equal to 100% of the initial fee ~~plus the risk screening fee~~ and any back fees pursuant to Section 3-303.

310.4 Sources modified without a required authority to construct shall pay fees for modification pursuant to Section 3-302 and a late fee equal to 100% of the initial fee.

(Amended 7/6/83; 4/18/84; 6/4/86; 6/6/90; 7/3/91; 8/2/95; 10/8/97; 6/02/04; 6/15/05)

3-311 Banking: Any applicant who wishes to bank emissions for future use, or convert an ERC into an IERC, shall pay a filing fee of ~~\$389~~\$416 per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. Any applicant for the withdrawal of banked emissions shall pay a fee of ~~\$389~~\$416.

(Amended 7/6/83; 6/4/86; 7/15/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

3-312 Emission Caps and Alternative Compliance Plans: Any facility which elects to use an alternative compliance plan contained in:

312.1 Regulation 8 ("bubble") to comply with a District emission limitation or to use an annual or monthly emission limit to acquire a permit in accordance with the provisions of Regulation 2, Rule 2, shall pay an additional annual fee equal to fifteen percent of the total plant permit to operate fee.

312.2 Regulation 2, Rule 9 shall pay an annual fee of ~~\$982~~\$1,051 for each source included in the alternative compliance plan, not to exceed ~~\$9,827~~\$10,515.

(Adopted 5/19/82; Amended 6/4/86; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/23/03 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

3-313 Deleted May 19, 1999

3-314 Deleted August 2, 1995

3-315 Costs of Environmental Documentation: An applicant for an Authority to Construct a project which is subject to review under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.) shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, the District's costs of performing all environmental evaluation required pursuant to the California Environmental Quality Act, the District's costs in preparing any environmental study or Environmental Impact Report (including the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such study or report), as well as the District's reasonable internal costs (including overhead) of processing and reviewing the required environmental documentation.

(Adopted 12/18/85; Amended 5/1/02)

3-316 Deleted June 6, 1990

3-317 Asbestos Operation Fees: After July 1, 1988, persons submitting a written plan, as required by Regulation 11, Rule 2, Section 401, to conduct an asbestos operation shall pay the fee given in Schedule L.

(Adopted 7/6/88; Renumbered 9/7/88; Amended 8/2/95)

3-318 Public Notice Fee, Schools: Pursuant to Section 42301.6(b) of the Health and Safety Code, an applicant for an authority to construct or permit to operate subject to the public

notice requirements of Regulation 2-1-412 shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, a fee to cover the expense of preparing and distributing the public notices to the affected persons specified in Regulation 2-1-412 as follows:

- 318.1 A fee of \$2100 per application, and
- 318.2 The District's cost exceeding \$2100 of preparing and distributing the public notice.
- 318.3 The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of preparing and distributing the public notice.
(Adopted 11/1/89; Amended 10/8/97; 7/1/98; 5/19/99; 6/7/00; 5/21/03; 6/2/04; 6/16/10)

3-319 Major Stationary Source Fees: Any major stationary source emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, or PM₁₀ shall pay a fee based on Schedule M. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.
(Adopted 6/6/90; Amended 8/2/95; 6/7/00)

3-320 Toxic Inventory Fees: Any facility that emits one or more toxic air contaminants in quantities above a minimum threshold level shall pay an annual fee based on Schedule N. This fee will be in addition to permit to operate, toxic surcharge, and other fees otherwise authorized to be collected from such facilities.

- 320.1 An applicant who qualifies as a small business under Regulation 3-209 shall pay a Toxic Inventory Fee as set out in Schedule N up to a maximum fee of \$8,944 per year.

(Adopted 10/21/92; Amended 5/19/99; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/20/09; 6/16/10; 5/4/11)

3-321 Deleted December 2, 1998

3-322 Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees: Persons submitting a written notification for a given site to conduct either excavation of contaminated soil or removal of underground storage tanks as required by Regulation 8, Rule 40, Section 401, 402, 403 or 405 shall pay a fee based on Schedule Q.
(Adopted 1/5/94; Amended 8/2/95; 5/21/03)

3-323 Pre-Certification Fees: An applicant seeking to pre-certify a source, in accordance with Regulation 2, Rule 1, Section 415, shall pay the filing fee, initial fee and permit to operate fee given in the appropriate schedule.

(Adopted June 7, 1995)

3-324 Deleted June 7, 2000

3-325 Deleted December 2, 1998

3-326 Deleted December 2, 1998

3-327 Permit to Operate, Renewal Fees: After the expiration of the initial permit to operate, the permit to operate shall be renewed on an annual basis or other time period as approved by the APCO. The fee required for the renewal of a permit to operate is the permit to operate fee and toxic surcharge listed in Schedules B, C, D, E, F, H, I, and K, prorated for the period of coverage. When more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. This renewal fee is applicable to all sources required to obtain permits to operate in accordance with District regulations. The permit renewal invoice shall also specify any applicable major stationary source fees based on Schedule M, toxic inventory fees based on Schedule N, major facility review fees based on Schedule P, and greenhouse gas fees based on Schedule T. Where applicable, renewal fees shall be based on actual usage or emission levels that have been reported to or calculated by the District. In addition to these renewal fees for the sources at a facility, the facility shall also pay a processing fee at the time of renewal as follows:

- 327.1 ~~\$77~~\$82 for facilities with one permitted source, including gasoline dispensing facilities,
- 327.2 ~~\$154~~\$162 for facilities with 2 to 5 permitted sources,
- 327.3 ~~\$304~~\$322 for facilities with 6 to 10 permitted sources,

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- 327.4 ~~\$452~~~~\$484~~ for facilities with 11 to 15 permitted sources,
- 327.5 ~~\$604~~~~\$643~~ for facilities with 16 to 20 permitted sources,
- 327.6 ~~\$752~~~~\$805~~ for facilities with more than 20 permitted sources.

(Adopted 6/7/00; Amended 6/2/04; 6/16/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

3-328 Fee for OEHHA Risk Assessment Reviews: Any facility that submits a health risk assessment to the District in accordance with Section 44361 of the California Health and Safety Code shall pay any fee requested by the State Office of Environmental Health Hazard Assessment (OEHHA) for reimbursement of that agency's costs incurred in reviewing the risk assessment.

(Adopted June 7, 2000)

3-329 Fee for Risk Screening: A health risk screening analysis (HRSA) required pursuant to Regulation 2, Rule 5 shall be subject to an appropriate Risk Screening Fee pursuant to Regulation 3-302 and Schedules B, C, D, E, F, H, I or K. In addition, any person that requests that the District prepare or review an HRSA (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402) shall pay a Risk Screening Fee.

(Adopted June 15, 2005)

3-330 Fee for Renewing an Authority to Construct: An applicant seeking to renew an authority to construct in accordance with Regulation 2-1-407 shall pay a fee of 50% of the initial fee in effect at the time of the renewal. If the District determines that an authority to construct cannot be renewed, any fees paid under this section shall be credited in full against the fee for a new authority to construct for functionally equivalent equipment submitted within six months of the date the original authority to construct expires.

(Adopted June 15, 2005)

3-331 Registration Fees: Any person who is required to register equipment under District rules shall submit a registration fee, and any annual fee thereafter, as set out in Schedule R. The APCO may reduce registration fees by an amount deemed appropriate if the owner or operator of the equipment attends an Industry Compliance School sponsored by the District.

(Adopted June 6, 2007; Amended 6/16/10)

3-332 Naturally Occurring Asbestos Fees: After July 1, 2007, any person required to submit an Asbestos Dust Mitigation Plan (ADMP) pursuant to Title 17 of the California Code of Regulations, Section 93105, Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations shall pay the fee(s) set out in Schedule S.

(Adopted June 6, 2007)

3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees: Any facility that applies for, or is required to undergo, an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit, a renewal of an MFR permit, an initial synthetic minor operating permit, or a revision to a synthetic minor operating permit, shall pay the applicable fees set forth in Schedule P.

(Adopted May 21, 2008)

3-334 Greenhouse Gas Fees: Any permitted facility with greenhouse gas emissions shall pay a fee based on Schedule T. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities, and shall be included as part of the annual permit renewal fees.

(Adopted May 21, 2008)

3-335 Indirect Source Review Fees: Applicants that must file an Air Quality Impact Assessment pursuant to District rules for a project that is deemed to be an indirect source shall pay a fee based on Schedule U.

(Adopted May 20, 2009)

3-400 ADMINISTRATIVE REQUIREMENTS

3-401 Permits: Definitions, standards, and conditions contained in Regulation 2, Permits, are applicable to this regulation.

3-402 Single Anniversary Date: The APCO may assign a single anniversary date to a facility on which all its renewable permits to operate expire and will require renewal. Fees will be prorated to compensate for different time periods resulting from change in anniversary date.

3-403 Change in Operating Parameters: See Section 2-1-404 of Regulation 2, Rule 1.

3-404 Deleted June 7, 2000

3-405 Fees Not Paid: If an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the following procedure(s) shall apply:

405.1 Authority to Construct: The application will be cancelled, but can be reactivated upon payment of fees.

405.2 New Permit to Operate: The Permit to Operate shall not be issued, and the facility will be notified that operation, including startup, is not authorized.

2.1 Fees received during the first 30 days following the due date must include an additional late fee equal to 10 percent of all fees specified on the invoice.

2.2 Fees received more than 30 days after the due date must include an additional late fee equal to 50 percent of all fees specified on the invoice.

405.3 Renewal of Permit to Operate: The facility will be notified that the permit has lapsed and that further operation is no longer authorized. Reinstatement of lapsed Permits to Operate will require the payment of reinstatement fees in addition to all fees specified on the invoice. Fees shall be calculated using fee schedules in effect at either the time of reinstatement or at the time additional fees are assessed under subsection 3-405.2.

3.1 Fees received during the first 30 days following the due date must include all fees specified on the invoice plus a reinstatement fee equal to 10 percent of all fees specified on the invoice.

3.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include all fees specified on the invoice plus a reinstatement fee equal to 50 percent of all fees specified on the invoice.

405.4 Other Fees: Persons who have not paid the fee by the invoice due date, shall pay a late fee in addition to the original invoiced fee. Fees shall be calculated using fee schedules in effect at the time of the fees' original determination.

4.1 Fees received more than 30 days after the invoice due date must include a late fee of 10 percent of the original invoiced fee.

(Amended 7/6/83; 6/4/86; 11/5/86; 2/15/89; 6/6/90; 7/3/91; 8/2/95; 12/2/98; 6/15/05; 6/7/06)

3-406 Deleted June 4, 1986

3-407 Deleted August 2, 1995

3-408 Permit to Operate Valid for 12 Months: A Permit to Operate is valid for 12 months from the date of issuance or other time period as approved by the APCO.

(Amended 6/4/86; Amended 6/7/00)

3-409 Deleted June 7, 2000

3-410 Deleted August 2, 1995

3-411 Advance Deposit of Funds: The APCO may require that at the time of the filing of an application for an Authority to Construct for a project for which the District is a lead agency under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), the applicant shall make an advance deposit of funds, in an amount to be specified by the APCO, to cover the costs which the District estimates to incur in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation. In the event the APCO requires such an estimated advance payment to be made, the applicant will be provided with a full accounting of the costs actually

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incurred by the District in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation.

(Adopted 12/18/85; Amended 8/2/95)

3-412 Deleted December 2, 1998

3-413 Toxic "Hot Spots" Information and Assessment Act Revenues: No later than 120 days after the adoption of this regulation, the APCO shall transmit to the California Air Resources Board, for deposit into the Air Toxics "Hot Spots" Information and Assessment Fund, the revenues determined by the ARB to be the District's share of statewide Air Toxics "Hot Spot" Information and Assessment Act expenses.

(Adopted October 21, 1992)

3-414 Deleted December 2, 1998

3-415 Failure to Pay - Further Actions: When an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the APCO may take the following actions against the applicant or owner/operator:

415.1 Issuance of a Notice to Comply.

415.2 Issuance of a Notice of Violation.

415.3 Revocation of an existing Permit to Operate. The APCO shall initiate proceedings to revoke permits to operate for any person who is delinquent for more than one month. The revocation process shall continue until payment in full is made or until permits are revoked.

