



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS REGULAR MEETING

JUNE 3, 2015

A meeting of the Bay Area Air Quality Management District Board of Directors will be held in the 7<sup>th</sup> 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 3, 2015  
9:45 A.M.

BOARD ROOM  
7TH FLOOR

## CALL TO ORDER

Chairperson, Carole Groom

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 20, 2015  
Clerk of the Boards/5073

*The Board of Directors will consider approving the draft minutes of the Board of Directors Special Budget Hearing and Regular Board of Directors Meeting of May 20, 2015.*

4. Board Communications Received from May 20, 2015 through June 2, 2015

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A copy of communications directed to the Board of Directors received by the Air District from May 20, 2015 through June 2, 2015, if any, will be at each Board Member's place.*

5. Quarterly Report of California Air Resources Board Representative - Honorable John Gioia  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

6. The Board of Directors will Consider Establishing New Classifications and Salaries for Management Positions as part of the Air District's Strategic Staffing Plan  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider establishing new classifications and Salaries for Management Positions as part of the Air District's Strategic Staffing Plan.*

7. The Board of Directors will Consider Authorizing a Contract to the Regents of the University of California for Laboratory Analysis of Ultrafine Particulate Matter Samples  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract with the Regents of the University of California for \$93,000 to conduct laboratory analyses of the Air District's ambient ultrafine particulate matter samples, collected over the course of one year, to determine their composition.*

8. Extension of Contracts for My Air Online Development Services  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer to execute amendments to extend seven (7) contracts for the development of the online permitting system in an amount not to exceed \$942,893.*

## **COMMITTEE REPORTS**

9. Report of the **Climate Protection Committee** Meeting of May 21, 2015  
CHAIR: J. Avalos  
J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee received the following reports:*

A) **Air District Activities to Assess and Reduce Methane Emissions**

1) *None; receive and file.*

B) **Property Assessed Clean Energy Programs**

1) *None; receive and file.*

10. Report of the **Stationary Source Committee Meeting** of May 27, 2015  
CHAIR: J. Gioia

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee received the following reports:*

A) **Resolution Regarding a Comprehensive Regulatory Program to Reduce Greenhouse Gases from Stationary Sources**

1) *None; receive and file.*

B) **Five Point Action Plan to Address Refinery Emissions**

1) *None; receive and file.*

C) **Candlestick Park Demolition Update**

1) *None; receive and file.*

**PUBLIC HEARINGS**

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

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto: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, 2015, and approval of a Notice of Exemption from the California Environmental Quality Act.*

12. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2016

J. McKay/4629  
[jmckay@baaqmd.gov](mailto: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 2016 and various budget related actions.*

13. **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.*

14. **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**

16. **Chairperson's Report**

17. **Time and Place of Next Meeting**

*Wednesday, July 15, 2015, 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:**

**MANAGER, EXECUTIVE OPERATIONS**  
**939 ELLIS STREET, SAN FRANCISCO, CA 94109**  
**mmartinez@baaqmd.gov**

**(415) 749-5016**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the "Members of the Board of Directors" and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board at the following 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 Clerk's Office should be given in a timely manner, 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 District's offices 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 2015**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	3	9:45 a.m.	Board Room
<b>Board of Director Public Engagement Committee Meeting</b> <i>(At the Call of the Chair)</i>	Thursday	4	9:30 a.m.	Board Room
<b>Advisory Council Regular Meeting</b> <i>(Meets on the 2<sup>nd</sup> Wednesday of each Month)</i>	Wednesday	10	10:00 a.m.	Board Room
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair)</i>	Thursday	11	9:30 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	9:30 a.m.	Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	15	10:30 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	17	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	24	9:30 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i> - CANCELLED	Thursday	25	9:30 a.m.	Board Room

**JULY 2015**

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	1	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	2	9:30 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	15	9:45 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 3<sup>rd</sup> Thursday of Every Other Month)</i>	Thursday	16	9:30 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	20	9:30 a.m.	Board Room

## JULY 2015

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	20	10:30 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	22	9:30 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	23	9:30 a.m.	Board Room

## AUGUST 2015

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	5	9:45 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	9:30 a.m.	Board Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets on the 3<sup>rd</sup> Monday of each Month)</i>	Monday	17	10:30 a.m.	Board Room
<b>Board of Directors Regular Meeting</b> <i>(Meets on the 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	19	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(Meets on the 4<sup>th</sup> Wednesday of each Month)</i>	Wednesday	26	9:30 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets on the 4<sup>th</sup> Thursday of each Month)</i>	Thursday	27	9:30 a.m.	Board Room

VJ- 5/28/15 (3:32 p.m.)

P/Library/Forms/Calendars/Moncal



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

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

Date: May 20, 2015

Re: Minutes of the Board of Directors Special Budget Hearing and Regular Meeting of  
May 20, 2015

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RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors (Board) Special Meeting Budget Hearing and Board Regular Meeting of May 20, 2015.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board Special Meeting Budget Hearing and Board Regular Meeting of May 20, 2015.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

Attachment A: Draft Minutes of the Board Special Meeting Budget Hearing of May 20, 2015  
Attachment B: Draft Minutes of the Board Regular Meeting of May 20, 2015

## AGENDA: 3 – ATTACHMENT A

Draft Minutes - Board of Directors Special Meeting / Budget Hearing of May 20, 2015

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

Board of Directors Special Meeting / Budget Hearing  
Wednesday, May 20, 2015

### **DRAFT MINUTES**

*Note: Audio and video recordings of the meeting are available on the website of the Bay Area Air Quality Management District at <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx>.*

#### **1. CALL TO ORDER**

Chairperson Carole Groom called the meeting to order at 12:28 p.m.

