



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS REGULAR MEETING

JUNE 4, 2014

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.

This meeting will be webcast. To see the webcast, please visit <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx> at the time of 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 4, 2014

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Chairperson, Nate Miley

1. **Opening Comments**
Roll Call
Pledge of Allegiance

The Chair shall call the meeting to order and make opening comments. The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.

PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **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 3–8)

Staff/Phone (415) 749-

3. Minutes of the Board of Directors Special Budget Hearing and Regular Board of Directors Meeting of May 21, 2014

Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Board of Directors Special Hearing and Regular Board of Directors Meeting of May 21, 2014.

4. Board Communications Received from May 21, 2014 through June 3, 2014

J. Broadbent/5052

jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from May 21, 2014 through June 3, 2014, if any, will be at each Board Member's place.

5. Consideration of Contract Amendment for Janitorial Services

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract amendment for an additional year with SWA Services, Inc. in an amount not to exceed \$103,700.00 for janitorial services.

6. Authorize Expenditure for the Enhancement of the Production System and Integration with JD Edwards Financial System
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute an agreement with CSS International, Inc., for an amount not to exceed \$167,300.

7. Web Maintenance and Projects Contract Approval
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a one year contract (with two optional one year extensions) with Cylogy, not to exceed \$110,000 for website maintenance and routine projects.

8. Consider Authorizing the Executive Officer/APCO to Execute a Contract Amendment with E4 Strategic Solutions, Inc.
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with E4 Strategic Solutions, Inc. in an amount not to exceed \$75,000 for the purpose of overseeing the production of a video illustrating air quality challenges in California.

COMMITTEE REPORT(S)

9. Report of the **Mobile Source Committee** Meeting of May 22, 2014
CHAIR: S. Haggerty
J. Broadbent/5052
jbroadbent@baaqmd.gov

The Committee received the following reports and recommends that the Board of Directors approve the following items as indicated below:

A) Projects with Proposed Grant Awards over \$100,000

- 1. Approve Carl Moyer Program projects with proposed grant awards over \$100,000;*
- 2. Allocate \$6.3 million in MSIF funds to eligible Lower-Emission School Bus Program projects; and*
- 3. Authorize the Executive Officer/APCO to enter into agreements with applicants for Lower Emission School Bus Program projects, and the recommended Carl Moyer Program projects.*

B) Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria for Fiscal Year Ending (FYE) 2015

- 1. Approve the proposed Fiscal Year Ending (FYE) 2015 Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria presented in Attachment A to the staff report, with an amendment on page 3, Shuttle/Feeder Bus Service Projects, 26.d, to replace "0.6" with "0.5."*

C) **Bicycle Rack Voucher Program (BRVP) Vendor Selection**

1. *Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with Dero Bike Rack Co., Peak Racks Inc., Saris Cycling Group, Sportsworld Northwest Inc., and Urban Racks, not to exceed a total of \$860,000.*

10. Report of the **Executive Committee** Meeting of May 28, 2014

CHAIR: M. Miley

J. Broadbent/5052
jbroadbent@baaqmd.gov

A consensus of the Executive Committee members present recommended Board of Directors' approval of the following items:

A) **Hearing Board Quarterly Report – January through March 2014**

None; receive and file.

B) **Update of Remote Participation Protocol for Committee Meetings**

None; receive and file.

C) **Update on the My Air Online Program**

1. *Select Lightmaker USA, Inc. (Lightmaker) as the successful vendor for the Geospatial Mapping and Data Visualization Tool for the My Air Online program website; and*
2. *Authorize the Executive Officer/APCO to execute all contracts not to exceed \$193,320 with Lightmaker USA, Inc. for this project.*

D) **Information Technology (IT) Infrastructure for 375 Beale Street Vendor Prepayment in Excess of \$70,000**

1. *Authorize the Executive Officer/APCO to prepay one annual payment of \$368,000 for the Air District's Information Technology (IT) infrastructure capital lease.*

PUBLIC HEARINGS

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

J. Broadbent/5052
jbroadbent@baaqmd.gov

The Board of Directors will consider the adoption of proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2014.

12. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2015

J. McKay/4629
jmckay@baaqmd.gov

The Board of Directors will hold a final Public Hearing and will consider the adoption of a resolution to approve the Proposed Budget for FYE 2015 and various budget related actions.

PRESENTATION

13. *Discussion of Procedures for Vote Reporting in Compliance with Senate Bill (SB) 751*

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will provide direction to staff on preferred voting procedures to ensure compliance with SB 751 (Yee) requiring the reporting of votes of individual members during a meeting and recording of those votes in the minutes of the meeting.

CLOSED SESSION

14. **CONFERENCE WITH LABOR NEGOTIATORS** (*Government Code § 54957.6(a)*)

Agency Negotiators: *Jack P. Broadbent, Executive Officer/APCO*
Jack M. Colbourn, Director of Administrative Services

Employee Organization: *Bay Area Air Quality Employee's Association, Inc.*

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

15. Report of the Executive Officer/APCO

The Executive Officer/APCO will provide the Board of Directors a report of recent and upcoming activities.

16. Chairperson's Report

The Chair will provide the Board of Directors a report of recent and upcoming activities.

17. Time and Place of Next Meeting: *Wednesday, June 18, 2014, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.*

18. Adjournment

The Board meeting shall be adjourned by the Board Chair.

**CONTACT THE CLERK OF THE BOARDS
939 ELLIS STREET SF, CA 94109**

**(415) 749-5073
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.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109
FOR QUESTIONS PLEASE CALL (415) 749-5016 or (415) 749-4941

EXECUTIVE OFFICE:
MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

JUNE 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
Board of Directors Public Outreach Committee <i>(At the Call of the Chair)</i>	Thursday	5	9:30 a.m.	4 th Floor Conf. Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	11	9:00 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 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 Quarterly – At the Call of the Chair)</i>	Monday	16	10:30 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	25	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	26	9:30 a.m.	Board Room

JULY 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Regular Meeting <i>(Meets on the 2nd Wednesday of each Month)</i>	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
Board of Directors Climate Protection Committee – <i>(Meets 3rd Thursday every other Month)</i>	Thursday	17	9:30 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	21	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	23	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	24	9:30 a.m.	Board Room

AUGUST 2014

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	6	9:45 a.m.	Board Room
Board of Directors Executive Committee <i>(Meets on the 3rd Monday of each Month)</i>	Monday	18	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Regular Meeting <i>(Meets on the 1st & 3rd Wednesday of each Month)</i>	Wednesday	20	9:45 a.m.	Board Room
Board of Directors Budget & Finance Committee <i>(Meets on the 4th Wednesday of each Month)</i>	Wednesday	27	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee <i>(Meets on the 4th Thursday of each Month)</i> - CANCELLED	Thursday	28	9:30 a.m.	Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: May 22, 2014

Re: Minutes of the Board of Directors Special Budget Hearing and Regular Meetings of
May 21, 2014

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Special Budget Hearing and Regular Meetings of May 21, 2014.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special Budget Hearing and Regular Meetings of May 21, 2014.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher

Attachment A: Draft Minutes of the Board of Directors Special Budget Hearing Meeting of May 21, 2014

Attachment B: Draft Minutes of the Board of Directors Regular Meeting of May 21, 2014

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Special Budget Hearing Meeting
Wednesday, May 21, 2014

DRAFT MINUTES

1. **CALL TO ORDER:** Chairperson Nate Miley called the meeting to order at 9:52 a.m.

Opening Comments: None.

Roll Call:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, Scott Haggerty, David Hudson, Ash Kalra, Roger Kim (on behalf of Edwin Lee), Jan Pepper, Mary Piepho, Mark Ross and Shirlee Zane.

Absent: Directors Susan Adams, John Gioia, Carol L. Klatt, Liz Kniss, Tim Sbranti (resigned), Jim Spering and Brad Wagenknecht.

Pledge of Allegiance: Chairperson Miley led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

2. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3:**

No requests received.

PUBLIC HEARING

3. **Public Hearing to Consider Testimony on the Air District's Proposed Budget for Fiscal Year End (FYE) 2015. A Final Public Hearing is Scheduled for Wednesday, June 4, 2014 to Consider Adoption of the Proposed Budget for FYE 2015**

Jean Roggenkamp, Acting Executive Officer/Air Pollution Control Officer (APCO), introduced Jeff McKay, Deputy APCO, who gave the staff presentation *Proposed FYE 2015 Budget*, including revenue projections for current FYE 2014; general fund revenue sources and expenditures for proposed FYE 2015; expenses and capital for FYE 2010 through 2015; Air District reserve fund audited values and designations for specific capital items; current staffing levels, strategic staffing principles and staffing considerations; vacancies to be filled in FYE 2015; climate program staffing; proposed staffing levels in FYE 2015; fees update; unfunded liabilities response, including pensions and Other Post-Employment Benefits (OPEB); and budget schedule.

NOTED PRESENT: Director Mar was noted present at 9:59 a.m.

Board Comments:

The Board and staff discussed the current OPEB funded level as a percentage of total obligation; the reasons for the reserve funds changes in recent years; what the funding goal is for the California Public Employees' Retirement System (CalPERS) and OPEB, if any exists currently; the FYE 2014 and 2015 OPEB contributions; whether the proposed budget is a "structurally balanced budget"; whether and in what form the still vacant positions remain in the budget; if the Regional Climate Action Strategy includes grant programs and, if so, whether they have been included in this budget; the significant increases anticipated in CalPERS obligations, if CalPERS obligation increases have any limitation or notifications requirements, and if participating agencies have any vehicle to respond to CalPERS leadership; when the move to the new Air District headquarters is likely to occur and if any impact to the budget is expected.

NOTED PRESENT: Director Bates was noted present at 9:59 a.m. and Director Kalra was noted present at 10:15 a.m.

Public Comments:

Denny Larson, Global Community Monitor, addressed the Board to express his concern about the level of resources being designated for software upgrades in comparison to the designations for monitoring equipment.

Jean Roggenkamp, Acting Executive Officer/Air Pollution Control Officer, said staff will report to the Board on the details of the equipment designations at the next Board meeting.

Board Action: None; receive and file.

OTHER BUSINESS

4. Board Members' Comments: None.

5. Time and Place of Next Meeting:

Board of Directors Regular Meeting on Wednesday, June 4, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

6. Adjournment: The Board meeting adjourned at 10:22 a.m.

Sean Gallagher
Clerk of the Boards

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, May 21, 2014

DRAFT MINUTES

- CALL TO ORDER:** Chairperson Nate Miley called the meeting to order at 10:22 a.m.

Opening Comments: None.

Roll Call:

Present: Chairperson Nate Miley; Vice-Chairperson Carole Groom; Secretary Eric Mar; and Directors John Avalos, Teresa Barrett, Tom Bates, Cindy Chavez, Scott Haggerty, David Hudson, Ash Kalra, Roger Kim (on behalf of Edwin Lee), Jan Pepper, Mary Piepho, Mark Ross and Shirlee Zane.

Absent: Directors Susan Adams, John Gioia, Carol L. Klatt, Liz Kniss, Tim Sbranti (resigned), Jim Spering and Brad Wagenknecht.

Pledge of Allegiance: Chairperson Miley led the Pledge of Allegiance.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Nile Malloy, Communities for a Better Environment (CBE), submitted a letter from CBE to Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO) of the Air District, dated May 21, 2014, and addressed the Board of Directors (Board) to read from the same.

Marilyn Langlois, Richmond Progressive Alliance, addressed the Board regarding her involvement in the review of the Chevron Richmond Refinery modernization project on the City of Richmond Planning Commission and her surprise at discovering the issuance of an Air District permit while the environmental impact report is still incomplete; to note the history of particulate matter emissions in excess of permitted levels at the Chevron Richmond Refinery; and to urge for a focus on the health of residents when considering these matters.

Torm Nampraseurt, Asian Pacific Environmental Network (APEN), addressed the Board regarding the lack of concern by Chevron Richmond Refinery for the neighboring community members in Richmond and to request the Air District's help to protect public health.

Lipo, APEN, addressed the Board, with Mr. Nampraseurt providing translation services, regarding his long-standing residence in Richmond that predates the Chevron Richmond Refinery, which is hurting the residents of Richmond, and to request a limit on refinery emissions.

Greg Karras, CBE, addressed the Board to request the Chevron Richmond Refinery permit be revoked immediately based on its premature issuance, the irreversible public health impacts of refinery emissions, the current particulate matter emissions inventory, and the permit conditions in need of remedy through operational changes.

Marie Walchek, California Nurses Association, addressed the Board regarding the frequent treatment of ailments associated with industrial air emissions and to urge the Air District to rescind the authority to construct issued to the Chevron Richmond Refinery.

Ethan Buckner, Forest Ethics, addressed the Board to echo the comments of those before him; to urge for the revocation of the authority to construct issued to the Chevron Richmond Refinery pending a public input process to ensure the protection of the community; and to note the similarity between this matter and a permit recently issued to Kinder Morgan.

Diane Bailey, Natural Resources Defense Council, addressed the Board to urge for the revocation of the Chevron Richmond Refinery permit in the face of the introduction of tar sands crude oil in US processing stocks; to suggest that staff comments on the Chevron Richmond Refinery permit and operations are troubling; and to request a review of the Chevron Richmond Refinery permit application that includes a cumulative impacts analysis.

Vivian Huang, APEN, addressed the Board regarding her shock in discovering the recent refinery permits issued by the Air District without environmental review or public comment; to note the significant public health impacts of these types of operations; to request the rescission of the Chevron Richmond Refinery permit, a cap on pollution limits and to require transparency and public participation in all permitting processes.

Denny Larson, Global Community Monitor, addressed the Board to commend the proposed Petroleum Refining Emissions Tracking Rule and the implementation of continuous emissions monitoring; to suggest these advances are being undermined by a permitting process that resulted in the issuance of the Chevron Richmond Refinery permit and the recently issued permit to Kinder Morgan; and to suggest that both permits should be rescinded or revoked as soon as possible for public health reasons.

Aaron Reaven, 350 Bay Area, addressed the Board to express the support of 350 Bay Area of those comments made before him; to note the value of the Air District Advisory Council's current exploratory assignment from the Board, *The Path Forward for the Energy Sector to Move Towards the 2050 Greenhouse Gas Goals*, and the discouraging reluctance of Air District staff to adopt a leadership role in this realm; and to state the importance of Air District leadership in advancing the energy discussion towards a renewable model.

Chairperson Miley directed staff to agendize a discussion regarding the Chevron Richmond Refinery permit with the Stationary Source Committee (SSC) and a discussion regarding energy alternatives with the Climate Protection Committee. Jean Roggenkamp, Acting Executive Officer/APCO, restated those topics mentioned that will be addressed by each committee.

The Board and staff discussed exploring whether there is an option to revoke permits; the heartfelt testimony from the public for procedural transparency, when a SSC meeting is likely to occur and; the impact of these refinery operations on those in the neighboring communities.

CONSENT CALENDAR (ITEMS 3 – 10)

3. **Minutes of the Board Regular Meeting of April 16, 2014;**
4. **Board Communications Received from April 16, 2014 through May 20, 2014;**
5. **Air District Personnel on Out-of-State Business Travel;**
6. **Notice of Violations Issued and Settlements in Excess of \$10,000 in April 2014;**
7. **Quarterly Report of Executive Office and Division Activities;**
8. **Consider Amending the Job Classification and the Salary Range of Executive Secretary I/II (Executive Secretary I from Level 127 to 128 and Executive Secretary II from Level 131 to Level 132) and Consider Establishing the New Classification of Senior Executive Secretary at Salary Level 134;**
9. **Adoption of Amendments to the Air District’s Administrative Code, Division III: Personnel Policies and Procedures, Section 2 Equal Employment Opportunity Plan, Section 2.3 Discrimination Complaint Procedure; and**
10. **Resolution to Accept \$500,000 from California Energy Commission (CEC).**

Board Comments: None.

Public Comments: No requests received.

Board Action:

Director Haggerty made a motion to approve Consent Calendar Items 3 through 10, inclusive; Director Piepho seconded; and the motion carried by the following vote of the Board:

AYES: Barrett, Bates, Chavez, Groom, Haggerty, Hudson, Kalra, Kim, Mar, Miley, Pepper, Piepho, Ross and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Avalos, Gioia, Klatt, Kniss, Sbranti, Spring and Wagenknecht.

COMMITTEE REPORTS AND RECOMMENDATIONS

11. **Report of the Ad Hoc Building Oversight Committee (AHBOC) Meeting of April 16, 2014**

Committee Chairperson Miley

The AHBOC met on Wednesday, April 16, 2014.

The AHBOC received and discussed the staff presentation *Approval of Expenditure in Excess of \$70,000*, including a description of agency space design and programming, and consulting on shared services in the new building. The AHBOC recommends the Board authorize the Executive Officer/APCO to reimburse the Bay Area Headquarters Authority for change orders and third party services in the development and operations of the Air District’s space at the new Regional Agency Headquarters in an amount not to exceed \$500,000.00.

The AHBOC then received and discussed the staff presentation *Regional Agency Headquarters Status Report 375 Beale Street*, including a construction update; shared services vision; a description of shared technology services at move-in; the recent furniture fair and procurement update; and next steps.

The next meeting of the AHBOC is at the call of the Chairperson.

Board Comments: None.

Public Comments: No requests received.

Board Action:

Chairperson Miley made a motion, seconded by Director Haggerty, to approve the recommendation of the AHBOC; and the motion carried by the following vote of the Board:

AYES: Barrett, Bates, Chavez, Groom, Haggerty, Hudson, Kalra, Kim, Mar, Miley, Pepper, Piepho, Ross and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Avalos, Gioia, Klatt, Kniss, Sbranti, Spering and Wagenknecht.

12. Report of the SSC Meetings of April 21, 2014 and May 1, 2014

Committee Chairperson Gioia (read by Director Bates)

The SSC met on Monday, April 21, 2014, and approved the minutes of February 24, 2014, and then again on Thursday, May 1, 2014, at which time it approved the minutes of April 21, 2014.

The SSC received the staff presentation *Update on Petroleum Refining Emissions Tracking Rule (Rule)*, including rule development process milestones; summaries of the initial draft Rule and public comments; potential revisions being considered; and next steps.

The SSC then received the staff presentation *Bay Area Energy Projects*, including a description of crude oil transport by railcar and ship; overviews of refinery, rail and ship transport emissions; summaries of energy projects at Valero, Wespac, Kinder Morgan, Phillips 66, and Chevron; regional emissions from transportation of crude oil for these energy projects; an overview of U.S. crude oil production; flash point information relative to flammability for crude oil; crude oil sources for Bay Area refineries; and crude-by-rail transportation projections for California.

The next meeting of the SSC is at the call of the Chairperson.

That concludes the Chairperson report of the SSC.

Board Comments: None.

Public Comments:

David McCoard, Sierra Club, addressed the Board to urge for a cumulative impacts analysis and the implementation of the Rule before further consideration of any permits for refinery projects.

Walt Gill, Chevron, addressed the Board regarding the facility improvements and modernization being performed under the Chevron Richmond Refinery permit in order to meet air quality standards and stated Chevron's commitment not to realize any net increases in criteria pollutants.

Board Action: None; receive and file.

13. Report of the Budget and Finance Committee (BFC) Meeting of April 23, 2014
Committee Chairperson Groom

The BFC met on Wednesday, April 23, 2014, and approved the minutes of March 26, 2014.

The BFC received and discussed the staff presentation *Proposed Fiscal Year End (FYE) 2015 Budget*. The BFC reviewed proposed expenses and capital; Air District reserve funds and designations; current staffing levels and strategic staffing principles; vacancies for FYE 2014; climate program staffing; proposed staffing levels in FYE 2015; a status report on fees and unfunded liabilities including pensions and Other Post-Employment Benefits. The BFC recommends Board adoption of the FYE 2015 Proposed Budget during the June 4 Board Budget Hearing.

The BFC received and discussed the staff presentation *Third Quarter Financial Report – FYE 2014*, including an overview of general fund revenues and expenses, revenue and expense year-over-year comparisons, investments, fund balances, purchasing reporting requirements, and cumulative vendor payments in excess of \$70,000.

The next meeting of the BFC is Wednesday, June 25, 2014, at 9:30 a.m.

That concludes the Chairperson report of the BFC.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

14. Report of the Mobile Source Committee (MSC) Meeting of April 24, 2014
Committee Chairperson Haggerty

The MSC met on Thursday, April 24, 2014, and approved the minutes of February 27, 2014.

The MSC reviewed Projects and Contracts with Proposed Awards Over \$100,000 and recommends the Board:

1. Approve Carl Moyer Program (CMP) projects with proposed grant awards over \$100,000;

2. Approve the allocation of \$150,000 for direct-mail outreach for the Vehicle Buy Back Program (VBBP); and
3. Authorize the Executive Officer/APCO to enter into agreements for the recommended projects and direct-mail contract.

The MSC then reviewed FYE 2015 Transportation Fund for Clean Air (TFCA) County Program Manager (CPM) Expenditure Plans and a request for Waivers from Santa Clara Valley Transportation Authority (VTA) and San Francisco County Transportation Authority (SFCTA), including TFCA background, FYE 2015 Expenditure Plans, and policy waiver requests. The MSC recommends the Board:

1. Approve the allocation of FYE 2015 TFCA CPM Funds listed in Table 1 of the Committee staff report;
2. Authorize the Executive Officer/APCO to enter into funding agreements with the CPMs for the total funds to be programmed in FYE 2015, listed in Table 1 of the MSC staff report; and
3. Approve policy waivers to allow VTA to use FYE 2015 TFCA CPM Funds for pedestrian improvement and bicycle sharing projects and SFCTA to use FYE 2015 TFCA CPM Funds for arterial management projects.

The MSC then reviewed and discussed the staff presentation *Update on TFCA Regional Fund Shuttle and Ridesharing Incentive Program*, including a discussion of key policy drivers, program issues, and program realignment opportunities. The MSC requested that staff return later this year with recommendations for improving the program in future cycles.

The MSC then reviewed a request for FYE 2015 TFCA Funding Allocations, including a review of the FYE 2015 TFCA expenditure plan and revenue; a description of the recommended Regional Fund and Air District-led programs; and the proposed TFCA cost-effectiveness limits for Air District-led programs. The MSC directed staff to explore options for requiring that the hosts of publicly available EV charging stations install equipment that is capable of accepting payment from end-users only, so that station sponsors can recover the cost of providing service and electricity. The MSC recommends the Board:

1. Allocate \$18.8 million in its TFCA funding to the projects and programs listed in Table 1 of the MSC staff report;
2. Authorize the Executive Officer/APCO to enter into funding agreements and contracts up to \$100,000 for projects and programs listed in Table 1 of the MSC staff report;
3. Accept up to \$500,000 in Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) funding from the CEC for electric vehicle charging projects; and
4. Authorize the Executive Officer/APCO to execute all contracts necessary to accept, appropriate, and expend CEC ARFVTP monies.

The next meeting of the MSC is on Thursday, May 22, 2014, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action:

Director Haggerty made a motion, seconded by Director Kalra, to approve the recommendations of the MSC; and the motion carried by the following vote of the Board:

AYES: Barrett, Bates, Chavez, Groom, Haggerty, Hudson, Kalra, Kim, Mar, Miley, Pepper, Piepho, Ross and Zane.

NOES: None.

ABSTAIN: None.

ABSENT: Adams, Avalos, Gioia, Klatt, Kniss, Sbranti, Spering and Wagenknecht.

CLOSED SESSION

The Board adjourned to Closed Session at 11:20 a.m.

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

Pursuant to Government Code Section 54956.9(a), the Board met in closed session with legal counsel to consider the following cases:

California Building Industry Association v. Bay Area AQMD, Alameda County Superior Court, Case No. RG-10548693; California Court of Appeal, First Appellate District, Case No. A135335.

Communities for a Better Environment, et al. v. Bay Area AQMD, et al., San Francisco County Superior Court, Case No. CPF-14-513557.

OPEN SESSION

The Board resumed Open Session at 11:38 a.m. with no reportable action.

PUBLIC COMMENT ON NON-AGENDA MATTERS: No requests received.

BOARD MEMBERS' COMMENTS:

The Board and staff discussed the possible screening of a documentary film, "Toxic Hot Seat," at a future Board meeting and that Sonoma Clean Power, an alternative electricity provider, went live last week and had very few residents and businesses opting out.

OTHER BUSINESS

16. Report of the Executive Officer/APCO:

Ms. Roggenkamp reported that the screening of “Toxic Hot Seat” will likely be outside of a Board meeting at a time as yet to be determined; that District Counsel will deliver a staff report on the recent California legislation that resulted in roll call votes on all action items; and presented a summary of the Summer Ozone Season.

17. Chairperson’s Report:

Chairperson Miley congratulated Director Bates on his re-appointment to the Board; announced the Air & Waste Management Association (AWMA) 2014 Annual Conference Air District Chairperson’s Dinner is on Wednesday, June 25, 2014 onboard the Queen Mary in Long Beach, California and invited RSVPs to Air District staff; and reported that he will likely be unable to attend AWMA Annual Conference or the Chairperson’s Dinner.

18. Time and Place of Next Meeting:

Wednesday, June 4, 2014, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

19. Adjournment: The Board meeting adjourned at 11:42 a.m.

Sean Gallagher
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 27, 2014

Re: Board Communications Received from May 21, 2014 through June 3, 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from May 21, 2014 through June 3, 2014, if any, will be at each Board Member's place at the June 4, 2014 Board meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Vanessa Johnson
Reviewed by: Sean Gallagher

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Director/APCO

Date: May 21, 2014

Re: Consideration of Contract Amendment for Janitorial Services

RECOMMENDED ACTION:

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract amendment for an additional year with SWA Services, Inc. in an amount not to exceed \$103,700.00 for janitorial services.

BACKGROUND

An initial Request for Proposal (RFP) was issued on April 15, 2011 to solicit proposals for janitorial services, SWA Services Group, Inc., was awarded the contract for \$100,680 for one year with an additional two (2) years at the Air District's discretion. The Board approved the original contract on August 10, 2011, and with the extension, the contract expires on June 30, 2014.

DISCUSSION

Staff would like to amend the contract for an additional year as permitted under the current contract. The amendment would extend the contract until June 30, 2015.

The amendment does take into consideration the relocation of the Air District offices to 375 Beale Street. The relocation will potentially coincide with the term expiration of this contract.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

The total amount of this contract extension is \$103,700.00 and has been budgeted in the Fiscal Year Ending (FYE) 2014/2015 Budget in Program 702.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Mary Ann Okpalauugo

Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 22, 2014

Re: Authorize Expenditure for the Enhancement of the Production System and
Integration with JD Edwards Financial System

RECOMMENDED ACTION:

Recommend Board of Directors authorize the Executive Officer/APCO to execute an agreement with CSS International, Inc. for software development and testing services to enhance the interface between the JD Edwards financial system and the Permitting & Compliance System as part of the My Air Online Program, for an amount not to exceed \$167,300.

INTRODUCTION:

On March 2012, the Air District implemented an interface between the Permitting & Compliance System and JD Edwards financial system to allow for the transfer of financial information for permitting and compliance activities. Staff is recommending the continued use of a proven resource familiar with these systems to enhance this interface in order to improve operational efficiency.

DISCUSSION:

As a result of the changes to the My Air Online production system, a number of key enhancements are needed to keep our current, legacy and financial systems functioning optimally. CSS International, Inc. has, based on a contract to look at the efficiency of the JD Edwards system interfaces, advised the Air District on the requirements and pathway to performing necessary upgrades to the current interface software. As a result of this in-depth knowledge of the Air District systems, staff believes that they are the best vendor to complete this project based on the costs presented for the project and their knowledge of our systems.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

This recommendation is funded from the approved My Air Online Program Fiscal Year Ending (FYE) 2014 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jaime A. Williams
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/ Air Pollution Control Officer

Date: May 19, 2014

Re: Web Maintenance and Projects Contract Approval

RECOMMENDED ACTION:

Recommend the Board of Directors authorize the Executive Officer/APCO to execute a one year contract (with two optional one year extensions) with Cylogy, not to exceed \$110,000 for website maintenance and routine projects.

BACKGROUND

The Air District relies on contractors to assist with various aspects of website development and maintenance. A request for proposal (RFP) process was recently completed to solicit proposals for the continued maintenance and support of the Air District websites. The new contract is necessary to continue general website updates, maintenance, support and bug fixes to ensure optimal performance of Air District websites. Appropriating budgeted funds for this project will ensure efficient and consistent project management.

DISCUSSION

The RFP for the Web Maintenance and Projects contract was released on May 7, 2014. Questions were due on the RFP by May 12, 2014 and the Air District received detailed questions from three companies. Answers to questions were provided on May 19, 2014 and the RFP closed on May 22, 2014. The Air District received one proposal for Web Maintenance and Projects.

Air District staff performed a thorough evaluation and audit/assessment of 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. Proposals were evaluated on the following criteria:

Table 1 - RFP Evaluation Criteria

Financial size and stability	5%
Organization and its proposed resources have proven success delivering geospatial mapping and data visualization expertise that will meet project objectives; Accomplishments will include similar scope of work for other projects.	40%
Proposal addresses project requirements, reflects a clear understanding of meeting the project and agency objectives	40%
Proposal optimizes personnel cost effectiveness, expertise and allocation	10%
Minority-owned, veteran-owned, women-owned, Certified Green, or local business designations. Experience working with government agencies.	5%

Table 2 below shows the evaluation results for the RFP:

Table 2 - RFP Evaluation Results

Evaluative Criteria	Points	Evaluator 1	Evaluator 2	Evaluator 3	Avg
Expertise	40	35	34	35	35
Approach	40	40	36	35	37
Organizational Background	5	3	3	3	3
Cost	10	10	8	7	8
Firm's Speciality Focus Area	5	3	3	3	3
Total Points	100	91	84	83	86

Based on the evaluation above, staff recommends Cylogy as the contractor for the Website Maintenance and Projects contract.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for this contract is included in the FYE 2015 proposed budget. The contract for these services will also contain a clause for optional extensions in FYE 2016 and FYE 2017 for a cost not to exceed \$110,000. Each year, staff will assess the contractor's performance prior to extending the contract.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Anja Page
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 27, 2014

Re: Consider Authorizing the Executive Officer/APCO to Execute a Contract with E4 Strategic Solutions, Inc. in an Amount not to exceed \$75,000 for the Purpose of Overseeing the Production of a Video Illustrating Air Quality Challenges in California

RECOMMENDATION:

Recommend the Board of Directors authorize the Executive Officer/APCO to execute a contract with E4 Solutions, Inc., in an amount not to exceed \$75,000, for the purpose of overseeing the production of a video illustrating air quality challenges in California.

BACKGROUND

The Air District wishes to enter into an agreement with E4 Strategic Solutions, Inc. (E4) in the amount of \$75,000 to serve as a liaison on behalf of the Air District with the California Air Pollution Control Officers Association (CAPCOA) to oversee the development of a video and coordinate the involvement of the CAPCOA members. CAPCOA has agreed to cover the Air District's expenses.

DISCUSSION

The APCO/Executive Officer currently serves as the President and Member of the CAPCOA Board of Directors, and would like to continue the services of E4 for the purpose of overseeing the production of a video to illustrate some of the air quality challenges and accomplishments across the state of California and the efforts by the local air districts to further improve air quality and achieve air quality standards. CAPCOA membership recognizes the need for a consistent message about air quality throughout California and the interrelated air quality challenges of transport, and it has agreed to allow E4 to oversee the project.