415.4 The withholding of any other District services as deemed appropriate until payment in full is made.

(Adopted 8/2/95; Amended 12/2/98; 6/15/05)

3-416 Adjustment of Fees: The APCO or designees may, upon finding administrative error by District staff in the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth in this rule, rescind, reduce, increase, or modify the fee. A request for such relief from an administrative error, accompanied by a statement of why such relief should be granted, must be received within two years from the date of payment.

(Adopted October 8, 1997)

3-417 Temporary Amnesty for Unpermitted and Unregistered Sources: The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the back fees and/or late fees for sources that are currently operating without valid Permits to Operate and/or equipment registrations.

(Adopted June 16, 2010)

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**SCHEDULE A
HEARING BOARD FEES¹**

Established by the Board of Directors December 7, 1977 Resolution No. 1046
(Code section references are to the California Health & Safety Code, unless otherwise indicated)

		Large Companies	Small Business	Third Party
1.	For each application for variance exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application in accordance with §42350, the additional sum of.....	<u>\$2744</u> <u>\$2991</u> <u>\$1373</u> <u>\$1497</u>	<u>\$410</u> <u>\$447</u> <u>\$138</u> <u>\$150</u>	
2.	For each application for variance not exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application, in accordance with §42350, the additional sum of.....	<u>\$1648</u> <u>\$1796</u> <u>\$822</u> <u>\$896</u>	<u>\$410</u> <u>\$447</u> <u>\$138</u> <u>\$150</u>	
3.	For each application to modify a variance in accordance with §42356 ... Plus, for each hearing in addition to the first hearing on said application to modify a variance, in accordance with §42345, necessary to dispose of the application, the additional sum of.....	<u>\$1094</u> <u>\$1192</u> <u>\$822</u> <u>\$896</u>	<u>\$138</u> <u>\$150</u> <u>\$138</u> <u>\$150</u>	
4.	For each application to extend a variance, in accordance with §42357 .. Plus, for each hearing in addition to the first hearing on an application to extend a variance, in accordance with §42357, necessary to dispose of the application, the additional sum of.....	<u>\$1094</u> <u>\$1192</u> <u>\$822</u> <u>\$896</u>	<u>\$138</u> <u>\$150</u> <u>\$138</u> <u>\$150</u>	
5.	For each application to revoke a variance	<u>\$1648</u> <u>\$1796</u>	<u>\$138</u> <u>\$150</u>	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703.....	<u>\$1094</u> <u>\$1192</u>	<u>\$138</u> <u>\$150</u>	
7.	For each application for variance in accordance with §41703, which exceeds 90 days Plus, for each hearing in addition to the first hearing on said application for variance in accordance with §41703, the additional sum of.....	<u>\$2744</u> <u>\$2991</u> <u>\$1373</u> <u>\$1497</u>	<u>\$410</u> <u>\$447</u> <u>\$138</u> <u>\$150</u>	

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		Large Companies	Small Business	Third Party
8.	For each application for variance in accordance with §41703, not to exceed 90 days Plus, for each hearing in addition to the hearing on said application for a variance in accordance with §41703, the additional sum of	\$1648 \$1796 \$822 \$896	\$410 \$447 \$138 \$150	
9.	For each Appeal (Permit, Banking, Title V).....	\$2744 \$2991 per hearing day	\$1373 \$1497 per hearing day	\$1373 \$1497 for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6.....	\$1373 \$1497	\$276 \$301	
11.	For each application to Modify or Terminate an abatement order	\$2744 \$2991 per hearing day	\$1373 \$1497 per hearing day	
12.	For each application for an interim variance in accordance with §42351	\$1373 \$1497	\$276 \$301	
13.	For each application for an emergency variance in accordance with §42359.5	\$685 \$747	\$138 \$150	
14.	For each application to rehear a Hearing Board decision in accordance with §40861	100% of previous fee charged	100% of previous fee charged	
15.	Excess emission fees.....	See Attachment I	See Attachment I	
16.	Miscellaneous filing fee for any hearing not covered above	\$1373 \$1497	\$410 \$447	\$410 \$447
17.	For each published Notice of Public Hearing.....	Cost of Publication	\$0	\$0
18.	Court Reporter Fee (to be paid only if Court Reporter required for hearing)	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket	\$0	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket

NOTE 1 Any applicant who believes they have a hardship for payment of fees may request a fee waiver from the Hearing Board pursuant to Hearing Board Rules.
(Amended 10/8/97; 5/19/99; 6/7/00; 6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

**SCHEDULE A
ATTACHMENT I
EXCESS EMISSION FEE**

A. General

- (1) Each applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the other filing fees required in Schedule A, an emission fee based on the total weight of emissions discharged, per source or product, other than those described in division (B) below, during the variance period in excess of that allowed by these rules in accordance with the schedule set forth in Table I.
- (2) Where the total weight of emission discharged cannot be easily calculated, the petitioner shall work in concert with District staff to establish the amount of excess emissions to be paid.
- (3) In the event that more than one rule limiting the discharge of the same contaminant is violated, the excess emission fee shall consist of the fee for violation which will result in the payment of the greatest sum. For the purposes of this subdivision, opacity rules and particulate mass emissions shall not be considered rules limiting the discharge of the same contaminant.

B. Excess Visible Emission Fee

Each applicant or petitioner for a variance from Regulation 6 or Health and Safety Code Section 41701 shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the filing fees required in Schedule A and the excess emission fees required in (A) above (if any), an emission fee based on the difference between the percent opacity allowed by Regulation 6 and the percent opacity of the emissions allowed from the source or sources operating under the variance, in accordance with the schedule set forth in Table II.

In the event that an applicant or petitioner is exempt from the provisions of Regulation 6, the applicant or petitioner shall pay a fee calculated as described herein above, but such fee shall be calculated based upon the difference between the opacity allowed under the variance and the opacity allowed under the provisions of Health and Safety Code Section 41701, in accordance with the schedule set forth in Table II.

C. Applicability

The provisions of subdivision (A) shall apply to all variances that generate excess emissions.

D. Fee Determination

- (1) The excess emission fees shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions as set forth in subdivisions (A) and (B) above. The calculations and proposed fees shall be set forth in the petition.
- (2) The Hearing Board may adjust the excess emission fee required by subdivisions (A) and (B) of this rule based on evidence regarding emissions presented at the time of the hearing.

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E. Small Businesses

- (1) A small business shall be assessed twenty percent (20%) of the fees required by subdivisions (A) and (B), whichever is applicable. "Small business" is defined in the Fee Regulation.
- (2) Request for exception as a small business shall be made by the petitioner under penalty of perjury on a declaration form provided by the Executive Officer which shall be submitted to the Clerk or Deputy Clerk of the Hearing Board at the time of filing a petition for variance.

F. Group, Class and Product Variance Fees

Each petitioner included in a petition for a group, class or product variance shall pay the filing fee specified in Schedule A, and the excess emission fees specified in subdivisions (A) and (B), whichever is applicable.

G. Adjustment of Fees

If after the term of a variance for which emission fees have been paid, petitioner can establish, to the satisfaction of the Executive Officer/APCO, that emissions were actually less than those upon which the fee was based, a pro rata refund shall be made.

H. Fee Payment/Variance Invalidation

- (1) Excess emission fees required by subdivisions (A) and (B), based on an estimate provided during the variance Hearing, are due and payable within fifteen (15) days of the granting of the variance. The petitioner shall be notified in writing of any adjustment to the amount of excess emission fees due, following District staff's verification of the estimated emissions. Fee payments to be made as a result of an adjustment are due and payable within fifteen (15) days of notification of the amount due.
- (2) Failure to pay the excess emission fees required by subdivisions (A) and (B) within fifteen (15) days of notification that a fee is due shall automatically invalidate the variance. Such notification may be given by personal service or by deposit, postpaid, in the United States mail and shall be due fifteen (15) days from the date of personal service or mailing. For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date.

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**TABLE I
SCHEDULE OF EXCESS EMISSIONS FEES**

Air Contaminants	All at \$2.63 <u>\$2.87</u> Per Pound
Organic gases, except methane and those containing sulfur	
Carbon Monoxide	
Oxides of nitrogen (expressed as nitrogen dioxide)	
Gaseous sulfur compounds (expressed as sulfur dioxide)	
Particulate matter	
Toxic Air Contaminants	All at \$13.08 <u>\$14.26</u> Per Pound
Asbestos	
Benzene	
Cadmium	
Carbon tetrachloride	
Chlorinated dioxins and dibenzofurans (15 species)	
Ethylene dibromide	
Ethylene dichloride	
Ethylene oxide	
Formaldehyde	
Hexavalent chromium	
Methylene chloride	
Nickel	
Perchloroethylene	
1,3-Butadiene	
Inorganic arsenic	
Beryllium	
Polynuclear aromatic hydrocarbons (PAH)	
Vinyl chloride	
Lead	
1,4-Dioxane	
Trichloroethylene	

**TABLE II
SCHEDULE OF EXCESS VISIBLE EMISSION FEE**

For each source with opacity emissions in excess of twenty percent (20%), but less than forty percent (40%) (where the source is in violation of Regulation 6, the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 20) \times \text{number of days allowed in variance} \times \text{~~\$2.93~~\$3.19}$$

For each source with opacity emissions in excess of forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 40) \times \text{number of days allowed by variance} \times \text{~~\$2.93~~\$3.19}$$

* Where "Opacity" equals maximum opacity of emissions in percent (not decimal equivalent) allowed by the variance. Where the emissions are darker than the degree of darkness equivalent to the allowed Ringelmann number, the percentage equivalent of the excess degree of darkness shall be used as "opacity."

(Adopted 6/7/00; Amended 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

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**SCHEDULE B
COMBUSTION OF FUEL**
(Adopted June 18, 1980)

For each source that burns fuel, which is not a flare and not exempted by Regulation 2, Rule 1, the fee shall be computed based on the maximum gross combustion capacity (expressed as higher heating value, HHV) of the source.

1. INITIAL FEE: ~~\$48.94~~\$51.36 per MM BTU/HOUR
 - a. The minimum fee per source is: ~~\$261~~\$274
 - b. The maximum fee per source is: ~~\$91,266~~\$95,829

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$389~~\$416 plus ~~\$48.94~~\$51.36 per MM BTU/hr
 - b. Minimum RSF for first TAC source: ~~\$650~~\$690
 - c. RSF for each additional TAC source: ~~\$48.94~~\$51.36 per MM BTU/hr *
 - d. Minimum RSF per additional TAC source: ~~\$261~~\$274 *
 - e. Maximum RSF per source is: ~~\$91,266~~\$95,829
* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: ~~\$24.45~~\$25.67 per MM BTU/HOUR
 - a. The minimum fee per source is: ~~\$186~~\$195
 - b. The maximum fee per source is: ~~\$45,631~~\$47,913

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

5. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

6. Applicants for an authority to construct and permit to operate a project, which burns municipal waste or refuse-derived fuel, shall pay in addition to all required fees, an additional fee to cover the costs incurred by the State Department of Health Services, and/or a qualified contractor designated by the State Department of Health Services, in reviewing a risk assessment as required under H&S Code Section 42315. The fee shall be transmitted by the District to the Department of Health Services and/or the qualified contractor upon completion of the review and submission of comments in writing to the District.

7. A surcharge equal to 100% of all required initial and permit to operate fees shall be charged for sources permitted to burn one or more of the following fuels: coke, coal, wood, tires, black liquor, and municipal solid waste.