**Opening Comments:** None.

#### **Roll Call:**

Present: Chairperson Carole Groom; and Directors David J. Canepa, Cindy Chavez, Margaret Fujioka, David Hudson, Karen Mitchoff, Jan Pepper, Katie Rice, Mark Ross, Rod Sinks, Jim Spering and Brad Wagenknecht.

Absent: Vice-Chairperson Eric Mar; Secretary Liz Kniss; and Directors John Avalos, Teresa Barrett, Tom Bates, John Gioia, Scott Haggerty, Roger Kim (on behalf of Edwin Lee), Nate Miley and Shirlee Zane.

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

#### **PUBLIC HEARING**

**3. Public Hearing to Consider Testimony on the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2016. A Final Public Hearing is scheduled for Wednesday, June 3, 2015 to Consider Adoption of the Proposed Budget for FYE 2016**

Chairperson Groom opened the public hearing.

The Board agreed to waive the presentation on this agenda item in the interest of time.

#### **Board Comments:**

The Board and staff discussed the support for an enhanced budget relative to public engagement and outreach; a request for a report on vacant staff positions and the reasoning for or plan relative to the

same; and a summary of current and projected staffing figures for work on the climate protection program.

Public Comments: No requests received.

Board Action: None; receive and file.

**OTHER BUSINESS**

4. **Board Members' Comments**: None.

5. **Time and Place of Next Meeting**

Wednesday, June 3, 2015, 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 12:32 p.m.

Sean Gallagher  
Clerk of the Boards

Draft Minutes - Board of Directors Regular Meeting of May 20, 2015

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

Board of Directors Regular Meeting  
Wednesday, May 20, 2015

## DRAFT MINUTES

*Note: Audio and video recordings of the meeting are available on the website of the Bay Area Air Quality Management District at <http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx>.*

1. **CALL TO ORDER:** Chairperson Carole Groom called the meeting to order at 9:49 a.m.

**Opening Comments:** Chairperson Groom announced a reordering of the agenda.

**Pledge of Allegiance:** Chairperson Groom led the Pledge of Allegiance.

### **Roll Call:**

Present: Chairperson Carole Groom; and Directors John Avalos, Tom Bates, David J. Canepa, Cindy Chavez, Margaret Fujioka, David Hudson, Roger Kim (on behalf of Edwin Lee), Nate Miley, Karen Mitchoff, Jan Pepper, Katie Rice, Mark Ross, Rod Sinks, Jim Sperring and Brad Wagenknecht.

Absent: Vice-Chairperson Eric Mar; Secretary Liz Kniss; and Directors Teresa Barrett, John Gioia, Scott Haggerty and Shirlee Zane.

2. **Report of the Executive Officer/APCO (Out of Order Agenda Item 17)**

Jack Broadbent, Executive Officer/Air Pollution Control Officer (APCO), gave a staff presentation regarding greenhouse gases (GHGs) being included in permit review; workshop comments and responses; and items at Stationary Source on May 27.

### **Public Comment:**

Greg Karras, Communities for a Better Environment, addressed the Board of Directors (Board) in support of emissions limits being included in proposed rule 12-16.

Mr. Broadbent announced the appointment of Abby Young, Manager in the Planning and Climate Protection Division.

3. **PUBLIC COMMENT ON NON-AGENDA MATTERS (AGENDA ITEM 2):**

No requests received.

**CONSENT CALENDAR (ITEMS 4 – 9) (AGENDA ITEMS 3 – 8)**

- 4. Minutes of the Board Regular Meeting of May 6, 2015;**
- 5. Board Communications Received from May 6, 2015 through May 19, 2015;**
- 6. Air District Personnel on Out-of-State Business Travel;**
- 7. Notice of Violations Issued and Settlements in Excess of \$10,000 in the Month of April 2015;**
- 8. Consider Authorizing a Contract Amendment to Environmental Audit, Inc., and Execution of a Purchase Order in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations for Continued California Environmental Quality Act Analyses and Documents; and**
- 9. Consider Authorizing a Purchase Order in Excess of \$70,000 Pursuant to Administrative Code Division II Fiscal Policies and Procedures, Section 4.3 Contract Limitations for Purchase of GHG Measurement Equipment.**

Board Comments: None.

Public Comments: No requests received.

Board Action:

Director Hudson made a motion, seconded by Director Wagenknecht, to approve Consent Calendar Items 4 through 9, inclusive; and the motion carried by the following vote of the Board:

AYES: Avalos, Bates, Canepa, Chavez, Groom, Hudson, Mitchoff, Pepper, Rice, Ross, Sinks, Spering and Wagenknecht.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Barrett, Fujioka, Gioia, Haggerty, Kim, Kniss, Mar, Miley, and Zane.

**COMMITTEE REPORTS**

- 10. Report of the Personnel Committee (PC) Meeting of May 18, 2015 (Agenda Item 9)**  
Committee Chairperson Wagenknecht

The PC met on Monday, May 18, 2015, and approved the minutes of April 20, 2015.

The PC received and discussed the staff presentation *Strategic Staffing Plan Update – Management Restructuring Plan*, including background; succession planning efforts; management restructuring plan; and next steps.

The PC then met in closed session to conduct performance evaluations of the Executive Officer and District Counsel with no reportable action. The Committee Chair will brief the Board on the evaluation during today’s closed session.

The next meeting of the PC is on Thursday, June 11, 2015, at 9:30 a.m.

Board Comments: None.

Public Comments: No requests received.

Board Action: None; receive and file.

## **PRESENTATION**

### **11. Status Update of Regulation 6, Rule 3: Wood Burning Devices (Agenda Item 10)**

Mr. Broadbent introduced the topic and Wayne Kino, Director of the Compliance and Enforcement Division, who gave the staff presentation *Regulation 6, Rule 3, Wood Burning Devices, Rule Development Update*, including goal and nature of proposed amendments; public comment; workshop input; and rule development timeline.