CAPCOA has created an Ad Hoc Video Production Committee comprised of other APCO/Executive Officers and members of other air districts to work in conjunction with E4 to create the video. E4 is currently overseeing the request for proposals for the video project. E4 is currently working with the California State Association of Counties to showcase the video at its annual meeting in September 2014 as a way to educate newly elected officials about air quality. E4 would identify other opportunities for CAPCOA to introduce the video to different audiences.

This work results in a contract amount that exceeds \$70,000 and therefore requires Board of Directors approval.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for the vendor contract recommendation is included in the Fiscal Year End 2014 budget and the proposed Fiscal Year End 2015 budget, and will be funded from the 104 account.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Maricela Martinez
Reviewed by: Sean Gallagher

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: May 22, 2014

Re: Report of the Mobile Source Committee Meeting of May 22, 2014

RECOMMENDED ACTION

The Mobile Source Committee (Committee) recommends Board of Directors' approval of the following items:

- A) Projects with Proposed Grant Awards over \$100,000:
 - 1) Approve Carl Moyer Program (CMP) projects with proposed grant awards over \$100,000;
 - 2) Allocate \$6.3 million in Mobile Source Incentive Fund (MSIF) funds to eligible Lower-Emission School Bus Program (LESBP) projects; and
 - 3) Authorize the Executive Officer/APCO to enter into agreements with applicants for LESBP projects, and the recommended CMP projects.
- B) Approve the proposed Fiscal Year Ending (FYE) 2015 Transportation Fund for Clean Air (TFCA) Regional Fund Policies and Evaluation Criteria presented in Attachment A to the staff report, with an amendment on page 3, Shuttle/Feeder Bus Service Projects, 26.d., to replace "0.6" with "0.5."
- C) Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with Dero Bike Rack Co., Peak Racks Inc., Saris Cycling Group, Sportsworld Northwest Inc., and Urban Racks, not to exceed a total of \$860,000.

BACKGROUND

The Committee met on Thursday, May 22, 2014, and received the following reports and recommendations:

- A) Projects with Proposed Grant Awards over \$100,000;
- B) TFCA Regional Fund Policies and Evaluation Criteria for FYE 2015; and

C) Bicycle Rack Voucher Program (BRVP) Vendor Selection.

Committee Chairperson Scott Haggerty will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) 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.
- B) None. The Air District distributes “pass-through” funds to grantees on a reimbursement basis. Administrative costs for the TFCA Regional Fund program are provided by the funding source.
- C) None. The Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for the TFCA Regional Fund program is provided by the funding source. Funding for the BRVP is provided through FYE 2014 and 2015 TFCA Funds.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher

Attachment A: 05/22/14 – Mobile Source Committee Meeting Agenda #4 with Attachments

Attachment B: 05/22/14 – Mobile Source Committee Meeting Agenda #5 with Attachments

Attachment C: 05/22/14 – Mobile Source Committee Meeting Agenda #6

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 6, 2014

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

RECOMMENDATIONS:

Recommend Board of Directors:

1. Approve Carl Moyer Program projects with proposed grant awards over \$100,000;
2. Allocate \$6.3 million in MSIF funds to eligible Lower-Emission School Bus Program projects; and
3. Authorize the Executive Officer/APCO to enter into agreements with applicants for Lower Emission School Bus Program projects, and 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 – Firebaugh (AB 923), 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 1992, the Transportation Fund for Clean Air (TFCA) program has funded projects that achieve surplus emission reductions from on-road motor vehicles. 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. Sixty percent of TFCA funds are awarded by the Air District to eligible programs implemented directly by the Air District (e.g., the Smoking Vehicle, Enhanced Mobile Source

Enforcement and the Spare the Air Programs) and through a grant program known as the Regional Fund.

On February 4, 2013, the Board of Directors authorized Air District participation in Year 15 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 Regional Fund 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 15 projects on July 23, 2013. The Air District has approximately \$15 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 6, 2014, the Air District has received 124 project applications. Of the applications that have been evaluated between April 7, 2014 and May 6, 2014, two (2) eligible projects have proposed individual grant awards over \$100,000. These projects will replace one (1) off-road diesel-powered tractor, and three (3) off-road diesel-powered loaders. These projects will reduce over 2.6 tons of NOx, ROG and PM per year. Staff recommends allocating \$468,650 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 were received by the Air District as of May 6, 2014, 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 July 2013. Approximately 27% of the funds have been awarded to projects that reduce emissions in highly impacted Bay Area communities. Attachment 3 summarizes the cumulative allocation of CMP, MSIF, and VIP funding since the Year 11 funding cycle (more than \$64 million awarded to 578 projects).

Lower-Emission School Bus Program:

On May 1, 2013, the Board of Directors allocated \$13.21 million in MSIF funds to projects under the Lower-Emission School Bus Program. Staff opened a solicitation for projects in December 2013, and has received applications in excess of the allocated funds. Due to the high demand for project funding from the recent solicitation, and the importance of timely Compressed Natural Gas (CNG) tank replacement projects, staff is recommending an additional \$6.3 million in MSIF funding be allocated for school bus projects. Staff will use \$1.3 million of the proposed allocation for CNG tank replacement projects, and \$5 million for school bus retrofit

and replacement projects. Staff will continue to monitor the demand for project funding and will request additional MSIF funding as needed.

TFCA:

On June 5, 2013, the Board of Directors allocated \$22.75 million in FYE 2014 TFCA funds to Air District sponsored projects and programs and Regional Fund programs. Since then, the Air District has opened solicitations for the following programs: Shuttle and Ridesharing, Bicycle Rack Vouchers, Bicycle E-Lockers, DC Fast Chargers, Plug-in Electric Vehicle Rebates for Public Agencies, and On-road Trucks. In addition, staff is currently working to develop a solicitation for the Plug-in Electric Vehicle Public Charging Program, which is anticipated to open later this year.

Attachment 4 lists all of the eligible projects that have been awarded FYE 2014 TFCA funding by the Air District as of May 6, 2014, and Attachment 5 summarizes the allocation of FYE 2014 TFCA funds by program (Figure 1), and by county (Figure 2). To date, more than \$5.2 million in TFCA funds have been awarded to 36 projects. No TFCA applications requesting individual grant awards over \$100,000 received as of May 6, 2014 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: Karen Schkolnick and Damian Breen

Attachment 1: BAAQMD Carl Moyer Program/Mobile Source Incentive Fund projects with grant awards greater than \$100,000 (evaluated between 4/7/14 and 5/6/14)

Attachment 2: Summary of all CMP Year 15/MSIF and VIP approved and eligible projects (as of 5/6/14)

Attachment 3: Summary of program distribution by equipment category, county and for CMP Years 11-15

Attachment 4: Summary of all TFCA approved and eligible projects (as of 5/6/14)

Attachment 5: Summary of FYE 2014 TFCA funding by program and county

AGENDA 4 - ATTACHMENT 1

BAAQMD Carl Moyer Program/ Mobile Source Incentive Fund projects
with grant awards greater than \$100k (Evaluated between 4/7/14 and 5/6/14)

Project #	Applicant name	Equipment category	Project type	Proposed contract award	Emission Reductions (Tons per year)			County
					NOx	ROG	PM	
15MOY101	S.E.G Trucking	Off-road	Replacement of three diesel-powered loaders.	\$ 291,095.00	1.506	0.241	0.084	Contra Costa
15MOY68	Dwelley Family Farms, LLC	Ag/ off-road	Replacement of one diesel-powered tractor.	\$ 177,555.00	0.765	0.043	0.013	Contra Costa
				\$ 468,650.00	2.271	0.284	0.097	

AGENDA 4 - ATTACHMENT 2

Summary of all CMP, MSIF and VIP approved/ eligible projects (As of 5/6/14)

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
14MOY43	Agriculture	Irrigation pump engine replacement	1	\$ 45,548.00	Huneus Vintners, LLC	0.135	0.023	0.008	APCO	Napa
14MOY45	Marine	Engine replacement	1	\$ 90,311.00	Jim Rando - Misty Dawn (Commercial fisherman)	0.589	0.013	0.021	APCO	Santa Clara
14MOY46	Ag/ off-road	Loader replacement	1	\$ 43,160.00	Gregory Lyons (Lyons Farms)	0.187	0.034	0.015	APCO	Solano
14MOY50	Ag/ off-road	Tractor replacement	1	\$ 180,570.00	Fred Corda Farming & Ranching	0.742	0.048	0.017	10/16/2013	Marin
14MOY44	Off-road	Forklift replacement	3	\$ 106,010.00	Economy Lumber Company of Oakland, Inc.	0.481	0.086	0.036	10/16/2013	Alameda
15MOY4	Off-road	Backhoe replacement	2	\$ 71,020.00	Doyle's Work Company, Inc. (Excavation & Trenching)	0.225	0.055	0.028	APCO	Santa Clara
15MOY20	Off-road	Tractor and Loader replacement	5	\$ 2,290,140.00	Steven's Creek Quarry, Inc.	11.747	1.388	0.526	10/16/2013	Santa Clara
15MOY32	Ag/ off-road	Loader replacement	1	\$ 147,220.00	Gerald & Kristy Spaletta (Dairy)	0.613	0.107	0.038	11/6/2013	Sonoma
15MOY14	Ag/ off-road	Tractor replacement	2	\$ 59,878.00	Wolfskill Family Trust of 1990 (Vineyard Maintenance)	0.198	0.038	0.014	APCO	Solano
15MOY15	Ag/ off-road	Tractor replacement	1	\$ 30,952.00	Nichelini Vineyards, LLC	0.101	0.017	0.005	APCO	Napa
15MOY31	Ag/ off-road	Tractor replacement	1	\$ 111,490.00	Andrew Poncia dba Poncia Fertilizer Spreading	0.629	0.090	0.032	11/6/2013	Sonoma
15MOY33	Ag/ off-road	Tractor replacement	1	\$ 96,092.00	Daniel Evans (Farmer)	0.514	0.064	0.022	APCO	Marin
15MOY37	Off-road	Loader replacement	1	\$ 99,810.00	W.R. Forde Associates	0.582	0.076	0.026	APCO	Contra Costa
15MOY29	Ag/ off-road	Tractor replacement	1	\$ 159,821.00	Drew Dairy	1.075	0.123	0.043	11/6/2013	Sonoma
15MOY36	Ag/ off-road	Loader replacement	1	\$ 147,521.00	Jack Dei Dairy	0.557	0.097	0.035	11/6/2013	Sonoma
15MOY40	Off-road	Loader replacement	3	\$ 237,960.00	Napa Recycling & Waste Services LLC	1.778	0.024	0.050	11/6/2013	Napa
15MOY41	Ag/ off-road	Loader replacement	1	\$ 131,410.00	Neil McIsaac & Son	0.328	0.059	0.021	11/6/2013	Sonoma
15MOY1	Off-road	Loader replacement	2	\$ 99,970.00	Sanco Pipelines, Inc.	0.597	0.071	0.026	APCO	Santa Clara
15MOY22	Ag/ off-road	Tractor replacement	2	\$ 34,315.00	Oakview Vineyards, LLC	0.061	0.021	0.006	APCO	Napa
15MOY19	Ag/ off-road	Tractor replacement	1	\$ 30,952.00	Nord Vineyards, LLC	0.054	0.016	0.006	APCO	Napa
15MOY16	Ag/ off-road	Tractor replacement	3	\$ 70,895.00	TrioC Vineyards, LLC	0.218	0.042	0.014	APCO	Napa
15MOY12	Ag/ off-road	Tractor replacement	3	\$ 93,031.00	D'Ambrosio Brothers Investment Company (Vineyard)	0.247	0.063	0.023	APCO	Napa
14MOY47	Marine	Engine replacement	2	\$ 175,418.00	Roger Thomas, Vessel: "Salty Lady" (Charter fishing)	2.757	-0.039	0.110	12/18/2013	San Francisco
15MOY39	Ag/ off-road	Tractor replacement	1	\$ 133,545.00	Gregory Lyons (Lyons Farms)	0.398	0.053	0.018	12/18/2013	Contra Costa
15MOY43	Ag/ off-road	Tractor replacement	1	\$ 186,720.00	Morrison Chopping	1.306	0.136	0.047	12/18/2013	Sonoma
15MOY44	Ag/ off-road	Tractor replacement	1	\$ 120,910.00	DeBernardi Dairy, Inc.	0.581	0.072	0.028	12/18/2013	Sonoma
15MOY46	Ag/ off-road	Loader replacement	1	\$ 147,220.00	Roy King Dairy	1.002	0.122	0.041	12/18/2013	Sonoma
15MOY52	Ag/ off-road	Loader replacement	1	\$ 174,777.00	Mertens Dairy	0.880	0.111	0.043	12/18/2013	Sonoma

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
15MOY49	Agriculture	Irrigation pump engine replacement	3	\$ 114,442.00	C Mondavi and Sons, Inc.	0.333	0.055	0.020	12/18/2013	Napa
15MOY45	Ag/ off-road	Tractor replacement	1	\$ 97,355.00	Simoni & Massoni Farms	0.586	0.100	0.036	APCO	Contra Costa
15MOY35	Off-road	Excavator engine replacement and retrofit	1	\$ 74,785.00	Ferma Corporation	0.541	0.040	0.015	APCO	Alameda
15MOY34	Ag/ off-road	Tractor replacement	1	\$ 28,740.00	R. Rossi Co. (Farm)	0.144	0.024	0.009	APCO	San Mateo
15MOY47	Ag/ off-road	Tractor replacement	1	\$ 46,296.00	Ken Mazzetta (Mazzetta Dairy)	0.343	0.065	0.030	APCO	Sonoma
15MOY25	Ag/ off-road	Tractor replacement	1	\$ 28,592.00	J & M Ranch	0.236	0.041	0.015	APCO	Solano
15MOY7	Ag/ off-road	Tractor replacement	2	\$ 61,904.00	Green Island Vineyards, LLC	0.278	0.071	0.030	APCO	Napa
15MOY55	Ag/ off-road	Loader replacement	1	\$ 202,986.00	Sonoma Soil Builders, LLC	0.797	0.096	0.034	2/19/2014	Sonoma
15MOY5	Ag/ off-road	Tractor replacement	1	\$ 220,279.00	McClelland's Dairy	0.786	0.078	0.031	2/19/2014	Sonoma
15MOY18	Off-road	Airport ground support equipment	3	\$ 121,088.00	Southwest Airlines Co.	0.441	0.040	0.013	2/19/2014	Santa Clara
15MOY58	Ag/ off-road	Tractor replacement	19	\$ 610,091.00	Jackson FamilyWines, Inc.	1.761	0.389	0.124	2/19/2014	Sonoma
15MOY65	Ag/ off-road	Loader replacement	1	\$ 132,230.00	Robert McClelland Dairy	0.788	0.100	0.034	2/19/2014	Sonoma
15MOY72	Ag/ off-road	Tractor replacement	1	\$ 40,688.00	Robert J Camozzi II (Triple C Dairy)	0.193	0.037	0.017	APCO	Sonoma
15MOY56	Ag/ off-road	Tractor replacement	1	\$ 87,050.00	Pina Vineyard Management , LLC.	0.349	0.023	0.008	APCO	Napa
15MOY60	Ag/ off-road	Tractor replacement	1	\$ 34,103.00	Tri-Valley Vineyard Management Inc.	0.069	0.021	0.007	APCO	Sonoma
15MOY61	Ag/ off-road	Tractor replacement	2	\$ 87,900.00	Lanza Vineyards Inc.	0.226	0.042	0.013	APCO	Solano
15MOY59	Off-road	Loader replacement	1	\$ 92,920.00	American Soil Products, Inc.	0.481	0.078	0.027	APCO	Alameda
15MOY51	Marine	Engine replacement	1	\$ 46,630.00	Mark J. Meltzer (Commercial fisherman)	0.215	0.008	0.009	APCO	Santa Clara
15MOY38	Marine	Engine replacement	2	\$ 169,580.00	Yokomizo Sportfishing	2.147	-0.060	0.106	TBD	Alameda
15MOY69	Off-road	Backhoe replacement	1	\$ 57,780.00	EPS, Inc dba Express plumbing	0.254	0.046	0.021	APCO	San Mateo
15MOY78	Off-road	Backhoe replacement	1	\$ 31,800.00	Saint Francis Electric	0.134	0.024	0.011	APCO	Alameda
15MOY71	Marine	Engine replacement	4	\$ 238,110.00	Gregg Marine	1.596	0.022	0.060	TBD	Monterey
15MOY67	Ag/ off-road	Tractor replacement	1	\$ 61,958.00	F.A. Maggiore & Sons, LLC	0.382	0.066	0.024	APCO	Contra Costa
15MOY70	Ag/ off-road	Tractor replacement	1	\$ 44,592.00	Lee P Martinelli Ranches	0.168	0.028	0.010	APCO	Sonoma
15MOY73	Ag/ off-road	Tractor replacement	1	\$ 40,701.00	Groth Vineyards and Winery LLC	0.169	0.030	0.007	APCO	Napa
15MOY81	Ag/ off-road	Tractor replacement	3	\$ 109,734.00	F. Korb & Bros. Inc.	0.267	0.057	0.027	TBD	Sonoma
15MOY82	Ag/ off-road	Tractor replacement	1	\$ 39,000.00	Thomson Vineyards LLC	0.102	0.020	0.006	APCO	Napa
15MOY106	Ag/ off-road	Tractor replacement	1	\$ 112,586.00	Fiorio Farm, Inc.	0.389	0.050	0.019	TBD	San Mateo
15MOY84	Ag/ off-road	Tractor replacement	3	\$ 187,661.00	Jacobsen Ranches, Inc.	1.303	0.193	0.070	TBD	Sonoma
15MOY86	Ag/ off-road	Tractor replacement	1	\$ 28,674.00	Stephen P & Gwen P Hill DBA / Parmelee - Hill Vineyards	0.069	0.014	0.005	APCO	Sonoma
15MOY87	Ag/ off-road	Tractor replacement	11	\$ 311,463.00	Oak Knoll Farming Corp.	1.013	0.229	0.089	TBD	Napa
15MOY62	Off-road	Excavator replacement	1	\$ 162,365.00	Noah Concrete Corporation	1.729	0.179	0.063	TBD	Santa Clara
15MOY92	Ag/ off-road	Loader replacement	1	\$ 149,685.00	Joseph Camozzi Dairy	1.062	0.148	0.053	TBD	Sonoma
15MOY93	Ag/ off-road	Tractor replacement	1	\$ 102,667.00	Ernest Nunes (Farmer)	0.783	0.078	0.030	TBD	Sonoma

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
15MOY95	Ag/ off-road	Tractor replacement	1	\$ 35,304.00	Moretti Family Dairy	0.133	0.024	0.009	APCO	Sonoma
15MOY98	Ag/ off-road	Tractor replacement	5	\$ 159,337.00	Lanza Vineyards, Inc.	0.518	0.103	0.030	TBD	Solano
15MOY103	Ag/ off-road	Tractor replacement	4	\$ 119,862.00	Renteria Vineyard Management LLC	0.453	0.107	0.037	TBD	Napa
15MOY75	Ag/ off-road	Tractor replacement	4	\$ 157,745.00	Sinskey Vineyards, Inc., dba Robert Sinskey Vineyards	0.396	0.093	0.028	TBD	Napa
15MOY113	Ag/ off-road	Loader replacement	1	\$ 147,220.00	Morrison Chopping	0.717	0.123	0.044	TBD	Sonoma
15MOY101	Off-road	Loader replacement	3	\$ 291,095.00	S.E.G Trucking	1.506	0.241	0.084	TBD	Contra Costa
15MOY68	Ag/ off-road	Tractor replacement	1	\$ 177,555.00	Dwellely Family Farms, LLC	0.765	0.043	0.013	TBD	Contra Costa
15MOY85	Ag/ off-road	Tractor replacement	2	\$ 72,982.00	Dutton Ranch corp.	0.144	0.042	0.014	APCO	Sonoma
15MOY76	Ag/ off-road	Tractor replacement	2	\$ 69,129.00	Robert Giacomini Dairy, Inc.	0.235	0.032	0.014	APCO	Marin
15MOY77	Marine	Engine replacement	2	\$ 66,900.00	Inspiration, Inc. (Commercial fisherman)	0.227	-0.004	0.009	APCO	Napa
15MOY88	Ag/ off-road	Tractor replacement	2	\$ 69,600.00	Frog's Leap Winery	0.206	0.045	0.011	APCO	Napa
15MOY102	Ag/ off-road	Tractor replacement	1	\$ 37,195.00	Careros Vineyard Management LLC	0.098	0.021	0.005	APCO	Sonoma
VIP139	VIP	Truck Replacement	1	\$ 30,000.00	Donald Lee Holmes	0.608	0.009	0.000	APCO	San Benito
VIP140	VIP	Truck Replacement	1	\$ 30,000.00	Nikolas Carasis	0.606	0.020	0.000	APCO	Contra Costa
VIP142	VIP	Truck Replacement	1	\$ 45,000.00	Forward Intermodal Systems, Inc.	0.905	0.013	0.000	APCO	San Francisco
VIP143	VIP	Truck Replacement	1	\$ 30,000.00	Galante Brothers	0.606	0.020	0.000	APCO	Santa Clara
VIP144	VIP	Truck Replacement	1	\$ 45,000.00	Zeihner Trucking Service, Inc.	0.905	0.013	0.000	APCO	San Joaquin
VIP145	VIP	Truck Replacement	1	\$ 45,000.00	San Miguel Transportation, Inc.	0.905	0.013	0.000	APCO	Sonoma
VIP146	VIP	Truck Replacement	1	\$ 40,000.00	Jaspal Singh	0.802	0.027	0.000	APCO	Alameda
VIP147	VIP	Truck Replacement	1	\$ 45,000.00	Jose E. Mejia	0.905	0.013	0.000	APCO	Santa Clara
VIP148	VIP	Truck Replacement	1	\$ 35,000.00	Raphelle Gabriel	0.702	0.010	0.000	APCO	San Mateo
VIP149	VIP	Truck Replacement	1	\$ 45,000.00	Tuan Q. Luu	0.905	0.013	0.000	APCO	Santa Clara
VIP150	VIP	Truck Replacement	1	\$ 25,000.00	Surdeep Singh DBA Arjan Transport	0.513	0.008	0.000	APCO	Solano
VIP151	VIP	Truck Replacement	1	\$ 45,000.00	Eugene R. Oliverio	0.905	0.013	0.000	APCO	Santa Clara
VIP152	VIP	Truck Replacement	1	\$ 35,000.00	Devinder Singh Nagra	0.702	0.010	0.000	APCO	Santa Clara
VIP153	VIP	Truck Replacement	1	\$ 40,000.00	Dong V. Le	0.811	0.012	0.000	APCO	Alameda
VIP154	VIP	Truck Replacement	1	\$ 35,000.00	Harjinder Singh Shergill	0.700	0.013	0.000	APCO	Sacramento
VIP155	VIP	Truck Replacement	1	\$ 45,000.00	Brian Scott Price	0.905	0.013	0.000	APCO	Salinas
VIP156	VIP	Truck Replacement	1	\$ 45,000.00	Dennis C. Leavitt Jr.	0.905	0.013	0.000	APCO	Alameda
VIP157	VIP	Truck Replacement	1	\$ 30,000.00	Calstone Co.	0.603	0.013	0.000	APCO	Santa Clara
VIP158	VIP	Truck Replacement	1	\$ 35,000.00	Manuel Gambao DBA MG Trucking	0.706	0.011	0.000	APCO	Riverside
VIP159	VIP	Truck Replacement	1	\$ 35,000.00	Lestor Jackson	0.706	0.011	0.000	APCO	Alameda
VIP160	VIP	Truck Replacement	1	\$ 45,000.00	Sanh Nguyen	0.905	0.013	0.000	APCO	Alameda
VIP161	VIP	Truck Replacement	1	\$ 35,000.00	Ruben Tinoco Rivera	0.706	0.011	0.000	APCO	Salinas

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
VIP162	VIP	Truck Replacement	1	\$ 25,000.00	Emilio Venegas	0.513	0.008	0.000	APCO	San Joaquin
VIP163	VIP	Truck Replacement	1	\$ 20,000.00	EXLS / Ultra Labs, Inc.	0.405	0.006	0.000	APCO	Alameda
VIP164	VIP	Truck Replacement	1	\$ 45,000.00	Ernesto Q. Tejada	0.905	0.013	0.000	APCO	Santa Clara
VIP165	VIP	Truck Replacement	1	\$ 20,000.00	Harkewal Singh Bhuller	0.402	0.006	0.000	APCO	Alameda
VIP166	VIP	Truck Replacement	1	\$ 45,000.00	M/M Feed	0.814	0.018	0.000	APCO	Mendocino
VIP167	VIP	Truck Replacement	1	\$ 35,000.00	Joseph Michael Velardi	0.702	0.010	0.000	APCO	Contra Costa
VIP168	VIP	Truck Replacement	1	\$ 40,000.00	Matthew P. Crowley	0.814	0.018	0.000	APCO	Monterey
VIP169	VIP	Truck Replacement	1	\$ 45,000.00	Matthew J. Domler	0.905	0.013	0.000	APCO	Solano
VIP170	VIP	Truck Replacement	1	\$ 15,000.00	Michael J. Haye	0.309	0.007	0.000	APCO	San Mateo
VIP171	VIP	Truck Replacement	1	\$ 35,000.00	Hydra Reload Inc. / Kellogg Distribution	0.702	0.010	0.000	APCO	Sacramento
VIP172	VIP	Truck Replacement	1	\$ 35,000.00	Kellogg Distribution Inc.	0.702	0.010	0.000	APCO	Sacramento
VIP173	VIP	Truck Replacement	1	\$ 45,000.00	Elliott Louis Nurse	0.905	0.013	0.000	APCO	Monterey
VIP174	VIP	Truck Replacement	1	\$ 30,000.00	Gary Lee Schultz	0.606	0.020	0.000	APCO	Santa Clara
VIP175	VIP	Truck Replacement	1	\$ 45,000.00	Abdul Naik	0.905	0.013	0.000	APCO	Alameda
VIP176	VIP	Truck Replacement	1	\$ 45,000.00	Rene Alphonse LaChance	0.905	0.013	0.000	APCO	Tehama
VIP177	VIP	Truck Replacement	1	\$ 35,000.00	Luis R. Gomez	0.692	0.025	0.000	APCO	Solano
VIP178	VIP	Truck Replacement	1	\$ 45,000.00	Carl Joseph Johnson DBA Viking Transport	0.905	0.013	0.000	APCO	Santa Cruz
VIP179	VIP	Truck Replacement	1	\$ 45,000.00	Tim Amaro	0.900	0.030	0.000	APCO	Santa Clara
VIP181	VIP	Truck Replacement	1	\$ 10,000.00	Saraoni Food Service	0.143	0.002	0.003	APCO	Contra Costa
VIP182	VIP	Truck Replacement	1	\$ 35,000.00	Jaime Rameriz	0.702	0.01	0.000	APCO	Santa Clara
VIP183	VIP	Truck Replacement	1	\$ 45,000.00	Pleasanton Trucking, Inc.	0.905	0.013	0.000	APCO	Contra Costa
VIP184	VIP	Truck Replacement	1	\$ 15,000.00	Michael L. Nelson	0.311	0.011	0.000	APCO	Solano
VIP185	VIP	Truck Replacement	1	\$ 35,000.00	Manuel Curiel	0.700	0.013	0.000	APCO	Yuba
VIP186	VIP	Truck Replacement	1	\$ 35,000.00	Kamaljit Singh Nanra	0.702	0.010	0.000	APCO	Alameda
VIP187	VIP	Truck Replacement	1	\$ 40,000.00	Menne Ranch Hay, Inc.	0.811	0.012	0.000	APCO	Siskiyou
VIP188	VIP	Truck Replacement	1	\$ 45,000.00	Phillip Jon Medina DBA PM Trans	0.905	0.013	0.000	APCO	Santa Clara
VIP189	VIP	Truck Replacement	1	\$ 35,000.00	Rakesh Singh	0.700	0.013	0.000	APCO	Sacramento
VIP190	VIP	Truck Replacement	1	\$ 35,000.00	Jorge A. Ramirez	0.700	0.013	0.000	APCO	Yolo
VIP191	VIP	Truck Replacement	1	\$ 20,000.00	Fernando Almaraz/ Isaura Medrano	0.277	0.003	0.007	APCO	Alameda
VIP192	VIP	Truck Replacement	1	\$ 45,000.00	J/F Transport, LLC	0.905	0.013	0.000	APCO	Yolo
VIP193	VIP	Truck Replacement	1	\$ 40,000.00	Patricia Priestley Sanchez	0.811	0.012	0.000	APCO	Santa Clara
VIP195	VIP	Truck Replacement	1	\$ 35,000.00	J/H Trucking	0.702	0.010	0.000	APCO	Yolo
VIP196	VIP	Truck Replacement	1	\$ 10,000.00	Phillip Bettney Trucking, Inc.	0.203	0.003	0.000	APCO	San Francisco
VIP197	VIP	Truck Replacement	1	\$ 20,000.00	Juan Jose Macias	0.405	0.006	0.000	APCO	Santa Clara
VIP198	VIP	Truck Replacement	1	\$ 45,000.00	Jesus Garcia	0.898	0.020	0.000	APCO	Santa Clara
VIP199	VIP	Truck Replacement	1	\$ 45,000.00	Dhirendra Singh	0.905	0.013	0.000	APCO	Alameda