NOTE: MM BTU is million BTU of higher heat value
One MM BTU/HR = 1.06 gigajoules/HR

(Amended 6/5/85; 6/4/86; 3/4/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 7/1/98; 5/19/99; 6/7/00;
6/6/01,
5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

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SCHEDULE C
STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS
(Adopted June 18, 1980)

For each stationary container of organic liquids which is not exempted from permits by Regulation 2 and which is not part of a gasoline dispensing facility, the fee shall be computed based on the container volume, as follows:

1. INITIAL FEE: 0.173 cents per gallon
 - a. The minimum fee per source is: \$191
 - b. The maximum fee per source is: \$26,046

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$389~~\$416 plus 0.173 cents per gallon
 - b. Minimum RSF for first TAC source: ~~\$545~~\$607
 - c. RSF for each additional TAC source: 0.173 cents per gallon *
 - d. Minimum RSF per additional TAC source: \$191 *
 - e. Maximum RSF per source is: \$26,046

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: 0.087 cents per gallon
 - a. The minimum fee per source is: \$137
 - b. The maximum fee per source is: \$13,023

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

5. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00;
6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/20/09; 6/16/10)

SCHEDULE D
GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES,
BULK PLANTS AND TERMINALS
 (Adopted June 18, 1980)

- A. All gasoline dispensing facilities shall pay the following fees:
1. INITIAL FEE:
 - a. For gasoline dispensing facilities for which the result of the following formula is 25 or greater: [(multi-product nozzles)(products per nozzle)+single product nozzles]:

$$\frac{\$198.64\$216.52}{\text{per single product nozzle (spn)}}$$

$$\frac{\$198.64\$216.52}{\text{per product for each multi-product nozzle (mpn)}}$$
 - b. For gasoline dispensing facilities for which the result of the following formula is 24 or less: [(multi-product nozzles)(products per nozzle)+single product nozzles]:

$$\frac{\$208.57}{\text{per single product nozzle (spn)}}$$

$$\frac{\$208.57}{\text{per product for each multi-product nozzle (mpn)}}$$
 2. PERMIT TO OPERATE FEE:
 - a. For gasoline dispensing facilities for which the result of the following formula is 25 or greater: [(multi-product nozzles)(products per nozzle)+single product nozzles]:

$$\frac{\$76.08\$82.93}{\text{per single product nozzle (spn)}}$$

$$\frac{\$76.08\$82.93}{\text{per product for each multi-product nozzle (mpn)}}$$
 - b. For gasoline dispensing facilities for which the result of the following formula is 24 or less: [(multi-product nozzles)(products per nozzle)+single product nozzles]:

$$\frac{\$79.88}{\text{per single product nozzle (spn)}}$$

$$\frac{\$79.88}{\text{per product for each multi-product nozzle (mpn)}}$$
 3. Initial fees and permit to operate fees for hardware modifications at a currently permitted gasoline dispensing facility shall be consolidated into a single fee calculated according to the following formulas:
 - a. For gasoline dispensing facilities for which the result of the following formula is 25 or greater: [(mpn_{proposed})(products per nozzle) + spn_{proposed}]:

$$\frac{\$274.72\$299.44}{\text{per product for each multi-product nozzle (mpn)}} \times \left\{ \frac{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]}{[(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]} \right\}$$

mpn = multi-product nozzles
spn = single product nozzles
proposed = total at facility after proposed modifications are complete
existing = total at facility before proposed modifications are complete
 - b. For gasoline dispensing facilities for which the result of the following formula is 24 or less: [(mpn_{proposed})(products per nozzle) + spn_{proposed}]:

$$\frac{\$274.72\$288.46}{\text{per product for each multi-product nozzle (mpn)}} \times \left\{ \frac{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]}{[(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]} \right\}$$

mpn = multi-product nozzles
spn = single product nozzles
proposed = total at facility after proposed modifications are complete
existing = total at facility before proposed modifications are complete

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The above formulas includes a toxic surcharge.

If the above formulas yields zero or negative results, no initial fees or permit to operate fees shall be charged.

For the purposes of calculating the above fees, a fuel blended from two or more different grades shall be considered a separate product.

Other modifications to facilities' equipment, including but not limited to tank addition/replacement/conversion, vapor recovery piping replacement, moving or extending pump islands, will not be subject to initial fees or permit to operate fees.

4. RISK SCREENING FEE (RSF) of ~~\$389~~\$416 per application is only applicable to projects for which a health risk screening analysis is required under Regulation 2-5-401 [including increases in permitted throughput for which a health risk screening analysis is required.]
 5. Nozzles used exclusively for the delivery of diesel fuel or other fuels exempt from permits shall pay no fee. Multi-product nozzles used to deliver both exempt and non-exempt fuels shall pay fees for the non-exempt products only.
- B. All bulk plants, terminals or other facilities using loading racks to transfer gasoline or gasohol into trucks, railcars or ships shall pay the following fees:
1. INITIAL FEE: ~~\$2,609~~\$2,844 per single product loading arm
~~\$2,609~~\$2,844 per product for multi-product arms
 2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$2,998~~\$3,268
 - b. RSF for each additional TAC source: ~~\$2,609~~\$2,844 *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
 3. PERMIT TO OPERATE FEE: ~~\$727~~\$792 per single product loading arm
~~\$727~~\$792 per product for multi-product arms
 4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
- C. Fees in (A) above are in lieu of tank fees. Fees in (B) above are in addition to tank fees.
- D. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01;
5/1/02;
5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

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SCHEDULE E
SOLVENT EVAPORATING SOURCES
(Adopted June 18, 1980)

For each solvent evaporating source, as defined in Section 3-210 except for dry cleaners, the fee shall be computed based on the net amount of organic solvent processed through the sources on an annual basis (or anticipated to be processed, for new sources) including solvent used for the cleaning of the sources.

1. INITIAL FEE:
 - a. The minimum fee per source is: ~~\$437~~\$476
 - b. If usage is not more than 1,000 gallons/year: ~~\$437~~\$476
 - c. If usage is more than 1,000 gallons/year: ~~\$879~~\$958 per 1,000 gallons
 - d. The maximum fee per source is: ~~\$34,935~~\$38,079

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$389~~\$416 plus initial fee
 - b. Minimum RSF for first TAC source: ~~\$826~~\$892
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: ~~\$437~~\$476 *
 - e. Maximum RSF per source is: ~~\$34,935~~\$38,079

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:
 - a. The minimum fee per source is: ~~\$315~~\$343
 - b. If usage is not more than 1,000 gallons/year: ~~\$315~~\$343
 - c. If usage is more than 1,000 gallons/year: ~~\$437~~\$476 per 1,000 gallons
 - d. The maximum fee per source is: ~~\$17,466~~\$19,038

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 5/19/82; 10/17/84; 6/5/85; 6/4/86; 10/8/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00;
6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10;
5/4/11)

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SCHEDULE F
MISCELLANEOUS SOURCES
(Adopted June 18, 1980)

For each source not governed by Schedules B, C, D, E, H or I, (except for those sources in the special classification lists, G-1 - G-5) the fees are:

1. INITIAL FEE: ~~\$378~~\$412
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$767~~\$828
 - b. RSF for each additional TAC source: ~~\$378~~\$412 *
 - * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: ~~\$274~~\$299
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1. List of special classifications requiring graduated fees is shown in Schedules G-1, G-2, G-3, G-4, and G-5.

G-1 FEES FOR SCHEDULE G-1. For each source in a G-1 classification, fees are:

1. INITIAL FEE: ~~\$2,374~~\$2,588
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$2,763~~\$3,004
 - b. RSF for each additional TAC source: ~~\$2,374~~\$2,588 *
 - * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: ~~\$1,185~~\$1,292
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-2 FEES FOR SCHEDULE G-2. For each source in a G-2 classification, fees are:

1. INITIAL FEE: \$3,417
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$3,806~~\$3,833
 - b. RSF for each additional TAC source: \$3,417 *
 - * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$1,707

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4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-3 FEES FOR SCHEDULE G-3. For each source in a G-3 classification, fees are:

1. INITIAL FEE: ~~\$19,828~~ \$21,613
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$20,217~~ \$22,029
 - b. RSF for each additional TAC source: ~~\$19,828~~ \$21,613 *
 - * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: ~~\$9,913~~ \$10,805
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-4 FEES FOR SCHEDULE G-4. For each source in a G-4 classification, fees are:

1. INITIAL FEE: ~~\$49,702~~ \$49,702
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$50,091~~ \$50,118
 - b. RSF for each additional TAC source: ~~\$49,702~~ \$49,702 *
 - * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: ~~\$24,850~~ \$24,850
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-5 FEES FOR SCHEDULE G-5. For each source in a G-5 classification, fees are:

1. INITIAL FEE: ~~\$43,050~~ \$46,064
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$43,439~~ \$46,480
 - b. RSF for each additional TAC source: ~~\$43,050~~ \$46,064 *
 - * RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: ~~\$21,524~~ \$23,031
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate

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fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

(Amended 5/19/82; 6/5/85; 6/4/86; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00
6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

SCHEDULE G-1
(Adopted June 18, 1980)

Equipment or Process Description	Materials Processed or Produced
Asphalt Roofing Manufacturing – Asphalt Dipping	Asphalt Roofing or Related Materials
Calcining Kilns, excluding those processing cement, lime, or coke (see G-4 for cement, lime, or coke Calcining Kilns)	Any Materials except cement, lime, or coke
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Reactors with a Capacity of 1000 Gallons or more	Any Inorganic Materials
Chemical Manufacturing, Organic – Latex Dipping	Any latex materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Reactors with a Capacity of 1000 Gallons or more	Any Organic Materials
Compost Operations – Windrows, Static Piles, Aerated Static Piles, In-Vessel, or similar methods	Any waste materials such as yard waste, food waste, agricultural waste, mixed green waste, bio-solids, animal manures, etc.
Crushers	Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials
Electroplating Equipment	Hexavalent Decorative Chrome with permitted capacity greater than

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Equipment or Process Description	Materials Processed or Produced
	500,000 amp-hours per year or Hard Chrome
Foil Manufacturing – Any Converting or Rolling Lines	Any Metal or Alloy Foils
Galvanizing Equipment	Any
Glass Manufacturing – Batching Processes including storage and weigh hoppers or bins, conveyors, and elevators	Any Dry Materials
Glass Manufacturing – Mixers	Any Dry Materials
Glass Manufacturing – Molten Glass Holding Tanks	Any molten glass
Grinders	Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials
Incinerators – Crematory	Human and/or animal remains
Incinerators – Flares	Any waste gases
Incinerators – Other (see G-2 for hazardous or municipal solid waste incinerators, see G-3 for medical or infectious waste incinerators)	Any Materials except hazardous wastes, municipal solid waste, medical or infectious waste
Incinerators – Pathological Waste (see G-3 for medical or infectious waste incinerators)	Pathological waste only
Loading and/or Unloading Operations – Bulk Plants and Bulk Terminals, excluding those loading gasoline or gasohol (see Schedule D for Bulk Plants and Terminals loading gasoline or gasohol)	Any Organic Materials except gasoline or gasohol
Petroleum Refining – Alkylation Units	Any Hydrocarbons
Petroleum Refining – Asphalt Oxidizers	Any Hydrocarbons
Petroleum Refining – Benzene Saturation Units/Plants	Any Hydrocarbons
Petroleum Refining – Catalytic Reforming Units	Any Hydrocarbons
Petroleum Refining – Chemical Treating Units including alkane, naphthenic acid, and naphtha merox treating, or similar processes	Any Hydrocarbons

Equipment or Process Description	Materials Processed or Produced
Petroleum Refining – Converting Units including Dimersol Plants, Hydrocarbon Splitters, or similar processes	Any Hydrocarbons
Petroleum Refining – Distillation Units, excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)	Any Hydrocarbons
Petroleum Refining – Hydrogen Manufacturing	Hydrogen or Any Hydrocarbons
Petroleum Refining – Hydrotreating or Hydrofining	Any Hydrocarbons
Petroleum Refining – Isomerization	Any Hydrocarbons
Petroleum Refining – MTBE Process Units/Plants	Any Hydrocarbons
Petroleum Refining – Sludge Converter	Any Petroleum Waste Materials
Petroleum Refining – Solvent Extraction	Any Hydrocarbons
Petroleum Refining – Sour Water Stripping	Any Petroleum Process or Waste Water
Petroleum Refining – Storage (enclosed)	Petroleum Coke or Coke Products
Petroleum Refining – Waste Gas Flares (not subject to Regulation 12, Rule 11)	Any Petroleum Refining Gases
Petroleum Refining – Miscellaneous Other Process Units	Any Hydrocarbons
Remediation Operations, Groundwater – Strippers	Contaminated Groundwater
Remediation Operations, Soil – Any Equipment	Contaminated Soil
Spray Dryers	Any Materials
Sterilization Equipment	Ethylene Oxide
Wastewater Treatment, Industrial – Oil-Water Separators, excluding oil-water separators at petroleum refineries (see G-2 for Petroleum Refining - Oil-Water Separators)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment and excluding strippers at petroleum refineries (see G-2 for Petroleum Refining – Strippers)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial - Storage Ponds, excluding storage ponds at petroleum refineries (see G-2 for Petroleum Refining – Storage Ponds)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Municipal –	Municipal Wastewater