NOTED PRESENT: Director Kim was noted present at 10:04 a.m. and Director Miley was noted present at 10:10 a.m.

Mr. Broadbent made additional comments regarding an upcoming announcement intended to clarify the revised rule making proposal.

Board Comments:

The Board and staff discussed the possibility of developing the rule in a way that is crafted to acknowledge and address the unique circumstances of particular locales; Air District work with local governments to address particular locales with targeted compliance and enforcement actions; overall program effectiveness; interest in a possible incentive program and various options; support for the real estate disclosure provision relative to sales and rentals; local ordinances as important enforcement and education resources; opportunities for collaboration with local governments; concern about the adequacy of Air District staffing levels to ensure proper community engagement during high-intensity campaigns; support for providing incentives for technology like heat pumps instead of natural gas devices; encouragement of providing Air District information through links in local government websites; whether additional public education is necessary to convey that Winter Spare the Air is primarily relative to wood smoke rather than automobile emissions; appreciation for the advertisement that ties wood burning to cigarette smoking; the viability of a private right of action provision in the Air District model ordinance for local governments; whether fireplace retrofits qualify for Property Assessed Clean Energy financing; the viability of directing cap-and-trade revenue to the financing of fireplace retrofits in disadvantaged communities; encouragement of an enhanced education and outreach program through increased department funding; and next steps.

NOTED PRESENT: Director Fujioka was noted present at 10:19 a.m.

Public Comments: No requests received.

Board Action: None; receive and file.

## **CLOSED SESSION**

The Board adjourned to Closed Session at 10:43 a.m.

NOTED PRESENT: Director Mar was noted as entering the closed session at 11:20 a.m.

**12. Public Employee Performance Evaluation (Government Code Sections (GOV §§) 54957 and 54957.6) (Agenda Item 11)**

Pursuant to GOV §§ 54957 and 54957.6, the Board met in closed session to conduct a performance evaluation of the Executive Officer.

**13. Public Employee Performance Evaluation (GOV §§ 54957 and 54957.6) (Agenda Item 12)**

Pursuant to GOV §§ 54957 and 54957.6, the Board met in closed session to conduct a performance evaluation of the District Counsel.

**14. Conference with Legal Counsel – Anticipated Litigation (Agenda Item 13)**

Pursuant to GOV § 54956.9(d)(2), the Board met in closed session with legal counsel to consider one potential matter with significant exposure to litigation.

**15. Existing Litigation (GOV § 54956.9(a)) (Agenda Item 14)**

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

**Friends of Eel River, et al. v. North Coast Railway Authority, et al.**, California Supreme Court Case No. S222472.

**OPEN SESSION**

The Board resumed Open Session at 12:27 p.m. with reportable action as follows:

- 12. Public Employee Performance Evaluation – Executive Officer: None.
- 13. Public Employee Performance Evaluation – District Counsel: None.
- 14. Conference with Legal Counsel – Anticipated Litigation: None.
- 15. Existing Litigation: The Board members present unanimously agreed to Air District participation in the case as amicus curiae.

**16. PUBLIC COMMENT ON NON-AGENDA MATTERS (AGENDA ITEM 15)**

No requests received.

**17. BOARD MEMBERS' COMMENTS (AGENDA ITEM 16): None.**

**OTHER BUSINESS**

**18. Chairperson's Report:** None.

**19. Time and Place of Next Meeting**

Wednesday, June 3, 2015, Bay Area Air Quality Management District Headquarters, 939 Ellis Street, San Francisco, California 94109 at 9:45 a.m.

**20. Adjournment:** The Board meeting adjourned at 12:28 p.m.

Sean Gallagher  
Clerk of the Boards



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 28, 2015

Re: Board Communications Received from May 20, 2015, through June 2, 2015

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from May 20, 2015 through June 2, 2015, if any, will be at each Board Member's place at the June 3, 2015, Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Vanessa Johnson  
Reviewed by: Maricela Martinez



**Matthew Rodriguez**  
*Secretary for  
 Environmental Protection*

# Air Resources Board

**Mary D. Nichols, Chairman**  
 1001 I Street • P.O. Box 2815  
 Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)



**Edmund G. Brown Jr.**  
*Governor*

TO: Members of the Board of Directors

FROM: Supervisor John Gioia  
 Board Member

DATE: April 16, 2015

SUBJECT: **QUARTERLY REPORT OF MY ACTIVITIES AS AN AIR RESOURCES BOARD MEMBER**

The list below summarizes my activities as an Air Resources Board member from January 1, 2015, through March 31, 2015:

### January Activities

- 29<sup>th</sup> Air Resources Board Meeting
- 29<sup>th</sup> Meeting with Glass Point Solar
- 31<sup>st</sup> Speaker @ Bay Area League of Women Voters re: climate change

### February Activities

- 2<sup>nd</sup> Meeting with Union of Concerned Scientists/Natural Resources Defense Council
- 9<sup>th</sup> Air Resources Board Staff Briefing for February Agenda Items
- 10<sup>th</sup> Meeting with CalETC/CMUA/PG&E/SCE (utilities)
- 19<sup>th</sup> Air Resources Board Meeting

### March Activities

- 6<sup>th</sup> Meeting w/PG&E re: EV Changing Infrastructure
- 12<sup>th</sup> Meeting with NESCAUM
- 18<sup>th</sup> Speaker @ Coalition for Clean Air Event
- 25<sup>th</sup> Meeting with Mark Krause of PG&E

Attachments: Public Agendas

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

**PUBLIC MEETING AGENDA**

**January 29, 2015**

**[Webcast](#)**

**LOCATION:**

Air Resources Board  
Byron Sher Auditorium, Second Floor  
1001 I Street  
Sacramento, California 95814  
<http://www.calepa.ca.gov/EPAbldg/location.htm>

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website: <http://www.sacrt.com>  
(This facility is accessible to persons with disabilities.)