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
VIP200	VIP	Truck Replacement	1	\$ 45,000.00	Balwinder Singh	0.898	0.020	0.000	APCO	Santa Clara
VIP201	VIP	Truck Replacement	1	\$ 40,000.00	ACP Concrete Pumping, Inc.	0.811	0.012	0.000	APCO	San Benito
VIP202	VIP	Truck Replacement	1	\$ 45,000.00	PumpIt, Inc.	0.905	0.013	0.000	APCO	Sonoma
VIP203	VIP	Truck Replacement	1	\$ 35,000.00	Road Runner Mobile Truck Repair, Inc.	0.476	0.005	0.012	APCO	Solano
VIP204	VIP	Truck Replacement	1	\$ 30,000.00	Road Runner Mobile Truck Repair, Inc.	0.610	0.007	0.000	APCO	Solano
VIP205	VIP	Truck Replacement	1	\$ 10,000.00	Robert Guck / Raymond Guck	0.200	0.004	0.000	APCO	Napa
VIP206	VIP	Truck Replacement	1	\$ 35,000.00	Javier DeLaTorre or Jose DeLaTorre DBA DeLaTorre Landscaping	0.702	0.010	0.000	APCO	Yolo
VIP207	VIP	Truck Replacement	1	\$ 45,000.00	Joseph Jensen	0.905	0.013	0.000	APCO	Sonoma
VIP208	VIP	Truck Replacement	1	\$ 45,000.00	Harjit Singh	0.905	0.013	0.000	APCO	Placer
VIP209	VIP	Truck Replacement	1	\$ 45,000.00	Nicolas Gonzalez Vargas	0.905	0.013	0.000	APCO	Sacramento
VIP210	VIP	Truck Replacement	1	\$ 35,000.00	Joe Parra	0.700	0.013	0.000	APCO	Santa Clara
VIP211	VIP	Truck Replacement	1	\$ 35,000.00	Gurdip Singh	0.702	0.010	0.000	APCO	Contra Costa
VIP212	VIP	Truck Replacement	1	\$ 10,000.00	Bonhams / Butterfields	0.135	0.002	0.004	APCO	San Francisco
VIP213	VIP	Truck Replacement	1	\$ 40,000.00	Tarsem Singh Barsa	0.811	0.012	0.000	APCO	Santa Clara
VIP214	VIP	Truck Replacement	1	\$ 35,000.00	Jasbir S. Sindra	0.706	0.011	0.000	APCO	Santa Clara
VIP215	VIP	Truck Replacement	1	\$ 30,000.00	Julio Cesar Perez	0.600	0.011	0.000	APCO	Alameda
VIP216	VIP	Truck Replacement	1	\$ 30,000.00	EMS Services, Inc.	0.610	0.007	0.000	APCO	Alameda
VIP217	VIP	Truck Replacement	1	\$ 45,000.00	Terry Mallery DBA Lassen Rents	0.905	0.013	0.000	APCO	Lassen
VIP218	VIP	Truck Replacement	1	\$ 20,000.00	Tou Bar Equipment, Inc.	0.409	0.014	0.000	APCO	San Mateo
VIP219	VIP	Truck Replacement	1	\$ 45,000.00	Victor Munoz Jr.	0.900	0.030	0.000	APCO	Santa Clara
VIP220	VIP	Truck Replacement	1	\$ 25,000.00	David John Grob	0.500	0.014	0.000	APCO	Contra Costa
VIP221	VIP	Truck Replacement	1	\$ 30,000.00	Bruce Campbell Sand / Gravel, Inc.	0.608	0.009	0.000	APCO	Orange
VIP222	VIP	Truck Replacement	1	\$ 35,000.00	Dhirendra Kumar Shukla	0.700	0.013	0.000	APCO	Sacramento
VIP223	VIP	Truck Replacement	1	\$ 30,000.00	Frankie Rodriguez	0.600	0.011	0.000	APCO	Alameda
VIP224	VIP	Truck Replacement	1	\$ 35,000.00	Jasbir Singh Dhillon	0.692	0.025	0.000	APCO	Alameda
VIP225	VIP	Truck Replacement	1	\$ 20,000.00	Columbus Manufacturing, Inc.	0.405	0.006	0.000	APCO	Alameda
VIP226	VIP	Truck Replacement	1	\$ 40,000.00	Harvinder S. Gill	0.804	0.013	0.000	APCO	Alameda
VIP227	VIP	Truck Replacement	1	\$ 35,000.00	Reden Roasa	0.702	0.010	0.000	APCO	Alameda
VIP228	VIP	Truck Replacement	1	\$ 35,000.00	Juan Carlos Cortes	0.706	0.011	0.000	APCO	Solano
VIP229	VIP	Truck Replacement	1	\$ 35,000.00	Gurmeet Singh	0.700	0.013	0.000	APCO	San Joaquin
VIP230	VIP	Truck Replacement	1	\$ 15,000.00	MK Pipelines, Inc.	0.311	0.011	0.000	APCO	San Francisco
VIP231	VIP	Truck Replacement	1	\$ 20,000.00	Bauer Transportation Systems, Inc.	0.405	0.006	0.000	APCO	San Mateo
VIP232	VIP	Truck Replacement	1	\$ 40,000.00	Philip August Rancatore	0.802	0.027	0.000	APCO	San Francisco
VIP233	VIP	Truck Replacement	1	\$ 35,000.00	David M. Blair	0.702	0.010	0.000	APCO	San Joaquin
VIP234	VIP	Truck Replacement	1	\$ 30,000.00	Francisco Munoz	0.600	0.011	0.000	APCO	Alameda

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
VIP235	VIP	Truck Replacement	1	\$ 20,000.00	Darin Muneno	0.409	0.014	0.000	APCO	San Mateo
VIP236	VIP	Truck Replacement	1	\$ 25,000.00	Gurdeep Singh Johal	0.513	0.008	0.000	APCO	San Joaquin
VIP238	VIP	Truck Replacement	1	\$ 45,000.00	Ryan Baltazar	0.905	0.013	0.000	APCO	Solano
VIP239	VIP	Truck Replacement	1	\$ 45,000.00	Mendocino Leasing Co., Inc.	0.865	0.013	0.000	APCO	Mendocino
VIP240	VIP	Truck Replacement	1	\$ 10,000.00	Sunnyvale Trading Co.	0.143	0.002	0.003	APCO	Alameda
VIP241	VIP	Truck Replacement	1	\$ 15,000.00	Clarks Septic Service, LLC.	0.309	0.004	0.000	APCO	Stanislaus
VIP242	VIP	Truck Replacement	1	\$ 40,000.00	Menne Ranch Hay Inc.	0.789	0.006	0.000	APCO	Siskiyou
VIP243	VIP	Truck Replacement	1	\$ 40,000.00	Mendocino Leasing Co.	0.770	0.011	0.000	APCO	Mendocino
VIP244	VIP	Truck Replacement	1	\$ 35,000.00	Wild Oak Dairy, Inc.	0.682	0.008	0.000	APCO	Sonoma
VIP245	VIP	Truck Replacement	1	\$ 25,000.00	Agriculture and Land Based Training	0.333	0.004	0.008	APCO	Salinas
VIP246	VIP	Truck Replacement	1	\$ 45,000.00	Jagpal Singh	0.870	0.019	0.000	APCO	Stanislaus
178 Projects			253	\$ 14,282,025.00		124.626	7.551	2.706		

Figure 1: CMP/ MSIF Funding Distribution by Equipment Category as of 5/6/14

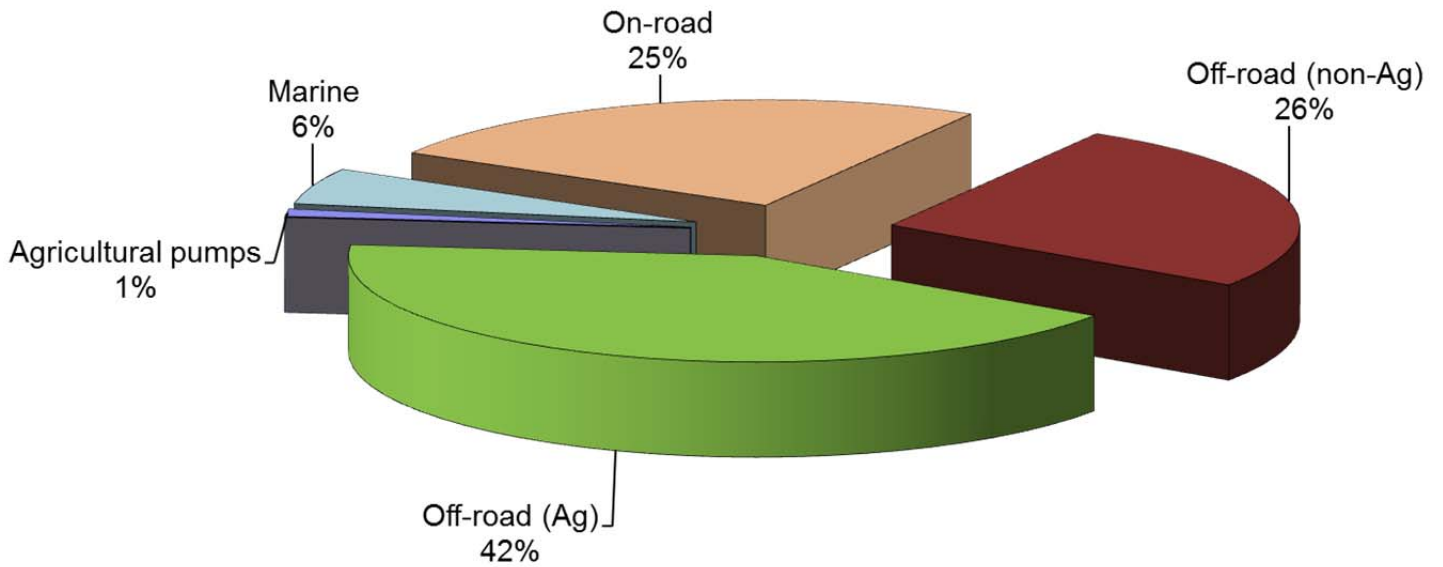
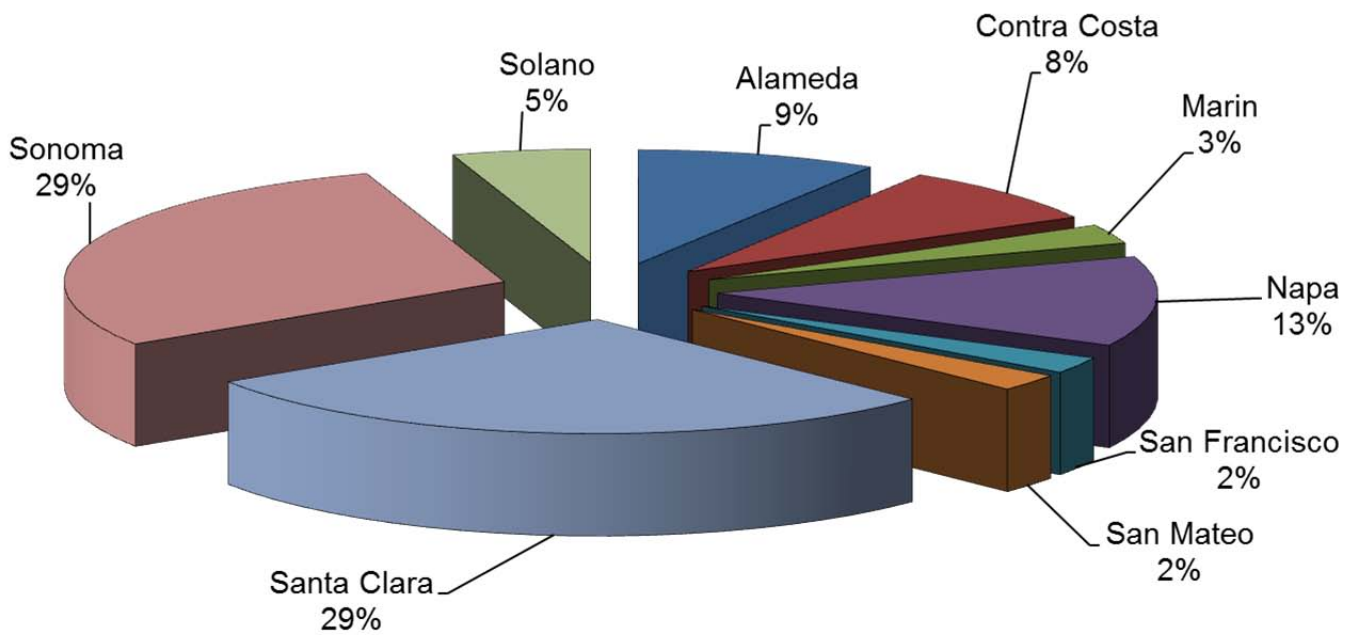


Figure 2: CMP/ MSIF Funding Distribution by County as of 5/6/14



AGENDA 4 - ATTACHMENT 3

Figure 3: CMP, MSIF, and VIP funding for Years 11-15 by equipment category

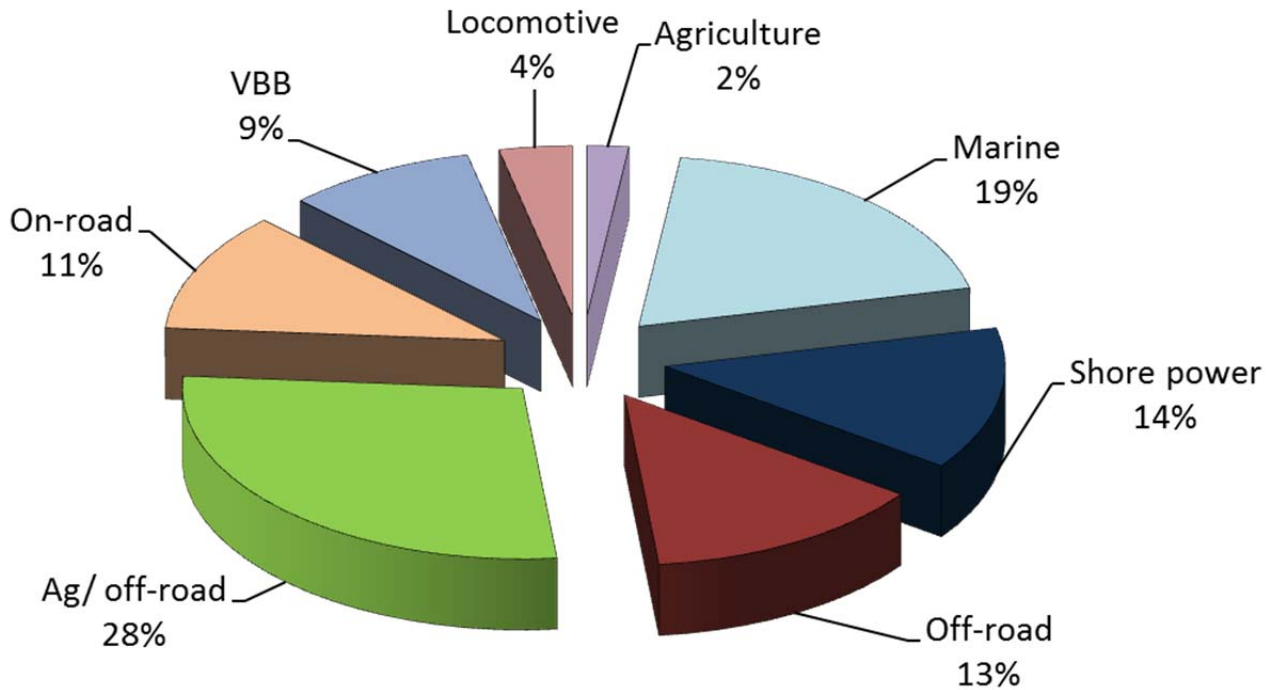
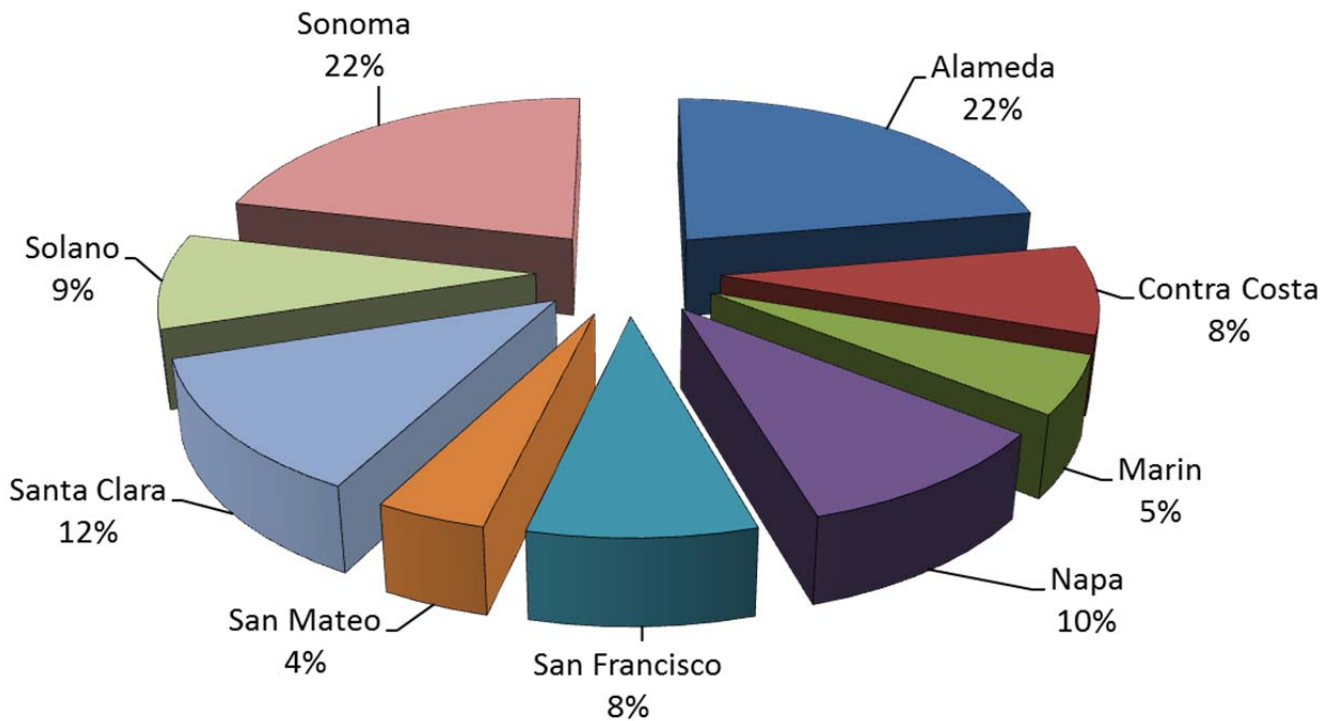


Figure 4: CMP, MSIF, and VIP funding for Years 11-15 by county



AGENDA 4 - ATTACHMENT 4

Summary of all TFCA projects (As of 5/6/14)

Project #	Equipment category	Project type	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Boad approval date	County
					NO _x	ROG	PM		
14R07	Shuttles	City of Oakland Broadway Shuttle	\$ 219,518.00	City of Oakland	0.58	0.68	0.67	3/19/14	Alameda
14R08	Shuttles	PresidioGo Downtown Shuttle	\$ 100,000.00	Presidio Trust	0.22	0.35	0.32	3/19/14	San Francisco
14R09	Shuttles	Bay Fair BART Shuttle	\$ 16,400.00	Alameda County	0.02	0.04	0.04	3/19/14	Alameda
14R11	Shuttles	Commuter Shuttle	\$ 143,520.00	The City of Richmond	0.35	0.34	0.34	3/19/14	Contra Costa
14R12	Shuttles	Shuttle/Feeder Bus	\$ 50,600.00	Altamont Corridor Express	0.23	0.33	0.41	3/19/14	Alameda
14R13	Shuttles	82X Levi Express Shuttle	\$ 122,000.00	San Francisco Municipal Transportation Agency (SFMTA)	0.42	0.64	0.92	3/19/14	San Francisco
14R14	Shuttles	Caltrain Shuttle Program	\$ 1,000,000.00	Peninsula Corridor Joint Powers Board	4.95	4.87	5.33	3/19/14	San Mateo
14R16	Shuttles	ACE Shuttle Bus Program	\$ 960,000.00	Santa Clara Valley Transportation Authority	2.48	2.2	2.61	3/19/14	Santa Clara
14R17	Shuttles	511 Rideshare Program	\$ 1,000,000.00	Metropolitan Transportation Commission	9.48	10.42	11.33	3/19/14	REGIONAL
14R18	Shuttles	SJSU Ridesharing & Trip Reduction	\$ 120,000.00	Associated Students, San Jose State University	1.88	1.87	1.81	3/19/14	Santa Clara
13BR001	Bicycle Rack Voucher	Purchase of nine (9) bicycle racks	\$ 1,080.00	Dougherty Elementary School	N/A			APCO	Alameda
13BR002	Bicycle Rack Voucher	Purchase of three (3) bicycle racks	\$ 720.00	Old Mill School	N/A			APCO	Marin
13BR003	Bicycle Rack Voucher	Purchase of six (6) bicycle racks	\$ 2,160.00	Reed Union School District	N/A			APCO	Marin
13BR004	Bicycle Rack Voucher	Purchase of thirty-five (35) bicycle racks	\$ 4,200.00	Sausalito Marin City School District	N/A			APCO	Marin
13BR005	Bicycle Rack Voucher	Purchase of ten (10) bicycle racks	\$ 2,400.00	Tamalpais Valley School	N/A			APCO	Marin
13BR006	Bicycle Rack Voucher	Purchase of sixty-eight (68) bicycle racks	\$ 7,812.57	City of Emeryville	N/A			APCO	Alameda
13BR007	Bicycle Rack Voucher	Purchase of ninety-nine (99) bicycle racks	\$ 11,880.00	Tamalpais High School	N/A			APCO	Marin
13BR008	Bicycle Rack Voucher	Purchase of thirty (30) bicycle racks	\$ 3,433.50	Town of Fairfax	N/A			APCO	Marin
13BR009	Bicycle Rack Voucher	Purchase of twenty-two (22) bicycle racks	\$ 2,640.00	Town of Yountville	N/A			APCO	Napa
13BR010	Bicycle Rack Voucher	Purchase of thirty-two (32) bicycle racks	\$ 3,840.00	City of Burlingame-Engineering Division	N/A			APCO	San Mateo
13BR011	Bicycle Rack Voucher	Purchase of twenty-nine (29) bicycle racks	\$ 3,283.62	City of Piedmont	N/A			APCO	Alameda
13BR012	Bicycle Rack Voucher	Purchase of nine (9) bicycle racks	\$ 1,080.00	Town of Corte Madera	N/A			APCO	Marin
13BR013	Bicycle Rack Voucher	Purchase of forty-nine (49) bicycle racks	\$ 11,760.00	Terman Middle School	N/A			APCO	Santa Clara
13BR014	Bicycle Rack Voucher	Purchase of hundred (100) bicycle racks	\$ 12,000.00	University of California San Francisco Medical Center	N/A			APCO	San Francisco
13BR015	Bicycle Rack Voucher	Purchase of fifty-six (56) bicycle racks	\$ 6,720.00	Larkspur-Corte Madera School District	N/A			APCO	Marin
13BR016	Bicycle Rack Voucher	Purchase of fifteen (15) bicycle racks	\$ 1,800.00	City of Petaluma	N/A			APCO	Sonoma
13BR017	Bicycle Rack Voucher	Purchase of seven (7) bicycle racks	\$ 1,680.00	Fremont Unified School District	N/A			APCO	Alameda
13BR018	Bicycle Rack Voucher	Purchase of five (5) bicycle racks	\$ 600.00	Walter T. Helms Middle School	N/A			APCO	Contra Costa
13BR019	Bicycle Rack Voucher	Purchase of eight (8) bicycle racks	\$ 960.00	Town of Corte Madera	N/A			APCO	Marin
13BR020	Bicycle Rack Voucher	Purchase of six (6) bicycle racks	\$ 2,760.00	Burlingame School District	N/A			APCO	San Mateo
13BR021	Bicycle Rack Voucher	Purchase of twenty-five (25) bicycle racks	\$ 2,929.38	Alameda County General Services Agency	N/A			APCO	Alameda
13BR022	Bicycle Rack Voucher	Purchase of one (1) bicycle racks	\$ 360.00	City of Morgan Hill	N/A			APCO	Santa Clara
13BR023	Bicycle Rack Voucher	Purchase of sixty-five (65) bicycle racks	\$ 7,800.00	San Jose Community College	N/A			APCO	Santa Clara
N/A	Bikeshare	3 stations and ~30 bicycles for Redwood City	\$ 140,000.00	Bay Area Bike Share	N/A			6/5/13	San Mateo

Project #	Equipment category	Project type	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Boad approval date	County
					NO _x	ROG	PM		
N/A	Bikeshare	15 stations and ~150 bicycles for San Francisco	\$ 700,000.00	Bay Area Bike Share	N/A			6/5/13	San Francisco
N/A	Bikeshare	12 stations and ~120 bicycles for San Jose, Mountain View, and Palo Alto	\$ 560,000.00	Bay Area Bike Share	N/A			6/5/13	Santa Clara
36 Projects			\$ 5,225,937.07		20.61	21.74	23.78		

AGENDA 4 - ATTACHMENT 5

Figure 1: TFCA FYE 2014 Funding

(Funds available for award, funds awarded, and funds in process of award by Program)

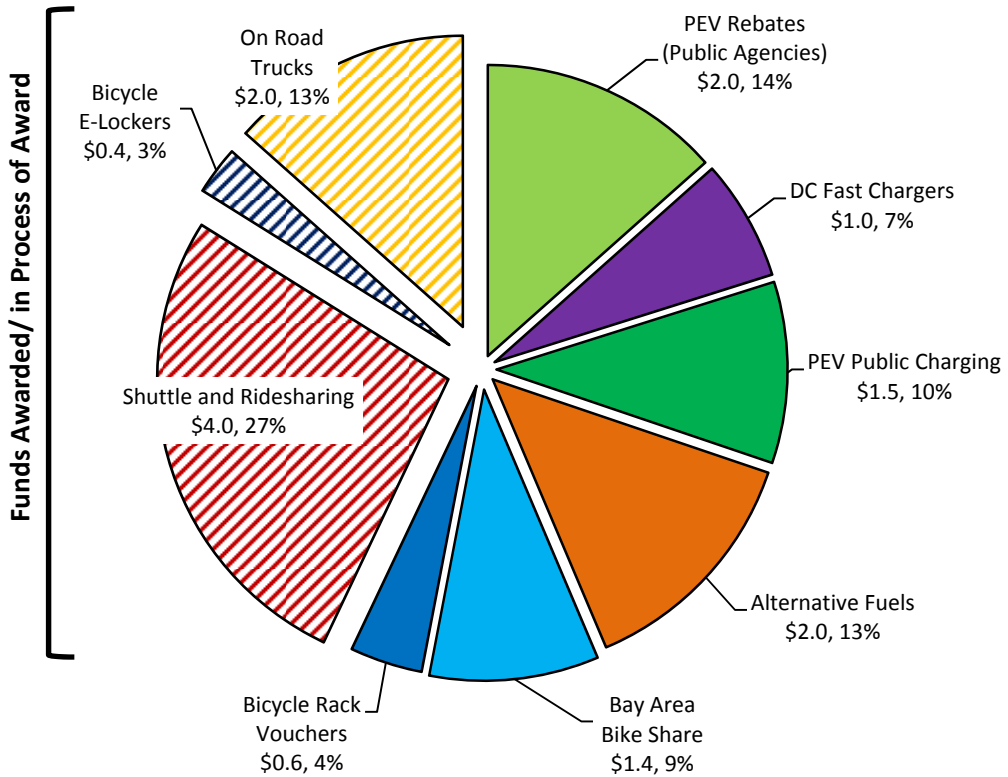
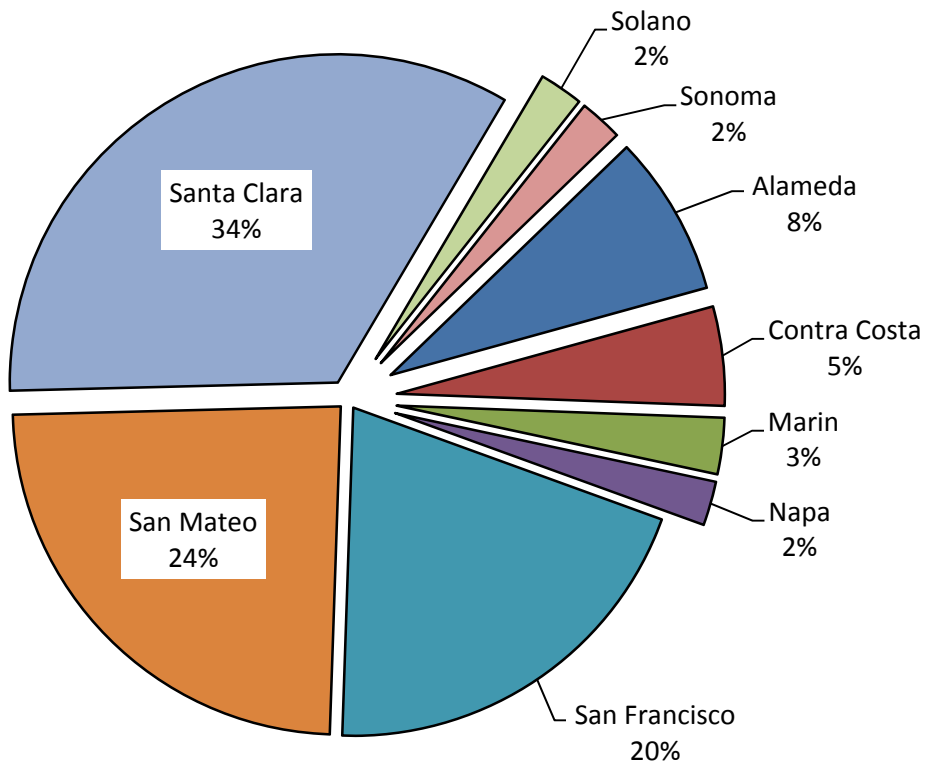


Figure 2: TFCA FYE 2014 Funding Awarded through 5/6/14 by County



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 22, 2013

Re: Transportation Fund for Clean Air (TFCA) Regional Fund Policies and
Evaluation Criteria for Fiscal Year Ending (FYE) 2015

RECOMMENDED ACTIONS:

Recommend Board of Directors:

1. Approve the proposed FYE 2015 TFCA Regional Fund Policies and Evaluation Criteria (FYE 2015 Policies) presented in Attachment A.

BACKGROUND

In 1991, the California State Legislature authorized the Bay Area Air Quality Management District (Air District) to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions. The Air District allocates these funds to its Transportation Fund for Clean Air (TFCA) program to fund eligible projects. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242.

Sixty percent (60%) of TFCA funds are awarded directly by the Air District. Portions of this funding are allocated to the Air District Board of Directors (Board) approved eligible programs implemented directly by the Air District, including the Smoking Vehicle Program, the Spare the Air Program, and the Enhanced Enforcement Project. The remainder of the funding is allocated to the TFCA Regional Fund Program, which is governed by Board-adopted policies and evaluation criteria. In this report, staff will propose minor changes to the general policies for the TFCA Regional Fund Program for FYE 2015 as well as policies for shuttle/feeder bus service, regional ridesharing, and electronic bicycle locker projects for the Committee's consideration.

Per Board direction on December 16, 2009, the Executive Officer/APCO will continue to execute Grant Agreements with individual grant award amounts up to \$100,000 for projects that meet the respective governing policies and guidelines. TFCA Regional Fund projects with grant award amounts over \$100,000 will continue to be brought to the Committee for consideration at least on a quarterly basis.

DISCUSSION

Proposed Policies

The proposed FYE 2015 TFCA Regional Fund Policies include project-specific policies that would apply to shuttle/feeder bus service, regional ridesharing, electronic bicycle locker projects, on-road truck replacement projects, as well as general policies that are applicable to all TFCA Regional Fund project types. Attachment A contains the proposed Policies for FYE 2015 and Attachment B shows the changes between the Board-adopted FYE 2014 Policies and the proposed FYE 2015 Policies.

The proposed revisions to the TFCA Regional Fund Policies and Evaluation Criteria for FYE 2015 include:

- New requirements for Shuttle/Feeder bus services: 1) all applicants must provide a 5-year plan for financing the service (Policies #27f & #28c), and 2) pilot services must provide a letter from the local transit agency that demonstrates the applicant has attempted to coordinate service (Policy #28b);
- Clarification of prior requirements: 1) explicit definition of duplication for Shuttle/Feeder Bus Services (Policy #27d); 2) inclusion of language that specifies that service must be open to the public (Policy #27c),
- Changes to cost-effectiveness limits for Pilot Shuttle/Feeder bus services in Priority Development Areas (PDAs) and an increase to the cost effectiveness limits of both Existing and Pilot Shuttle/Feeder bus services;
- An inclusion of Episodic Areas as part of the evaluation process for Shuttle/Feeder bus services; and
- Minor text additions and grammatical/formatting changes to increase clarity.