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Equipment or Process Description	Materials Processed or Produced
Preliminary Treatment	
Wastewater Treatment, Municipal – Primary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Digesters	Municipal Wastewater
Wastewater Treatment, Municipal – Sludge Handling Processes, excluding sludge incinerators (see G-2 for sludge incinerators)	Sewage Sludge

(Amended 6/4/86; 6/6/90; 5/19/99; 6/7/00; 6/2/04; 6/15/05)

SCHEDULE G-2
(Adopted June 6, 1990)

Equipment or Process Description	Materials Processed or Produced
Asphalt Roofing Manufacturing – Asphalt Blowing	Asphalt Roofing or Related Materials
Asphaltic Concrete Manufacturing – Aggregate Dryers	Any Dry Materials
Asphaltic Concrete Manufacturing – Batch Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Drum Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Other Mixers and/or Dryers	Any Dry Materials or Asphaltic Concrete Products
Concrete or Cement Batching Operations – Mixers	Any cement, concrete, or stone products or similar materials
Furnaces – Electric	Any Mineral or Mineral Product
Furnaces – Electric Induction	Any Mineral or Mineral Product
Furnaces – Glass Manufacturing	Soda Lime only
Furnaces – Reverberatory	Any Ores, Minerals, Metals, Alloys, or Related Materials
Incinerators – Hazardous Waste including any unit required to have a RCRA permit	Any Liquid or Solid Hazardous Wastes
Incinerators – Solid Waste, excluding units burning human/animal remains or pathological waste exclusively (see G-1 for Crematory and Pathological Waste Incinerators)	Any Solid Waste including Sewage Sludge (except human/animal remains or pathological waste)
Metal Rolling Lines, excluding foil rolling lines (see G-1 for Foil Rolling Lines)	Any Metals or Alloys
Petroleum Refining – Stockpiles (open)	Petroleum Coke or coke products only
Petroleum Refining, Wastewater Treatment – Oil-Water Separators	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Storage Ponds	Wastewater from petroleum refineries only
Pickling Lines or Tanks	Any Metals or Alloys
Sulfate Pulping Operations – All Units	Any
Sulfite Pulping Operations – All Units	Any

(Amended June 7, 2000)

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SCHEDULE G-3
(Adopted June 18, 1980)

Equipment or Process Description	Materials Processed or Produced
Furnaces – Electric Arc	Any Metals or Alloys
Furnaces – Electric Induction	Any Metals or Alloys
Incinerators – Medical Waste, excluding units burning pathological waste exclusively (see G-1 for Pathological Waste Incinerators)	Any Medical or Infectious Wastes
Loading and/or Unloading Operations – Marine Berths	Any Organic Materials
Petroleum Refining – Cracking Units including hydrocrackers and excluding thermal or fluid catalytic crackers (see G-4 for Thermal Crackers and Catalytic Crackers)	Any Hydrocarbons
Petroleum Refining – Distillation Units (crude oils) including any unit with a capacity greater than 1000 barrels/hour (see G-1 for other distillation units)	Any Petroleum Crude Oils
Phosphoric Acid Manufacturing – All Units (by any process)	Phosphoric Acid

(Amended 5/19/82; Amended and renumbered 6/6/90; Amended 6/7/00; 6/15/05; 5/2/07)

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SCHEDULE G-4
(Adopted June 6, 1990)

Equipment or Process Description	Materials Processed or Produced
Acid Regeneration Units	Sulfuric or Hydrochloric Acid only
Annealing Lines (continuous only)	Metals and Alloys
Calcining Kilns (see G-1 for Calcining Kilns processing other materials)	Cement, Lime, or Coke only
Fluidized Bed Combustors	Solid Fuels only
Nitric Acid Manufacturing – Any Ammonia Oxidation Processes	Ammonia or Ammonia Compounds
Petroleum Refining - Coking Units including fluid cokers, delayed cokers, flexicokers, and coke kilns	Petroleum Coke and Coke Products
Petroleum Refining - Cracking Units including fluid catalytic crackers and thermal crackers and excluding hydrocrackers (see G-3 for Hydrocracking Units)	Any Hydrocarbons
Petroleum Refining - Sulfur Removal including any Claus process or any other process requiring caustic reactants	Any Petroleum Refining Gas
Sulfuric Acid Manufacturing – Any Chamber or Contact Process	Any Solid, Liquid or Gaseous Fuels Containing Sulfur

(Amended June 7, 2000)

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SCHEDULE G-5

Equipment or Process Description	Materials Processed or Produced
Petroleum Refinery Flares (subject to Regulation 12, Rule 11)	Any Petroleum Vent Gas (as defined in section 12-11-210 and section 12-12-213)

(Adopted May 2, 2007)

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SCHEDULE H
SEMICONDUCTOR AND RELATED OPERATIONS
(Adopted May 19, 1982)

All of the equipment within a semiconductor fabrication area will be grouped together and considered one source. The fee shall be as indicated:

1. INITIAL FEE:

- a. The minimum fee per source is: ~~\$382~~\$416
- b. The maximum fee per source is: ~~\$30,522~~\$33,269

The initial fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);
Solvent Spray Stations (as defined in Regulation 8-30-221);
Solvent Vapor Stations (as defined in Regulation 8-30-222); and
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

- i. If gross throughput is not more than 3,000 gallons/year: ~~\$382~~\$416
- ii. If gross throughput is more than 3,000 gallons/year: ~~\$258~~\$281 per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other
miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

- i. If gross throughput is not more than 1,000 gallons/year: ~~\$382~~\$416
- ii. If gross throughput is more than 1,000 gallons/year: ~~\$767~~\$836 per 1,000 gallon

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.

- a. RSF for first TAC source in application: ~~\$389~~\$416 plus initial fee
- b. Minimum RSF for first TAC source: ~~\$771~~\$832
- c. RSF for each additional TAC source: equal to initial fee *
- d. Minimum RSF per additional TAC source: ~~\$382~~\$416 *
- e. Maximum RSF per source is: ~~\$30,522~~\$33,269

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:

- a. The minimum fee per source is: ~~\$276~~\$301
- b. The maximum fee per source is: ~~\$15,259~~\$16,632

The permit to operate fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

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c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);
Solvent Spray Stations (as defined in Regulation 8-30-221);
Solvent Vapor Stations (as defined in Regulation 8-30-222); and
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

- i. If gross throughput is not more than 3,000 gal/year: ~~\$276~~\$301
- ii. If gross throughput is more than 3,000 gallons/year: ~~\$129~~\$141 per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other
miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

- i. If gross throughput is not more than 1,000 gal/year: ~~\$276~~\$301
- ii. If gross throughput is more than 1,000 gallons/year: ~~\$382~~\$416 per 1,000 gallon

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

5. The fee for each source will be rounded to the whole dollar. Fees for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 1/9/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/20/99; 6/7/00;
6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

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**SCHEDULE I
DRY CLEANERS**
(Adopted July 6, 1983)

For dry cleaners, the fee shall be computed based on each cleaning machine, except that machines with more than one drum shall be charged based on each drum, regardless of the type or quantity of solvent, as follows:

1. INITIAL FEE FOR A DRY CLEANING MACHINE (per drum):
 - a. If the washing or drying capacity is no more than 100 pounds: ~~\$392~~\$427
 - b. If the washing or drying capacity exceeds 100 pounds: ~~\$392~~\$427 plus
For that portion of the capacity exceeding 100 pounds: ~~\$11.71~~\$12.76 per pound

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$389~~\$416 plus initial fee
 - b. Minimum RSF for first TAC source: ~~\$781~~\$843
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: ~~\$392~~\$427 *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE FOR A DRY CLEANING MACHINE (per drum):
 - a. If the washing or drying capacity is no more than 100 pounds: ~~\$284~~\$310
 - b. If the washing or drying capacity exceeds 100 pounds: ~~\$284~~\$310 plus
For that portion of the capacity exceeding 100 pounds: ~~\$5.88~~\$6.41 per pound

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
(Amended 10/17/84; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02, 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

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SCHEDULE K
SOLID WASTE DISPOSAL SITES
(Adopted July 15, 1987)

1. INITIAL FEE:
 - a. Landfill (Decomposition Process) ~~\$2,617~~\$2,853
 - b. Active Landfill (Waste and Cover Material Dumping Process) ~~\$1,309~~\$1,427
 - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) ~~\$1,309~~\$1,427

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$389~~\$416 plus initial fee
 - b. RSF for each additional TAC source: equal to initial fee *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:
 - a. Landfill (Decomposition Process) ~~\$1,309~~\$1,427
 - b. Active Landfill (Waste and Cover Material Dumping Process) ~~\$654~~\$713
 - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) ~~\$654~~\$713

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

5. Evaluation of Reports and Questionnaires:
 - a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$1,573
 - b. Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$789
 - c. Evaluation of Solid Waste Air Assessment Test Report in conjunction with evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$789
 - d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$579
 - e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$1,659
 - f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$579
 - g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$1,452

6. Fees for each source will be rounded off to the nearest dollar. The fee for sources will be rounded up or down to the nearest dollar.

7. For the purposes of this fee schedule, landfill shall be considered active, if it has accepted solid waste for disposal at any time during the previous 12 months or has plans to accept solid waste for disposal during the next 12 months.

(Amended 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/6/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

SCHEDULE L
ASBESTOS OPERATIONS
(Adopted July 6, 1988)

1. Asbestos Operations conducted at single family dwellings are subject to the following fees:
 - a. OPERATION FEE: ~~\$130~~\$142 for amounts 100 to 500 square feet or linear feet.
~~\$479~~\$523 for amounts 501 square feet or linear feet to 1000 square feet or linear feet.
~~\$698~~\$761 for amounts 1001 square feet or liner feet to 2000 square feet or linear feet.
~~\$959~~\$1045 for amounts greater than 2000 square feet or linear feet.
 - b. Cancellation: ~~\$63~~\$69 of above amounts non-refundable for notification processing.
2. Asbestos Operations, other than those conducted at single family dwellings, are subject to the following fees:
 - a. OPERATION FEE: ~~\$370~~\$403 for amounts 100 to 159 square feet or 100 to 259 linear feet or 35 cubic feet
~~\$533~~\$581 for amounts 160 square feet or 260 linear feet to 500 square or linear feet or greater than 35 cubic feet.
~~\$775~~\$845 for amounts 501 square feet or linear feet to 1000 square feet or linear feet.
~~\$1,144~~\$1,247 for amounts 1001 square feet or liner feet to 2500 square feet or linear feet.
~~\$1,630~~\$1,777 for amounts 2501 square feet or linear feet to 5000 square feet or linear feet.
~~\$2,238~~\$2,439 for amounts 5001 square feet or linear feet to 10000 square feet or linear feet.
~~\$2,847~~\$3103 for amounts greater than 10000 square feet or linear feet.
 - b. Cancellation: ~~\$175~~\$191 of above amounts non-refundable for notification processing.
3. Demolitions (including zero asbestos demolitions) conducted at a single-family dwelling are subject to the following fee:
 - a. OPERATION FEE: ~~\$63~~\$69
 - b. Cancellation: ~~\$63~~\$69 (100% of fee) non-refundable, for notification processing.
4. Demolitions (including zero asbestos demolitions) other than those conducted at a single family dwelling are subject to the following fee:
 - a. OPERATION FEE: ~~\$262~~\$286
 - b. Cancellation: ~~\$175~~\$191 of above amount non-refundable for notification processing.
5. Asbestos operations with less than 10 days prior notice (excluding emergencies) are subject to the following additional fee:
 - a. OPERATION FEE: ~~\$437~~\$476
6. Asbestos demolition operations for the purpose of fire training are exempt from fees.
7. Floor mastic removal using mechanical buffers and solvent is subject to the following fee:
 - a. OPERATION FEE: ~~\$262~~\$286
 - b. Cancellation: ~~\$175~~\$191 of above amount non-refundable for notification processing.