**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO: <http://www.arb.ca.gov/lispub/comm/bclist.php>**

**Thursday  
January 29, 2015  
9:00 a.m.**

**DISCUSSION ITEMS:**

**Note:** The following agenda items may be heard in a different order at the Board meeting.

**Agenda Item #**

**15-1-1: Report to the Board on the Air Resources Board Program Priorities for 2015**

*Executive Officer Richard Corey will provide the Board with an overview of anticipated Air Resources Board priorities for 2015.*

[Staff Presentation](#)

**15-1-2: Report to the Board on the Air Resources Board Research to Support Sustainable Communities**

*Staff will present to the Board an overview of the Air Resources Board's research program focused on supporting voluntary strategies that seek to improve the sustainability of California's built environment, including land use patterns, transportation infrastructure, and buildings.*

[More Information](#)

[Staff Presentation](#)

**15-1-3: Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Council of Fresno County Governments Regional Transportation Plan/Sustainable Communities Strategy**

*The Board will consider action to accept or reject the Council of Fresno County Governments' (FCOG) determination that its 2014 Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035. Staff will present its technical evaluation of FCOG's greenhouse gas determination for the 2014 Regional Transportation Plan/Sustainable Communities Strategy which was adopted by FCOG on June 26, 2014.*

[More Information](#)

[Staff Presentation](#)

**15-1-4: Report to the Board on Air Quality**

*Staff will present to the Board an air quality progress report. This report will focus on current air quality as well as the progress made towards attainment of health-based air quality standards for ozone and PM2.5.*

*More Information*

*Staff Presentation*

**CLOSED SESSION**

*The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation, and as authorized by Government Code section 11126(a):*

*POET, LLC, et al. v. Corey, et al., Superior Court of California (Fresno County), Case No. 09CECG04850; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394. [remanded to trial court].*

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*California Dump Truck Owners Association v. Nichols, U.S. District Court (E.D. Cal. Sacramento), Case No. 2:11-CV-00384-MCE-GGH; plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 13-15175.*

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*Truck and Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2013-00150733.*

*Alliance of Automobile Manufacturers v. California Air Resources Board; Sacramento Superior Court, Case No. 34-2013-00152974.*

*Citizens Climate Lobby and Our Children's Earth Foundation v. California Air Resources Board, San Francisco Superior Court, Case No. CGC-12-519554, plaintiffs' appeal, California Court of Appeal, First District, Case No. A138830.*

*California Chamber of Commerce et al. v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2012-80001313; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075930.*

*Morning Star Packing Company, et al. v. California Air Resources Board, et al., Sacramento Superior Court, Case No. 34-2013-800001464; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075954.*

*Delta Construction Company, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 11-1428.*



*City of Los Angeles through Department of Water and Power v. California Air Resources Board, et al.*, Los Angeles Superior Court, Case No. BS140620 (transferred to Sacramento Superior Court, Case No. 34-2013-80001451-CU-WM-GDS).

*Alliance for California Business v. Nichols et al.*, Glenn County Superior Court, Case No. 13CV01232.

*Dalton Trucking, Inc. v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 13-1283.

*Owner-Operator Independent Drivers Association Inc. et al. v. Richard W. Corey et al.*, U.S. District Court, (E.D. Cal. Fresno) Case No. 1:13-CV-01998-LJO-SAB (transferred by court to E.D.Cal. Sacramento, Case No. 2:14-CV-00186-MCE-AC).

*John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al.*, Fresno County Superior Court, Case No. 14-CECG01494.

*Transportation Solutions Defense and Education Fund v. California Air Resources Board*, Fresno County Superior Court, Case No. 14CECG01788 (plaintiff's transfer to Sacramento Superior).

*California Nozzle Specialists, Inc. v. California Air Resources Board*, Los Angeles County Superior Court, Case No. BC564965.

#### **OPPORTUNITY FOR MEMBERS OF THE BOARD TO COMMENT ON MATTERS OF INTEREST**

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#### **OPEN SESSION TO PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON SUBJECT MATTERS WITHIN THE JURISDICTION OF THE BOARD**

*Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak.*

#### **TO ELECTRONICALLY SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

(Note: not all agenda items are available for electronic submittals of written comments.)

#### **IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD:**

1001 I Street, 23<sup>rd</sup> Floor, Sacramento, California 95814  
(916) 322-5594

ARB Homepage: [www.arb.ca.gov](http://www.arb.ca.gov)

**SPECIAL ACCOMMODATION REQUEST**

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- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
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**PUBLIC MEETING AGENDA**

**February 19, 2015**

**[Webcast](#)**

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website:

<http://www.sacrt.com>

(This facility is accessible to persons with disabilities.)

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**Thursday  
February 19, 2015  
9:00 a.m.**

**CONSENT CALENDAR:**

The following item on the consent calendar will be presented to the Board immediately after the start of the public meeting, unless removed from the consent calendar either upon a Board member's request or if someone in the audience wishes to speak on it.