Outreach

On March 26, 2014, the Air District opened the public comment period for the proposed FYE 2015 Policies. The process was advertised via the Air District's TFCA grants email notification system and the proposed policies were posted on the Air District's website. The Air District received eight sets of comments by the close of the comment period on April 21, 2014. In addition, the Air District held a stakeholder workshop meeting on April 2, 2014, that was attended by 20 individuals (3 in-person and 17 via webinar). Attachment C provides a listing of the eight sets of public comments received by April 21, 2014 along with staff's responses.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

The Air District distributes “pass-through” funds to grantees on a reimbursement basis. Administrative costs for the TFCA Regional Fund program are provided by the funding source.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kenneth Mak
Reviewed by: Karen Schkolnick

- Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2015
- Attachment B: Redlined Version Showing Changes Between Board-adopted FYE 2014 and Proposed FYE 2015 TFCA Regional Fund Policies and Evaluation Criteria (Informational Item)
- Attachment C: Comments Received and Staff Responses to Proposed FYE 2015 Policies (Informational Item)

TFCA REGIONAL FUND POLICIES AND EVALUATION CRITERIA FOR FYE 2015

The following policies apply to the Transportation Fund for Clean Air (TFCA) Regional Fund.

BASIC ELIGIBILITY

1. **Eligible Projects:** Only projects that result in the reduction of motor vehicle emissions within the Air District’s jurisdiction are eligible.

Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and Air District Board of Directors adopted TFCA Regional Fund Policies and Evaluation Criteria for FYE 2015.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, contracts, and other legally binding obligations both a) at the time the Air District Board of Directors approves a funding allocation and b) at the time the Air District executes the project’s funding agreement.

Under certain circumstances following approval of the project by the Board of Directors, the Air District may approve modifications of the approved project or of the terms of the grant agreement. The Air District will evaluate whether the proposed modification will reduce the amount of emissions the originally-approved project was designed to achieve, will negatively affect the cost-effectiveness of the project, or will otherwise render the project ineligible (“major modification”). The Air District may approve the proposed major modification if the Air District determines that the project, as modified, will continue to achieve surplus emission reductions, based on the regulations, contracts, and other legally-binding obligations in effect at the time of the proposed modification. The Air District may approve minor modifications, such as to correct mistakes in the grant agreement or to change the grantee, without a re-evaluation of the proposed modification in light of the regulations, contracts, and other legally-binding obligations in effect at the time of the proposed minor modification.

2. **TFCA Cost-Effectiveness:** Unless otherwise noted below, projects must not exceed a cost-effectiveness (C-E) of \$90,000 per ton. Cost-effectiveness is based on the ratio of TFCA-generated funds awarded divided by the sum total tons of reactive organic gases (ROG), oxides of nitrogen (NO_x), and weighted particulate matter 10 microns in diameter and smaller (PM₁₀) reduced (\$/ton).

Certain project categories further specify the eligible funding amount per item (for example, \$/vehicle) which is based on the cost-effectiveness levels below.

Project Category	Policy #	C-E Level Maximum (\$/weighted ton)
On-Road Truck Replacement	21	\$90,000
Reserved	22	Reserved
Reserved	23	Reserved
Reserved	24	Reserved
Reserved	25	Reserved
Reserved	26	Reserved
Shuttle/Feeder Bus Service—Existing	27	\$125,000
Shuttle/Feeder Bus Service—Pilot	28	Year 1 - \$200,000 Year 2 - \$125,000
Shuttle/Feeder Bus Service—Pilot in CARE areas or Priority Development Areas (PDAs)	28	Year 1 - \$500,000 Year 2 - \$200,000 Year 3 - \$125,000
Regional Ridesharing	29	\$90,000
Electronic Bicycle Lockers	30	\$90,000
Reserved	31	Reserved

3. **Consistent with Existing Plans and Programs:** All project categories must comply with the transportation control measures and mobile source measures included in the Air District's most recently approved strategy(ies) for achieving and maintaining State and national ozone standards, those plans and programs established pursuant to California Health & Safety Code (HSC) sections 40233, 40717 and 40919, and, when specified, with other adopted State, regional, and local plans and programs.
4. **Eligible Recipients and Authority to Apply:** Grant recipients must be responsible for the implementation of the project, have the authority and capability to complete the project, and be an applicant in good standing with the Air District (Policies #11 and #12).
 - a. **Eligible Recipients:**
 - i. **Public agencies** are eligible to apply for all project categories.
 - ii. **Non-public entities** are only eligible to apply for new alternative-fuel (light, medium, and heavy-duty) vehicle projects, and advanced technology demonstrations that are permitted pursuant to HSC section 44241b(7).
 - b. **Authority to Apply:** Applications must include either: 1) a signed letter of commitment from the applicant's representative with authority to enter into a funding agreement and to carry out the project (e.g., Chief Executive or Financial Officer, Executive Director, or City Manager), or 2) a signed resolution from the governing body (e.g., City Council, Board of Supervisors, or Board of Directors) authorizing the submittal of the application and authorizing the project to be carried out.
5. **Viable Project and Matching Funds:** Unless provided for otherwise in the policies and priorities for the specific project category (which are listed below), project applicants must include in the application evidence of available matching funds from a non-Air District source that equal or exceed at least 10% of the total eligible project costs.

The project must be financially viable, which means that the project sponsor has adequate funds to cover all stages of the project from its commencement through project completion. Applications must include evidence of financial resources sufficient to undertake and complete the project. The project sponsor shall not enter into a TFCA Regional Fund funding agreement until all non-Air District funding has been approved and secured.
6. **Minimum Grant Amount:** \$10,000 per project.
7. **Maximum Grant Amount:** Maximum award per calendar year:
 - a. **Each public agency** may be awarded up to \$1,500,000, and
 - b. **Each non-public entity** may be awarded up to \$500,000.
8. **Readiness:** Projects must commence by the end of calendar year 2015. "Commence" includes any preparatory actions in connection with the project's operation or implementation. For purposes of this policy, "commence" can mean the issuance of a purchase order to secure project vehicles and equipment; commencement of shuttle/feeder bus and ridesharing service; or the delivery of the award letter for a construction contract.
9. **Maximum Two Years Operating Costs:** Service-based projects such as shuttle/feeder bus and ridesharing programs, may receive TFCA Regional Funds for up to two (2) years of operation or implementation. Projects that request up to \$100,000 annually in TFCA Regional Funds are eligible to apply for two (2) years of funding. Projects that request more than \$100,000 annually in TFCA Regional Funds are eligible for only one (1) year of funding.
10. **Project Revisions:** Project revisions initiated by the project sponsor that significantly change the project before the allocation of funds by the Air District Board of Directors may not be accepted. Following Air District Board of Directors allocation of funds for a project, an applicant may request revisions to that project that the applicant deems necessary or advisable to carry out the purposes of the project, based on information the applicant received after the Board's allocation of funding. The Air District will consider

only requests that are within the eligible project category as the original project, meet the same cost-effectiveness as that of the original project application, comply with all TFCA Regional Fund Policies applicable for the original project, and are in compliance with all federal and State laws applicable to the revised project and District rules and regulations.

APPLICANT IN GOOD STANDING

11. **In Compliance with Agreement Requirements:** Project sponsors who have failed to meet project implementation milestones or who have failed to fulfill monitoring and reporting requirements for any project funded by the Air District may not be considered eligible for new funding until such time as all of the unfulfilled obligations are met.
12. **Independent Air District Audit Findings and Determinations:** Project sponsors who have failed either a fiscal audit or a performance audit for a prior Air District funded project will be excluded from future funding for five (5) years from the date of the Air District's final determination in accordance with HSC section 44242. Additionally, project sponsors with open projects will not be reimbursed for those projects until all audit recommendations and remedies have been satisfactorily implemented.

A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of funds. A failed performance audit means that a project was not implemented as set forth in the project funding agreement.

Reimbursement is required where it has been determined that funds were expended in a manner contrary to the TFCA Regional Funds' requirements and requirements of HSC Code section 44220 et seq.; the project did not result in a reduction of air pollution from the mobile sources or transportation control measures pursuant to the applicable plan; the funds were not spent for reduction of air pollution pursuant to a plan or program to be implemented by the TFCA Regional Fund; or otherwise failed to comply with the approved project scope as set forth in the project funding agreement. An applicant who failed to reimburse such funds to the Air District from a prior Air District funded project will be excluded from future TFCA funding.

13. **Signed Funding Agreement:** Only a fully-executed funding agreement (i.e., signed by both the project sponsor and the Air District) constitutes the Air District's award of funds for a project. Approval of an application for the project by the Air District Board of Directors does not constitute a final obligation on the part of the Air District to fund a project.

Project sponsors must sign a funding agreement within 60 days from the date it has been transmitted to them in order to remain eligible for award of TFCA Regional Funds. At its discretion, the Air District may authorize an extension of up to a total period of 180 days from the transmittal because of circumstances beyond project sponsor's reasonable control.

14. **Insurance:** Each project sponsor must maintain general liability insurance and such additional insurance that is appropriate for specific projects, with coverage amounts specified in the respective funding agreements throughout the life of the project.

INELIGIBLE PROJECTS

15. **Planning Activities:** Feasibility studies and other planning studies are not eligible for funding by the Air District. Funding may not be used for any planning activities that are not directly related to the implementation of a specific project or program. In addition, land use projects (i.e., Smart Growth, Traffic Calming, and Arterial Management) that have not completed the Preliminary Design phase are not eligible.
16. **Cost of Developing Proposals and Grant Applications:** The costs to develop proposals or prepare grant applications are not eligible for TFCA Regional Funds.
17. **Duplication:** Projects that have previously received TFCA-generated funds and therefore do not achieve additional emission reductions are not eligible.

Combining TFCA County Program Manager Funds with TFCA Regional Funds to achieve greater emission reductions for a single project is not considered project duplication.

USE OF TFCA FUNDS

18. **Combined Funds:** TFCA County Program Manager Funds may be combined with TFCA Regional Funds to fund a project that is eligible and meets the criteria for funding under both Funds. For the purpose of calculating the TFCA cost-effectiveness, the combined sum of TFCA County Program Manager Funds and TFCA Regional Funds shall be used to calculate the TFCA cost of the project.
19. **Administrative Costs:** Unless provided for otherwise in the policies and priorities for the specific project category (which are listed below), administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant) are limited to a maximum of five percent (5%) of total TFCA Regional Funds expended on a project and are only available to projects sponsored by public agencies. Electronic bicycle locker projects are not eligible for administrative costs. To be eligible for reimbursement, administrative costs must be clearly identified in the application project budget and in the funding agreement between the Air District and the project sponsor.
20. **Expend Funds within Two Years:** Project sponsors must expend the awarded funds within two (2) years of the effective date of the funding agreement, unless a longer period is formally (i.e., in writing) approved in advance by the Air District in a funding agreement or as an amendment to the funding agreement.

ELIGIBLE PROJECT CATEGORIES

Clean Air Vehicle Projects

21. **On-Road Truck Replacement Projects:** Eligible projects will replace Class 6 , Class 7, or Class 8 (19,501 lb. GVWR or greater) diesel-powered trucks with new or used trucks that have an engine certified to the 2010 California Air Resources Board (CARB) emissions standards or cleaner. The existing trucks must be registered with the California Department of Motor Vehicles (DMV) to a Bay Area address, and must be scrapped after replacement. **Reserved.**
22. **Reserved.**
23. **Reserved.**
24. **Reserved.**
25. **Reserved.**

Shuttle/Feeder Bus Service Projects

26. **Shuttle/Feeder Bus Service:** These projects are intended to reduce single-occupancy vehicle commute-hour trips by providing the short-distance connection between a mass transit hub and one or more definable commercial hub or employment centers. All of the following conditions must be met for a project to be eligible for TFCA Regional Funds:
 - a. The project's route must provide connections only between mass transit hubs, e.g., a rail or Bus Rapid Transit (BRT) station, ferry or bus terminal, or airport, and distinct commercial or employment areas.
 - b. The project's schedule must coordinate with the transit schedules of the connecting mass transit service.
 - c. The service must be available for use by all members of the public.
 - d. The project may not duplicate existing local transit service or service that existed along the project's route within the last three years. "Duplication" of service means establishing a shuttle route where there is an existing transit service stop within 0.6 miles of the commercial hub or business center and that can be reached by pedestrians in 20 minutes or less. Projects that propose to increase service frequency to an area that has existing service may be considered for funding if the increased frequency would reduce the commuter's average transit wait time to thirty minutes or less.

- e. The project must include only commuter peak-hour service, i.e., 5:00-10:00 AM and/or 3:00-7:00 PM.
- f. Applicants must submit a written transit service financial plan to achieve financial self-sufficiency or reduced reliance on TFCA funding within five years. The plan must document 1) the funding source(s) that will be targeted and the bases for eligibility of such funding, 2) the amounts from each funding source for which the applicant is eligible and that will be pursued, (3) the schedule (timeline) from application to receipt of such funds, 4) the process for securing each funding source, and 5) the specific efforts taken by the applicant to be eligible for such funds, and the status of the applicants' application for securing funds.

For shuttle/feeder bus service projects, the total project cost is the sum of direct operational costs (i.e., shuttle driver wages, fuel, and vehicle maintenance) and the administrative costs paid for by TFCA Regional Funds. Matching funds must be provided to cover at least 10% of the total project cost, and must include only direct operational costs. Administrative costs are not eligible for use as matching funds.

Shuttle/feeder bus service applicants must be either: (1) a public transit agency or transit district that directly operates the shuttle/feeder bus service, or (2) a city, county, or any other public agency.

Project applicants that were awarded FYE 2014 TFCA Regional Funds that propose identical routes in FYE 2015 may request an exemption from the requirements of Policy 27. D provided they meet the following requirements: (1) No further TFCA project funding as of January 2017; and (2) Submission of a financial plan to achieve financial self-sufficiency from TFCA funds within two years by demonstrating how they will come into compliance with this requirement or by securing non-TFCA Regional Funds. The plan must document: 1) the funding source(s) that will be targeted and the bases for eligibility of such funding, 2) the amounts from each funding source for which the applicant is eligible and that will be pursued, (3) the schedule (timeline) from application to receipt of such funds, 4) the process for securing each funding source, and 5) the specific efforts taken by the applicant to be eligible for such funds, and the status of the applicants' application for securing funds.

27. **Pilot Shuttle/Feeder Bus Service:** Pilot projects are defined as routes that provide service to locations that are at least 70% unique and where no other service was provided within the past three years. In addition to meeting the requirements listed in Policy #27 for shuttle/feeder bus service, pilot shuttle/feeder bus service project applicants must also comply with the following:
 - a. Applicants must provide data and other evidence demonstrating the public's need for the service, including a demand assessment survey and letters of support from potential users;
 - b. A letter from the local transit agency denying service to the project's proposed service area, which includes the basis for denial of service to the proposed areas. The applicant must demonstrate that the project applicant has attempted to coordinate service with the local service provider and has provided the results of the demand assessment survey to the local transit agency. The applicant must provide the transit service provider's evaluation of the need for the shuttle service to the proposed area. .
 - c. Applicants must provide written documentation of a financial plan for transitioning to a self-sustaining service and/or for reducing reliance on TFCA funding within five years. The plan needs to clearly identify 1) the funding source(s) that will be targeted, 2) the amounts from each source that will be pursued, 3) the process for securing each funding source, and 4) the status or timeline of the process for securing funds.
 - d. Projects located in Highly Impacted Communities as defined in the Air District Community Air Risk Evaluation (CARE) Program and/or a Planned or Potential Priority Development Area (PDA) may receive a maximum of three years of TFCA Regional Funds under the Pilot designation and must meet the following requirements:
 - i. During the first year of operation, projects must not exceed a cost-effectiveness of \$500,000/ton,

- ii. By the end of the second year of operation, projects must not exceed a cost-effectiveness of \$200,000/ton, and
- iii. By the end of the third year of operation, projects must not exceed a cost-effectiveness of \$125,000/ton (see Policy #2) and meet all of the requirements of Policy #27 (existing shuttles).
- e. Projects located outside of CARE areas and PDAs may receive a maximum of two years of TFCA Regional Funds under this designation and must meet the following requirements:
 - i. By the end of the first year of operation, projects shall cost \$200,000 or less per ton (cost-effectiveness rating), and
 - ii. By the end of the second year of operation, projects shall cost \$125,000 or less per ton (cost-effectiveness rating) (see Policy #2) and shall meet all of the requirements of Policy #27 (existing shuttles).

Regional Ridesharing

28. **Regional Ridesharing Projects:** Eligible ridesharing projects provide carpool, vanpool, or other rideshare services. For TFCA Regional Fund eligibility, ridesharing projects must be comprised of riders from at least five Bay Area counties, with no one county accounting for more than 80% of all riders, as verified by documentation submitted with the application.

If a project includes ride-matching services, *only* ride-matches that are not already included in the Metropolitan Transportation Commission's (MTC) regional ridesharing program are eligible for TFCA Regional Funds. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Applications for projects that provide a direct or indirect financial transit or rideshare subsidy *exclusively* to employees of the project sponsor are not eligible.

Bicycle Facility Projects

29. **Electronic Bicycle Lockers:** TFCA Regional Funds are available for project sponsors to purchase and install new electronic bicycle lockers. Projects must be included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), or the Metropolitan Transportation Commission's Regional Bicycle Plan and serve a major activity center (e.g. transit station, office building, or school). The electronic bicycle lockers must be publicly accessible and available for use by all members of the public.

Costs for maintenance, repairs, upgrades, rehabilitation, operations, and project administration are not eligible for TFCA Regional Funds.

The maximum award amount is based on the number of bicycles accommodated, at the rate of \$2,500 per bicycle accommodated by the lockers.

TFCA County Program Manager funds may not be used towards fulfilling the matching funds requirement. Monies expended for administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant) are eligible matching funds for electronic bicycle lockers. Monies expended by the Project Sponsor to maintain, repair, upgrade, rehabilitate, or operate the electronic lockers are not eligible as matching funds.

REGIONAL FUND EVALUATION CRITERIA:

1. **Shuttle/Feeder Bus Service and Ridesharing Projects:** The Air District will evaluate complete applications received by the submittal deadline based on the TFCA Regional Fund policies. All eligible projects will be ranked for funding based on cost-effectiveness. At least sixty percent (60%) of the funds will be reserved for eligible projects that meet one or more of the following District priorities:
 - a. Projects in Highly Impacted Communities or Episodic Areas as defined in the Air District Community Air Risk Evaluation (CARE) Program;

b. Priority Development Areas.

The Air District will evaluate all shuttle/feeder bus service and ridesharing project applications received after the submittal deadline on a first-come, first-served basis, based on the TFCA Regional Fund policies.

2. **Electronic Bicycle Locker(s) Projects:** Applications will be evaluated on a first-come, first-served basis.

TFCA REGIONAL FUND POLICIES AND EVALUATION CRITERIA FOR FYE 2015~~4~~

The following policies apply to the Transportation Fund for Clean Air (TFCA) Regional Fund.

BASIC ELIGIBILITY

1. **Eligible Projects:** Only projects that result in the reduction of motor vehicle emissions within the Air District’s jurisdiction are eligible.

Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and Air District Board of Directors adopted TFCA Regional Fund Policies and Evaluation Criteria for FYE ~~2014~~2015.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, contracts, and other legally binding obligations both ~~a) a)~~ at the time ~~a)~~ the Air District Board of Directors approves a funding allocation and b) ~~at the time at the time~~ the Air District executes the project’s funding agreement.

Under certain circumstances following approval of the project by the Board of Directors, the Air District may approve modifications of the approved project or of the terms of the grant agreement. The Air District will evaluate whether the proposed modification will reduce the amount of emissions the originally-approved project was designed to achieve, will negatively affect the cost-effectiveness of the project, or will otherwise render the project ineligible (“major modification”). The Air District may approve the proposed major modification if the Air District determines that the project, as modified, will continue to achieve surplus emission reductions, based on the regulations, contracts, and other legally-binding obligations in effect at the time of the proposed modification. The Air District may approve minor modifications, such as to correct mistakes in the grant agreement or to change the grantee, without a re-evaluation of the proposed modification in light of the regulations, contracts, and other legally-binding obligations in effect at the time of the proposed minor modification.

2. **TFCA Cost-Effectiveness:** Unless otherwise noted below, projects must not exceed a cost-effectiveness (C-E) of \$90,000 per ton. Cost-effectiveness is based on the ratio of TFCA-generated funds awarded divided by the sum total tons of reactive organic gases (ROG), oxides of nitrogen (NO_x), and weighted particulate matter 10 microns in diameter and smaller (PM₁₀) reduced (\$/ton).

Certain project categories further specify the eligible funding amount per item (for example, \$/vehicle) which is based on the cost-effectiveness levels below.

Project Category	Policy #	C-E Level Maximum (\$/weighted ton)
On-Road Truck Replacement	21	\$90,000
Reserved	22	Reserved
Reserved	23	Reserved
Reserved	24	Reserved
Reserved	25	Reserved
Reserved	26	Reserved
Shuttle/Feeder Bus Service—Existing	27	\$90 125,000
Shuttle/Feeder Bus Service—Pilot <u>during first 24 months</u> (for outside non-CARE areas or and non-PDAs)	28	<u>Year 1 - \$200,000</u> <u>Year 2 - \$125,000</u>
Shuttle/Feeder Bus Service—Pilot <u>during first 36 months</u> (in CARE areas or Priority Development Areas (PDAs))	28	\$200,000 — <u>Year 1 - \$500,000</u> <u>Year 2 - \$200,000</u> <u>Year 3 - \$125,000</u>
Regional Ridesharing	29	\$90,000
Electronic Bicycle Lockers	30	\$90,000
Reserved	31	Reserved

3. **Consistent with Existing Plans and Programs:** All project categories must comply with the transportation control measures and mobile source measures included in the Air District's most recently approved strategy(ies) for achieving and maintaining State and national ozone standards, those plans and programs established pursuant to California Health & Safety Code (HSC) sections 40233, 40717 and 40919, and, when specified, with other adopted State, regional, and local plans and programs.
4. **Eligible Recipients and Authority to Apply:** Grant recipients must be responsible for the implementation of the project, have the authority and capability to complete the project, and be an applicant in good standing with the Air District (Policies #11 and #12).
 - a. **Eligible Recipients:**
 - i. **Public agencies** are eligible to apply for all project categories.
 - ii. **Non-public entities** are only eligible to apply for new alternative-fuel (light, medium, and heavy-duty) vehicle projects, and advanced technology demonstrations that are permitted pursuant to HSC section 44241(b)(7).
 - b. **Authority to Apply:** Applications must include either: 1) a signed letter of commitment from the applicant's representative with authority to enter into a funding agreement and to carry out the project (e.g., Chief Executive or Financial Officer, Executive Director, or City Manager, ~~etc.~~), or 2) a signed resolution from the governing body (e.g., City Council, Board of Supervisors, or Board of ~~Di~~ ~~r~~Directors, ~~etc.~~) authorizing the submittal of the application and authorizing the project to be carried out.
5. **Viable Project and Matching Funds:** Unless ~~otherwise~~ provided for ~~otherwise~~ ~~otherwise~~ in the policies and priorities for the specific project category (which are listed below), project applicants must include in the application evidence of available matching funds from a non-Air District source that equal or exceed at least 10% of the total eligible project costs.

The project must be financially viable, which means that the project sponsor has adequate funds to cover all stages of the project from its commencement through project completion. Applications must include evidence of financial resources sufficient to undertake and complete the project. The project sponsor shall not enter into a TFCA Regional Fund funding agreement until all non-Air District funding has been approved and secured.
6. **Minimum Grant Amount:** \$10,000 per project.
7. **Maximum Grant Amount:** Maximum award per calendar year:
 - a. **Each public agency** may be awarded up to \$1,500,000, and
 - b. **Each non-public entity** may be awarded up to \$500,000.
8. **Readiness:** Projects must commence by the end of calendar year ~~2014~~2015. "Commence" includes any preparatory actions in connection with the project's operation or implementation. For purposes of this policy, "commence" can mean the issuance of a purchase order to secure project vehicles and equipment; commencement of shuttle/feeder bus and ridesharing service; or the delivery of the award letter for a construction contract.
9. **Maximum Two Years Operating Costs:** Service-based projects such as shuttle/feeder bus and ridesharing programs, may receive TFCA Regional Funds for up to two (2) years of operation or implementation. Projects that request up to \$100,000 annually in TFCA Regional Funds are eligible to apply for two (2) years of funding. Projects that request more than \$100,000 annually in TFCA Regional Funds are eligible for only one (1) year of funding.
10. **Project Revisions:** Project revisions initiated by the project sponsor ~~that~~which significantly change the project before the allocation of funds by the Air District Board of Directors may not be accepted. Following Air District Board of Directors allocation of funds for a project, an applicant may request revisions to that project that the applicant deems necessary or advisable to carry out the purposes of the

project, based on information the applicant received after the Board's allocation of funding. The Air District will consider only requests that are within the eligible project category as the original project, meet the same cost-effectiveness as that of the original project application, comply with all TFCA Regional Fund Policies applicable for the original project, and are in compliance with all federal and State laws applicable to the revised project and District rules and regulations.

APPLICANT IN GOOD STANDING

11. **In Compliance with Agreement Requirements:** Project sponsors who have failed to meet project implementation milestones or who have failed to fulfill monitoring and reporting requirements for any project funded by the Air District may not be considered eligible for new funding until such time as all of the unfulfilled obligations are met.
12. **Independent Air District Audit Findings and Determinations:** Project sponsors who have failed either a fiscal audit or a performance audit for a prior Air District funded project will be excluded from future funding for five (5) years from the date of the Air District's final determination in accordance with HSC section 44242. Additionally, project sponsors with open projects will not be reimbursed for those projects until all audit recommendations and remedies have been satisfactorily implemented.

A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of funds. A failed performance audit means that a project was not implemented as set forth in the project funding agreement.

Reimbursement is required where it has been determined that funds were expended in a manner contrary to the TFCA Regional Funds' requirements and requirements of HSC Code section 44220 et seq.; the project did not result in a reduction of air pollution from the mobile sources or transportation control measures pursuant to the applicable plan; the funds were not spent for reduction of air pollution pursuant to a plan or program to be implemented by the TFCA Regional Fund; or otherwise failed to comply with the approved project scope as set forth in the project funding agreement. An applicant who failed to reimburse such funds to the Air District from a prior Air District funded project will be excluded from future TFCA funding.

13. **Signed Funding Agreement:** Only a fully-executed funding agreement (i.e., signed by both the project sponsor and the Air District) constitutes the Air District's award of funds for a project. Approval of an application for the project by the Air District Board of Directors does not constitute a final obligation on the part of the Air District to fund a project.

Project sponsors must sign a funding agreement within 60 days from the date it has been transmitted to them in order to remain eligible for award of TFCA Regional Funds. ~~At its discretion, the Air District may~~ authorize an extension of up to a total period of 180 days from the transmittal because of circumstances beyond project sponsor's reasonable control ~~and at the Air District's discretion.~~

14. **Insurance:** Each project sponsor must maintain general liability insurance and such additional insurance that is appropriate for specific projects, with coverage amounts specified in the respective funding agreements throughout the life of the project.

INELIGIBLE PROJECTS

15. **Planning Activities:** Feasibility studies and other planning studies are not eligible for funding by the Air District. Funding may not be used for any planning activities that are not directly related to the implementation of a specific project or program. In addition, land use projects (i.e., Smart Growth, Traffic Calming, and Arterial Management) that have not completed the Preliminary Design phase are not eligible.
16. **Cost of Developing Proposals and Grant Applications:** The costs to develop proposals or prepare grant applications are not eligible for TFCA Regional Funds.
17. **Duplication:** Projects that have previously received TFCA-generated funds and therefore do not achieve additional emission reductions are not eligible.

Combining TFCA County Program Manager Funds with TFCA Regional Funds to achieve greater emission reductions for a single project is not considered project duplication.

USE OF TFCA FUNDS

18. **Combined Funds:** TFCA County Program Manager Funds may be combined with TFCA Regional Funds to fund a project that is eligible and meets the criteria for funding under both Funds. For the purpose of calculating the TFCA cost-effectiveness, the combined sum of TFCA County Program Manager Funds and TFCA Regional Funds shall be used to calculate the TFCA cost of the project.
19. **Administrative Costs:** Unless ~~otherwise~~ provided for ~~otherwise~~~~otherwise~~ in the policies and priorities for the specific project category (which are listed below), administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant) are limited to a maximum of five percent (5%) of total TFCA Regional Funds expended on a project and are only available to projects sponsored by public agencies. Electronic bicycle locker projects are not eligible for administrative costs. To be eligible for reimbursement, administrative costs must be clearly identified in the application project budget and in the funding agreement between the Air District and the project sponsor.
20. **Expend Funds within Two Years:** Project sponsors must expend the awarded funds within two (2) years of the effective date of the funding agreement, unless a longer period is formally (i.e., in writing) approved in advance by the Air District in a funding agreement or as an amendment to the funding agreement.

ELIGIBLE PROJECT CATEGORIES

Clean Air Vehicle Projects

Clean Diesel Projects

- ~~21.~~ **On-Road Truck Replacement Projects:** Eligible projects will replace Class 6 , Class 7, or Class 8 (19,501 ~~h~~~~l~~~~b~~ GVWR or greater) diesel-powered trucks with new or used trucks that have an engine certified to the 2010 California Air Resources Board (CARB) emissions standards or cleaner. The existing trucks must be registered with the California Department of Motor Vehicles (DMV) to a Bay Area address, and must be scrapped after replacement. ~~Clean Air Vehicle Projects~~

~~21-22.~~ Reserved.

~~22-23.~~ Reserved.

~~23-24.~~ Reserved.

~~24-25.~~ Reserved.

~~25-26.~~ Reserved.

Shuttle/Feeder Bus Service Projects

- ~~26-27.~~ **Shuttle/Feeder Bus Service:** These projects are intended to reduce single-occupancy vehicle commute-hour trips by providing the short-distance connection between a mass transit hub and one or more ~~distinct definable~~ commercial hub or employment centers. All of the following conditions must be met for a project to be eligible for TFCA Regional Funds:

a. The project's route must provide connections only between mass transit hubs, e.g., a rail or Bus Rapid Transit (BRT) station, ferry or bus terminal, or airport, and distinct commercial or employment areas.

~~a-b.~~ The project's schedule must coordinate with the transit schedules of the connecting mass transit service.

~~b-c.~~ The service must be available for use by all members of ~~open to the public~~.

- e-d. ~~The project may not duplicate existing local transit service~~ or service that existed along the project's route within the last three years ~~or service that ceased to operate within the past five years.~~ "Duplication" of service means establishing ~~that a shuttle~~ proposed route where there is an existing transit service stop within 0.6 miles of the commercial hub or business center and that can be reached by pedestrians in 20 minutes or less. ~~Projects that propose to increase service frequency to an area that has existing service may be considered for funding if the increased frequency would reduce the commuter's average commuter-transit wait time to that is in excess of one hour thirty minutes or less.~~
- e. The project must include only commuter peak-hour service, i.e., 5:00-10:00 AM and/or 3:00-7:00 PM.
- d-f. ~~Applicants must submit provide written documentation of a written transit service financial plan to achieve for transitioning to a financial self-sufficiency staining service and/or for reducing reliance on TFCA funding within five years from.~~ The plan must document needs to clearly identify 1) the funding source(s) that will be targeted and the bases for eligibility of such funding, 2) the amounts from each funding source for which the applicant is eligible and that will be pursued, (3) the schedule (timeline) from application to receipt of such funds, 4) the process for securing each funding source, and 5) the specific efforts taken by the applicant to be eligible for such funds, and the status of the applicants' application process for securing funds.