(Amended 9/5/90; 1/5/94; 8/20/97; 10/7/98; 7/19/00; 8/1/01, 6/5/02, 7/2/03; 6/2/04; 6/6/07; 5/21/08; 5/20/09; 6/16/10; 6/15/2011)

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SCHEDULE M
MAJOR STATIONARY SOURCE FEES
(Adopted June 6, 1990)

For each major stationary source emitting 50 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, and/or PM₁₀, the fee shall be based on the following:

- | | | |
|----|-------------------|------------------|
| 1. | Organic Compounds | \$105.81 per ton |
| 2. | Sulfur Oxides | \$105.81 per ton |
| 3. | Nitrogen Oxides | \$105.81 per ton |
| 4. | PM ₁₀ | \$105.81 per ton |

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, or PM₁₀, if occurring in an amount less than 50 tons per year, shall not be counted.

(Amended 7/3/91; 6/15/94; 7/1/98; 5/9/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03; 6/2/04;
6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10)

**SCHEDULE N
TOXIC INVENTORY FEES**
(Adopted October 21, 1992)

For each stationary source emitting substances covered by California Health and Safety Code Section 44300 *et seq.*, the Air Toxics "Hot Spots" Information and Assessment Act of 1987, which have trigger levels listed in Table 2-5-1, a fee based on the weighted emissions of the facility shall be assessed based on the following formulas:

1. A fee of \$5 for each gasoline product dispensing nozzle in the facility, if the facility is a Gasoline Dispensing Facility; or
2. A fee of \$82 if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 50 weighted pounds per year and less than 1000 weighted pounds per year; or
3. A fee of \$82 + $S_L \times (w_i - 1000)$ if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 1000 weighted pounds per year;

where the following relationships hold:

w_i = facility weighted emissions for facility j; where the weighted emission for the facility shall be calculated as a sum of the individual emissions of the facility multiplied by either the inhalation cancer potency factor (CPF, in kilogram-day/milligram) for the substance times 28.6 if the emission is a carcinogen, or by the reciprocal of the inhalation chronic reference exposure level (REL_c) for the substance (in cubic meters/microgram) if the emission is not a carcinogen [use CPF and REL as listed in Table 2-5-1]:

$$w_j = \text{Facility Weighted Emission} = \sum_{i=1}^n E_i * Q_i \text{ where}$$

n = number of toxic substances emitted by facility

E_i = amount of substance i emitted by facility in lbs/year

Q_i = 28.6 * CPF, if i is a carcinogen; or

Q_i = [REL]⁻¹, if i is not a carcinogen

F_T = Total amount of fees to be collected by the District to cover District and State of California AB 2588 costs as most recently adopted by the Board of Directors of the California Environmental Protection Agency, Air Resources Board, and set out in the most recently published "Amendments to the Air Toxics "Hot Spots" Fee Regulation," published by that agency.

N_L = Number of facilities with emissions in current District Toxic Emissions Inventory greater than 1000 weighted pounds per year.

N_S = Number of facilities with emissions in current District Toxic Emissions Inventory greater than 50 weighted pounds per year and less than 1000 weighted pounds per year.

N_{NOZ} = Number of gasoline-product-dispensing nozzles in currently permitted Gasoline Dispensing Facilities.

S_L = Surcharge per pound of weighted emissions for each pound in excess of 1000 weighted pounds per year, where S_L is given by the following formula:

$$S_L = \frac{F_T - (82 \times N_S) - (82 \times N_L) - (5 \times N_{NOZ})}{\sum_{j=1}^{N_L} (w_j - 1000)}$$

(Amended 12/15/93; 6/15/05; 5/2/07; 6/16/10; 5/4/11)

SCHEDULE P
MAJOR FACILITY REVIEW FEES
 (Adopted November 3, 1993)

1. MFR / SYNTHETIC MINOR ANNUAL FEES

Each facility, which is required to undergo major facility review in accordance with the requirements of Regulation 2, Rule 6, shall pay annual fees (1a and 1b below) for each source holding a District Permit to Operate. These fees shall be in addition to and shall be paid in conjunction with the annual renewal fees paid by the facility. However, these MFR permit fees shall not be included in the basis to calculate Alternative Emission Control Plan (bubble) or toxic air contaminant surcharges. If a major facility applies for and obtains a synthetic minor operating permit, the requirement to pay the fees in 1a and 1b shall terminate as of the date the APCO issues the synthetic minor operating permit.

- a. MFR SOURCE FEE ~~\$456~~\$506 per source
- b. MFR EMISSIONS FEE..... ~~\$17.98~~\$19.96 per ton of regulated air pollutants emitted

Each MFR facility and each synthetic minor facility shall pay an annual monitoring fee (1c below) for each pollutant measured by a District-approved continuous emission monitor or a District-approved parametric emission monitoring system.

- c. MFR/SYNTHETIC MINOR MONITORING FEES ~~\$4,566~~\$5,068 per monitor per pollutant

2. SYNTHETIC MINOR APPLICATION FEES

Each facility that applies for a synthetic minor operating permit or a revision to a synthetic minor operating permit shall pay application fees according to 2a and either 2b (for each source holding a District Permit to Operate) or 2c (for each source affected by the revision). If a major facility applies for a synthetic minor operating permit prior to the date on which it would become subject to the annual major facility review fee described above, the facility shall pay, in addition to the application fee, the equivalent of one year of annual fees for each source holding a District Permit to Operate.

- a. SYNTHETIC MINOR FILING FEE ~~\$636~~\$706 per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE ~~\$446~~\$495 per source
- c. SYNTHETIC MINOR REVISION FEE..... ~~\$446~~\$495 per source modified

3. MFR APPLICATION FEES

Each facility that applies for or is required to undergo: an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit or a renewal of an MFR permit shall pay, with the application and in addition to any other fees required by this regulation, the applicable fees according to 3a-h below. The fees in 3b and 3g apply to each source in the initial or renewal permit, while the fees in 3d-f apply to each source affected by the revision or reopening.

- a. MFR FILING FEE ~~\$636~~\$706 per application
- b. MFR INITIAL PERMIT FEE..... ~~\$616~~\$684 per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ~~\$180~~\$200 per application
- d. MFR MINOR REVISION FEE ~~\$903~~\$1,002 per source modified
- e. MFR SIGNIFICANT REVISION FEE ~~\$1,684~~\$1,869 per source modified
- f. MFR REOPENING FEE ~~\$552~~\$613 per source modified
- g. MFR RENEWAL FEE..... ~~\$268~~\$297 per source

Each facility that requests a permit shield or a revision to a permit shield under the provisions of Regulation 2, Rule 6 shall pay the following fee for each source (or group of sources, if the requirements for these sources are grouped together in a single table in the MFR permit) that is covered by the requested shield. This fee shall be paid in addition to any other applicable fees.

- h. MFR PERMIT SHIELD FEE ~~\$950~~\$1,055 per shielded source or group of sources

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4. MFR PUBLIC NOTICE FEES

Each facility that is required to undergo a public notice related to any permit action pursuant to Regulation 2-6 shall pay the following fee upon receipt of a District invoice.

MFR PUBLIC NOTICE FEE Cost of Publication

5. MFR PUBLIC HEARING FEES

If a public hearing is required for any MFR permit action, the facility shall pay the following fees upon receipt of a District invoice.

a. MFR PUBLIC HEARING FEE Cost of Public Hearing not to exceed \$10,968

b. NOTICE OF PUBLIC HEARING FEE Cost of distributing Notice of Public Hearing

6. POTENTIAL TO EMIT DEMONSTRATION FEE

Each facility that makes a potential to emit demonstration under Regulation 2-6-312 in order to avoid the requirement for an MFR permit shall pay the following fee:

a. PTE DEMONSTRATION FEE ... ~~\$108~~\$120 per source, not to exceed ~~\$10,682~~\$11,857

(Amended 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03;
6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

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SCHEDULE Q
EXCAVATION OF CONTAMINATED SOIL AND
REMOVAL OF UNDERGROUND STORAGE TANKS
(Adopted January 5, 1994)

1. Persons excavating contaminated soil or removing underground storage tanks subject to the provisions of Regulation 8, Rule 40, Section 401, 402, 403 or 405 are subject to the following fee:
 - a. OPERATION FEE: ~~\$144~~\$157
(Amended 7/19/00; 8/1/01; 6/5/02; 7/2/03; 6/2/04; 6/6/07; 5/21/08; 5/20/09; 6/16/10; 6/15/11)

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**SCHEDULE R
EQUIPMENT REGISTRATION FEES**

1. Persons operating commercial cooking equipment who are required to register equipment as required by District rules are subject to the following fees:
 - a. Conveyorized Charbroiler REGISTRATION FEE: ~~386~~421 per facility
 - b. Conveyorized Charbroiler ANNUAL RENEWAL FEE: ~~107~~117 per facility
 - c. Under-fired Charbroiler REGISTRATION FEE: ~~386~~421 per facility
 - d. Under-fired Charbroiler ANNUAL RENEWAL FEE: ~~107~~117 per facility

2. Persons operating non-halogenated dry cleaning equipment who are required to register equipment as required by District rules are subject to the following fees:
 - a. Dry Cleaning Machine REGISTRATION FEE: ~~193~~210
 - b. Dry Cleaning Machine ANNUAL RENEWAL FEE: ~~134~~146

3. Persons operating diesel engines who are required to register equipment as required by District or State rules are subject to the following fees:
 - a. Diesel Engine REGISTRATION FEE: ~~129~~141
 - b. Diesel Engine ANNUAL RENEWAL FEE: ~~86~~94
 - c. Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402): ~~129~~141

4. Persons operating boilers, steam generators and process heaters who are required to register equipment by District Regulation 9-7-404 are subject to the following fees:
 - a. Each facility operating a boiler, steam generator or process heater subject to Regulation 9-7-404 ~~ONE-TIME REGISTRATION FEE~~ ~~455~~496 per facility
 - b. Each boiler, steam generator or process heater subject to Regulation 9-7-404, after the first ~~ONE-TIME REGISTRATION FEE~~ ~~54~~59 per device
 - c. ANNUAL RENEWAL FEE: 65 per device

5. Persons owning or operating graphic arts operations who are required to register equipment by District Regulation 8-20-408 are subject to the following fees:
 - a. REGISTRATION FEE: ~~231~~252
 - b. ANNUAL RENEWAL FEE: ~~145~~158

6. Persons owning or operating mobile refinishing operations who are required to register by District Regulation 8-45-4 are subject to the following fees:
 - a. REGISTRATION FEE ~~107~~117
 - b. ANNUAL RENEWAL FEE ~~64~~70
(Adopted 7/6/07; Amended 12/5/07; 5/21/08; 7/30/08; 11/19/08; 12/3/08; 5/20/09; 6/16/10; 6/15/11)

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**SCHEDULE S
NATURALLY OCCURRING ASBESTOS OPERATIONS**

1. ASBESTOS DUST MITIGATION PLAN PROCESSING FEE:

Any person submitting an Asbestos Dust Mitigation Plan (ADMP) for review of a Naturally Occurring Asbestos (NOA) project shall pay the following fee (including NOA Discovery Notifications which would trigger an ADMP review): ~~\$319~~\$348

2. AIR MONITORING PROCESSING FEE:

NOA projects requiring an Air Monitoring component as part of the ADMP approval are subject to the following fee in addition to the ADMP fee: ~~\$2,835~~\$3,090

3. INSPECTION FEE:

The owner of any property for which an ADMP is required shall pay fees to cover the costs incurred by the District after July 1, 2012 in conducting inspections to determine compliance with the ADMP on an ongoing basis. Inspection fees shall be invoiced by the District on a quarterly basis, and at the conclusion of dust generating activities covered under the ADMP, based on the actual time spent in conducting such inspections, and the following time and materials rate: \$90 per hour

(Adopted 6/6/07; Amended 5/21/08; 5/20/09; 6/16/10; 6/15/11)

**SCHEDULE T
GREENHOUSE GAS FEES**

For each permitted facility emitting greenhouse gases, the fee shall be based on the following:

1. Carbon Dioxide Equivalent (CDE) Emissions \$0.048 per metric ton

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. The annual emissions of each greenhouse gas (GHG) listed below shall be determined by the APCO for each permitted (i.e., non-exempt) source. For each emitted GHG, the CDE emissions shall be determined by multiplying the annual GHG emissions by the applicable Global Warming Potential (GWP) value. The GHG fee for each facility shall be based on the sum of the CDE emissions for all GHGs emitted by the facility, except that no fee shall be assessed for emissions of biogenic carbon dioxide.