**Consent Item #**

**15-2-1: Public Meeting to Consider a Minor Revision to the South Coast 2012 PM2.5 State Implementation Plan**

*Staff will propose to the Board a minor revision to the South Coast Air Basin 2012 PM2.5 State Implementation Plan (SIP). If approved, it will be submitted to the United States Environmental Protection Agency as a revision to the California SIP and will provide the documentation to facilitate approval of the 2012 South Coast PM2.5 SIP.*

[More Information](#)

[Proposed Resolution](#)

**DISCUSSION ITEMS:**

**Note:** The following agenda items may be heard in a different order at the Board meeting.

**Agenda Item #**

**15-2-2: Public Hearing to Consider the Adoption of Evaporative Emissions Control Requirements for Spark-Ignition Marine Watercraft**

*Staff will present to the Board a proposed regulation for controlling evaporative emissions from spark-ignition marine watercraft. The proposed regulation will harmonize, to the extent feasible, with similar federal requirements, while adding specific provisions needed to support California's air quality needs.*

[More Information](#)

[Staff Presentation](#)



**15-2-5: Report to the Board on Intergovernmental Panel on Climate Change**

*A climate expert will provide an update on the latest assessment of the scientific basis for climate change from the Intergovernmental Panel on Climate Change. Topics to be covered include the most important findings on the physical science basis, impacts, mitigation, and adaptation to climate change on both global and regional scales, with an emphasis on California findings.*

[More Information](#)

[Susanne Moser's Presentation](#)

**15-2-4: Public Hearing to Consider a Low Carbon Fuel Standard**

*Staff will present to the Board a proposed regulation for a Low Carbon Fuel Standard that includes re-adoption of the existing Low Carbon Fuel Standard with updates and revisions. This is the first of two hearings on the item, and the Board will not take action to approve the proposed regulation.*

[More Information](#)

[Staff Presentation](#)

**15-2-3: Public Hearing to Consider the Proposed Regulation for the Commercialization of Alternative Diesel Fuels**

*Staff will present to the Board a proposed regulation governing the introduction of alternative diesel fuels into the California commercial market, including special provisions for biodiesel. This is the first of two hearings on the item, and the Board will not take action to approve the proposed regulation.*

[More Information](#)

[Staff Presentation](#)

**CLOSED SESSION**

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*Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2010-00082774; ARB's appeal, California Court of Appeal, Third District, Case No. C071891. EMA Petition for Review, California Supreme Court, Case No. S223544.*



*Truck and Engine Manufacturers Association v. California Air Resources Board*, Sacramento Superior Court, Case No. 34-2013-00150733.

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**SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR RESOURCES BOARD**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 28, 2015

Re: The Board of Directors will Consider Establishing New Classifications and Salaries  
for Management Positions as part of the Air District's Strategic Staffing Plan

RECOMMENDATION

Recommend that the Board of Directors:

- Establish new classifications of Assistant Manager at Salary Level 147M and Deputy Executive Officer at Salary Level 169M;
- Establish new classifications of Director/Officer at existing Salary Level 156M, Manager at existing Salary Level 148M; and,
- Amend the classification of Deputy Air Pollution Control Officer

BACKGROUND

The Board of Directors and the Executive Officer/APCO have been engaged in discussions regarding the strategic staffing plan and the human resources of the Air District. As a result of these discussions, Air District staff recommends the creation of new job classifications in the management classification system and the amendment of one job classification. These changes will enhance succession opportunities and will remove redundancies within the current system.

DISCUSSION

Air District staff recommends the creation of four new job classifications in the management classification system: Assistant Manager, Manager, Director/Officer and Deputy Executive Officer. Additionally, staff recommends amending the current job classification of Deputy Air Pollution Control Officer to allow for specific designations of expertise within that classification.

The newly created and amended job classifications will replace 30 existing job classifications in the management classification system. The new classes provide the Air District with flexibility in staffing and staff-mobility throughout the Agency. The positions of Assistant Manager and Deputy Executive Officer will enhance succession opportunities at the Air District.

All current management staff which hold positions within the existing 30 job classifications will be reclassified to the newly adopted classifications which are consistent with current salaries.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no budget/financial impact beyond that already contemplated in the Fiscal Year Ending 2016 budget which will be presented to the full Board this year. This recommendation will not increase FTEs.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Rex Sanders

Attachments

- A: Draft Job Classifications of Assistant Manager
- B: Draft Job Classification of Manager
- C: Draft Job Classification of Director/Officer
- D: Draft Job Classification of Deputy Executive Officer
- E: Draft Amendments to the Job Classification of Deputy Air Pollution Control Officer

## **ASSISTANT MANAGER**

### **DEFINITION**

Under administrative direction, performs management duties with responsibility for a program or defined functional area; assists and supports the Manager in the administration of a program or functional area; performs related work as assigned.

Incumbents in these positions assist the Manager in making decisions which impact the daily operations and implementation of established procedures and policies of the related programs and solve problems requiring analyses of issues that may result in deviations from routine processes, new technology and/or additional resources. The Assistant Manager typically contacts and establishes working relationships with others at similar levels within the organization.

### **DISTINGUISHING CHARACTERISTICS**

Incumbents in this class assume responsibility for one or more programs or functional areas and may directly supervise staff, dependent on the needs of the assigned program. Incumbents in these positions assist the Manager in making decisions which typically involve program planning and directing, as well as, organizing new and future resource needs.

The Assistant Manager is distinguished from Manager in that the latter has direct managerial responsibility for one or more section(s), programs or functional areas of the District. This class is further distinguished from supervisors in that the latter has supervisory responsibility overseeing programs or services.

### **EXAMPLES OF DUTIES (Illustrative Only)**

Assists in the development, implementation, and administration of goals, objectives, policies, procedures, and work standards for an assigned program.

Directs, organizes, assigns, reviews, and evaluates the work of assigned staff; selects and trains staff and provides for their professional development.

Directs the preparation, maintenance, verification, and reconciliation of a wide variety of reports.

Develops, reviews, and recommends improved methods and procedures.

Directs the maintenance of and maintains accurate records; prepares clear and concise reports, correspondence and other written materials.

Analyzes technical issues, prepares and presents reports and recommendations regarding operational and policy issues to the Board and various committees and other groups.

Coordinates budget preparation, monitoring of expenditures and financial reporting for the assigned program.

Analyzes and reviews local, state, and federal legislation to determine its impact on the District.

Responds to requests for public information regarding the District's policies, procedures, and operations.

Monitors contracts with other governmental agencies.

Represents the District and assists the Manager as assigned.

**ASSISTANT MANAGER  
JUNE 2015  
PAGE 2 OF 2**

Serves as manager in the absence of the Manager.