For shuttle/feeder bus service projects, the total project cost is the sum of direct operational costs (i.e., shuttle driver wages, fuel, and vehicle maintenance) and the administrative costs paid for by TFCA Regional Funds. Matching funds must be provided to cover at least 10% of the total project cost, and must include only direct operational costs. Administrative costs are not eligible for use as matching funds.

Shuttle/feeder bus service applicants must be either: (1) a public transit agency or transit district that directly operates the shuttle/feeder bus service, or (2) a city, county, or any other public agency.

Project applicants that were awarded FYE ~~2013-2014~~ TFCA Regional Funds that propose identical routes in FYE ~~2014-2015~~ may request an exemption from the requirements of Policy 27. D provided they meet the following requirements: -(1) No further TFCA project funding as of [?] January 2017; and -These applicants ~~must~~would have to s(2) Submission of a financial plan to achieve for financial self-sufficiency from transitioning off TFCA funds within two years by demonstrating how they will come into compliance with this requirement or by securing non-TFCA Regional Funds within the next three two years. The plan ~~needs~~must document: 1) the funding source(s) that will be targeted and the bases for eligibility of such funding, 2) the amounts from each funding source for which the applicant is eligible and that will be pursued, (3) the schedule (timeline) from application to receipt of such funds, 4) the process for securing each funding source, and 5) the specific efforts taken by the applicant to be eligible for such funds, and the status of the applicants' application for securing funds. ~~to clearly identify 1) the funding source(s) that will be targeted, 2) the amounts from each source that will be pursued by source, 3) the process for securing each funding source, and 4) the status or timeline of the process for securing funds.~~

27-28. Pilot Shuttle/Feeder Bus Service: Pilot projects are defined as ~~new~~ routes that provide service to locations that are at least 70% unique and where no other service was provided with have not been in operation in the past ~~five~~ three years. In addition to meeting the requirements listed in Policy #27 for shuttle/feeder bus service, pilot shuttle/feeder bus service project applicants must also comply with the following:

- a. Applicants must provide data and other evidence demonstrating supporting the public's need demand for the service, including a demand assessment survey and letters of support from potential users ~~and providers~~;
- b. A letter from the local transit agency denying service to the project's proposed service area, which includes the basis for denial of service to the proposed areas. The applicant must that demonstrates that the project applicant has attempted to coordinate service with the local service provider and has provided shared the results of the demand assessment survey to the local transit agency. The applicant must provide letter must also state the transit service provider's evaluation of

~~the need for the shuttle service to the proposed area. and an explanation of why the local transit agency must cannot provide service to the proposed areas.~~

- ~~b.c. Applicants must provide written documentation of a financial plan for transitioning to a self-sustaining service and/or for reducing reliance on TFCA funding within five years. Applicants must provide written documentation of plans for financing the service in the future. The plan needs to clearly identify 1) the funding source(s) that will be targeted, 2) the amounts from each source that will be pursued by source, 3) the process for securing each funding source, and 4) the status or timeline of the process for securing funds.~~
- ~~d. Projects located in Highly Impacted Communities as defined in the Air District Community Air Risk Evaluation (CARE) Program and/or a Planned or Potential Priority Development Area (PDA) may receive a maximum of three years of TFCA Regional Funds under the Pilot designation and must meet the following requirements:~~
- ~~i. During the first year of operation, projects must not exceed a cost-effectiveness of \$500,000/ton,~~
 - ~~ii. For By the end of the second year of operation, projects must not exceed a cost-effectiveness of \$125,000/ton, and~~
 - ~~iii. By the end of the third year of operation, projects must not exceed a cost-effectiveness of \$90,000/ton (see Policy #2) and meet all of the requirements of Policy #27 (existing shuttles).~~
- ~~e. Projects located in CARE areas may receive a maximum of three years of TFCA Regional Funds under the Pilot designation; p~~Projects located outside of CARE areas ~~and PDAs~~ may receive a maximum of two years of TFCA Regional Funds under this designation ~~and must meet the following requirements:~~
- ~~i. By the end of the first year of operation, projects shall must not exceed a cost-effectiveness of cost \$200,000 or less per #ton (cost-effectiveness rating), and~~
 - ~~ii. By the end of the second year of operation, projects shall must not exceed a cost-effectiveness of \$125,000 or less per #ton (cost-effectiveness rating) (see Policy #2) and shall meet all of the requirements of Policy #27 (existing shuttles). After these time periods, applicants must apply for subsequent funding under the shuttle/feeder bus service designation, described above.~~

Regional Ridesharing

~~28-29.~~ **Regional Ridesharing Projects:** Eligible ridesharing projects provide carpool, vanpool, or other rideshare services. For TFCA Regional Fund eligibility, ridesharing projects must be comprised of riders from at least five Bay Area counties, with no one county accounting for more than 80% of all riders, as verified by documentation submitted with the application.

If a project includes ride-matching services, *only* ride-matches that are not already included in the Metropolitan Transportation Commission's (MTC) regional ridesharing program are eligible for TFCA Regional Funds. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Applications for projects that provide a direct or indirect financial transit or rideshare subsidy *exclusively* to employees of the project sponsor are not eligible.

Bicycle Facility Projects

~~29-30.~~ **Electronic Bicycle Lockers:** TFCA Regional Funds are available for project sponsors to purchase and install new electronic bicycle lockers. Projects must be included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), or the Metropolitan Transportation Commission's Regional Bicycle Plan and serve a major activity center (e.g. transit station, office building, or school). The electronic bicycle lockers must be publically accessible and available for use by all members of the public.

Costs for maintenance, repairs, upgrades, rehabilitation, operations, and project administration are not eligible for TFCA Regional Funds.

The maximum award amount is based on the number of bicycles accommodated, at the rate of \$2,500 per bicycle accommodated by the lockers.

TFCA County Program Manager funds may not be used towards fulfilling the matching funds requirement. Monies expended for administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant) are eligible matching funds for electronic bicycle lockers. Monies expended by the Project Sponsor to for maintenance, repairs, upgrades, rehabilitation, and operations of the electronic lockers are not eligible as matching funds.

REGIONAL FUND EVALUATION CRITERIA:

1. Shuttle/Feeder Bus Service and Ridesharing Projects: The Air District will evaluate ~~Complete~~ applications received by the submittal deadline ~~will be evaluated~~ based on the TFCA Regional Fund policies. All eligible projects will be ranked for funding based on cost-effectiveness. At least sixty percent (60%) of the funds will be reserved for eligible projects that meet one or more of the following District priorities:

- a. Projects in Highly Impacted Communities or Episodic Areas as defined in the Air District Community Air Risk Evaluation (CARE) Program;
- b. Priority Development Areas; ~~and~~
- ~~e. Projects that significantly reduce greenhouse gasses (GHG).~~

The Air District will evaluate all shuttle/feeder bus service and ridesharing project applications received after the submittal deadline on a first-come-~~u~~ first-served basis, based on the TFCA Regional Fund policies.

2. Electronic Bicycle Locker(s) Projects: Applications will be evaluated on a first-come-~~u~~ first-served basis.

Comments received between March 26 and April 21, 2014

Commenter and Organization	Comment	Staff Response
John Giovannoni ACE	<p>Although the funding was probably at the time set up to create funds to start shuttle programs to get started, the funding has been used to expand the service and has created great ridership on quite a few shuttles for the ACE programs in various locations.</p>	<p>The intent of the incentive program is to cost-effectively reduce single-occupancy vehicle trips by providing last-mile connection services.</p> <p>Staff is exploring options to better utilize the limited funding and expand options for cost-effectively providing last-mile connections to transit in future cycles.</p>
	<p>We realize that situations change that affect different programs. But Item 27 reads in part that "These projects are intended to reduce single-occupancy vehicle commute hour trips by providing the short distance between a mass transit hub and one or more commercial or employment centers".</p>	<p>Staff agrees with the purpose to reduce single-occupancy vehicles; however, this must be done in a cost-effective manner.</p>
	<p>The changing of the amounts allowed in one year that makes most of the vehicles we use almost obsolete and to the point one project was not going to be funded at all, to me is completely against what this section reads. The vehicles we use transport 5152 passengers monthly in Pleasanton with quite a few connecting also to Bart. We also are part of the VTA shuttle program that transports 33514 passengers per month. If the funding for the shuttle programs as they are now stops or is drastically curtailed, I definitely see an adverse effect to this section 27.</p> <p>If we as agencies were notified last year that traps on the buses engines were getting close to not qualifying and getting dirty and were given the new regulations period ahead by 2 to three year period to buy different buses or make other changes we could go out and buy or try to get funding to buy new buses, but to make a change to a fleet of 23 buses that the traps are no longer ok and reduce programs funding the way it was done this year is just not fair to all applicants. We have budgets that are submitted every July to our board of Directors and we put into the budget the shuttle programs and how much we need and when a project starts in January and our budget runs to July and the project is cut it makes it extremely hard on everyone to try and come up with the shortfall to the project to keep it going. Thanks for the opportunity to address this portion.</p>	<p>Overall, the California Vehicle Fleet is getting cleaner. Air District emission estimates are based on the CARB inventory and are updated based on their schedule. This can result in large shifts in cost effectiveness as CARB updates California fleet emissions. This is what occurred in 2013.</p> <p>Staff recognizes that changing emissions standards have had an adverse effect on cost-effectiveness and recommends using the cleanest available technology.</p> <p>Staff has informed project sponsors of this ongoing trend and has offered to calculate the cost-effectiveness of their projects at any time so that project sponsors may have a better understanding of how emission standards affect their projects. Also, given the significant change in emission factors from 2013 to 2014, staff will be assessing cost-effectiveness of the projects that were approved in FYE 2014 and providing this information to project sponsors in May 2014 so that they have this information well in advance of the FYE 2015 cycle.</p>
	<p>We as an agency try very hard to provide this service, but we have costs also and when the funding is drastically cut to a program with very little notice that the emissions to the vehicles we use are not in compliance in a 1 year period, it makes it almost impossible to provide this service. We will either have to eliminate the shuttle program as it is, or charge a fee to the customers that most likely will drive quite a few back to the roads that are already congested.</p>	<p>Given that funding is limited, staff encourages project sponsors to pursue other sources of revenue, such as charging a fee to service users.</p>

Committer and Organization	Comment	Staff Response
Mariana Parreiras <i>BART</i>	shuttle/feeder bus open to public requirement - what requirement is there to publicize the shuttle route/schedule to the general public? How else do you ensure that this requirement is met?	Outreach to the general public is not a requirement, but is encouraged to promote ridership, which affects the cost-effectiveness of the project. Through the evaluation process (e.g., inspections, review of printed materials submitted by project sponsors in the progress reports), staff will determine whether the service has met its public accessibility requirement.
Heather Salem <i>Presidio Trust</i>	<p>For the shuttle service, does the service need to be available to the public at all times? Or can some times still be restricted?</p> <p>The Presidio is available to the public during certain headways during the peak hours, the other times is limited to residents, tenants, and employees of the Presidio. Could we only get funding for the headways totally open to the public?</p>	The service needs to be available to the public for the times that it is operated using TFCA funds.
Peter Skinner <i>SamTrans</i>	<p>Back to policy 27, it would be a good idea if you went to the large operators to determine if your specifications for duplication of service is indeed duplication. I would not assume all transit operators are tuned into your process and will provide you a response without being asked. Would you consider asking the large operators their opinion?</p> <p>In policy number 27, did the BAAQMD consult with major transit operators to determine if the proposed standards would indeed be considered a duplication of existing service by a transit agency.</p> <p>The BAAQMD should coordinate with the MTC, VTA, SFMTA, SamTrans and AC Transit to determine if the duplicative service guidelines you came up with are reasonable. MTC can provide contact info for the appropriate people in these agencies.</p>	<p>Staff issued policies for public comment on March 26, 2014 and accepted comments through April 21, 2014. The draft policies were posted on the Air District's website and a notification was emailed to a list of more than 700 that includes representatives from MTC, VTA, SFMTA, SamTrans, and AC Transit.</p> <p>Staff will continue to outreach to potential interested parties in order to broaden the list for future funding cycles.</p>
	<p>27e allows for 27d exemption for existing services, but states a requirement for a financial plan using non-TFCA funds within two years. Is this is for only duplicated routes? Please clarify.</p> <p>"Can you confirm or deny the statement I submitted please? ...To be clear, the financial plan for using non-TFCA funds within two years is ONLY for the duplicate shuttle routes (the two routes you mentioned) and NOT for the entire program.</p> <p>Ok, to be clear, the financial plan for using non-TFCA funds within two years is ONLY for the duplicative routes (the two routes you mentioned).</p>	<p>Project sponsors with duplicated routes must submit a financial plan for transitioning off TFCA funds within two years.</p> <p>For all other projects, staff will be proposing that applicants submit a financial plan for transitioning to a self-sustaining service and/or for reducing reliance on TFCA funding within five years. This information will be used by staff to assess the feasibility for long-term funding applicants to reduce their dependence on TFCA funding.</p>

Committer and Organization	Comment	Staff Response
Andy Peri <i>Marin Bike</i>	Marin's program bike parking program allowed racks to be installed in malls, shopping centers, post offices, strip malls, grocery stores parking lots or other locations that are accessed by the public. This is a critical need that all communities have. It is my understanding that your program does not allow such installations if not on public property. How can we get this changed to allow more flexibility. We have identified most of our needs for bike parking in such places.	The authorizing legislation requires that these projects be sponsored by a public agency. Installation of bike racks on private property is allowed as long as the racks are accessible by the public. For more information on the BRVP, please visit: http://www.baaqmd.gov/Divisions/Strategic-Incentives/Alternative-Transportation/BRVP.aspx
Steve McClain <i>VTA</i>	Here is the VTA Transit map. We have a shuttle that currently operates out of the Great America ACE Station, which is right here. Travels no where within 6/10 of a mile of VTA transit until close to the end of the route. Ends up along an existing route, here. So is this duplication?	This would not be considered duplication. Staff has discussed this question with VTA staff and added language to clarify the term duplication in the FYE 2015 policies.
William P. Bacon <i>San Francisco County Transportation Authority</i>	Policy 27. Shuttle/Feeder Bus Service Projects: We support the addition that shuttle/feeder bus service projects be open to the public. However, we disagree with the language clarifying that duplication is any proposed service within 0.6 miles of existing transit service. This policy would conceivably exclude shuttle projects in San Francisco from TFCA Regional Funds given the extensive transit network in the city. Although the draft policy would allow funding to increase frequency, we request the policy be revised to reduce the average commuter wait time that is in excess of 15 minutes rather than one hour. We also disagree that projects must only include the commuter peak-hour service.	Funding is designed to prioritize areas that are underserved by current, existing transit.
and Robert Hayden <i>San Francisco Department of the Environment</i>	We also propose expanding the eligibility of the Shuttle/Feeder Bus Service category to include the purchase/subsidy of transit fare passes (similar to the UC Berkeley Class Pass or Caltrain Go Pass) for corridors that are well served by existing transit service. Transit fare passes provided by employers or residential communities can significantly increase transit bus ridership and incentivize transit operators to increase frequency along a corridor to meet increased demand while also encouraging pass holders to use transit more frequently.	Staff believes that the TFCA County Program Manager Fund is an appropriate funding source for this type of project.
Zach Seal <i>City of Oakland</i>	BAAQMD proposed revision: "Duplication means that the proposed service that would transport commuters from a transit hub to a distinct commercial or employment center that is within 0.6 miles of existing transit service or transit service that existed within the last three years."	Comments received.
Zach Seal <i>City of Oakland</i>	BAAQMD proposed revision: "Duplication means that the proposed service that would transport commuters from a transit hub to a distinct commercial or employment center that is within 0.6 miles of existing transit service or transit service that existed within the last three years."	Staff has added language to clarify the term duplication in the FYE 2015 policies based on comments received.

Committer and Organization	Comment	Staff Response
	<p>The City of Oakland proposes to add the following language:</p> <p>“...unless the applicant provides evidence and/or data that (a) the features of the proposed shuttle service (such as route, stop locations, frequency, hours of service, fare structure) are distinct enough from existing service to attract a significant new ridership base of people who would switch from single-occupancy vehicles to public transit.”</p>	
	<p>Thank you for responding in a timely fashion and providing information regarding my question about the proposal to allow only transit agencies (and not cities) to apply for BAAQMD TFCA shuttle funds. The City of Oakland has the following concern about this proposal:</p> <p>This change would undermine the City of Oakland’s ability to negotiate a fair market rate for shuttle service. The same goes for any other city or county that uses TFCA funds and contracts out to a local transit agency. The City of Oakland is very satisfied with the service provided by AC Transit – but it is critical that we maintain the ability to apply for TFCA funds so that we have the option of contracting the service to an operator other than AC Transit (such as a private operator). Without the option of choosing among different operators for our shuttle service, we would have no leverage to competitively negotiate a price for the service. Considering that the Broadway Shuttle is funded by seven or so different public/private funding sources that are secured by the City, it is critical that the City be able to apply for the TFCA portion of its shuttle budget.</p>	<p>This comment is in reference to a separate, but parallel process on the future cycles of the Shuttle and Ridesharing program. Staff has been in touch with the City of Oakland representative to discuss their concerns.</p>

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 8, 2014

Re: Bicycle Rack Voucher Program (BRVP) Vendor Selection

RECOMMENDATION:

Recommend the Board of Directors:

1. Authorize the Executive Officer/APCO to enter into and execute all necessary contracts with Dero Bike Rack Co., Peak Racks Inc., Saris Cycling Group, Sportswork Northwest Inc., and Urban Racks not to exceed a total of \$860,000.

BACKGROUND

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area to fund projects that reduce on-road motor vehicle emissions. The Air District has allocated these funds to its Transportation Fund for Clean Air (TFCA) to fund eligible projects. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242.

Sixty percent (60%) of TFCA funds are allocated to eligible programs implemented directly by the Air District, including the Smoking Vehicle Program, the Spare the Air Program, and the BRVP, and on a competitive basis to eligible projects through the TFCA Regional Fund.

DISCUSSION

In 2013, staff developed the BRVP to expand availability of new bicycle parking facilities in the nine-county Bay Area. Through the BRVP, the Air District contracts with selected bicycle rack vendors and issues vouchers to applicants in the amount of up to \$60 for each bicycle parking space created (e.g., a typical two-space bicycle rack would qualify for a voucher of up to \$120). The \$60 cap allows these projects to meet a \$90,000 per ton of emissions reduced cost-effectiveness. All Bay Area public agencies are eligible to participate in this streamlined program and access low (bulk rate) pricing.

FYE 2014 Program (Year 1)

In this first cycle, Creative Pipe, Inc., Dero Bike Rack Co., and Sportswork Northwest Inc. applied and were selected for participation as authorized vendors in the program. The Air District began accepting applications from public agencies for Year 1 on September 30, 2013, and the application deadline is June 30, 2014. As of May 6th, the Air District has issued vouchers to 23 agencies in the amount of \$93,899.07. This represents approximately 1,565 new bicycle parking spaces.

FYE 2015 Program (Year 2)

For Year 2, the Air District issued a noncompetitive Request for Proposals (RFP) on February 20, 2014. The RFP required vendors to offer a fixed, competitive price for the purchase of bicycle rack equipment. The Air District hosted a pre-bidders webinar conference on March 6, 2014, and received five proposals by the March 24, 2014 deadline. An evaluation committee comprised of staff from the Air District, City of San Mateo, and City and County of San Francisco, vetted the proposals received based on the overall proposal, equipment prices, and the vendor’s status as a green/local business. All five of the proposals received scored 81% or better. Based on the combined scores shown in Table 1, staff is recommending that the Air District execute contracts with each of the proposers: Dero Bike Rack Co., Peak Racks Inc., Saris Cycling Group, Sportswork Northwest Inc., and Urban Racks. Although these vendors offer similar types of equipment, staff is recommending that all five vendors be included in the BRVP to allow greater equipment choice to applicants.

Table 1 –Bidder Scores by Criteria

	Dero	Peak Racks	Saris	Sportswork	Urban Racks
Proposal (30 pts.)	27	25	25	25	26
Price (60 pts.)	53	58	53	55	55
Green/Local (10 pts.)	8	6	3	5	6
Total	88	89	81	85	87

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The Air District distributes “pass-through” funds to public agencies and private entities on a reimbursement basis. Administrative costs for the TFCA Regional Fund program is provided by the funding source. Funding for the BRVP is provided through FYE 2014 and 2015 TFCA Funds.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Patrick Wenzinger
Reviewed by: Karen Schkolnick

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Date: May 28, 2014

Re: Report of the Executive Committee Meeting of May 28, 2014

RECOMMENDED ACTION

A consensus of the Executive Committee (Committee) members present recommended Board of Directors' (Board) approval of the following items:

- A) None; receive and file;
- B) None; receive and file.
- C) Update on the My Air Online Program:
 - 1) Select Lightmaker USA, Inc. (Lightmaker) as the successful vendor for the Geospatial Mapping and Data Visualization Tool for the My Air Online program website; and
 - 2) Authorize the Executive Officer/APCO to execute all contracts not to exceed \$193,320 with Lightmaker for this project.
- D) Authorize the Executive Officer/APCO to prepay one annual payment of \$368,000 for the Air District's Information Technology (IT) infrastructure capital lease.

BACKGROUND

The Committee met on Wednesday, May 28, 2014, and received the following reports:

- A) Hearing Board Quarterly Report – January through March 2014;
- B) Update of Remote Participation Protocol for Committee Meetings;
- C) Update on the My Air Online Program; and
- D) IT Infrastructure for 375 Beale Street Vendor Prepayment in Excess of \$70,000.

Chairperson Nate Miley will give an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

- A) None.
- B) None.
- C) Funding for the vendor contract recommendations is included in the proposed Fiscal Year End (FYE) 2014 and 2015 budgets and will be funded from the My Air Online Program (Account #125).
- D) The advanced expenditure on IT infrastructure will increase the FYE 2014 budget by \$368,000, and create a net savings on the lease costs of approximately \$5,000. No further impact is anticipated.

Air District staff anticipates that the additional costs of new infrastructure for the 375 Beale Street location to be in the range of the current lease costs. Air District staff anticipates that these costs will be folded into the FYE 2016 budget, following Board approval of a new lease agreement.

Costs for new desktop equipment have been built into a strategic reserve fund in the FYE 2015 budget. Air District staff will return to the Board with a proposal for the purchase of the new equipment prior to seeking an increase in the FYE 2015 operating budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sean Gallagher

Attachment A: 05/28/14 – Executive Committee Meeting Agenda #4

Attachment B: 05/28/14 – Executive Committee Meeting Agenda #5 with Attachments

Attachment C: 05/28/14 – Executive Committee Meeting Agenda #6

Attachment D: 05/28/14 – Executive Committee Meeting Agenda #7

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Chairperson Terry Trumbull, Esq., and Members
of the Hearing Board

Date: April 22, 2014

Re: Hearing Board Quarterly Report – January through March 2014

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

During the first quarter of 2014 (January through March), the Hearing Board:

- Held two hearings consisting of one Accusation (3659), no Appeals and one Variance (3658);
- Processed a total of two orders consisting of one Accusation (3659), no Appeals, no Variances, no Emergency Variances and one Request for Withdrawal/Dismissal (3657); and
- Collected a total of \$6,520.00 in filing fees.

Below is a detail of Hearing Board activity during the same period:

Location: Alameda County; City of Hayward

Docket: 3657 RUSSELL CITY ENERGY COMPANY, LLC – *Application for Interim and Regular Variances*

Regulation(s): 2-1-307; Authority to Construct and Prevention of Significant Deterioration permit Condition 23763, Parts 44 and 45

Synopsis: Applicant is the owner and/or operator of a combined cycle power generation facility equipped with a nine-cell cooling tower with high-efficiency mist eliminators testing in excess of the required drift rate.

Status: Application withdrawn March 4, 2014 and Order for Dismissal filed March 13, 2014

Period of Variance: Requested December 20, 2013 through September 30, 2014

Estimated Excess Emissions: Fine and ultrafine particulate matter in amounts to be determined

Fees collected this quarter: \$0.00

Location: Santa Clara County; City of San Jose

Docket: 3658 GUADALUPE RUBBISH DISPOSAL COMPANY, INC. – *Application for Regular Variance*

Regulation(s): 8-34-301.1; and California Air Resources Board Landfill Methane Rule, Section 95464(b)(2)(A)

Synopsis: Applicant operates a landfill and states that the current abatement flare may not be able to abate all landfill gas (LFG) generated by Fall 2014 and proposes to install a non-enclosed candlestick flare in the interim in tandem with the existing enclosed flare in order to abate the additional LFG until the new larger permanent flare and power plant engines are installed by the end of October 2014. The District approved the new flare and power plant engines project in August 2012, and it is valid until August 9, 2014. However, approval of the project by the City of San Jose is pending due to CEQA and EIR review.

Status: Application denied at the hearing on March 13, 2014

Period of Variance: Requested December 31, 2013 through October 31, 2014

Estimated Excess Emissions: 18.4 tons/year nitrogen oxides and 91.98 tons/year carbon monoxide

Fees collected this quarter: \$3,260.00

Location: Alameda County; City of Hayward

Docket: 3659 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. RUSSELL CITY ENERGY COMPANY, LLC – *Accusation*

Regulation(s): 2-2-307; Permit to Operate Condition 44

Synopsis: Respondent operates a 619 megawatt combined-cycle energy production facility that is expected to be a Title V facility once the application has been submitted. Source testing indicated that the Respondent violated the cooling tower ‘drift rate’ limit and that the regulated material in excess was particulate matter. The drift rate tested approximately one order of magnitude (i.e., ten times) above the permissible limit.

Status: Stipulated Conditional Order for Abatement filed March 13, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A

Location: Contra Costa County; City of Richmond

Docket: 3660 CHEVRON PRODUCTS COMPANY – *Appeal*

Regulation(s): Permit to Operate Abatement Equipment, A-629, Temporary Carbon System for Abating No. 17 Pump Station Fugitive Emissions

Synopsis: In 1992, Appellant applied for a permit to install eight thermal oxidizers to abate various pump seal fugitive emissions and applied to use thermal oxidizers for the exemptions. In August 2013, Appellant found the thermal oxidizer operating less than the minimum required temperature and filed emergency variance docket number 3653. During the course of an Enforcement investigation, Appellant was found not to have done any preventative maintenance of the thermal oxidizer since installation in 1992 (over 20 years of operation). The variance was denied on September 12, 2013. In January 2014, Respondent issued the permit to operate with new Permit Condition # 8869 Part 5 (requiring continual abatement with the thermal oxidizers) and new Permit Condition # 25708.

Status: Hearing scheduled for April 17, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: \$3,260.00

Location: Contra Costa County; City of San Pablo

Docket: 3661 AIR POLLUTION CONTROL OFFICER OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT VS. ALEX AGUILAR – *Accusation*

Regulation(s): 2-1-302

Synopsis: Respondent is alleged to own and operate a body shop since at least 2012 without a permit to operate and failed to install a spray booth or use any filtration device for the coating operations and failed to maintain volatile organic compounds, coating, or solvent records, as required per District regulations.

Status: Hearing scheduled for April 10, 2014

Period of Variance: N/A

Estimated Excess Emissions: N/A

Fees collected this quarter: N/A

Respectfully submitted,

Terry Trumbull, Esq.
Chair, Hearing Board

Prepared by: Sean Gallagher
Reviewed by: Rex Sanders

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 12, 2014

Re: Update of Remote Participation Protocol for Committee Meetings

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In 2010, the Executive Committee discussed over several meetings a remote participation protocol for the Board of Directors to attend Committee meetings. Air District staff identified and tested the capabilities of two remote videoconference locations, one at the Santa Rosa Junior College in Santa Rosa and the other at the Santa Clara County Building in the City of San Jose.

In October 2010, the Executive Committee recommended that the Board develop a protocol that would allow remote participation by members via videoconference and teleconference for committee meetings.

In January 2011, the Executive Committee recommended, and the Board adopted, a protocol for remote participation of committee meetings during meetings that were informational only (no remote voting).

In May 2013, the Executive Committee revisited the protocol, recommended changes to the protocol and the Board adopted the following Remote Participation Protocol for Committee meetings:

1. Allow remote participation by committee members for all committee meetings held in the Air District Headquarters 4th floor Conference Room at 939 Ellis Street in San Francisco, with the exception of Executive Committee and Personnel Committee meetings.
2. Any remote participation for committee meetings will occur only via video-conferencing at identified and secured locations.
3. Video-conferencing locations will be made available for committee meetings upon direction of the Executive Officer/APCO or by request by one or more members of the committee; provided the location(s) is/are available and all legal noticing requirements can be met.

The Air District staff utilizes the following video-conferencing locations to implement the protocol:

North Bay: Santa Rosa Junior College in Santa Rosa

South Bay: San Jose State University in San Jose

East Bay: California State University East Bay – Oakland Center

DISCUSSION

In 2013, the Climate Protection Committee began to have larger stakeholder participation and public attendance at meetings. The Committee, which traditionally met in the 4th Floor conference room at the Air District, no longer accommodates the number of public members that attend the meetings. Air District staff, in consultation with the Chair of the Committee, moved the meeting to the 7th Floor Board Room in anticipation of a sustained increase in participation. The increase in participation has continued to date.

Director Shirlee Zane (Sonoma County) regularly participates Committee meetings via the videoconference location at Santa Rosa Junior College when the meeting is held in the 4th Floor Conference Room. Because the 7th Floor Board Room does not have videoconferencing capabilities, Director Zane is not able to participate via videoconference.

On March 18, 2014, Director Zane sent a letter to the Board of Directors asking the Board to, “revisit the remote conferencing policy to find a solution to this relatively simple problem.” The letter is attached for your reference.

At the March 19, 2014 Board Meeting, Chair Miley referred Director Zane’s request to the Executive Committee for review.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Rex Sanders

Attachment: Letter Addressed to the Board of Directors from Director Shirlee Zane dated March 18, 2014

BOARD OF SUPERVISORS

575 ADMINISTRATION DRIVE, RM. 100A
SANTA ROSA, CALIFORNIA 95403

(707) 565-2241
FAX (707) 565-3778



SHIRLEE ZANE
Supervisor, Third District

March 18, 2014

Dear Fellow Bay Area Air Quality Management District Board of Directors,

As you know I am a member of the Bay Area Air Quality Management District's (BAAQMD) Climate Protection Committee. Since last year I have been participating by videoconference when the meetings are held in the 4th floor conference room. Videoconferencing has spared me (and our crowded Bay Area freeways, our climate and our air quality) the four hour roundtrip drive I would need to make to attend the meetings. Remote participation also appeals to my environmental sensibilities. **It took quite a bit of lobbying on my part to get the videoconferencing approved; frankly it has been frustrating to me that BAAQMD has been slow to embrace remote participation for committee meetings given its mission "to protect and improve public health, air quality, and the global climate."**

I write to you today because stakeholders have been quite active in attending the Climate Committee meetings. As such, BAAQMD staff have decided to move the meetings to the 7th floor Board room—where there is no videoconferencing capability. I have been advised by BAAQMD staff that I will now have only one option—to attend the Climate meetings in person. As a compromise I suggested that I participate via teleconference but according to staff teleconferencing has not been authorized by the Board.

With all due respect to Chair Miley and our Board, it does not make any sense whatsoever to make it virtually impossible for me to attend, of all things, a Climate Protection Committee meeting because I cannot justify the drive, both in terms of time constraints and with regard to GHG emissions. I also think that having a remote location can allow more stakeholders to participate without commuting. I know that Sonoma County's leading non-profit climate partner—The Climate Protection Campaign—will also not be able to participate without the remote location in Santa Rosa.