Direct Global Warming Potential Relative to Carbon Dioxide*

GHG	GWP**
Carbon Dioxide	1
Methane	21
Nitrous Oxide	310
HCFC-22	1,500
HCFC-123	90
HCFC-124	470
HCFC-142b	1,800
HFC-23	11,700
HFC-32	650
HFC-125	2,800
HFC-134a	1,300
HFC-143a	3,800
HFC-152a	140
HFC-227ea	2,900
HFC-236fa	6,300
HFC-43-10-mee	1,300
PFC-14	6,500
PFC-116	9,200
PFC-218	7,000
PFC-318	8,700
PFC-3-1-10	7,000
PFC-5-1-14	7,400
Sulfur Hexafluoride	23,900

* Source: Intergovernmental Panel on Climate Change (Second Assessment Report: Climate Change 1995).

** GWPs compare the integrated radiative forcing over a specified period (i.e., 100 years) from a unit mass pulse emission to compare the potential climate change associated with emissions of different GHGs.

(Adopted 5/21/08; Amended 5/20/09; 6/16/10)

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**SCHEDULE U
INDIRECT SOURCE REVIEW FEES**

The applicant for any project deemed an indirect source pursuant to District rules shall be subject to the following fees:

1. APPLICATION FILING FEE

When an applicant files an Air Quality Impact Assessment as required by District rules, the applicant shall pay a non-refundable Application Filing Fee as follows:

- | | |
|--|-------|
| a. Residential project: | \$560 |
| b. Non-residential or mixed use project: | \$836 |

2. APPLICATION EVALUATION FEE

Every applicant who files an Air Quality Impact Assessment as required by District rules shall pay an evaluation fee for the review of an air quality analysis and the determination of Offsite Emission Reduction Fees necessary for off-site emission reductions. The Application Evaluation fee will be calculated using the actual staff hours expended and the prevailing weighted labor rate. The Application Filing fee, which assumes eight hours of staff time for residential projects and twelve hours of staff time for non-residential and mixed use projects, shall be credited towards the actual Application Evaluation Fee.

3. OFFSITE EMISSION REDUCTION FEE

(To be determined)

(Adopted 5/20/09; Amended 6/16/10)

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BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

APPENDIX B-2 ALTERNATIVE REGULATORY LANGUAGE FOR FEE SCHEDULES D AND P

MAY 18, 2012

SCHEDULE D
GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES,
BULK PLANTS AND TERMINALS
 (Adopted June 18, 1980)

A. All gasoline dispensing facilities shall pay the following fees:

1. INITIAL FEE:

a. For gasoline dispensing facilities for which the result of the following formula is 25 or greater:

$$\frac{[(\text{multi-product nozzles})(\text{products per nozzle}) + \text{single product nozzles}]}{}$$

~~\$198.64~~\$216.52 per single product nozzle (spn)

~~\$198.64~~\$216.52 per product for each multi-product nozzle (mpn)

b. For gasoline dispensing facilities for which the result of the following formula is 24 or less:

$$\frac{[(\text{multi-product nozzles})(\text{products per nozzle}) + \text{single product nozzles}]}{}$$

~~\$208.57~~ per single product nozzle (spn)

~~\$208.57~~ per product for each multi-product nozzle (mpn)

2. PERMIT TO OPERATE FEE:

a. For gasoline dispensing facilities for which the result of the following formula is 25 or greater:

$$\frac{[(\text{multi-product nozzles})(\text{products per nozzle}) + \text{single product nozzles}]}{}$$

~~\$76.08~~\$82.93 per single product nozzle (spn)

~~\$76.08~~\$82.93 per product for each multi-product nozzle (mpn)

b. For gasoline dispensing facilities for which the result of the following formula is 24 or less:

$$\frac{[(\text{multi-product nozzles})(\text{products per nozzle}) + \text{single product nozzles}]}{}$$

~~\$79.88~~ per single product nozzle (spn)

~~\$79.88~~ per product for each multi-product nozzle (mpn)

3. Initial fees and permit to operate fees for hardware modifications at a currently permitted gasoline dispensing facility shall be consolidated into a single fee calculated according to the following formulas:

a. For gasoline dispensing facilities for which the result of the following formula is 25 or greater:

$$\frac{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}]}{}$$

$$\frac{\$274.72\text{--}\$299.44 \times \{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]\}}{}$$

mpn = multi-product nozzles

spn = single product nozzles

proposed = total at facility after proposed modifications are complete

existing = total at facility before proposed modifications are complete

b. For gasoline dispensing facilities for which the result of the following formula is 24 or less:

$$\frac{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}]}{}$$

$$\frac{\$274.72\text{--}\$288.46 \times \{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]\}}{}$$

mpn = multi-product nozzles

spn = single product nozzles

proposed = total at facility after proposed modifications are complete

existing = total at facility before proposed modifications are complete

The above formulas includes a toxic surcharge.

If the above formulas yields zero or negative results, no initial fees or permit to operate fees

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shall be charged.

For the purposes of calculating the above fees, a fuel blended from two or more different grades shall be considered a separate product.

Other modifications to facilities' equipment, including but not limited to tank addition/replacement/conversion, vapor recovery piping replacement, moving or extending pump islands, will not be subject to initial fees or permit to operate fees.

4. RISK SCREENING FEE (RSF) of ~~\$389~~\$416 per application is only applicable to projects for which a health risk screening analysis is required under Regulation 2-5-401 [including increases in permitted throughput for which a health risk screening analysis is required.]
 5. Nozzles used exclusively for the delivery of diesel fuel or other fuels exempt from permits shall pay no fee. Multi-product nozzles used to deliver both exempt and non-exempt fuels shall pay fees for the non-exempt products only.
- B. All bulk plants, terminals or other facilities using loading racks to transfer gasoline or gasohol into trucks, railcars or ships shall pay the following fees:
1. INITIAL FEE: ~~\$2,600~~\$2,844 per single product loading arm
~~\$2,600~~\$2,844 per product for multi-product arms
 2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$2,008~~\$3,268
 - b. RSF for each additional TAC source: ~~\$2,600~~\$2,844 *

* RSF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
 3. PERMIT TO OPERATE FEE: ~~\$727~~\$792 per single product loading arm
~~\$727~~\$792 per product for multi-product arms
 4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
- C. Fees in (A) above are in lieu of tank fees. Fees in (B) above are in addition to tank fees.
- D. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

SCHEDULE P
MAJOR FACILITY REVIEW FEES
 (Adopted November 3, 1993)

1. MFR / SYNTHETIC MINOR ANNUAL FEES

Each facility, which is required to undergo major facility review in accordance with the requirements of Regulation 2, Rule 6, shall pay annual fees (1a and 1b below) for each source holding a District Permit to Operate. These fees shall be in addition to and shall be paid in conjunction with the annual renewal fees paid by the facility. However, these MFR permit fees shall not be included in the basis to calculate Alternative Emission Control Plan (bubble) or toxic air contaminant surcharges. If a major facility applies for and obtains a synthetic minor operating permit, the requirement to pay the fees in 1a and 1b shall terminate as of the date the APCO issues the synthetic minor operating permit.

- a. MFR SOURCE FEE ~~\$456~~\$506 per source
- b. MFR EMISSIONS FEE..... ~~\$17.98~~\$19.96 per ton of regulated air pollutants emitted

Each MFR facility and each synthetic minor facility shall pay an annual monitoring fee (1c below) for each pollutant measured by a District-approved continuous emission monitor or a District-approved parametric emission monitoring system.

- c. MFR/SYNTHETIC MINOR MONITORING FEES ~~\$4,566~~\$5,068 per monitor per pollutant

2. SYNTHETIC MINOR APPLICATION FEES

Each facility that applies for a synthetic minor operating permit or a revision to a synthetic minor operating permit shall pay application fees according to 2a and either 2b (for each source holding a District Permit to Operate) or 2c (for each source affected by the revision). If a major facility applies for a synthetic minor operating permit prior to the date on which it would become subject to the annual major facility review fee described above, the facility shall pay, in addition to the application fee, the equivalent of one year of annual fees for each source holding a District Permit to Operate.

- a. SYNTHETIC MINOR FILING FEE ~~\$636~~\$706 per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE ~~\$446~~\$495 per source
- c. SYNTHETIC MINOR REVISION FEE..... ~~\$446~~\$495 per source modified

3. MFR APPLICATION FEES

Each facility that applies for or is required to undergo: an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit or a renewal of an MFR permit shall pay, with the application and in addition to any other fees required by this regulation, the applicable fees according to 3a-h below. The fees in 3b and 3g apply to each source in the initial or renewal permit, while the fees in 3d-f apply to each source affected by the revision or reopening.

- a. MFR FILING FEE ~~\$636~~\$706 per application
- b. MFR INITIAL PERMIT FEE ~~\$616~~\$684 per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ~~\$180~~\$200 per application
- d. MFR MINOR REVISION FEE ~~\$903~~\$1,002 per source modified
- e. MFR SIGNIFICANT REVISION FEE ~~\$1,684~~\$1,869 per source modified
- f. MFR REOPENING FEE ~~\$552~~\$613 per source modified
- g. MFR RENEWAL FEE ~~\$268~~\$297 per source

Each facility that requests a permit shield or a revision to a permit shield under the provisions of Regulation 2, Rule 6 shall pay the following fee for each source (or group of sources, if the requirements for these sources are grouped together in a single table in the MFR permit) that is covered by the requested shield. This fee shall be paid in addition to any other applicable fees.

- h. MFR PERMIT SHIELD FEE ~~\$950~~\$1,055 per shielded source or group of sources

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4. MFR PUBLIC NOTICE FEES

Each facility that is required to undergo a public notice related to any permit action pursuant to Regulation 2-6 shall pay the following fee upon receipt of a District invoice.

MFR PUBLIC NOTICE FEE Cost of Publication

5. MFR PUBLIC HEARING FEES

If a public hearing is required for any MFR permit action, the facility shall pay the following fees upon receipt of a District invoice.

a. MFR PUBLIC HEARING FEE Cost of Public Hearing not to exceed \$10,968

b. NOTICE OF PUBLIC HEARING FEE Cost of distributing Notice of Public Hearing

7. POTENTIAL TO EMIT DEMONSTRATION FEE

Each facility that makes a potential to emit demonstration under Regulation 2-6-312 in order to avoid the requirement for an MFR permit shall pay the following fee:

a. PTE DEMONSTRATION FEE ... ~~\$108~~\$120 per source, not to exceed ~~\$10,682~~\$11,857

(Amended 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03;
6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John Gioia and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 15, 2012

Re: Final Public Hearing and Consideration of Adoption of the Air District Proposed
Budget for Fiscal Year Ending 2013

RECOMMENDED ACTION

Conduct final public hearing and adopt the Air District Proposed Budget for Fiscal Year Ending (FYE) 2013.