**QUALIFICATIONS**

**Knowledge of:**

Administrative and managerial principles and practices, including goal setting and program and budget development and implementation.

Principles and practices of employee supervision, including selection, training, work evaluation, and discipline.

Applicable District, federal, state, and local laws, rules, and regulations.

Principles of administration and control.

Computer applications and software.

**Skill in:**

Planning, assigning, supervising, reviewing, and evaluating the work of assigned staff.

Selecting and motivating staff; training staff in work procedures.

Reviewing and verifying the accuracy of data and associated documents.

Preparing clear, concise, and complete reports and other written correspondence.

Recommending and implementing improved methods and procedures.

Interpreting and applying complex rules, regulations, and ordinances.

Using computer software applications, including word processing and spreadsheets.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Exercising sound independent judgement within general policy guidelines.

Making effective presentation to the Board, the public, and other groups.

**Other Requirements:**

Must possess a valid California driver's license.

**Education and Experience:**

A typical way to obtain the knowledge and skills is:

Equivalent to graduation from a four (4) year college or university with major coursework in a job related field and three (3) years of professional level work experience preferably in a public agency, of which at least one year was at a supervisory level. Some positions may require specialized training, education and experience.

## **MANAGER**

### **DEFINITION**

Under administrative direction, performs mid-level management duties with responsibility for a section, program or defined functional area; and performs related work as assigned.

Incumbents in these positions make decisions which impact the daily operations and implementation of established procedures and policies of the related sections and solve problems requiring analyses of issues that may result in deviations from routine processes, new technology and/or additional resources.

### **DISTINGUISHING CHARACTERISTICS**

Incumbents in this class assume responsibility for one or more section(s), programs or functional areas. Incumbents make decisions which typically involve program planning and directing, as well as, organizing new and future resource needs.

Manager is distinguished from Director/Officer in that the latter has overall managerial responsibility for multiple sections or functional areas of a division. This class is further distinguished from Assistant Manager in that the latter has responsibility for one or more programs or functional areas and responsibility overseeing complex, diverse programs or services.

### **EXAMPLES OF DUTIES (Illustrative Only)**

Develops and implements goals, objectives, policies, procedures, and work standards for the assigned programs.

Directs, organizes, assigns, reviews, and evaluates the work of assigned staff; selects and trains staff and provides for their professional development.

Directs the preparation, maintenance, verification, and reconciliation of a wide variety of reports.

Develops, reviews, and recommends improved methods and procedures.

Directs the maintenance of and maintains accurate records; prepares clear and concise reports, correspondence and other written materials.

Analyzes technical issues, prepares and presents reports and recommendations regarding operational and policy issues to the Board, various committees, and other groups.

Analyzes and reviews local, state, and federal legislation to determine its impact on the District.

Responds to requests for public information regarding the District's policies, procedures and operations.

Represents the District and assists the Director/Officer as assigned.

**QUALIFICATIONS**

**Knowledge of:**

Administrative and managerial principles and practices, including goal setting, program and budget development and implementation.

Principles and practices of employee supervision, including selection, training, work evaluation, and discipline.

Applicable District, federal, state, and local laws, rules, and regulations.

Principles of administration and control.

**Skill in:**

Planning, assigning, supervising, reviewing, and evaluating the work of assigned staff.

Selecting and motivating staff and providing for their training and professional development.

Reviewing and verifying the accuracy of data and associated documents.

Preparing clear, concise, and complete reports and other written correspondence.

Recommending and implementing improved methods and procedures.

Interpreting and applying complex rules, regulations, and ordinances.

Using computer software applications, including word processing and spreadsheets.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Exercising sound independent judgement within general policy guidelines.

Making effective presentations to the Board, the public and other groups.

**Other Requirements:**

Must possess a valid California driver's license.

**Education and Experience:**

A typical way to obtain the knowledge and skills is:

Equivalent to graduation from a four (4) year college or university with major coursework in a job related field and four (4) years of professional level work experience preferably in a public agency, of which at least two (2) years were at a supervisory level. Some positions may require specialized training, education and experience.



## **DIRECTOR/OFFICER**

### **DEFINITION**

Under executive direction, incumbents in this class function as senior managers operating within a broad policy framework and typically manage a division of the agency. Incumbents assume sole responsibility for a functional area(s) of service; coordinate and implement program planning; and define organizational structure, staffing requirements, resource allocation and identification of future resource needs. Incumbents also interface with all managerial levels within the agency and outside agencies, and serve as representatives of the division in meetings involving policies, procedures, operation, and administrative systems; and perform related duties as required.

### **DISTINGUISHING CHARACTERISTICS**

Incumbents in this class may serve as the District's chief subject expert and directs all activities of a Division. The incumbent is accountable for accomplishing division goals and objectives and for furthering District goals and objectives within general policy guidelines.

Director/Officer is distinguished from Deputy Air Pollution Control Officer (DAPCO) in that the latter has overall managerial responsibility for multiple divisions or functional areas of the District. This class is further distinguished from Manager in that the latter has managerial responsibility for one or more section(s), programs or functional areas.

### **EXAMPLES OF DUTIES (Illustrative Only)**

Directs, plans, monitors, and evaluates the goals, operations, policies, procedures and work standards of a division.

Plans, organizes, administers, reviews and evaluates the activities of assigned staff; coaches assigned staff to improve performance.

Selects personnel and provides for their training and professional development.

Provides technical and managerial direction to District staff and others.

Directs the allocation of resources to achieve timely outcomes and measurable goals within budget; adjusts plans and programs to meet emerging or new programs, while continuing to address major agency priorities.

Monitors and evaluates the effectiveness and efficiency of the division's operations, organizational structure, staffing levels, systems, and other internal policies and procedures; recommends alternative approaches and implements changes.