The Climate Committee is doing important work and I feel strongly that I need to continue to participate at the level that videoconferencing has allowed. I would ask that the Board revisit the remote conferencing policy to find a solution to this relatively simple problem. **To be quite frank, I can't believe how difficult it has been to bring the Air District into the modern era of remote participation, again, given its mission.**

Please let me know if you are willing to address this issue. I appreciate your consideration of my request.

Most sincerely,

Shirlee Zane
Supervisor, Third District

**Supervisor Shirlee Zane
Sonoma County's Third District**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 25, 2014

Re: Update on the My Air Online Program

RECOMMENDED ACTION

Recommend Board of Directors:

- 1) Select Lightmaker USA, Inc. (Lightmaker) as the successful vendor for the Geospatial Mapping and Data Visualization Tool for the My Air Online program website; and
- 2) Authorize the Executive Officer/APCO to execute all contracts not to exceed \$193,320 with Lightmaker USA, Inc. for this project.

BACKGROUND

At the Board of Directors meeting of June 17, 2013, the Executive Officer/APCO presented an update on the My Air Online program. He discussed the integration of the production system project, website redesign, and other Air District data platforms, such as air quality monitoring and CARE data, for a unified face for the agency to the public. This integrated program is called My Air Online.

Air District staff will present the current status of the My Air Online program, an update on the website component of the project and a recommendation regarding the results of a request for proposals for a Geospatial Mapping and Data Visualization Tool for the new site.

DISCUSSION

My Air Online Program

The following describes the status of the main components of the My Air Online Program, the production system and website:

Production System

By the end of the year, the production system project will:

- Provide online permitting for gas stations, auto body shops and dry cleaners for the public;
- Provide the public with tools to submit air quality complaints online; and
- Provide the business community with ability to submit asbestos payments online

At present, Air District staff is currently working to finalize the internal applications for auto body shops and complaints (having completed gas stations, online asbestos payments and dry cleaners previously). Air District staff expects that these applications will be fully functional internally by July 2014, at which point, focus groups will be formed to execute a pilot program. The pilot program will demonstrate the My Air Online public/industry interface and will seek input from a range of users (permitted facilities, asbestos contractors and members of the public making complaints) on its form and function. The pilot program is scheduled to run between July and September of 2014. Based on the results of the pilot program, staff will revise the interface and integrate it into the format of the new website design (see below) with a view to having the interface online for all users by December 2014.

Website

The discovery and assessment phases of the Air District’s website redesign project have been completed. The contractor and Air District staff has also completed the high-level information architecture, wireframes and mood boards (look and feel concepts) for the project and are now moving into the visual design of the site.

Additionally, Air District staff has completed a request for proposals (RFP) for the Geospatial Mapping and Data Visualization Tool for the My Air Online program website. Air District staff released the RFP on November 8, 2013 and responded to questions about the solicitation on November 14, 2013. The RFP closed on November 19, 2013 with the Air District receiving three responses. Responses were rated on a 100 point scale based on organizational background, expertise, approach to the project, costs and specially focus area (minority, locally owned, green business, etc.). The following table shows the results of staff’s evaluation of each of the respondents:

Table 1 - Results of RFP for Geospatial Mapping and Data Visualization Tool

Respondent	Organizational background (5 points)	Expertise (40 points)	Approach to project (40 points)	Costs (10 points)	Specially Focus Area (5 points)	Total (100 points)
Lightmaker USA, Inc.	5	38	36	6	2	86
Farallon Graphics	4	31	32	7	4	78
SymSoft	4	26	26	1	4	62

Based on the results of the RFP, staff is requesting Board approval of Lightmaker USA, Inc., as the contractor for the Geospatial Mapping and Data Visualization Tool for the My Air Online program website.

Should the Board approve Air Districts staff’s recommendation, it is expected that the Geospatial Mapping and Data Visualization Tool and the website’s main functionality will be developed between July 2014 and early 2015. Following the launch of the main site, Air District staff

expects that additional custom functionality and a range of language translations for the sites main pages will come online in the March/April 2015 time frame.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the vendor contract recommendations is included in the proposed Fiscal Year End 2014 and 2015 budgets and will be funded from the My Air Online Program (Account #125).

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Executive Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: April 25, 2014

Re: Information Technology (IT) Infrastructure for 375 Beale Street Vendor Prepayment
in Excess of \$70,000

RECOMMENDED ACTION:

Recommend Board of Directors:

- 1) Authorize the Executive Officer/APCO to prepay one annual payment of \$368,000 for the Air District's IT infrastructure capital lease.

BACKGROUND

In July 2010, the Air District entered into a six year capital lease agreement for the purchase of IT infrastructure including computer servers, storage and networking equipment. The terms of the lease require that the Air District make a single annual payment of \$368,000 in July every year for six consecutive years, with the final payment due in July 2015 (Fiscal Year End 2016).

The useful life of the IT infrastructure purchased under this lease is six years and the Air District had planned to replace this equipment in 2016 (FYE 2017) as part of normal operations. However, as the Air District is currently scheduled to relocate its offices to 375 Beale Street in 2015 (FYE 2016), Air District staff believes it is best to accelerate the equipment replacement schedule.

Additionally, as part of the move the Air District wishes to replace its current desktop computers for both functional (the current desktop equipment at 939 Ellis Street is also approaching its end of life) and operational reasons. As part of this report Air District staff will update the Executive Committee on the process for purchasing new IT infrastructure and desktop equipment, the advantages of prepaying the current IT infrastructure lease and next steps.

DISCUSSION

IT Infrastructure

Procuring equipment every six years allows the Air District to take advantage of price reductions as a result of quantity procurements. In addition, a capital lease with regular payments allows

the Air District to maintain relatively constant annual costs for IT infrastructure instead of making single large capital investments every six years.

Prepaying the current lease by one year will allow the Air District to enter into a new capital lease agreement one year early, and provide the necessary lead time for the new IT infrastructure to be installed and tested in the 375 Beale Street offices prior to the Air District's re-location. Installing new equipment at the new location will eliminate the risk and expense required to move and reconfigure existing IT infrastructure that is approaching end of life in a new building. Additionally, this purchase will allow the Air District seamless transition for critical systems during the move from 939 Ellis to 375 Beale Street.

After the move to 375 Beale Street, a portion of the current IT infrastructure will be put into back-up service to enhance the Air District's disaster recovery capabilities. Remaining portions of the IT infrastructure that cannot be utilized by the Air District will be disposed of in accordance with green e-waste practices.

If the Board approves Air District staff's recommendation, the process for seeking out best financial arrangement for future IT equipment will begin this summer. Air District staff expects to investigate a number of different financial and hardware solutions and obtain several quotes prior to recommending a new capital lease to the Board. Air District staff expects to recommend that the new leasing arrangement begin approximately six to nine months prior to the move to 375 Beale Street. This lead-time should ensure that all IT Infrastructure equipment is configured correctly for Air District operations at move-in.

Desktop Equipment

As part of upgrades to computer and phone systems, the Air District purchased new desktop equipment in October 2010. The equipment was purchased with the understanding that the desktop computers would have an approximately 4 to 5 year useful life.

As the desktop equipment is expected to reach the end of its useful life around the time of the Air District's relocation to 375 Beale Street, Air District staff will begin the process of investigating a new desktop solution that can:

- 2) Meet the new operational needs of the Air District in the 375 Beale Street space, where it is envisioned that Air District staff will need increased mobility to take advantage of communal meeting spaces.
- 3) Interface with new cloud computing software that will allow for remote storage and access of files and e-mails.

Air District staff expects a number of options regarding technology and financing and will return to the Board with recommendations in late 2014.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The advanced expenditure on IT infrastructure will increase the FYE 2014 budget by \$368,000, and create a net savings on the lease costs of approximately \$5,000. No further impact is anticipated.

Air District staff anticipates that the additional costs of new infrastructure for the 375 Beale Street location to be in the range of the current lease costs. Air District staff anticipates that these costs will be folded into the FYE 2016 budget, following Board approval of a new lease agreement.

Costs for new desktop equipment have been built into a strategic reserve fund in the FYE 2015 budget. Air District staff will return to the Board with a proposal for the purchase of the new equipment prior to seeking an increase in the FYE 2015 operating budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 23, 2014

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 Air District Regulation 3: Fees that would become effective on July 1, 2014 and approve the filing of a California Environmental Quality Act (CEQA) Notice of Exemption.

BACKGROUND

Staff develops amendments to the Air District's fee regulation as a part of the annual budget preparation process. On March 7, 2012, the Board of Directors adopted a Cost Recovery Policy that established a goal of increasing fee revenue sufficient to achieve 85 percent recovery of regulatory program costs by Fiscal Year Ending (FYE) 2016. Staff estimated that in order to achieve this goal, fee revenue will need to be increased by approximately 6.4 percent per year between FYE 2013 and 2016.

DISCUSSION

At the April 16, 2014 Board of Directors meeting, staff presented proposed fee amendments for FYE 2015 that are consistent with provisions of the Cost Recovery Policy. Updated cost recovery analyses were used to establish amendments for each existing fee schedule. Existing fee rates would be increased by 2, 5, 7, or 9 percent. Several fees that are administrative in nature, such as permit application filing fees and permit renewal processing fees would be increased by 3 percent.

In addition, proposed amendments to Schedule T: Greenhouse Gases would increase the fee rate from \$0.048 to \$0.09 per metric ton of carbon dioxide equivalent (CDE) emissions. This fee increase is intended to fund stationary source programs necessary to implement Board Climate Protection Resolution No. 2013-11.

A final Staff Report that is enclosed with this memorandum provides additional details regarding the proposed fee amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

The proposed fee amendments are expected to increase fee revenue in FYE 2015 by approximately \$2.7 million relative to fee revenue that would be expected without the amendments.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Jim Karas
Reviewed by: Jeffrey McKay

Attachment: Staff Report - Proposed Amendments to BAAQMD Regulation 3: Fees



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

MAY 23, 2014

TABLE OF CONTENTS

1.	EXECUTIVE SUMMARY.....	1
2.	BACKGROUND.....	2
3.	PROPOSED FEE AMENDMENTS FOR FYE 2015	
	3.1 OVERVIEW OF PROPOSED AMENDMENTS.....	4
	3.2 PROPOSED RULE AMENDMENTS.....	6
4.	FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES	11
5.	STATUTORY AUTHORITY FOR PROPOSED FEE INCREASES.....	12
6.	ASSOCIATED IMPACTS/RULE DEVELOPMENT REQUIREMENTS	
	6.1 EMISSIONS IMPACTS.....	13
	6.2 ECONOMIC IMPACTS.....	13
	6.3 ENVIRONMENTAL IMPACTS.....	16
	6.4 STATUTORY FINDINGS.....	16
7.	RULE DEVELOPMENT PROCESS.....	17
8.	PUBLIC COMMENTS.....	17
9.	CONCLUSIONS.....	18
	Appendix A – Cost Recovery Policy.....	A-1
	Appendix B – Proposed Regulatory Language - Regulation 3: Fees.....	B-1

1. EXECUTIVE SUMMARY

District staff has prepared proposed amendments to District Regulation 3: Fees for Fiscal Year Ending (FYE) 2015 (i.e., July 1, 2014 to June 30, 2015) that would increase revenue to enable the Bay Area Air Quality Management District (District) to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution. A recently completed 2014 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 2013), fee revenue recovered 80 percent of program activity costs.

The proposed fee amendments for FYE 2015 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 conjunction with the adoption of budgets for FYE 2013 through FYE 2016, in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent. 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 estimated that fee revenue would need to be increased by an average of 6.4 percent per year through FYE 2016 in order to meet the Cost Recovery Policy's 85 percent cost recovery goal.

The results of the 2014 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 be raised by the annual increase in the Bay Area Consumer Price Index (2%), while other fee schedules would be increased by 7, 8, 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 3 percent. In addition, proposed amendments to Schedule T: Greenhouse Gases would increase the fee rate from \$0.048 to \$0.09 per metric ton of carbon dioxide equivalent (CDE) emissions. This fee increase is intended to fund stationary source programs necessary to implement the Board of Director's Climate Protection Resolution No. 2013-11.

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 gasoline dispensing nozzles, which would have larger fee increases (e.g., a typical gas station with 10, three-product gasoline dispensing nozzles would have an increase of \$186 in annual permit renewal fees). For larger facilities, increases in annual permit renewal fees would range between 4 and 15 percent due to differences in the facility's size, type of emission sources, and emission rates. In accordance with State law, overall permit fees cannot increase by more than 15 percent in any calendar year. 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.

The proposed fee amendments would increase overall District fee revenue in FYE 2015 by approximately \$2.7 million relative to fee revenue that would be expected without the amendments.

District staff recommends that the Board of Directors adopt the proposed amendments to Regulation 3: Fees with an effective date of July 1, 2014, and approve the filing of a CEQA Notice of Exemption following the 2nd public hearing scheduled to consider this matter on June 4, 2014.

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) area-wide 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 64 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 specifies that the District should amend its fee regulation, in conjunction with the adoption of budgets for FYE 2013 through FYE 2016, in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent. 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 2013) using the methodology established by Matrix Consulting Group. This 2014 Cost Recovery Study (a copy of which is available on request) indicates that overall cost recovery increased from 76 percent in FYE 2012 to 80 percent in FYE 2013. The increase in cost recovery observed relative to the prior fiscal year was due largely to continuing cost containment measures implemented by the District including maintaining historically high vacancy rates and reducing capital expenditures.

3. PROPOSED FEE AMENDMENTS FOR FYE 2015

3.1 OVERVIEW OF PROPOSED AMENDMENTS

For FYE 2015, 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). Staff estimates that a 6.4 percent annual increase in fee revenue will be needed over the next two years in order to meet the District's cost recovery goal of achieving 85 percent overall cost recovery by FYE 2016.

The results of the 2014 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 be raised by the annual increase in the Bay Area Consumer Price Index (2%), while the fee rates in other fee schedules would be increased by 7, 8, 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	Change in Fees	Affected Fee Schedules
Revenue exceeds 95% of costs	2% increase	C, G-5, M, N, Q, U, V
Revenue is 85 to 95% of costs	7% increase	B, D, I
Revenue is 75 to 84% of costs	8% increase	F, G-4
Revenue is less than 75% of costs	9% increase	A, E, G-1, G-2, G-3, H, K, L, P, R, S

Cost recovery for Schedule D, Gasoline Transfer at Gasoline Dispensing Facilities and Schedule I, Dry Cleaners for FYE 2013 was less than 75%, however, a 7% fee increase is proposed for these schedules since the District’s permitting and compliance costs in these areas continue to decrease in FYE 2014. The District’s regulatory activities related to gasoline dispensing have trended lower due to the completed installation of enhanced vapor recovery and in-station diagnostics over the past several years as required by state law. Similarly, changes in state law prohibiting the use of perchloroethylene in dry cleaning operations have led to a shift in resources from permitted dry cleaning operations to non-halogenated solvent operations subject to the District’s registration requirements. These trends are expected to continue into FYE 2015.

In addition to the proposed amendments to fee schedules, District staff is proposing to increase several administrative fees that appear in the Standards section of Regulation 3 by three 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.

Schedule T: Greenhouse Gas Fees

The purpose of Schedule T: Greenhouse Gas Fees is to recover the District’s costs of its Climate Protection Program activities related to station sources. Schedule T fees are assessed to permitted facilities in proportion to the annual emissions of Greenhouse Gases (GHG) expressed on a carbon dioxide equivalent (CDE) basis, excluding any emitted biogenic carbon dioxide. The GHG emissions are calculated based on data reported to the District for the most recent 12-month period prior to billing.

The proposed amendments to Schedule T would increase the fee rate from \$0.048 to

\$0.09 per metric ton of CDE emissions. This fee increase is intended to fund stationary source programs necessary to implement the Board of Director's Climate Protection Resolution No. 2013-11, adopted on November 6, 2013. The increase in revenue from Schedule T, approximately \$800,000, is intended to recover the costs associated with additional resources including staff, professional services and capital expenditures.

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 41512.7(b) limits the allowable percentage increase in fees for authorities to construct and permits to operate to 15 percent per year. The proposed Regulation 3 fee amendments, including Schedule T, will increase annual permit renewal fees between 4% and a maximum of 15% per facility.

3.2 PROPOSED RULE 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. Additional details on the proposed fee amendments follow.

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

The proposed amendment to Section 3-302 is a 3 percent increase in the filing fee for permit applications for new/modified sources and abatement devices (rounded to the nearest whole dollar), from \$428 to \$441.

- Section 3-307: Transfers

The proposed amendment to Section 3-307 is a reduction in the transfer of ownership fee from \$428 to \$100. For most routine transfers, the reduced fee reflects the actual cost for this service. These fees primarily impact small businesses that tend to change ownership more frequently than larger facilities.

- Section 3-309: Duplicate Permit

The proposed amendment to Section 3-309 is a 3 percent increase in the fee for a duplicate permit to operate or registration, from \$72 to \$74.

- Section 3-311: Banking

The proposed amendment to Section 3-311 is a 3 percent increase in the filing fee for banking applications (rounded to the nearest whole dollar), from \$428 to \$441.

- 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 fifteen 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 to subsection 3-312.2 is a 3 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 \$1,083 to \$1,115 and the maximum fee would be increased from \$10,830 to \$11,155.

- 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 3 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 3 percent from \$428 to \$441. 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.

- Section 3-337: Exemption Fee

The proposed amendment to Section 3-337 is a 3 percent increase in the filing fee for a certificate of exemption, from \$428 to \$441.

- Section 3-405: Fees Not Paid

The proposed amendment to Section 3-405 clarifies that late fees are not additive. Fees received during the first thirty days following the due date are subject to a 10 percent late fee. Fees received more than 30 days after the due date are subject to a 50 percent late fee.

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 7 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 3 percent from \$428 to \$441.

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 be increased by 2 percent (rounded to the nearest whole dollar), except for the base fee for a health risk screening analysis for a source covered by Schedule C, which would be increased by 3 percent from \$428 to \$441.

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 7 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule D, which would be increased by 3 percent from \$428 to \$441. 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.

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 3 percent from \$428 to \$441.

Schedule F: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule F would be increased by 8 percent. The base fee for a health risk screening analysis for a source covered by Schedule F would be increased by 3 percent, from \$428 to \$441. 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 3 percent from \$428 to \$441. 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 be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-2 which would be increased by 3 percent from \$428 to \$441. 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 3 percent from \$428 to \$441. 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 be increased by 8 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-4, which would be increased by 3 percent from \$428 to \$441. 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 2 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 3 percent from \$428 to \$441. 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 3 percent from \$428 to \$441.

Schedule I: Dry Cleaners

Based on the cost recovery methodology listed in Table 1, the fees in Schedule I would be increased by 7 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule I, which would be increased by 3 percent from \$428 to \$441.

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 3 percent from \$428 to \$441.

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 or more of organic compounds, sulfur oxides, nitrogen oxides, and/or PM₁₀. District staff is proposing a 2 percent increase in the Schedule M fee rate based on the annual increase in the Bay Area Consumer Price Index.

Schedule N: Toxic Inventory Fees

Based on the cost recovery methodology listed in Table 1, the base fee in Sections 2 and 3 would be increased from \$82 to \$84. 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 for FYE 2015.

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 remain unchanged since the existing cap has never been exceeded. Language has been added to clarify that any applicable fees listed in Sections 3b-h, is required in addition to the filing fee.

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

Based on the cost recovery methodology listed in Table 1, the fees in Schedule T would be increased by 2 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.

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.

Schedule T: Greenhouse Gas Fees

District staff is proposing to increase Schedule T from \$0.048 to \$0.09 per metric ton of Carbon Dioxide Equivalent emissions.

Schedule U: Indirect Source Review Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule U would be increased by 2 percent.

Schedule V: Open Burning

Based on the cost recovery methodology listed in Table 1, the fees in Schedule V would be increased by 2 percent.

4. FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES

On an overall basis, the 2014 Cost Recovery Study (a copy of which is available on request) concluded that, for FYE 2013, fee revenue recovered 80 percent of regulatory program activity costs, with revenue of \$31.6 million and costs of \$39.4 million. This resulted in a shortfall, or cost recovery gap, of \$7.8 million which was filled by county tax revenue. The proposed fee amendments for FYE 2015 are projected to increase overall District fee revenue by approximately \$2.7 million relative to fee revenue levels that would be expected without the amendments. Revenue in FYE 2015 is expected to remain well below the District's regulatory program costs for both permitted and non-permitted sources.

Over the past several years, the District has implemented aggressive cost containment measures including maintaining historically high vacancy rates and reducing capital expenditures. In FYE 2015, the District is proposing to fill fifteen vacancies in the Compliance and Enforcement, Engineering, Technical Services and Information Services Divisions that will support mandated stationary source programs and ensure that these core functions will be maintained at levels necessary to adequately service the regulated community. In addition, four full-time equivalent positions are proposed for the District's Climate Action Work Programs.

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(b) 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 area-wide 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, for Indirect Source Review, and fees for open burning.

The proposed fee amendments are in accordance with all applicable authorities. Based on the results of the 2014 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 payer bear a fair and reasonable relationship to the payer'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 area wide 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 ten or more multiproduct gasoline nozzles.

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

Facility Type	Facility Description	Fee Increase	Total Fee
Gas Station	10 multi-product gasoline nozzles	\$186	\$2,932
Dry Cleaner (permitted)	One machine: 1,400 lb/yr Perc emissions	\$31	\$556
Dry Cleaner (registered)	One machine: 800 lb/yr VOC emissions	\$14	\$173
Auto Body Shop	one spray booth: 400 gal/yr paint 100 gal/yr cleanup solvent	\$37	\$495
Back-up Generator	One 300 hp engine	\$15	\$262

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., over 90 percent) relative to the Bay Area AQMD. A comparison of permit renewal fees recently completed by District staff for twelve different categories of small and medium-sized sources are provided in Figures 1 and 2 as follows:

Figure 1. Comparison of FYE 2014 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Small Sources

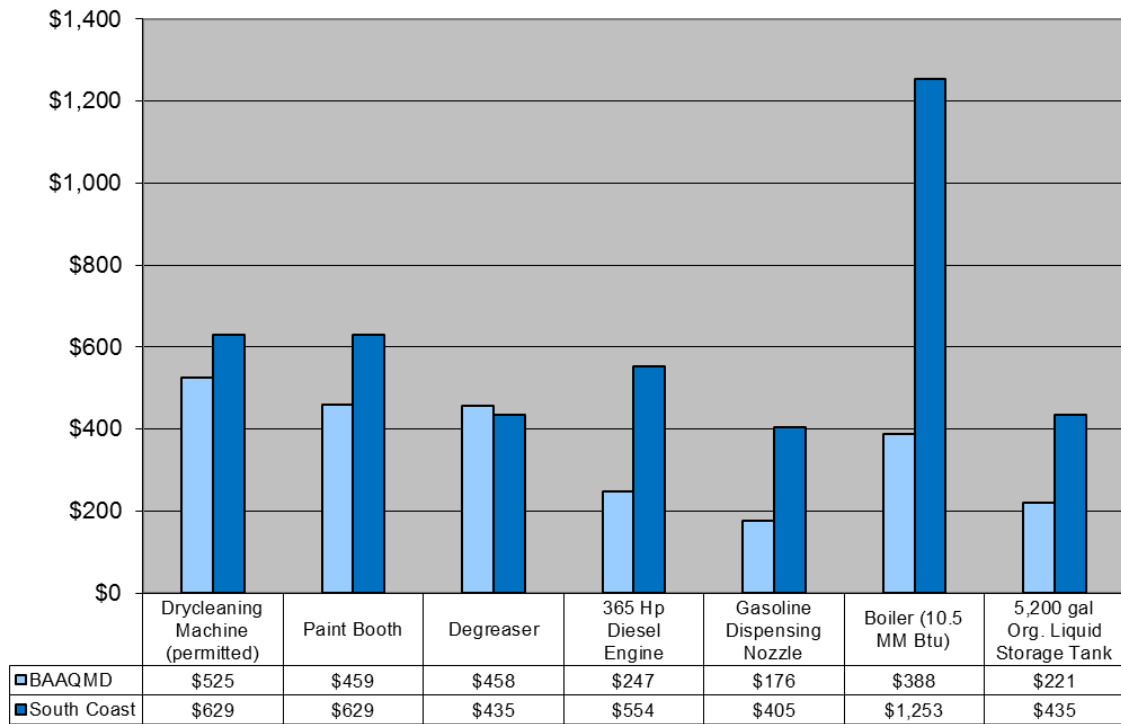
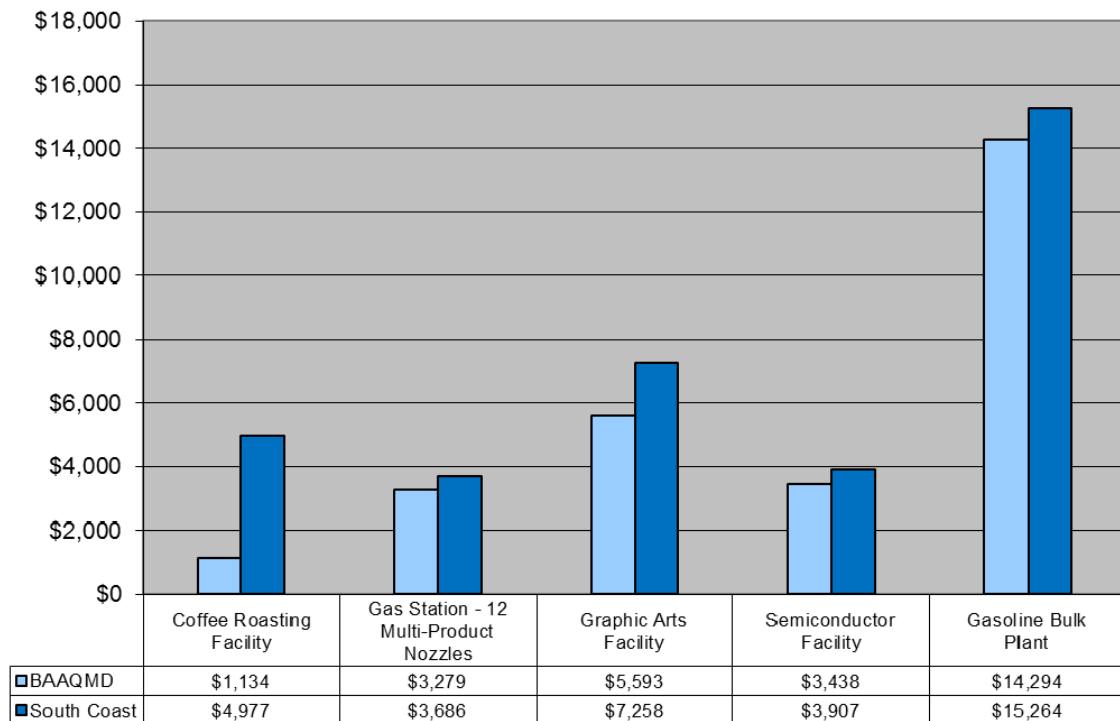


Figure 2. Comparison of FYE 2014 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Medium-sized Sources



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 five Bay Area refineries, the District's highest fee payers, would increase within an estimated range of 9 to 13 percent.

District staff is sympathetic to businesses that are impacted by persistent economic uncertainties, 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 January 24, 2014, the District issued a notice for a public workshop to discuss with interested parties an initial proposal to amend Regulation 3, Fees. Distribution of this notice included all District-permitted and registered facilities, asbestos contractors, and a number of other potentially interested stakeholders. The notice was also posted on the District website. A public workshop and simultaneous webcast was held on February 18, 2014 to discuss the initial Regulation 3 fee proposal. Two members of the public attended the workshop.

On March 20, 2014 staff mailed out a second notice to all facilities subject to Schedule T, Greenhouse Gas Fees. A revised Schedule T proposal was noted that would increase the fee rate from \$0.048 to \$0.09 per metric ton of carbon dioxide equivalent emissions.

On March 26, 2014 District staff provided a briefing on the proposed fee amendments to the District Board of Directors' Budget and Finance Committee. District staff also met with representatives of the California Council for Environmental and Economic Balance (CCEEB) on May 12, 2014 to discuss their concerns regarding the proposed fee amendments.

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, Schedule S: Naturally Occurring Asbestos Operations and Schedule V: Open Burning. A Public Hearing Notice for the proposed Regulation 3 was published on March 14, 2014. An initial public hearing to consider testimony on the proposed amendments was held on April 16, 2014. A second public hearing, to consider adoption of the proposed fee amendments, has been scheduled for June 4, 2014. If adopted, the amendments would be made effective on July 1, 2014, which is the beginning of FYE 2015.

8. PUBLIC COMMENTS

To date, the District has not received any written comments in response to the initial draft amendments to Regulation 3 presented at the fee workshop, or in response to the mail-out noting changes to Schedule T: Greenhouse Gas Fees.

Representatives of CCEEB expressed the following comments to District staff at a May 12, 2014 meeting regarding the proposed amendments to Regulation 3:

COMMENT: Paying Greenhouse Gas fees both at the state and local level is duplicative and unfair. The District should use General Fund revenue to pay for GHG programs.

RESPONSE: The State's AB-32 Greenhouse Gas Program and the District's Climate

Action Work Program are two distinct and separate endeavors. The Board of Director's Climate Protection Resolution No. 2013-11 directs staff to lead a regional climate protection planning process that is complementary and consistent with state and local efforts.

The proposed GHG Fee Schedule is intended to recover the costs of climate protection activities related to stationary sources. The District has and will continue to use General Fund revenue to fund the portion of GHG programs not related to stationary sources. In the future, if CARB provides a specific source of funding to air districts for the purpose of recovering costs of activities related to AB 32 implementation, District staff will reexamine the fee rate in Schedule T to avoid the "double counting" of fee revenue.

COMMENT: The Schedule T fee increase should be phased in over time to ease the economic burden of fee payers.

RESPONSE: District staff is sympathetic to businesses that are impacted by fee increases, but feel that the additional fee revenue from the amendment of Schedule T is needed in FYE 2015 in order to meet the requirements set forth in the Board of Director's Climate Protection Resolution No. 2013-11.

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 2014 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 payer bear a fair and reasonable relationship to the payer'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, 2014, and approve the filing of a CEQA Notice of Exemption, following the 2nd public hearing scheduled to consider this matter on June 4, 2014.



BAY AREA
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STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

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

MAY 23, 2014

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.