SUMMARY

Pursuant to Health and Safety Code Section 40131, the Executive Officer/APCO will present the FYE 2013 proposed budget to the Board of Directors for adoption.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No impact on current year budget. The proposed consolidated budget for FYE 2013 is \$126,641,627.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: David Glasser
Reviewed by: Jack M. Colbourn

Attachments

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Resolution No. 2012-___

**A Resolution to Approve the Budget for the Fiscal Year Ending June 30, 2013
(FY 2012-2013) and Various Budget Related Actions**

WHEREAS, the Board of Directors has the statutory authority and direction to set the Air District's financial budget pursuant to Health & Safety Code Sections 40130-40131 and 40270-40276;

WHEREAS, by Resolution No. 2011-10, the Board of Directors adopted the Air District budget for Fiscal Year (FY) 2011-2012 on June 15, 2011, pursuant to the above-mentioned statutory authority;

WHEREAS, the Board of Directors, in connection with that action, approved the following budget related actions:

- A. Transfer Funds from Unencumbered Balance of Appropriations to the General Reserve
- B. Fund Contingency Reserve
- C. Fund The General Reserve from Year to Year
- D. Authorize Modification to Name and Purpose of certain Designated Reserve Funds
- E. Authorize Disposal of Surplus Government Property
- F. Approve Salary Ranges for District Employees
- G. Approve Proposed District Budget for FY 2011-2012;

WHEREAS, Air District staff has determined through its annual budget review and analysis that similar actions are necessary in connection with the adoption of a budget for FY 2012-2013 and that all of these actions be incorporated into a single resolution;

WHEREAS, the Budget & Finance Committee of the Board of Directors reviewed the proposed FY 2012-2013 Air District Budget at public meetings held on March 28, 2012, and April 25, 2012, and recommended that the Board of Directors approve as submitted.

WHEREAS, an initial public hearing was duly noticed and held on May 16, 2012, at a Meeting of the Board of Directors held pursuant to Health & Safety Code Section 40131, for the purpose of reviewing the Air District's proposed FY 2012-2013 Budget and of providing the public with an opportunity to comment upon the proposed Air District budget;

WHEREAS, at the May 16, 2012, Regular Meeting of the Board of Directors the Proposed FY 2012-2013 District Budget was set for further hearing and proposed adoption of the FY 2012-2013 District Budget at the Regular Meeting of the Board of Directors to be held on June 6, 2012;

WHEREAS, in connection with the public hearing and consideration of the Proposed FY 2012-2013 District Budget on June 6, 2012, the Board of Directors decided to take the following actions related to the FY 2011-2012 District Budget:

A. TRANSFER FUNDS FROM UNENCUMBERED BALANCE OF APPROPRIATIONS TO THE GENERAL RESERVE

WHEREAS, the Proposed District Budget provides sufficient funds for the operation of the District for FY 2012-2013;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs District staff, that in the event there is an unencumbered balance of appropriations from FY 2011-2012, to transfer such excess balance to the General Reserve.

B. FUND THE GENERAL RESERVE FROM YEAR TO YEAR

WHEREAS, the Board of Directors on June 12, 1958, created a General Reserve in the District's budget and transferred certain funds into it;

WHEREAS, the District has operated for much of its existence with a General Reserve in its fiscal year budget;

WHEREAS, the District retained the consulting firm of KPMG LLP in 1998-99 to conduct a permit fee cost recovery study of the District;

WHEREAS, KPMG determined through their study of District finances that the General Reserve was inadequately funded and therefore recommended that the General Reserve be funded to a level consistent with generally accepted governmental practices;

WHEREAS, District staff concurred with this finding and recommendation from KPMG LLP;

WHEREAS, the Board of Directors concurs with the recommendation of KPMG LLP, Air District staff and its Budget & Finance Committee that maintaining a healthy and properly funded General Reserve in the District's budget is a prudent and financially sound decision;

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Reserve be continued for FY 2012-2013, and thereafter until discontinued by resolution of the Board of Directors.

C. AUTHORIZE DISPOSAL OF SURPLUS GOVERNMENT PROPERTY

WHEREAS, the Air District Budget for FY 2012-2013 provides for the replacement of certain equipment and other property that has either become obsolete and surplus or will become obsolete and surplus;

WHEREAS, Air District staff has determined that certain equipment or other property will no longer be economically feasible to maintain or repair, and that some equipment will become obsolete and not useful for Air District purposes;

WHEREAS, from time to time during the course of the coming fiscal year it may be advantageous to the Air District to sell or dispose of such equipment or other property;

WHEREAS, the Board of Directors desires to authorize the Executive Officer/APCO, or his or her designee, to sell or dispose of such surplus or obsolete equipment or other property pursuant the requirements and guidelines of Government Code Sections 25363 and 25504.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Executive Officer/APCO, or his or her designee, to sell or dispose of surplus or obsolete equipment or other property during FY 2012-2013.

D. SALARY RANGES FOR DISTRICT EMPLOYEES

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District established Salary Ranges and Classifications on June 10, 1962, pursuant to Resolution No. 270 and has from time to time amended those Salary Ranges and Classifications;

WHEREAS, management employees and confidential employees are not represented by a recognized employee organization;

WHEREAS, the Air District Budget for FY 2012-2013 includes funds for Board of Director discretionary use in adjusting salaries and fringe benefits for Air District employees;

WHEREAS, on March 17, 2010, by Resolution No. 2010-04, the Board of Directors approved a Memorandum of Understanding (the "MOU") with the employees represented by the recognized employee organization Bay Area Air Quality Management District Employees Association ("EA") which MOU had been previously ratified by the EA;

WHEREAS, the MOU provides, among other things, for certain adjustments to the salary and fringe benefits for EA members for FY 2011-2012 including a cost of living adjustment ("COLA");

WHEREAS, on October 16, 2002, by Resolution No. 2002-17, the Board of Directors approved certain adjustments to salary and fringe benefits for non-Board of Director appointed management and confidential employees who are not represented by a recognized employee organization;

WHEREAS, by Resolution No. 2003-04, on June 18, 2003, the Board of Directors approved adjustments to the salaries for non-Board of Director appointed management and confidential employees to reflect the same COLA as provided for in the MOU; and

WHEREAS, the attached salary schedules reflect salaries adjusted in accordance with the provisions of the MOU for Represented Classes; salaries for non-Board of Director appointed Management and Confidential employees adjusted in accordance with Resolution Nos. 2002-17, 2003-04, 2005-02, 2006-12, 2007-08, 2008-06 and the approved FY 2011-2012 budget, and the proposed FY 2012-2013 budget; and salaries adjusted pursuant to contracts with Board appointed management employees.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors approves the revised salary schedules attached hereto which, consistent with the MOU and Resolution Nos. 2002-17, 2003-04, 2005-02, 2006-12, 2007-08, 2008-06 2010-04 and the approved FY 2011-2012 budget, and the proposed FY 2012-2013 budget, and with contracts with Board appointed management employees, provide salary increases effective July 1, 2012.

E. APPROVE PROPOSED DISTRICT BUDGET FOR FY 2012-2013

WHEREAS, on May 16, 2012, and June 6, 2012, public proceedings have been held in a manner and form required by Health & Safety Code Section 40131 for the adoption of the FY 2012-2013 Budget of the Bay Area Air Quality Management District;

WHEREAS, the Board of Directors has considered the Proposed Budget for the fiscal year ending June 30, 2013, as well as the report on this proposed budget from the Budget & Finance Committee of the Board of Directors which considered the Proposed FY 2012-2013 District Budget at their meetings of March 28, 2012 and April 25, 2012;

WHEREAS, at the May 2, 2012, Regular Meeting of the Board of Directors, in its report to the Board of Directors, the Budget & Finance Committee of the Board of Directors forwarded the Proposed FY 2012-2013 Air District Budget to the Board of Directors;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Proposed Air District Budget for FY Ending 2013 in the total consolidated amount of Sixty Nine Million, Eight Hundred Thousand, One Hundred and Seventy Seven Dollars (\$69,800,177), specifying by appropriation classification – personnel, services and supplies, and capital outlay – is

hereby adopted by the Board of Directors of the Bay Area Air Quality Management District to become effective as of July 1, 2012.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the _____ day of _____ 2012 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ATTEST:

JOHN GIOIA
Chairperson of the Board of Directors

NATE MILEY
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SALARY SCHEDULE FOR MANAGEMENT AND CONFIDENTIAL CLASSES
 Annually/Monthly/Bi-weekly/Hourly effective July 1, 2012

ID-JDE MANAGEMENT

Per Employment Agreement

1B101 Executive Officer/Air Pollution Control Officer	262415.84 21867.99 10092.92 126.16
1B102 Counsel	246914.73 20576.23 9496.72 118.71

ID-JDE MANAGEMENT

ID-JDE MANAGEMENT	Range	Step A	Step B	Step C	Step D	Step E
3M101 Air Monitoring Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M102 Air Quality Engineering Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M103 Air Quality Planning Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M104 Air Quality Program Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
8M101 Assistant Counsel I	149M	114923.22 9576.94 4420.12 55.25	120669.38 10055.78 4641.13 58.01	126702.85 10558.57 4873.19 60.91	133038.00 11086.50 5116.85 63.96	139689.90 11640.82 5372.69 67.16
7M101 Assistant Counsel II	153M	128905.51 10742.13 4957.90 61.97	135350.79 11279.23 5205.80 65.07	142118.33 11843.19 5466.09 68.33	149224.24 12435.35 5739.39 71.74	156685.45 13057.12 6026.36 75.33
3M117 Audit & Special Projects Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M105 Business Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68

ID-JDE	MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
1M101	Deputy Air Pollution Control Officer	160M	171258.47 14271.54 6586.86 82.34	179821.39 14985.12 6916.21 86.45	188812.46 15734.37 7262.02 90.78	198253.08 16521.09 7625.12 95.31	208165.74 17347.14 8006.37 100.08
2M101	Director of Administration	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M106	Director of Communications & Outreach	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M102	Director of Enforcement	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M103	Director of Engineering	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M108	Director of Strategic Incentives	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M104	Director of Information Services	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M105	Director of Planning and Research	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
2M107	Director of Technical Services	156M	137777.64 11481.47 5299.14 66.24	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51
3M119	Engineering Project Processing Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M113	Executive Operations Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M107	Finance Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68

ID-JDE	MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M106	Fleet and Facilities Manager	134M	81091.09 6757.59 3118.89 38.99	85145.65 7095.47 3274.83 40.94	89402.93 7450.24 3438.57 42.98	93873.07 7822.76 3610.50 45.13	98566.73 8213.89 3791.03 47.39
6M104	Health and Science Officer	158M	144666.52 12055.54 5564.10 69.55	151899.85 12658.32 5842.30 73.03	159494.84 13291.24 6134.42 76.68	167469.58 13955.80 6441.14 80.51	175843.06 14653.59 6763.19 84.54
3M118	Human Resources Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M109	Information Systems Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M110	Laboratory Services Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M115	Manager, Executive Operations	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M111	Meteorology and Data Analysis Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M112	Research and Modeling Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
6M101	Senior Assistant Counsel	157M	142118.33 11843.19 5466.09 68.33	149224.24 12435.35 5739.39 71.74	156685.45 13057.12 6026.36 75.33	164519.73 13709.98 6327.68 79.10	172745.71 14395.48 6644.07 83.05
6M102	Senior Policy Advisor	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68
3M116	Strategic Facilities Planning Manager	148M	114103.31 9508.61 4388.59 54.86	119808.47 9984.04 4608.02 57.60	125798.90 10483.24 4838.42 60.48	132088.84 11007.40 5080.34 63.50	138693.28 11557.77 5334.36 66.68

ID-JDE CONFIDENTIAL

	Range	Step A	Step B	Step C	Step D	Step E
7C007 Administrative Secretary (Confidential)	118	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14
5C101 Clerk of the Boards	132	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82
8C004 Executive Secretary I	127	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79
7C001 Executive Secretary II	131	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76
8C101 Human Resources Analyst I	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73
7C103 Human Resources Analyst II	134	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01
8C001 Human Resources Technician I	116	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66
7C002 Human Resources Technician II	120	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70
7C003 Legal Office Services Specialist	124	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05
8C002 Legal Secretary I	116	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66
7C004 Legal Secretary II	120	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70
8C003 Office Assistant I (HR)	104	37870.10 3155.84 1456.54 18.21	39763.60 3313.63 1529.37 19.12	41751.78 3479.32 1605.84 20.07	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13

ID-JDE CONFIDENTIAL(CONTINUED)