Represents the District at meetings with the public, industry and other agencies; serves as the liaison for the agency.

Plans, develops, implements or directs major or complex projects or programs; directs the research of complex, highly technical issues; analyzes alternative solutions or approaches; recommends most effective course of action.

**DIRECTOR/OFFICER  
JUNE 2015  
PAGE 2 OF 3**

Directs and oversees the preparation and administration of the division's budget.

Develops and presents technical, policy, operational or administrative issues and recommendations to the District Board and executive management.

Receives and analyzes division and agency reports; directs the preparation of monthly and annual reports; directs the gathering and analysis of information and evaluate processes.

Assists in the identification, development and implementation of agency goals, objectives, policies, and priorities.

**QUALIFICATIONS**

**Knowledge of:**

Administrative principles and practices, including goal setting, program and budget development and implementation and employee supervision.

Principles and practices of employee supervision, including selection, training, work evaluation and discipline.

Principles and practices of effective public relations.

Applicable District, local, state and federal laws, rules and regulations.

Methods and techniques of research, statistical analysis, and report presentation.

**Skill in:**

Planning, organizing, assigning, directing, reviewing and evaluating the work of assigned staff.

Selecting and motivating staff and providing for their training and professional development.

Interpreting, explaining and applying District rules and regulations and local, state and federal laws.

Representing the District effectively in contacts with the public, industry and other agencies.

Analyzing complex technical, scientific and administrative problems evaluating alternative solutions and adopting effective courses of action.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Preparing clear and concise reports, correspondence and other written materials.

Exercising sound independent judgment within policy guidelines.

**Other Requirements:**

Must possess a valid California driver's license.

**Education and Experience:**

A typical way to obtain the knowledge and skill is:

Equivalent to graduation from a four year college or university with major coursework in job related field and five years of professional level work experience, preferably in a public agency, including three years of supervisory experience. Some positions may require specialized training, education and experience.

## **DEPUTY EXECUTIVE OFFICER**

### **DEFINITION**

Under executive direction, serves as the immediate and highest level class below the Executive Officer / Air Pollution Control Officer, who plans, organizes, coordinates and directs divisions of the Bay Area Air Quality Management District; develops and provides policy guidance and strategies regarding air quality management; acts as the Air Pollution Control Officer as assigned; performs related work as assigned.

### **DISTINTGUISHING CHARACTERISTICS**

This single position class provides high-level technical and policy direction in the management of the District's programs and activities for multiple divisions. The incumbent is accountable for overseeing and directing the accomplishment of goals and objectives of assigned divisions and for furthering District goals and objectives in an effective manner.

The Deputy Executive Officer is distinguished from the Air Pollution Control Officer in that the latter has overall management responsibility for the District. The class is further distinguished from the Deputy Air Pollution Control Officer in that the latter has managerial responsibility for specified divisions or functional areas of the District, and may report to the Deputy Executive Officer.

### **EXAMPLES OF DUTIES (Illustrative Only)**

Provides designated technical and policy direction and support to the Executive Officer / Air Pollution Control Officer and the District Board.

Represents the District and/or the Executive Officer / Air Pollution Control Officer in varied situations with various groups and agencies both within and outside of the District.

Plans, organizes, coordinates and directs through deputies, division directors, section managers and support staff the work of assigned divisions.

Directs the development and implementation of goals, objectives, policies, procedures and work standards for assigned divisions.

Directs the management of and makes policy recommendations regarding assigned divisions, programs and activities.

Organizes and coordinates the development and implementation of projects and activities with other agencies.

Supports the Executive Officer / Air Pollution Control Officer in District management and interactions with the Board.

Ensures conformance with program schedules, budgets and contracts.

Develops and presents technical and policy issues and recommendations to the District Board and the Executive Officer / Air Pollution Control Officer.

May direct the work of Deputy Air Pollution Control Officers.

**QUALIFICATIONS**

**Knowledge of:**

Administrative principles and methods, including goal setting, program and budget development and implementation and employee supervision.

Principles, practices and program areas related to assigned divisions.

Social, political and environmental issues influencing air quality management programs.

Applicable District, state and federal laws, rules and regulations.

Principles and practices of effective public relations.

Current developments, literature and sources of information regarding air quality management activities.

**Skill in:**

Planning, organizing, coordinating and directing assigned programs and activities.

Selecting, motivating and evaluating staff and providing for their training and professional development.

Developing and implementing goals, objectives, policies, procedures, work standards and internal controls.

Analyzing complex technical and administrative problems, evaluating alternative solutions and adopting effective courses of action.

Interpreting, explaining and applying District rules and regulations and state and federal laws.

Representing the District effectively in contacts with the public, industry and other agencies.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Preparing clear and concise reports, correspondence and other written materials.

Exercising sound independent judgment within policy guidelines.

**Other Requirements:**

Must possess a valid California's driver's license.

**Education and Experience:**

A typical way to obtain the knowledge and skills is:

Equivalent to a graduate degree in engineering, physical or biological sciences, business or public administration or a closely related field and five years of experience managing environmental quality and related technical and support programs and activities at or equal to the District's Deputy Air Pollution Control Officer, preferably with a public agency.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

JUNE 2015 ~~JANUARY 1992~~

## DEPUTY AIR POLLUTION CONTROL OFFICER

### DEFINITION

Under executive direction, plans, organizes, coordinates and directs multiple divisions and programs of the Bay Area Air Quality Management District; develops and provides policy guidance and strategies regarding air quality management; acts as the ~~Air Pollution Control Officer~~ Deputy Executive Officer and the Executive Officer / Air Pollution Control Officer as assigned; performs related work as assigned.