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STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES

APPENDIX B PROPOSED REGULATORY LANGUAGE REGULATION 3: FEES

MAY 23, 2014

REGULATION 3 FEES

INDEX

3-100 GENERAL

- 3-101 Description
- 3-102 Deleted July 12, 1989
- 3-103 Exemption, Abatement Devices
- 3-104 Deleted August 2, 1995
- 3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank
Operation Fees
- 3-106 Deleted December 2, 1998
- 3-107 Exemption, Sources Exempt from Permit Requirements

3-200 DEFINITIONS

- 3-201 Cancelled Application
- 3-202 Gasoline Dispensing Facility
- 3-203 Filing Fee
- 3-204 Initial Fee
- 3-205 Authority to Construct
- 3-206 Modification
- 3-207 Permit to Operate Fee
- 3-208 Deleted June 4, 1986
- 3-209 Small Business
- 3-210 Solvent Evaporating Source
- 3-211 Source
- 3-212 Deleted August 2, 1995
- 3-213 Major Stationary Source
- 3-214 Deleted effective March 1, 2000
- 3-215 Deleted effective March 1, 2000
- 3-216 Deleted effective March 1, 2000
- 3-217 Deleted effective March 1, 2000
- 3-218 Deleted effective March 1, 2000
- 3-219 Deleted effective March 1, 2000
- 3-220 Deleted effective March 1, 2000
- 3-321 Deleted effective March 1, 2000
- 3-222 Deleted effective March 1, 2000
- 3-223 Start-up Date
- 3-224 Permit to Operate
- 3-225 Minor Modification
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987
- 3-227 Toxic Air Contaminant, or TAC
- 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
3-238 Risk Screening Fee
3-239 Toxic Surcharge
3-240 Biogenic Carbon Dioxide
3-241 Green Business
3-242 Incident
3-243 Incident Response
3-244 Permit to Operate Renewal Date
3-245 Permit Renewal Period

3-300 STANDARDS

3-301 Hearing Board Fees
3-302 Fees for New and Modified Sources
3-303 Back Fees
3-304 Alteration
3-305 Cancellation or Withdrawal
3-306 Change in Conditions
3-307 Transfers
3-308 Change of Location
3-309 Duplicate Permit
3-310 Fee for Constructing Without a Permit
3-311 Banking
3-312 Emission Caps and Alternative Compliance Plans
3-313 Deleted May 19, 1999
3-314 Deleted August 2, 1995
3-315 Costs of Environmental Documentation
3-316 Deleted June 6, 1990
3-317 Asbestos Operation Fee
3-318 Public Notice Fee, Schools
3-319 Major Stationary Source Fees
3-320 Toxic Inventory Fees
3-321 Deleted December 2, 1998
3-322 Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees
3-323 Pre-Certification Fees
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
3-328 Fee for OEHHA Risk Assessment Reviews
3-329 Fee for Risk Screening
3-330 Fee for Renewing an Authority to Construct
3-331 Registration Fees
3-332 Naturally Occurring Asbestos Fees
3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees
3-334 Greenhouse Gas Fees
3-335 Indirect Source Review Fees
3-336 Open Burning Operation Fees
3-337 Exemption Fees
3-338 Incident Response Fees

3-400 ADMINISTRATIVE REQUIREMENTS

- 3-401 Permits
- 3-402 Single Anniversary Date
- 3-403 Change in Operating Parameters
- 3-404 Deleted June 7, 2000
- 3-405 Fees Not Paid
- 3-406 Deleted June 4, 1986
- 3-407 Deleted August 2, 1995
- 3-408 Permit to Operate Valid for 12 Months
- 3-409 Deleted June 7, 2000
- 3-410 Deleted August 2, 1995
- 3-411 Advance Deposit of Funds
- 3-412 Deleted December 2, 1998
- 3-413 Toxic "Hot Spots" Information and Assessment Act Revenues
- 3-414 Deleted December 2, 1998
- 3-415 Failure to Pay - Further Actions
- 3-416 Adjustment of Fees
- 3-417 Temporary Amnesty for Unpermitted and Unregistered Sources

3-500 MONITORING AND RECORDS (None Included)

3-600 MANUAL OF PROCEDURES (None Included)

FEE SCHEDULES

- SCHEDULE A HEARING BOARD FEES
- SCHEDULE B COMBUSTION OF FUEL
- SCHEDULE C STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS
- SCHEDULE D GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES, BULK PLANTS AND TERMINALS
- SCHEDULE E SOLVENT EVAPORATING SOURCES
- SCHEDULE F MISCELLANEOUS SOURCES
- SCHEDULE H SEMICONDUCTOR AND RELATED OPERATIONS
- SCHEDULE I DRY CLEANERS
- SCHEDULE J DELETED February 19, 1992
- SCHEDULE K SOLID WASTE DISPOSAL SITES
- SCHEDULE L ASBESTOS OPERATIONS
- SCHEDULE M MAJOR STATIONARY SOURCE FEES
- SCHEDULE N TOXIC INVENTORY FEES
- SCHEDULE O DELETED May 19, 1999
- SCHEDULE P MAJOR FACILITY REVIEW FEES
- SCHEDULE Q EXCAVATION OF CONTAMINATED SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS
- SCHEDULE R EQUIPMENT REGISTRATION FEES
- SCHEDULE S NATURALLY OCCURRING ASBESTOS OPERATIONS
- SCHEDULE T GREENHOUSE GAS FEES
- SCHEDULE U INDIRECT SOURCE REVIEW FEES
- SCHEDULE V OPEN BURNING

REGULATION 3 FEES

(Adopted June 18, 1980)

3-100 GENERAL

3-101 Description: This regulation establishes the regulatory fees charged by the District.
(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; 6/19/13)

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 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)
- 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)
- 3-242** **Incident:** A non-routine release of an air contaminant that may cause adverse health consequences to the public or to emergency personnel responding to the release, or that may cause a public nuisance or off-site environmental damage.
(Adopted June 19, 2013)
- 3-243** **Incident Response:** The District's response to an incident. The District's incident response

may include the following activities: i) inspection of the incident-emitting equipment and facility records associated with operation of the equipment; ii) identification and analysis of air quality impacts, including without limitation, identifying areas impacted by the incident, modeling, air monitoring, and source sampling; iii) engineering analysis of the specifications or operation of the equipment; and iv) administrative tasks associated with processing complaints and reports.

(Adopted June 19, 2013)

3-244 Permit to Operate Renewal Date: The first day of a Permit to Operate's Permit Renewal Period.

(Adopted June 19, 2013)

3-245 Permit Renewal Period: The length of time the source is authorized to operate pursuant to a Permit to Operate.

(Adopted June 19, 2013)

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 \$428441, 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 \$428441, 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 \$428-441 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; 6/6/12; 6/19/13)

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. Upon submittal of a \$428100 transfer of ownership fee, 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; 6/19/13)

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 or Registration: An applicant for a duplicate permit to operate or registration shall pay a fee of ~~\$72-74~~ per permit or registration.

(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; 6/19/13)

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. 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.

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 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; 6/6/12)

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 ~~\$428-441~~ 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 ~~\$428-441~~.

(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; 6/6/12; 6/19/13)

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, or Regulation 9, Rule 10 shall pay an annual fee of ~~\$1,083,115~~ for each source included in the alternative compliance plan, not to exceed ~~\$40,830,115~~.

(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; 6/6/12; 6/19/13)

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 \$2,100 per application, and

318.2 The District's cost exceeding \$2,100 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 that covers each Permit Renewal Period as follows:

- 327.1 ~~\$84-87~~ for facilities with one permitted source, including gasoline dispensing facilities,
- 327.2 ~~\$167-172~~ for facilities with 2 to 5 permitted sources,
- 327.3 ~~\$332-342~~ for facilities with 6 to 10 permitted sources,
- 327.4 ~~\$499-514~~ for facilities with 11 to 15 permitted sources,
- 327.5 ~~\$662-682~~ for facilities with 16 to 20 permitted sources,
- 327.6 ~~\$829-854~~ 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; 6/6/12; 6/19/13)

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)

3-336 Open Burning Operation Fees: Effective July 1, 2013, any person required to provide notification to the District prior to burning; submit a petition to conduct a Filmmaking or Public Exhibition fire; receive an acreage burning allocation to conduct a Stubble fire; or submit a smoke management plan and receive an acreage burning allocation to conduct a Wildland Vegetation Management fire or Marsh Management fire shall pay the fee given in Schedule V.

(Adopted June 19, 2013)

3-337 Exemption Fee: An applicant who wishes to receive a certificate of exemption shall pay a filing fee of \$~~428441~~ per exempt source.

(Adopted June 19, 2013)

3-338 Incident Response Fee: Any facility required to obtain a District permit, and any District-regulated area-wide or indirect source, that is the site where an incident occurs to which the District responds, shall pay a fee equal to the District's actual costs in conducting the incident response as defined in Section 3-243, including without limitation, the actual time and salaries, plus overhead, of the District staff involved in conducting the incident response and the cost of any materials.

(Adopted June 19, 2013)

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 ~~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 ~~an~~ **additional** late fee equal to 50 percent of all fees specified on the invoice.

405.3 Renewal of Permit to Operate: The owner or operator of a facility must renew the Permit to Operate in order to continue to be authorized to operate the source. Permit to Operate Fees for the Permit Renewal Period shall be calculated using fee schedules in effect on the Permit to Operate Renewal Date. The permit renewal invoice will include all fees to be paid in order to renew the Permit to Operate, as specified in Section 3-327. If not renewed as of the date of the next Permit Renewal Period, a Permit to Operate lapses and further operation is no longer authorized. The District will notify the facility that the permit has lapsed. Reinstatement of lapsed Permits to Operate will require the payment of all unpaid prior Permit to Operate fees and associated reinstatement fees for each unpaid prior Permit Renewal Period, in addition to all fees specified on the permit renewal invoice.

405.4 Reinstatement of Lapsed Permit to Operate: To reinstate a Permit to Operate, the owner or operator must pay all of the following fees:

- 4.1 The applicable Permit to Operate Fees for the current year, as specified in Regulation 3-327, and the applicable reinstatement fee, if any, calculated as follows:
 - 4.1.1 Fees received during the first 30 days following the due date must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 10 percent of all fees specified on the invoice.
 - 4.1.2 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 permit renewal invoice plus a reinstatement fee equal to 50 percent of all fees specified on the invoice.
- 4.2 The applicable Permit to Operate Fees specified in Regulation 3-327 for each prior Permit Renewal Period for which all Permit to Operate Fees and associated reinstatement fees have not been paid. Each year's Permit to Operate Fee shall be calculated at the fee rates in effect on that year's Permit to Operate Renewal Date. The reinstatement fee for each associated previously-unpaid Permit to Operate Fee shall be calculated in accordance with Regulation 3-405.4.1 and 4.1.2.

Each year or period of the lapsed Permit to Operate is deemed a separate Permit Renewal Period. The oldest outstanding Permit to Operate Fee and reinstatement fees shall be paid first.

405.5 **Registration and Other Fees:** Persons who have not paid the fee by the invoice due date, shall pay the following 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.

- 5.1 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.
- 5.2 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.

(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; 6/6/12; 6/19/13)

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 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)

**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>\$3,2603</u> <u>.553</u>	<u>\$4875</u> <u>31</u>	
		<u>\$1,6321</u> <u>.779</u>	<u>\$1641</u> <u>79</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>\$1,9582</u> <u>.134</u>	<u>\$4875</u> <u>31</u>	
		<u>\$9771,0</u> <u>65</u>	<u>\$1641</u> <u>79</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>\$1,2991</u> <u>.416</u>	<u>\$1641</u> <u>79</u>	
		<u>\$9771,0</u> <u>65</u>	<u>\$1641</u> <u>79</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>\$1,2991</u> <u>.416</u>	<u>\$1641</u> <u>79</u>	
		<u>\$9771,0</u> <u>65</u>	<u>\$1641</u> <u>79</u>	
5.	For each application to revoke a variance	<u>\$1,9582</u> <u>.134</u>	<u>\$1641</u> <u>79</u>	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703.....	<u>\$1,2991</u> <u>.416</u>	<u>\$1641</u> <u>79</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>\$3,2603</u> <u>.553</u>	<u>\$4875</u> <u>31</u>	
		<u>\$1,6321</u> <u>.779</u>	<u>\$1641</u> <u>79</u>	

		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	<u>\$1,9582</u> <u>.134</u> <u>\$9771.0</u> <u>65</u>	<u>\$4875</u> <u>31</u> <u>\$1641</u> <u>79</u>	
9.	For each Appeal (Permit, Banking, Title V).....	<u>\$3,2603.5</u> <u>53</u> per hearing day	<u>\$1,6321.</u> <u>779</u> per hearing day	<u>\$1,6321.7</u> <u>79</u> for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6.....	<u>\$1,6321</u> <u>.779</u>	<u>\$3283</u> <u>58</u>	
11.	For each application to Modify or Terminate an abatement order.....	<u>\$3,2603.5</u> <u>53</u> per hearing day	<u>\$1,6321.</u> <u>779</u> per hearing day	
12.	For each application for an interim variance in accordance with §42351	<u>\$1,6321</u> <u>.779</u>	<u>\$3283</u> <u>58</u>	
13.	For each application for an emergency variance in accordance with §42359.5	<u>\$81488</u> <u>7</u>	<u>\$1641</u> <u>79</u>	
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	<u>\$1,6321</u> <u>.779</u>	<u>\$4875</u> <u>31</u>	<u>\$48753</u> <u>1</u>
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; 6/6/12; 6/19/13)

**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.

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.

**TABLE I
SCHEDULE OF EXCESS EMISSIONS FEES**

Air Contaminants	All at \$3-133.41 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 \$15-5416.94 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:

Fee = (Opacity* equivalent - 20) x number of days allowed in variance x \$3-483.79

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:

Fee = (Opacity* equivalent - 40) x number of days allowed by variance x \$3-483.79

* 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; 6/6/12; 6/19/13)

**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: \$53,9357.71 per MM BTU/HOUR
 - a. The minimum fee per source is: \$288308
 - b. The maximum fee per source is: \$400,620107,663

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: \$428,441 plus \$53,9357.71 per MM BTU/hr
 - b. Minimum RSF for first TAC source: \$716749
 - c. RSF for each additional TAC source: \$53,9357.71 per MM BTU/hr *
 - d. Minimum RSF per additional TAC source: \$288308 *
 - e. Maximum RSF per source is: \$400,620107,663
 - * 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: \$26,9528.84 per MM BTU/HOUR
 - a. The minimum fee per source is: \$205219
 - b. The maximum fee per source is: \$50,30953,831

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; 6/6/12; 6/19/13)

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: 0-1730.176 cents per gallon
 - a. The minimum fee per source is: \$191195
 - b. The maximum fee per source is: \$26,04626,567

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: \$428-441 plus 0-1730.176 cents per gallon
 - b. Minimum RSF for first TAC source: \$619636
 - c. RSF for each additional TAC source: 0-1730.176 cents per gallon *
 - d. Minimum RSF per additional TAC source: \$191-195 *
 - e. Maximum RSF per source is: \$26,04626,567
 - * 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: 0-0870.089 cents per gallon
 - a. The minimum fee per source is: \$137140
 - b. The maximum fee per source is: \$13,02313,283

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; 6/6/12; 6/19/13)*

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: \$~~227.35~~243.26 per single product nozzle (spn)
\$~~227.35~~243.26 per product for each multi-product nozzle (mpn)
2. PERMIT TO OPERATE FEE: \$~~87.08~~93.18 per single product nozzle (spn)
\$~~87.08~~93.18 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 formula:

$$\$~~314.41~~336.42 \times \{ [(mpn_{proposed})(products\ per\ nozzle) + spn_{proposed}] - [(mpn_{existing})(products\ per\ nozzle) + spn_{existing}] \}$$

mpn = multi-product nozzles
spn = single product nozzles

The above formula includes a toxic surcharge.

If the above formula 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 \$~~428~~441 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: \$~~2,9863,195~~ per single product loading arm
\$~~2,9863,195~~ 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: \$~~3,4143,636~~
 - b. RSF for each additional TAC source: \$~~2,9863,195~~ *

* 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: \$~~832-890~~ per single product loading arm
\$~~832-890~~ 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; 6/6/12; 6/19/13)

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: \$519566
 - b. If usage is not more than 1,000 gallons/year: \$519566
 - c. If usage is more than 1,000 gallons/year: \$1,0441,138 per 1,000 gallons
 - d. The maximum fee per source is: \$41,50645,242

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: \$428-441 plus initial fee
 - b. Minimum RSF for first TAC source: \$9471,007
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$519-566 *
 - e. Maximum RSF per source is: \$41,50645,242
 - * 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: \$374408
 - b. If usage is not more than 1,000 gallons/year: \$374408
 - c. If usage is more than 1,000 gallons/year: \$519-566 per 1,000 gallons
 - d. The maximum fee per source is: \$20,75122,619

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; 6/6/12; 6/19/13)

**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: \$444476
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: \$869917
 - b. RSF for each additional TAC source: \$444476 *
 - * 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: \$320346
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: \$2,8243,075
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: \$3,2493,516
 - b. RSF for each additional TAC source: \$2,8243,075 *
 - * 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: \$1,4081,535
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: \$3,7254,060
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: \$4,1534,501
 - b. RSF for each additional TAC source: \$3,7254,060 *
 - * 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: \$1,8642,028
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: [\\$23,55825,678](#)
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: [\\$23,98626,119](#)
 - b. RSF for each additional TAC source: [\\$23,55825,678](#) *
 - * 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: [\\$41,77712,837](#)
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: [\\$49,70253,678](#)
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: [\\$50,13054,119](#)
 - b. RSF for each additional TAC source: [\\$49,70253,678](#) *
 - * 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: [\\$24,85026,838](#)
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: [\\$48,36749,334](#)
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: [\\$48,79549,775](#)
 - b. RSF for each additional TAC source: [\\$48,36749,334](#) *
 - * 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: [\\$24,18324,667](#)
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.

(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; 6/6/12; 6/19/13)

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 500,000 amp-hours per year or Hard Chrome

Equipment or Process Description	Materials Processed or Produced
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 naptha merox treating, or similar processes	Any Hydrocarbons
Petroleum Refining – Converting Units including Dimersol Plants, Hydrocarbon Splitters, or similar processes	Any Hydrocarbons
Petroleum Refining – Distillation Units,	Any Hydrocarbons

Equipment or Process Description	Materials Processed or Produced
excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)	
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 – Preliminary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Primary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Digesters	Municipal Wastewater

Equipment or Process Description	Materials Processed or Produced
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)

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)

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)

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)

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: \$453494
- b. The maximum fee per source is: \$36,26339,527

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: \$453494
- ii. If gross throughput is more than 3,000 gallons/year: \$306-334 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: \$453494
- ii. If gross throughput is more than 1,000 gallons/year: \$911-993 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: \$428-441 plus initial fee
- b. Minimum RSF for first TAC source: \$881935
- c. RSF for each additional TAC source: equal to initial fee *
- d. Minimum RSF per additional TAC source: \$453494 *
- e. Maximum RSF per source is: \$36,26339,527

* 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: \$328358

b. The maximum fee per source is: \$48,129,761

The permit to operate 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 gal/year: \$328,358
ii. If gross throughput is more than 3,000 gallons/year: \$453-168 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: \$328,358
ii. If gross throughput is more than 1,000 gallons/year: \$453-494 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; 6/6/12; 6/19/13)

**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: \$~~448~~479
 - b. If the washing or drying capacity exceeds 100 pounds: \$~~448-479~~ plus
For that portion of the capacity exceeding 100 pounds: \$~~13-40~~14.34 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: \$~~428-441~~ plus initial fee
 - b. Minimum RSF for first TAC source: \$~~876~~920
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$~~448~~479 *

* 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: \$~~326~~349
 - b. If the washing or drying capacity exceeds 100 pounds: \$~~326-349~~ plus
For that portion of the capacity exceeding 100 pounds: \$~~6-73~~7.20 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; 6/6/12; 6/19/13)

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

1. INITIAL FEE:

- | | | |
|----|--|---------------------|
| a. | Landfill (Decomposition Process) | <u>\$3,1103,390</u> |
| b. | Active Landfill (Waste and Cover Material Dumping Process) | <u>\$1,5551,695</u> |
| c. | Active Landfill (Excavating, Bulldozing, and Compacting Processes) | <u>\$1,5551,695</u> |

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: | <u>\$428-441</u> 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) | <u>\$1,5551,695</u> |
| b. | Active Landfill (Waste and Cover Material Dumping Process) | <u>\$777847</u> |
| c. | Active Landfill (Excavating, Bulldozing, and Compacting Processes) | <u>\$777847</u> |

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) | <u>\$1,7451,869</u> |
| b. | Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) | <u>\$860937</u> |
| 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) | <u>\$860937</u> |
| d. | Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 | <u>\$634688</u> |
| e. | Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 | <u>\$1,8081,971</u> |
| f. | Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 | <u>\$634688</u> |
| g. | Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 | <u>\$1,5831,725</u> |

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; 6/6/12; 6/19/13)

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: \$155169 for amounts 100 to 500 square feet or linear feet.
 \$570621 for amounts 501 square feet or linear feet to 1000 square feet or linear feet.
 \$829904 for amounts 1001 square feet or liner feet to 2000 square feet or linear feet.
 \$1,1391,242 for amounts greater than 2000 square feet or linear feet.
 - b. Cancellation: \$7582 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: \$439479 for amounts 100 to 159 square feet or 100 to 259 linear feet or 35 cubic feet
 \$633690 for amounts 160 square feet or 260 linear feet to 500 square or linear feet or greater than 35 cubic feet.
 \$9241,004 for amounts 501 square feet or linear feet to 1000 square feet or linear feet.
 \$1,3591,481 for amounts 1001 square feet or liner feet to 2500 square feet or linear feet.
 \$1,9372,111 for amounts 2501 square feet or linear feet to 5000 square feet or linear feet.
 \$2,6592,898 for amounts 5001 square feet or linear feet to 10000 square feet or linear feet.
 \$3,3823,686 for amounts greater than 10000 square feet or linear feet.
 - b. Cancellation: \$208227 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: \$7582
 - b. Cancellation: \$7582 (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: \$312340
 - b. Cancellation: \$208227 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: \$519566
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: \$312340
 - b. Cancellation: \$208227 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; 6/15/11; 6/6/12; 6/19/13)

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	\$ 405.84 <u>107.93</u> per ton
	2.	Sulfur Oxides	\$ 405.84 <u>107.93</u> per ton
	3.	Nitrogen Oxides	\$ 405.84 <u>107.93</u> per ton
	4.	PM ₁₀	\$ 405.84 <u>107.93</u> 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 ~~\$82-84~~ 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 ~~\$82-84~~ + $S_L \times (w_i - 1000)$ 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_j = amount of substance i emitted by facility in lbs/year
 Q_j = 28.6 * CPF, if i is a carcinogen; or
 Q_j = [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 ~~\$542-591~~ per source
- b. MFR EMISSIONS FEE..... ~~\$21-3623.28~~ 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 FEE ~~\$5,4255,913~~ 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 ~~\$755-823~~ per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE ~~\$530-578~~ per source
- c. SYNTHETIC MINOR REVISION FEE..... ~~\$530-578~~ 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~~ MFR filing fee and any applicable fees listed in 3b-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 ~~\$755-823~~ per application
- b. MFR INITIAL PERMIT FEE..... ~~\$734-797~~ per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ~~\$244-233~~ per application
- d. MFR MINOR REVISION FEE ~~\$1,0731,170~~ per source modified
- e. MFR SIGNIFICANT REVISION FEE ~~\$2,0042,181~~ per source modified
- f. MFR REOPENING FEE ~~\$656-715~~ per source modified
- g. MFR RENEWAL FEE..... ~~\$348-347~~ 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 ~~\$1,429~~1,231 per shielded source or group of sources

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 ~~\$129~~141 per source, not to exceed ~~\$12,694~~13,833

(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; 6/6/12; 6/19/13)

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: ~~\$157~~160

(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; 6/6/12)

**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:	\$ 459 - 500 per facility
b.	Conveyorized Charbroiler ANNUAL RENEWAL FEE:	\$ 128 - 140 per facility
c.	Under-fired Charbroiler REGISTRATION FEE:	\$ 459 - 500 per facility
d.	Under-fired Charbroiler ANNUAL RENEWAL FEE:	\$ 128 - 140 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:	\$ 229 250
b.	Dry Cleaning Machine ANNUAL RENEWAL FEE:	\$ 159 173

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:	\$ 154 168
b.	Diesel Engine ANNUAL RENEWAL FEE:	\$ 102 111
c.	Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402):	\$ 154 168

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 REGISTRATION FEE	\$ 541 - 590 per facility
b.	Each boiler, steam generator or process heater subject to Regulation 9-7-404, after the first REGISTRATION FEE	\$ 64 - 70 per device
c.	ANNUAL RENEWAL FEE:	\$ 71 - 77 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:	\$ 275 300
b.	ANNUAL RENEWAL FEE:	\$ 172 187

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	\$ 128 140
b.	ANNUAL RENEWAL FEE	\$ 76 83

(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; 6/6/12; 6/19/13)

**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): \$379413

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: \$3,3683,671

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: \$98-107 per hour

(Adopted 6/6/07; Amended 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/19/13)

**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 \$0.0489 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)

**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: \$560571
- b. Non-residential or mixed use project: \$836853

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)

**SCHEDULE V
OPEN BURNING**

1. Any prior notification required by Regulation 5, Section 406 is subject to the following fee:

a. OPERATION FEE: \$98100

b. The operation fee paid as part of providing notification to the District prior to burning will be determined for each property, as defined in Regulation 5, Section 217, and will be valid for one year from the fee payment date when a given fire is allowed, as specified in Regulation 5, Section 401 for the following fires:

Regulation 5 Section – Fire	Burn Period
401.1 - Disease and Pest	January 1 – December 31
401.2 - Crop Replacement ¹	October 1 – April 30
401.3 - Orchard Pruning and Attrition ²	November 1 – April 30
401.4 - Double Cropping Stubble	June 1 – August 31
401.6 - Hazardous Material ¹	January 1 – December 31
401.7 - Fire Training	January 1 – December 31
401.8 - Flood Debris	October 1 – May 31
401.9 - Irrigation Ditches	January 1 – December 31
401.10 - Flood Control	January 1 – December 31
401.11 - Range Management ¹	July 1 – April 30
401.12 - Forest Management ¹	November 1 – April 30
401.14 - Contraband	January 1 – December 31

¹ Any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres is defined in Regulation 5, Section 213 as a type of prescribed burning and, as such, is subject to the prescribed burning operation fee in Section 3 below.

² Upon the determination of the APCO that heavy winter rainfall has prevented this type of burning, the burn period may be extended to no later than June 30.

c. Any person who provided notification required under Regulation 5, Section 406, who seeks to burn an amount of material greater than the amount listed in that initial notification, shall provide a subsequent notification to the District under Regulation 5, Section 406 and shall pay an additional open burning operation fee prior to burning.

2. Any Marsh Management fire conducted pursuant to Regulation 5, Section 401.13 is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:

a. OPERATION FEE: \$350357 for 50 acres or less
\$475485 for more than 50 acres but less than or equal to 150 acres
\$600612 for more than 150 acres

b. The operation fee paid for a Marsh Management fire will be valid for a Fall or Spring burning period, as specified in Regulation 5, Subsection 401.13. Any burning subsequent to either of these time periods shall be subject to an additional open burning operation fee.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 19, 2014

Re: Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal
Year Ending (FYE) 2015

RECOMMENDED ACTION:

Recommend Board of Directors conduct its second and final public hearing and consider adoption of a resolution to approve the Budget for the Fiscal Year Ending 2015 (FYE 2014-2015) and various budget related actions.

SUMMARY

Pursuant to Health and Safety Code Section 40131, the Executive Officer/APCO will present the FYE 2015 proposed budget to the Board of Directors for adoption.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

The proposed consolidated budget for FYE 2015 is \$127,557,927 which includes \$37,161,894 in program distributions.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Jeff McKay

Attachments:

1. Resolution to Approve the Budget for the Fiscal Year Ending June 30, 2015 (FYE 2014-2015) and Various Budget Related Actions;
2. Bay Area Air Quality Management District Salary Schedule for Management and Confidential Classes; and
3. Proposed FYE 2015 budget available at: <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx>

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Resolution No. -

**A Resolution to Approve the Budget for the Fiscal Year Ending June 30, 2015
(FY 2014-2015) and Various Budget Related Actions**

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (Air District) 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. 2013-06, the Board of Directors adopted the Air District Budget for Fiscal Year (FY) 2013-2014 on June 19, 2013, 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; and
- G. Approve Proposed District Budget for FY 2013-2014;

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 2013-2014 and that all of these actions be incorporated into a single resolution;

WHEREAS, the Budget and Finance Committee of the Board of Directors reviewed the proposed FY 2014-2015 District Budget at public meetings held on March 26, 2014, and April 23, 2014, and recommended that the Board of Directors approve as submitted.

WHEREAS, an initial public hearing was duly noticed and held on May 21, 2014, at a Special 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 2014-2015 Budget and of providing the public with an opportunity to comment upon the proposed District Budget;

WHEREAS, at the May 21, 2014 Special Meeting of the Board of Directors, the Proposed FY 2014-2015 Air District Budget was set for a further hearing and proposed adoption at the Regular Meeting of the Board of Directors to be held on June 4, 2014;

WHEREAS, in connection with the public hearing and consideration of the Proposed FY 2014-2015 District Budget on June 4, 2014, the Board of Directors decided to take the following actions related to the FY 2013-2014 District Budget:

A. CARRYFORWARD ENCUMBERED BALANCE OF APPROPRIATIONS TO THE NEXT FISCAL YEAR FOR CONTINUATION OF PROJECTS/PROGRAMS NOT COMPLETED IN THE CURRENT FISCAL YEAR

WHEREAS, the Air District Budget FY2013-2014 has appropriated funds committed for projects/programs not completed in the current fiscal year that will carry over to the next fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs Air District staff, that in the event there is encumbered balance of appropriations from FY 2013-2014 for continuation of projects, to transfer such appropriations to the 2014-2015 fiscal year budget as needed for completion of projects/programs;

B. TRANSFER FUNDS FROM UNENCUMBERED BALANCE OF APPROPRIATIONS TO THE GENERAL RESERVE

WHEREAS, the Proposed Air District Budget provides sufficient funds for the operation of the Air District for FY 2014-2015;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs Air District staff, that in the event there is an unencumbered balance of appropriations from FY 2013-2014, to transfer such excess balance to the General Reserve.

C. FUND THE GENERAL RESERVE FROM YEAR TO YEAR

WHEREAS, the Board of Directors on June 12, 1958, created a General Reserve in the Air District's budget and transferred certain funds into it;

WHEREAS, the Air District has operated for much of its existence with a General Reserve in its fiscal year budget;

WHEREAS, the Air District retained the consulting firm of KPMG LLP in 1998-99 to conduct a permit fee cost recovery study of the Air District;

WHEREAS, KPMG LLP determined through their study of Air 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, Air 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 and Finance Committee that maintaining a healthy and properly funded General Reserve in the Air District's budget is a prudent and financially sound decision;

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Reserve be continued for FY 2014-2015, and thereafter until discontinued by resolution of the Board of Directors.

D. AUTHORIZE DISPOSAL OF SURPLUS GOVERNMENT PROPERTY

WHEREAS, the Air District Budget for FY 2014-2015 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 2014-2015.

E. SALARY RANGES FOR DISTRICT EMPLOYEES

WHEREAS, the Board of Directors 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 2014-2015 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, 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;

WHEREAS, the MOU between the District and EA is set to expire on June 30, 2014 and should the parties fail to reach agreement on a successor MOU prior to the expiration of the June 7, 2000 to June 30, 2014 agreement, for up to twelve (12) months immediately following expiration of the agreement, all provisions of the MOU shall continue to be honored and whenever a successor MOU is ratified, all provisions shall supersede the provisions of the June 7, 2000 to June 30, 2014 agreement;

WHEREAS, the attached salary schedule proposes a 2.1% salary adjustment as reflected in the FY 2014-2015 Proposed Budget for Represented Classes; salaries for non-Board of Director appointed Management and Confidential employees; 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 FY 2014-2015 Proposed Budget; and with contracts with Board appointed management employees, provide salary increases effective July 1, 2014.