	Range	Step A	Step B	Step C	Step D	Step E
7C005 Office Assistant II (HR)	108	41751.78	43839.37	46031.34	48332.91	50749.55
		3479.32	3653.28	3835.95	4027.74	4229.13
		1605.84	1686.13	1770.44	1858.96	1951.91
		20.07	21.08	22.13	23.24	24.40
7C102 Paralegal	124	61686.40	64770.72	68009.26	71409.72	74980.20
		5140.53	5397.56	5667.44	5950.81	6248.35
		2372.55	2491.18	2615.74	2746.53	2883.85
		29.66	31.14	32.70	34.33	36.05
5C102 Supervising Human Resources Analyst	142	95695.85	100480.65	105504.68	110779.91	116318.91
		7974.65	8373.39	8792.06	9231.66	9693.24
		3680.61	3864.64	4057.87	4260.77	4473.80
		46.01	48.31	50.72	53.26	55.92

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SALARY SCHEDULE FOR TECHNICAL/GENERAL AND PROFESSIONAL EMPLOYEES
Effective July 1, 2012 per Memorandum of Understanding dated May 15, 2002

ID-JDE	PROFESSIONAL	Range	Step A	Step B	Step C	Step D	Step E
7P001	Accountant I	123	60199.76 5016.65 2315.38 28.94	63209.75 5267.48 2431.14 30.39	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18
7P014	Accountant II	127	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79
7P002	Advanced Projects Advisor	144	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92	122134.85 10177.90 4697.49 58.72
8P001	Air Quality Chemist I	127	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79
7P003	Air Quality Chemist II	131	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76
8P002	Air Quality Engineer I	132	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82
7P004	Air Quality Engineer II	136	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31
8P003	Air Quality Meteorologist I	131	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76
7P005	Air Quality Meteorologist II	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14
7P006	Atmospheric Modeler	140	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26
8P004	Environmental Planner I	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73

ID-JDE	PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
7P007	Environmental Planner II	134	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01
7P008	Legislative Analyst	138	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72
7P009	Librarian	128	68009.26 5667.44 2615.74 32.70	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74
4P001	Principal Accountant	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14
4P002	Principal Air and Meteorological Monitoring Specialist	143	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98	113515.63 9459.64 4365.99 54.57	119191.41 9932.62 4584.29 57.30
4P005	Principal Air Quality Chemist	139	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98
4P003	Principal Air Quality Engineer	144	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92	122134.85 10177.90 4697.49 58.72
4P004	Principal Environmental Planner	142	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92
7P010	Research Analyst	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73
6P001	Senior Advanced Projects Advisor	148	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92	122134.85 10177.90 4697.49 58.72	128241.59 10686.80 4932.37 61.65	134653.67 11221.14 5178.99 64.74
6P002	Senior Air Quality Chemist	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14

ID-JDE PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
6P003 Senior Air Quality Engineer	140	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26
6P004 Senior Air Quality Meteorologist	139	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98
6P005 Senior Atmospheric Modeler	144	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92	122134.85 10177.90 4697.49 58.72
6P006 Senior Environmental Planner	138	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72
7P011 Statistician	137	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50
5P001 Supervising Air Quality Engineer	144	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92	122134.85 10177.90 4697.49 58.72
5P002 Supervising Air Quality Meteorologist	143	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98	113515.63 9459.64 4365.99 54.57	119191.41 9932.62 4584.29 57.30
5P003 Supervising Environmental Planner	142	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92
7P012 Toxicologist	144	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92	122134.85 10177.90 4697.49 58.72
ID-JDE TECHNICAL/GENERAL	Range	Step A	Step B	Step C	Step D	Step E
8T001 Accounting Assistant I	106	39763.60 3313.63 1529.37 19.12	41751.78 3479.32 1605.84 20.07	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13	48332.91 4027.74 1858.96 23.24
7T001 Accounting Assistant II	110	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13	48332.91 4027.74 1858.96 23.24	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62

ID-JDE TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T002 Administrative Analyst	131	73173.19	76831.85	80673.44	84707.11	88942.47
		6097.77	6402.65	6722.79	7058.93	7411.87
		2814.35	2955.07	3102.82	3257.97	3420.86
		35.18	36.94	38.79	40.72	42.76
7T003 Administrative Secretary	118	53287.03	55951.38	58748.95	61686.40	64770.72
		4440.59	4662.62	4895.75	5140.53	5397.56
		2049.50	2151.98	2259.58	2372.55	2491.18
		25.62	26.90	28.24	29.66	31.14
8T002 Air Quality Case Settlement Specialist I	126	64770.72	68009.26	71409.72	74980.20	78729.21
		5397.56	5667.44	5950.81	6248.35	6560.77
		2491.18	2615.74	2746.53	2883.85	3028.05
		31.14	32.70	34.33	36.05	37.85
7T004 Air Quality Case Settlement Specialist II	130	71409.72	74980.20	78729.21	82665.68	86798.96
		5950.81	6248.35	6560.77	6888.81	7233.25
		2746.53	2883.85	3028.05	3179.45	3338.42
		34.33	36.05	37.85	39.74	41.73
8T003 Air Quality Inspector I	124	61686.40	64770.72	68009.26	71409.72	74980.20
		5140.53	5397.56	5667.44	5950.81	6248.35
		2372.55	2491.18	2615.74	2746.53	2883.85
		29.66	31.14	32.70	34.33	36.05
7T005 Air Quality Inspector II	128	68009.26	71409.72	74980.20	78729.21	82665.68
		5667.44	5950.81	6248.35	6560.77	6888.81
		2615.74	2746.53	2883.85	3028.05	3179.45
		32.70	34.33	36.05	37.85	39.74
8T004 Air Quality Instrument Specialist I	124	61686.40	64770.72	68009.26	71409.72	74980.20
		5140.53	5397.56	5667.44	5950.81	6248.35
		2372.55	2491.18	2615.74	2746.53	2883.85
		29.66	31.14	32.70	34.33	36.05
7T006 Air Quality Instrument Specialist II	128	68009.26	71409.72	74980.20	78729.21	82665.68
		5667.44	5950.81	6248.35	6560.77	6888.81
		2615.74	2746.53	2883.85	3028.05	3179.45
		32.70	34.33	36.05	37.85	39.74
8T005 Air Quality Laboratory Technician I	122	58748.95	61686.40	64770.72	68009.26	71409.72
		4895.75	5140.53	5397.56	5667.44	5950.81
		2259.58	2372.55	2491.18	2615.74	2746.53
		28.24	29.66	31.14	32.70	34.33
7T007 Air Quality Laboratory Technician II	126	64770.72	68009.26	71409.72	74980.20	78729.21
		5397.56	5667.44	5950.81	6248.35	6560.77
		2491.18	2615.74	2746.53	2883.85	3028.05
		31.14	32.70	34.33	36.05	37.85
8T006 Air Quality Permit Technician I	122	58748.95	61686.40	64770.72	68009.26	71409.72
		4895.75	5140.53	5397.56	5667.44	5950.81
		2259.58	2372.55	2491.18	2615.74	2746.53
		28.24	29.66	31.14	32.70	34.33

ID-JDE	TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T008	Air Quality Permit Technician II	126	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85
8T007	Air Quality Specialist I	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73
7T009	Air Quality Specialist II	134	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01
7T010	Air Quality Technical Assistant	118	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14
8T008	Air Quality Technician I	122	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70	71409.72 5950.81 2746.53 34.33
7T011	Air Quality Technician II	126	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85
7T012	Building Maintenance Mechanic	114	48332.91 4027.74 1858.96 23.24	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24
7T013	Data Entry Operator	111	44921.99 3743.50 1727.77 21.60	47168.09 3930.67 1814.16 22.68	49526.49 4127.21 1904.87 23.81	52002.82 4333.57 2000.11 25.00	54602.96 4550.25 2100.11 26.25
5T009	Data Support Supervisor	142	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92
7T014	Database Specialist	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14
7T015	Deputy Clerk of the Boards	123	60199.76 5016.65 2315.38 28.94	63209.75 5267.48 2431.14 30.39	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18
7T028	Facilities Maintenance Worker	108	41751.78 3479.32 1605.84 20.07	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13	48332.91 4027.74 1858.96 23.24	50749.55 4229.13 1951.91 24.40

ID-JDE	TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T008	Facilities Services Supervisor	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73
7T031	Fiscal Services Coordinator	139	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98
8T009	Mechanic I	121	57333.11 4777.76 2205.12 27.56	60199.76 5016.65 2315.38 28.94	63209.75 5267.48 2431.14 30.39	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50
7T016	Mechanic II	125	63209.75 5267.48 2431.14 30.39	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94
8T010	Office Assistant I	104	37870.10 3155.84 1456.54 18.21	39763.60 3313.63 1529.37 19.12	41751.78 3479.32 1605.84 20.07	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13
7T017	Office Assistant II	108	41751.78 3479.32 1605.84 20.07	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13	48332.91 4027.74 1858.96 23.24	50749.55 4229.13 1951.91 24.40
5T001	Office Services Supervisor	116	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66
7T029	Organizational Development and Training Specialist	134	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01
7T018	Permit Coordinator	134	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01
4T001	Principal Air Quality Specialist	142	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92
8T011	Programmer Analyst I	127	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T019 Programmer Analyst II	131	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76
8T012 Public Information Officer I	127	66370.24 5530.85 2552.70 31.91	69688.75 5807.40 2680.34 33.50	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79
7T020 Public Information Officer II	131	73173.19 6097.77 2814.35 35.18	76831.85 6402.65 2955.07 36.94	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76
7T027 Purchasing Agent	122	58748.95 4895.75 2259.58 28.24	61686.40 5140.53 2372.55 29.66	64770.72 5397.56 2491.18 31.14	68009.26 5667.44 2615.74 32.70	71409.72 5950.81 2746.53 34.33
7T021 Radio/Telephone Operator	113	47168.09 3930.67 1814.16 22.68	49526.49 4127.21 1904.87 23.81	52002.82 4333.57 2000.11 25.00	54602.96 4550.25 2100.11 26.25	57333.11 4777.76 2205.12 27.56
5T002 Radio/Telephone Operator Supervisor	119	54602.96 4550.25 2100.11 26.25	57333.11 4777.76 2205.12 27.56	60199.76 5016.65 2315.38 28.94	63209.75 5267.48 2431.14 30.39	66370.24 5530.85 2552.70 31.91
7T022 Receptionist	104	37870.10 3155.84 1456.54 18.21	39763.60 3313.63 1529.37 19.12	41751.78 3479.32 1605.84 20.07	43839.37 3653.28 1686.13 21.08	46031.34 3835.95 1770.44 22.13
7T023 Secretary	112	46031.34 3835.95 1770.44 22.13	48332.91 4027.74 1858.96 23.24	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90
6T001 Senior Accounting Assistant	114	48332.91 4027.74 1858.96 23.24	50749.55 4229.13 1951.91 24.40	53287.03 4440.59 2049.50 25.62	55951.38 4662.62 2151.98 26.90	58748.95 4895.75 2259.58 28.24
6T002 Senior Air Quality Inspector	132	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82
6T003 Senior Air Quality Instrument Specialist	132	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82

ID-JDE	TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
6T007	Senior Air Quality Permit Technician	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73
6T004	Senior Air Quality Specialist	138	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72
6T006	Senior Air Quality Technician	130	71409.72 5950.81 2746.53 34.33	74980.20 6248.35 2883.85 36.05	78729.21 6560.77 3028.05 37.85	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73
6T005	Senior Public Information Officer	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14
5T003	Supervising Air Quality Inspector	136	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31
5T004	Supervising Air Quality Instrument Specialist	136	82665.68 6888.81 3179.45 39.74	86798.96 7233.25 3338.42 41.73	91138.91 7594.91 3505.34 43.82	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31
5T005	Supervising Air Quality Specialist	142	95695.85 7974.65 3680.61 46.01	100480.65 8373.39 3864.64 48.31	105504.68 8792.06 4057.87 50.72	110779.91 9231.66 4260.77 53.26	116318.91 9693.24 4473.80 55.92
5T006	Supervising Public Information Officer	139	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98
5T007	Supervising Systems Analyst	139	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14	102962.02 8580.17 3960.08 49.50	108110.12 9009.18 4158.08 51.98
7T024	Systems Analyst	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14
7T025	Systems Quality Assurance Specialist	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14
7T026	Web Master	135	80673.44 6722.79 3102.82 38.79	84707.11 7058.93 3257.97 40.72	88942.47 7411.87 3420.86 42.76	93389.59 7782.47 3591.91 44.90	98059.07 8171.59 3771.50 47.14