F. APPROVE PROPOSED AIR DISTRICT BUDGET FOR FY 2014-2015

WHEREAS, on May 21, 2014, and June 4, 2014, public proceedings have been held in a manner and form required by Health & Safety Code Section 40131 for the adoption of the FY 2014-2015 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, 2015, as well as the report on this proposed budget from the Budget and Finance Committee of the Board of Directors which considered the Proposed FY 2014-2015 Air District Budget at their meetings of March 26, 2014 and April 23, 2014;

WHEREAS, at the May 21, 2014, Regular Meeting of the Board of Directors, in its report to the Board of Directors, the Budget and Finance Committee of the Board of Directors forwarded the Proposed FY 2014-2015 Air District Budget to the Board of Directors;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Proposed Air District Budget for FY Ending 2015 in the total consolidated amount of One Hundred Twenty Seven Million, Five Hundred Fifty Seven, Nine Hundred and Twenty Seven Dollars (\$127, 557, 927), specifying by appropriation classification – personnel, services and supplies, capital outlay, program distributions and transfers – is hereby adopted by the Board of Directors of the Bay Area Air Quality Management District to become effective as of July 1, 2014.

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 _____ 2014

by the following vote of the Board:

AYES:

NOES:

ABSENT:

NATE MILEY
Chairperson of the Board of Directors

ATTEST:

ERIC MAR
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, 2014 (Proposed) (AGENDA 12 - ATTACHMENT 2)

ID-JDE MANAGEMENT

Per Employment Agreement

1B101 Executive Officer/Air Pollution Control Officer	274624.74 22885.39 10562.49 132.03
1B102 Counsel	258402.44 21533.54 9938.56 124.23

ID-JDE MANAGEMENT

	Range	Step A	Step B	Step C	Step D	Step E
3M101 Air Monitoring Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M102 Air Quality Engineering Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M103 Air Quality Planning Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M104 Air Quality Program Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
8M101 Assistant Counsel I	149M	120270.03 10022.50 4625.77 57.82	126283.53 10523.63 4857.06 60.71	132597.70 11049.81 5099.91 63.75	139227.59 11602.30 5354.91 66.94	146188.97 12182.41 5622.65 70.28
7M101 Assistant Counsel II	153M	134902.84 11241.90 5188.57 64.86	141647.98 11804.00 5448.00 68.10	148730.38 12394.20 5720.40 71.50	156166.90 13013.91 6006.42 75.08	163975.25 13664.60 6306.74 78.83
3M117 Audit & Special Projects Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M105 Business Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78

ID-JDE	MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
2M110	Communications Officer	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
1M101	Deputy Air Pollution Control Officer	160M	160023.45 13335.29 6154.75 76.93	168024.63 14002.05 6462.49 80.78	176425.86 14702.15 6785.61 84.82	185247.15 15437.26 7124.89 89.06	194509.51 16209.13 7481.13 93.51
2M101	Director of Administration	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
2M102	Director of Enforcement	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
2M103	Director of Engineering	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
2M108	Director of Strategic Incentives	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
2M104	Director of Information Services	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
2M105	Director of Planning and Research	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
2M107	Director of Technical Services	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
3M119	Engineering Project Processing Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M113	Executive Operations Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M107	Finance Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78

ID-JDE MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M106 Fleet and Facilities Manager	134M	84863.85 7071.99 3263.99 40.80	89107.05 7425.59 3427.19 42.84	93562.40 7796.87 3598.55 44.98	98240.52 8186.71 3778.48 47.23	103152.55 8596.05 3967.41 49.59
6M104 Health and Science Officer	158M	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26	184024.16 15335.35 7077.85 88.47
3M118 Human Resources Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M109 Information Systems Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
2M109 Information Technology Officer	156M	144187.74 12015.65 5545.68 69.32	151397.13 12616.43 5822.97 72.79	158966.99 13247.25 6114.11 76.43	166915.34 13909.61 6419.82 80.25	175261.10 14605.09 6740.81 84.26
3M110 Laboratory Services Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M115 Manager of Executive Operations	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M111 Meteorology and Data Analysis Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M112 Research and Modeling Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
6M101 Senior Assistant Counsel	157M	148730.38 12394.20 5720.40 71.50	156166.90 13013.91 6006.42 75.08	163975.25 13664.60 6306.74 78.83	172174.01 14347.83 6622.08 82.78	180782.71 15065.23 6953.18 86.91
6M102 Senior Policy Advisor	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78
3M116 Strategic Facilities Planning Manager	148M	119411.96 9951.00 4592.77 57.41	125382.56 10448.55 4822.41 60.28	131651.69 10970.97 5063.53 63.29	138234.28 11519.52 5316.70 66.46	145145.99 12095.50 5582.54 69.78

ID-JDE CONFIDENTIAL

	Range	Step A	Step B	Step C	Step D	Step E
7C007 Administrative Secretary (Confidential)	118	55766.21 4647.18 2144.85 26.81	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04	67784.18 5648.68 2607.08 32.59
5C101 Clerk of the Boards	132	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86
8C004 Executive Secretary I	128	71173.39 5931.12 2737.44 34.22	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59
7C001 Executive Secretary II	132	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86
8C101 Human Resources Analyst I	130	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67
7C103 Human Resources Analyst II	134	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15
8C001 Human Resources Technician I	116	53110.68 4425.89 2042.72 25.53	55766.21 4647.18 2144.85 26.81	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04
7C002 Human Resources Technician II	120	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04	67784.18 5648.68 2607.08 32.59	71173.39 5931.12 2737.44 34.22
7C003 Legal Office Services Specialist	124	64556.36 5379.70 2482.94 31.04	67784.18 5648.68 2607.08 32.59	71173.39 5931.12 2737.44 34.22	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73
8C002 Legal Secretary I	116	53110.68 4425.89 2042.72 25.53	55766.21 4647.18 2144.85 26.81	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04
7C004 Legal Secretary II	120	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04	67784.18 5648.68 2607.08 32.59	71173.39 5931.12 2737.44 34.22
8C003 Office Assistant I (HR)	104	39632.00 3302.67 1524.31 19.05	41613.60 3467.80 1600.52 20.01	43694.29 3641.19 1680.55 21.01	45879.00 3823.25 1764.58 22.06	48172.95 4014.41 1852.81 23.16

ID-JDE CONFIDENTIAL(CONTINUED)

	Range	Step A	Step B	Step C	Step D	Step E
7C005 Office Assistant II (HR)	108	43694.29	45879.00	48172.95	50581.60	53110.68
		3641.19	3823.25	4014.41	4215.13	4425.89
		1680.55	1764.58	1852.81	1945.45	2042.72
		21.01	22.06	23.16	24.32	25.53
7C102 Paralegal	124	64556.36	67784.18	71173.39	74732.06	78468.66
		5379.70	5648.68	5931.12	6227.67	6539.05
		2482.94	2607.08	2737.44	2874.31	3018.03
		31.04	32.59	34.22	35.93	37.73
6C001 Senior Executive Secretary	134	82392.09	86511.70	90837.28	95379.14	100148.10
		6866.01	7209.31	7569.77	7948.26	8345.68
		3168.93	3327.37	3493.74	3668.43	3851.85
		39.61	41.59	43.67	45.86	48.15
5C102 Supervising Human Resources Analyst	142	100148.10	105155.51	110413.28	115933.95	121730.64
		8345.68	8762.96	9201.11	9661.16	10144.22
		3851.85	4044.44	4246.66	4459.00	4681.95
		48.15	50.56	53.08	55.74	58.52

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
SALARY SCHEDULE FOR TECHNICAL/GENERAL AND PROFESSIONAL EMPLOYEES
 Annually/Monthly/Bi-weekly/Hourly effective July 1, 2014 (Proposed)

ID-JDE PROFESSIONAL	Range	Step A	Step B	Step C	Step D	Step E
7P001 Accountant I	123	63000.56	66150.58	69458.11	72931.02	76577.57
		5250.05	5512.55	5788.18	6077.58	6381.46
		2423.10	2544.25	2671.47	2805.04	2945.29
		30.29	31.80	33.39	35.06	36.82
7P014 Accountant II	127	69458.11	72931.02	76577.57	80406.45	84426.77
		5788.18	6077.58	6381.46	6700.54	7035.56
		2671.47	2805.04	2945.29	3092.56	3247.18
		33.39	35.06	36.82	38.66	40.59
7P002 Advanced Projects Advisor	144	105155.51	110413.28	115933.95	121730.64	127817.18
		8762.96	9201.11	9661.16	10144.22	10651.43
		4044.44	4246.66	4459.00	4681.95	4916.05
		50.56	53.08	55.74	58.52	61.45
8P001 Air Quality Chemist I	127	69458.11	72931.02	76577.57	80406.45	84426.77
		5788.18	6077.58	6381.46	6700.54	7035.56
		2671.47	2805.04	2945.29	3092.56	3247.18
		33.39	35.06	36.82	38.66	40.59
7P003 Air Quality Chemist II	131	76577.57	80406.45	84426.77	88648.11	93080.51
		6381.46	6700.54	7035.56	7387.34	7756.71
		2945.29	3092.56	3247.18	3409.54	3580.02
		36.82	38.66	40.59	42.62	44.75
8P002 Air Quality Engineer I	132	78468.66	82392.09	86511.70	90837.28	95379.14
		6539.05	6866.01	7209.31	7569.77	7948.26
		3018.03	3168.93	3327.37	3493.74	3668.43
		37.73	39.61	41.59	43.67	45.86
7P004 Air Quality Engineer II	136	86511.70	90837.28	95379.14	100148.10	105155.51
		7209.31	7569.77	7948.26	8345.68	8762.96
		3327.37	3493.74	3668.43	3851.85	4044.44
		41.59	43.67	45.86	48.15	50.56
8P003 Air Quality Meteorologist I	131	76577.57	80406.45	84426.77	88648.11	93080.51
		6381.46	6700.54	7035.56	7387.34	7756.71
		2945.29	3092.56	3247.18	3409.54	3580.02
		36.82	38.66	40.59	42.62	44.75
7P005 Air Quality Meteorologist II	135	84426.77	88648.11	93080.51	97734.54	102621.27
		7035.56	7387.34	7756.71	8144.55	8551.77
		3247.18	3409.54	3580.02	3759.02	3946.97
		40.59	42.62	44.75	46.99	49.34
7P006 Atmospheric Modeler	140	95379.14	100148.10	105155.51	110413.28	115933.95
		7948.26	8345.68	8762.96	9201.11	9661.16
		3668.43	3851.85	4044.44	4246.66	4459.00
		45.86	48.15	50.56	53.08	55.74
8P004 Environmental Planner I	130	74732.06	78468.66	82392.09	86511.70	90837.28
		6227.67	6539.05	6866.01	7209.31	7569.77
		2874.31	3018.03	3168.93	3327.37	3493.74
		35.93	37.73	39.61	41.59	43.67

ID-JDE PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
7P007 Environmental Planner II	134	82392.09	86511.70	90837.28	95379.14	100148.10
		6866.01	7209.31	7569.77	7948.26	8345.68
		3168.93	3327.37	3493.74	3668.43	3851.85
		39.61	41.59	43.67	45.86	48.15
7P008 Legislative Analyst	138	90837.28	95379.14	100148.10	105155.51	110413.28
		7569.77	7948.26	8345.68	8762.96	9201.11
		3493.74	3668.43	3851.85	4044.44	4246.66
		43.67	45.86	48.15	50.56	53.08
7P009 Librarian	128	71173.39	74732.06	78468.66	82392.09	86511.70
		5931.12	6227.67	6539.05	6866.01	7209.31
		2737.44	2874.31	3018.03	3168.93	3327.37
		34.22	35.93	37.73	39.61	41.59
4P001 Principal Accountant	135	84426.77	88648.11	93080.51	97734.54	102621.27
		7035.56	7387.34	7756.71	8144.55	8551.77
		3247.18	3409.54	3580.02	3759.02	3946.97
		40.59	42.62	44.75	46.99	49.34
4P002 Principal Air and Meteorological Monitoring Specialist	143	102621.27	107752.33	113139.95	118796.94	124736.79
		8551.77	8979.36	9428.33	9899.75	10394.73
		3946.97	4144.32	4351.54	4569.11	4797.57
		49.34	51.80	54.39	57.11	59.97
4P005 Principal Air Quality Chemist	139	93080.51	97734.54	102621.27	107752.33	113139.95
		7756.71	8144.55	8551.77	8979.36	9428.33
		3580.02	3759.02	3946.97	4144.32	4351.54
		44.75	46.99	49.34	51.80	54.39
4P003 Principal Air Quality Engineer	144	105155.51	110413.28	115933.95	121730.64	127817.18
		8762.96	9201.11	9661.16	10144.22	10651.43
		4044.44	4246.66	4459.00	4681.95	4916.05
		50.56	53.08	55.74	58.52	61.45
4P004 Principal Environmental Planner	142	100148.10	105155.51	110413.28	115933.95	121730.64
		8345.68	8762.96	9201.11	9661.16	10144.22
		3851.85	4044.44	4246.66	4459.00	4681.95
		48.15	50.56	53.08	55.74	58.52
7P010 Research Analyst	130	74732.06	78468.66	82392.09	86511.70	90837.28
		6227.67	6539.05	6866.01	7209.31	7569.77
		2874.31	3018.03	3168.93	3327.37	3493.74
		35.93	37.73	39.61	41.59	43.67
6P001 Senior Advanced Projects Advisor	148	115933.95	121730.64	127817.18	134208.03	140918.44
		9661.16	10144.22	10651.43	11184.00	11743.20
		4459.00	4681.95	4916.05	5161.85	5419.94
		55.74	58.52	61.45	64.52	67.75
6P002 Senior Air Quality Chemist	135	84426.77	88648.11	93080.51	97734.54	102621.27
		7035.56	7387.34	7756.71	8144.55	8551.77
		3247.18	3409.54	3580.02	3759.02	3946.97
		40.59	42.62	44.75	46.99	49.34

ID-JDE PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
6P003 Senior Air Quality Engineer	140	95379.14	100148.10	105155.51	110413.28	115933.95
		7948.26	8345.68	8762.96	9201.11	9661.16
		3668.43	3851.85	4044.44	4246.66	4459.00
		45.86	48.15	50.56	53.08	55.74
6P004 Senior Air Quality Meteorologist	139	93080.51	97734.54	102621.27	107752.33	113139.95
		7756.71	8144.55	8551.77	8979.36	9428.33
		3580.02	3759.02	3946.97	4144.32	4351.54
		44.75	46.99	49.34	51.80	54.39
6P005 Senior Atmospheric Modeler	144	105155.51	110413.28	115933.95	121730.64	127817.18
		8762.96	9201.11	9661.16	10144.22	10651.43
		4044.44	4246.66	4459.00	4681.95	4916.05
		50.56	53.08	55.74	58.52	61.45
6P006 Senior Environmental Planner	138	90837.28	95379.14	100148.10	105155.51	110413.28
		7569.77	7948.26	8345.68	8762.96	9201.11
		3493.74	3668.43	3851.85	4044.44	4246.66
		43.67	45.86	48.15	50.56	53.08
7P011 Statistician	137	88648.11	93080.51	97734.54	102621.27	107752.33
		7387.34	7756.71	8144.55	8551.77	8979.36
		3409.54	3580.02	3759.02	3946.97	4144.32
		42.62	44.75	46.99	49.34	51.80
5P001 Supervising Air Quality Engineer	144	105155.51	110413.28	115933.95	121730.64	127817.18
		8762.96	9201.11	9661.16	10144.22	10651.43
		4044.44	4246.66	4459.00	4681.95	4916.05
		50.56	53.08	55.74	58.52	61.45
5P002 Supervising Air Quality Meteorologist	143	102621.27	107752.33	113139.95	118796.94	124736.79
		8551.77	8979.36	9428.33	9899.75	10394.73
		3946.97	4144.32	4351.54	4569.11	4797.57
		49.34	51.80	54.39	57.11	59.97
5P003 Supervising Environmental Planner	142	100148.10	105155.51	110413.28	115933.95	121730.64
		8345.68	8762.96	9201.11	9661.16	10144.22
		3851.85	4044.44	4246.66	4459.00	4681.95
		48.15	50.56	53.08	55.74	58.52
7P012 Toxicologist	144	105155.51	110413.28	115933.95	121730.64	127817.18
		8762.96	9201.11	9661.16	10144.22	10651.43
		4044.44	4246.66	4459.00	4681.95	4916.05
		50.56	53.08	55.74	58.52	61.45
ID-JDE TECHNICAL/GENERAL	Range	Step A	Step B	Step C	Step D	Step E
8T001 Accounting Assistant I	106	41613.60	43694.29	45879.00	48172.95	50581.60
		3467.80	3641.19	3823.25	4014.41	4215.13
		1600.52	1680.55	1764.58	1852.81	1945.45
		20.01	21.01	22.06	23.16	24.32
7T001 Accounting Assistant II	110	45879.00	48172.95	50581.60	53110.68	55766.21
		3823.25	4014.41	4215.13	4425.89	4647.18
		1764.58	1852.81	1945.45	2042.72	2144.85
		22.06	23.16	24.32	25.53	26.81

ID-JDE TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T002 Administrative Analyst	131	76577.57	80406.45	84426.77	88648.11	93080.51
		6381.46	6700.54	7035.56	7387.34	7756.71
		2945.29	3092.56	3247.18	3409.54	3580.02
		36.82	38.66	40.59	42.62	44.75
7T003 Administrative Secretary	118	55766.21	58554.52	61482.25	64556.36	67784.18
		4647.18	4879.54	5123.52	5379.70	5648.68
		2144.85	2252.10	2364.70	2482.94	2607.08
		26.81	28.15	29.56	31.04	32.59
8T002 Air Quality Case Settlement Specialist I	126	67784.18	71173.39	74732.06	78468.66	82392.09
		5648.68	5931.12	6227.67	6539.05	6866.01
		2607.08	2737.44	2874.31	3018.03	3168.93
		32.59	34.22	35.93	37.73	39.61
7T004 Air Quality Case Settlement Specialist II	130	74732.06	78468.66	82392.09	86511.70	90837.28
		6227.67	6539.05	6866.01	7209.31	7569.77
		2874.31	3018.03	3168.93	3327.37	3493.74
		35.93	37.73	39.61	41.59	43.67
8T003 Air Quality Inspector I	124	64556.36	67784.18	71173.39	74732.06	78468.66
		5379.70	5648.68	5931.12	6227.67	6539.05
		2482.94	2607.08	2737.44	2874.31	3018.03
		31.04	32.59	34.22	35.93	37.73
7T005 Air Quality Inspector II	128	71173.39	74732.06	78468.66	82392.09	86511.70
		5931.12	6227.67	6539.05	6866.01	7209.31
		2737.44	2874.31	3018.03	3168.93	3327.37
		34.22	35.93	37.73	39.61	41.59
8T004 Air Quality Instrument Specialist I	124	64556.36	67784.18	71173.39	74732.06	78468.66
		5379.70	5648.68	5931.12	6227.67	6539.05
		2482.94	2607.08	2737.44	2874.31	3018.03
		31.04	32.59	34.22	35.93	37.73
7T006 Air Quality Instrument Specialist II	128	71173.39	74732.06	78468.66	82392.09	86511.70
		5931.12	6227.67	6539.05	6866.01	7209.31
		2737.44	2874.31	3018.03	3168.93	3327.37
		34.22	35.93	37.73	39.61	41.59
8T005 Air Quality Laboratory Technician I	122	61482.25	64556.36	67784.18	71173.39	74732.06
		5123.52	5379.70	5648.68	5931.12	6227.67
		2364.70	2482.94	2607.08	2737.44	2874.31
		29.56	31.04	32.59	34.22	35.93
7T007 Air Quality Laboratory Technician II	126	67784.18	71173.39	74732.06	78468.66	82392.09
		5648.68	5931.12	6227.67	6539.05	6866.01
		2607.08	2737.44	2874.31	3018.03	3168.93
		32.59	34.22	35.93	37.73	39.61
8T006 Air Quality Permit Technician I	122	61482.25	64556.36	67784.18	71173.39	74732.06
		5123.52	5379.70	5648.68	5931.12	6227.67
		2364.70	2482.94	2607.08	2737.44	2874.31
		29.56	31.04	32.59	34.22	35.93

ID-JDE	TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T008	Air Quality Permit Technician II	126	67784.18 5648.68 2607.08 32.59	71173.39 5931.12 2737.44 34.22	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61
8T007	Air Quality Specialist I	130	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67
7T009	Air Quality Specialist II	134	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15
7T010	Air Quality Technical Assistant	118	55766.21 4647.18 2144.85 26.81	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04	67784.18 5648.68 2607.08 32.59
8T008	Air Quality Technician I	122	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04	67784.18 5648.68 2607.08 32.59	71173.39 5931.12 2737.44 34.22	74732.06 6227.67 2874.31 35.93
7T011	Air Quality Technician II	126	67784.18 5648.68 2607.08 32.59	71173.39 5931.12 2737.44 34.22	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61
7T012	Building Maintenance Mechanic	114	50581.60 4215.13 1945.45 24.32	53110.68 4425.89 2042.72 25.53	55766.21 4647.18 2144.85 26.81	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56
7T013	Data Entry Operator	111	47011.98 3917.67 1808.15 22.60	49362.58 4113.55 1898.56 23.73	51830.71 4319.23 1993.49 24.92	54422.25 4535.19 2093.16 26.16	57143.36 4761.95 2197.82 27.47
5T009	Data Support Supervisor	142	100148.10 8345.68 3851.85 48.15	105155.51 8762.96 4044.44 50.56	110413.28 9201.11 4246.66 53.08	115933.95 9661.16 4459.00 55.74	121730.64 10144.22 4681.95 58.52
7T014	Database Specialist	135	84426.77 7035.56 3247.18 40.59	88648.11 7387.34 3409.54 42.62	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34
7T015	Deputy Clerk of the Boards	123	63000.56 5250.05 2423.10 30.29	66150.58 5512.55 2544.25 31.80	69458.11 5788.18 2671.47 33.39	72931.02 6077.58 2805.04 35.06	76577.57 6381.46 2945.29 36.82
7T028	Facilities Maintenance Worker	108	43694.29 3641.19 1680.55 21.01	45879.00 3823.25 1764.58 22.06	48172.95 4014.41 1852.81 23.16	50581.60 4215.13 1945.45 24.32	53110.68 4425.89 2042.72 25.53

ID-JDE	TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T008	Facilities Services Supervisor	130	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67
7T031	Fiscal Services Coordinator	139	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34	107752.33 8979.36 4144.32 51.80	113139.95 9428.33 4351.54 54.39
8T009	Mechanic I	121	60000.53 5000.04 2307.71 28.85	63000.56 5250.05 2423.10 30.29	66150.58 5512.55 2544.25 31.80	69458.11 5788.18 2671.47 33.39	72931.02 6077.58 2805.04 35.06
7T016	Mechanic II	125	66150.58 5512.55 2544.25 31.80	69458.11 5788.18 2671.47 33.39	72931.02 6077.58 2805.04 35.06	76577.57 6381.46 2945.29 36.82	80406.45 6700.54 3092.56 38.66
8T010	Office Assistant I	104	39632.00 3302.67 1524.31 19.05	41613.60 3467.80 1600.52 20.01	43694.29 3641.19 1680.55 21.01	45879.00 3823.25 1764.58 22.06	48172.95 4014.41 1852.81 23.16
7T017	Office Assistant II	108	43694.29 3641.19 1680.55 21.01	45879.00 3823.25 1764.58 22.06	48172.95 4014.41 1852.81 23.16	50581.60 4215.13 1945.45 24.32	53110.68 4425.89 2042.72 25.53
5T001	Office Services Supervisor	116	53110.68 4425.89 2042.72 25.53	55766.21 4647.18 2144.85 26.81	58554.52 4879.54 2252.10 28.15	61482.25 5123.52 2364.70 29.56	64556.36 5379.70 2482.94 31.04
7T029	Organizational Development and Training Specialist	134	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15
7T018	Permit Coordinator	134	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15
4T001	Principal Air Quality Specialist	142	100148.10 8345.68 3851.85 48.15	105155.51 8762.96 4044.44 50.56	110413.28 9201.11 4246.66 53.08	115933.95 9661.16 4459.00 55.74	121730.64 10144.22 4681.95 58.52
8T011	Programmer Analyst I	127	69458.11 5788.18 2671.47 33.39	72931.02 6077.58 2805.04 35.06	76577.57 6381.46 2945.29 36.82	80406.45 6700.54 3092.56 38.66	84426.77 7035.56 3247.18 40.59

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T019 Programmer Analyst II	131	76577.57	80406.45	84426.77	88648.11	93080.51
		6381.46	6700.54	7035.56	7387.34	7756.71
		2945.29	3092.56	3247.18	3409.54	3580.02
		36.82	38.66	40.59	42.62	44.75
8T012 Public Information Officer I	127	69458.11	72931.02	76577.57	80406.45	84426.77
		5788.18	6077.58	6381.46	6700.54	7035.56
		2671.47	2805.04	2945.29	3092.56	3247.18
		33.39	35.06	36.82	38.66	40.59
7T020 Public Information Officer II	131	76577.57	80406.45	84426.77	88648.11	93080.51
		6381.46	6700.54	7035.56	7387.34	7756.71
		2945.29	3092.56	3247.18	3409.54	3580.02
		36.82	38.66	40.59	42.62	44.75
7T027 Purchasing Agent	122	61482.25	64556.36	67784.18	71173.39	74732.06
		5123.52	5379.70	5648.68	5931.12	6227.67
		2364.70	2482.94	2607.08	2737.44	2874.31
		29.56	31.04	32.59	34.22	35.93
7T021 Radio/Telephone Operator	113	49362.58	51830.71	54422.25	57143.36	60000.53
		4113.55	4319.23	4535.19	4761.95	5000.04
		1898.56	1993.49	2093.16	2197.82	2307.71
		23.73	24.92	26.16	27.47	28.85
5T002 Radio/Telephone Operator Supervisor	119	57143.36	60000.53	63000.56	66150.58	69458.11
		4761.95	5000.04	5250.05	5512.55	5788.18
		2197.82	2307.71	2423.10	2544.25	2671.47
		27.47	28.85	30.29	31.80	33.39
7T022 Receptionist	104	39632.00	41613.60	43694.29	45879.00	48172.95
		3302.67	3467.80	3641.19	3823.25	4014.41
		1524.31	1600.52	1680.55	1764.58	1852.81
		19.05	20.01	21.01	22.06	23.16
7T023 Secretary	112	48172.95	50581.60	53110.68	55766.21	58554.52
		4014.41	4215.13	4425.89	4647.18	4879.54
		1852.81	1945.45	2042.72	2144.85	2252.10
		23.16	24.32	25.53	26.81	28.15
6T001 Senior Accounting Assistant	114	50581.60	53110.68	55766.21	58554.52	61482.25
		4215.13	4425.89	4647.18	4879.54	5123.52
		1945.45	2042.72	2144.85	2252.10	2364.70
		24.32	25.53	26.81	28.15	29.56
6T002 Senior Air Quality Inspector	132	78468.66	82392.09	86511.70	90837.28	95379.14
		6539.05	6866.01	7209.31	7569.77	7948.26
		3018.03	3168.93	3327.37	3493.74	3668.43
		37.73	39.61	41.59	43.67	45.86
6T003 Senior Air Quality Instrument Specialist	132	78468.66	82392.09	86511.70	90837.28	95379.14
		6539.05	6866.01	7209.31	7569.77	7948.26
		3018.03	3168.93	3327.37	3493.74	3668.43
		37.73	39.61	41.59	43.67	45.86

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
6T007 Senior Air Quality Permit Technician	130	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67
6T004 Senior Air Quality Specialist	138	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15	105155.51 8762.96 4044.44 50.56	110413.28 9201.11 4246.66 53.08
6T006 Senior Air Quality Technician	130	74732.06 6227.67 2874.31 35.93	78468.66 6539.05 3018.03 37.73	82392.09 6866.01 3168.93 39.61	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67
6T005 Senior Public Information Officer	135	84426.77 7035.56 3247.18 40.59	88648.11 7387.34 3409.54 42.62	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34
5T003 Supervising Air Quality Inspector	136	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15	105155.51 8762.96 4044.44 50.56
5T004 Supervising Air Quality Instrument Specialist	136	86511.70 7209.31 3327.37 41.59	90837.28 7569.77 3493.74 43.67	95379.14 7948.26 3668.43 45.86	100148.10 8345.68 3851.85 48.15	105155.51 8762.96 4044.44 50.56
5T005 Supervising Air Quality Specialist	142	100148.10 8345.68 3851.85 48.15	105155.51 8762.96 4044.44 50.56	110413.28 9201.11 4246.66 53.08	115933.95 9661.16 4459.00 55.74	121730.64 10144.22 4681.95 58.52
5T006 Supervising Public Information Officer	139	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34	107752.33 8979.36 4144.32 51.80	113139.95 9428.33 4351.54 54.39
5T007 Supervising Systems Analyst	139	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34	107752.33 8979.36 4144.32 51.80	113139.95 9428.33 4351.54 54.39
7T024 Systems Analyst	135	84426.77 7035.56 3247.18 40.59	88648.11 7387.34 3409.54 42.62	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34
7T025 Systems Quality Assurance Specialist	135	84426.77 7035.56 3247.18 40.59	88648.11 7387.34 3409.54 42.62	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34
7T026 Web Master	135	84426.77 7035.56 3247.18 40.59	88648.11 7387.34 3409.54 42.62	93080.51 7756.71 3580.02 44.75	97734.54 8144.55 3759.02 46.99	102621.27 8551.77 3946.97 49.34

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Nate Miley and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: May 28, 2014

Re: Discussion of Procedures for Vote Reporting in Compliance with
Senate Bill (SB) 751

RECOMMENDED ACTION:

Provide direction to staff on preferred voting procedures to ensure compliance with SB 751 (Yee) requiring the reporting of votes of individual members during a meeting and recording of those votes in the minutes of the meeting.

BACKGROUND

Since January 1, 2014, California law has required that the votes and abstentions of individual members of a legislative body be reported during the meeting and recorded in the minutes of the meeting. This requirement was added to the Brown Act by passage of Senate Bill 751 (Yee), signed into law by Governor Brown in 2013. SB 751 is codified in a brief addition to Government Code section 54953, as follows: “(c)(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.” SB751 was sponsored by the Orange County Business Council and supported by a number of business organizations, including the California Building Industry Association. The legislative history of SB 751 reflects that concerns were raised that for large legislative bodies, the absence of a roll call vote or other tally of votes made it difficult, if not impossible, to tell which members voted for or against, or abstained from voting on an item. One example of the problem cited in the legislative materials was the Association of Bay Area Government practice of reporting the number of ayes and nays on motions, without indicating how each member voted.

DISCUSSION

For meetings of the Air District’s various “legislative bodies” as defined by the Brown Act (i.e., Board of Directors, Board Committees, Hearing Board, and Advisory Council) that have been held since January 1, 2014, all votes on action items have been conducted by roll call vote. Minutes of these meetings have recorded the individual votes or abstentions of each member of the body. Although this method of voting, reporting votes during the meeting, and reflecting the individual votes in the minutes clearly complies with SB 751, it is not specifically required. Staff will discuss other possible methods of complying with

SB751 and will facilitate a discussion by the Board of Directors of a preferred method of compliance.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Brian C. Bunger
Reviewed by: Sean Gallagher