### DISTINTGUISHING CHARACTERISTICS

~~Incumbents in this~~ This single position class ~~provide~~ provides technical and administrative assistance in the management of the District's staff and activities. The ~~incumbents are~~ incumbent is accountable for coordinating the accomplishment of goals and objectives of assigned divisions and for furthering District goals and objectives in an effective and efficient manner. Positions in this class may be assigned to function as the Chief Operating Officer, Chief Financial Officer, Chief of Technology, or other specified Deputy-level duties. ~~This class is distinguished from the air Pollution Control Officer in that the latter has overall management responsibility for the entire District.~~

The Deputy Air Pollution Control Officer is distinguished from the Deputy Executive Officer in that the latter has overall management responsibility for the District, and is the second level of responsibility in the agency. This class is further distinguished from Director/Officer in that the latter has overall managerial responsibility for multiple sections or functional areas of a division.

### EXAMPLES OF DUTIES (Illustrative Only)

Provides designated technical and administrative staff and policy assistance to the Air Pollution Control Officer and the District.

Represents the District and/or the Air Pollution Control Officer in varied situations with various groups and agencies both within and outside of the District.

Plans, organizes, coordinates and directs through division directors, section managers and support staff the work of assigned divisions.

Direct and oversees the Districts overall operations

Directs and oversees the Districts financial activities

Directs and oversees broad policy direction

Directs the development and implementation of goals, objectives, policies, procedures and work standards for assigned divisions.

Directs the management of and makes policy recommendations regarding assigned divisions, programs and activities.

Organizes and coordinates the development and implementation of projects and activities with other agencies.

Supports the Air Pollution Control Officer in District management and interactions with the Boards.

**DEPUTY AIR POLLUTION CONTROL OFFICER**  
**JUNE 2015**  
**PAGE 2 OF 3**

Ensures conformance with program schedules, budgets and contracts.

Develops and presents technical and policy issues and recommendations to the District Board and executive management.

**QUALIFICATIONS**

**Knowledge of:**

Administrative principles and methods, including goal setting, program and budget development and implementation and employee supervision.

Principles, practices and program areas related to assigned divisions.

**DEPUTY AIR POLLUTION CONTROL OFFICER**  
**JAN 1992**  
**PAGE 2 OF 2**

Social, political and environmental issues influencing air quality management programs.

Applicable District, state and federal laws, rules and regulations.

Principles and practices of effective public relations.

Current developments, literature and sources of information regarding air quality management activities.

**Skill in:**

Planning, organizing, coordinating and directing assigned programs and activities.

Selecting, motivating and evaluating staff and providing for their training and professional development.

Developing and implementing goals, objectives, policies, procedures, work standards and internal controls.

Analyzing complex technical and administrative problems, evaluating alternative solutions and adopting effective courses of action.

Interpreting, explaining and applying District rules and regulations and state and federal laws.

Representing the District effectively in contacts with the public, industry and other agencies.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Preparing clear and concise reports, correspondence and other written materials.

Exercising sound independent judgment within policy guidelines.

**Other Requirements:**

Must possess a valid California's driver's license.



**DEPUTY AIR POLLUTION CONTROL OFFICER**  
**JUNE 2015**  
**PAGE 3 OF 3**

**Education and Experience:**

A typical way to obtain the knowledge and skills is:

Equivalent to a graduate degree in engineering, physical or biological sciences, business or public administration or a closely related field and three years of experience managing environmental quality and related technical and support programs and activities, preferably with a public agency.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 28, 2015

Re: The Board of Directors will Consider Authorizing a Contract to the Regents of the University of California for Laboratory Analysis of Ultrafine Particulate Matter Samples

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RECOMMENDED ACTION

The Board of Directors will consider authorizing the Executive Officer/APCO to enter into a contract with, and issue a Purchase Order of \$93,000 to the Regents of the University of California to conduct laboratory analyses of the Air District's ambient ultrafine particulate matter samples, collected over the course of one year, to determine their composition.

DISCUSSION

Ultrafine particulate matter has known adverse health impacts and has been continuously monitored in the Bay Area at six air monitoring stations. The current effort provides continuous information on ambient levels of ultrafine particulate matter.

The proposed work will analyze samples for composition for one year. Specific chemical species, including metals that can be used as markers for specific sources, will be identified. The resulting data will be used to evaluate the District's ultrafine particulate matter emissions inventory and model performance and to identify major sources of ultrafine particulate matter in the Bay Area, through Chemical Mass Balance and PMF methods. In addition, the California Office of Environmental Health Hazard Assessment (OEHHA) will use the data to derive Bay Area-specific ultrafine particulate matter dose-response functions.

The Principal Investigator for the proposed contract, Professor Mike Kleeman, and his research team have been conducting similar work in California. Recently the California Air Resources Board entered into a yearlong contract with Professor Kleeman to collect and analyze ultrafine particulate samples for composition in three regions of California (Los Angeles, Fresno and east Oakland).

The proposed program will support a second sampling location in the Bay Area (at San Pablo) and will be coordinated with the on-going CARB effort, thus saving costs.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for this contract is included in the FYE 2015 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Saffet Tanrikulu

Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2015

Re: Extension of contracts for My Air Online Development Services

RECOMMENDED ACTION

Recommend that the Board of Directors:

- 1) Authorize the Executive Officer/APCO to execute contract amendments with the following vendors in the amounts listed below:

<b>Vendor</b>	<b>Amount</b>	<b>Service Description</b>
C&G Technology Services	\$81,200	Software testing services for the permitting and compliance systems software.
Clearsparc, Inc.	\$312,000	Software architecture, design, development, build and release management services.
Denovo, Inc.	\$78,000	Fixes and enhancements to the existing interface between JD Edwards and the online permitting system (outside of the larger JDE upgrade project).
Farallon Geographics, Inc.	\$44,200	Geospatial software and data services.
IT Dependz, Inc.	\$101,538	Business analysis, software development, automated testing and quality assurance services related to the implementation of Production System and registration software.
Sushimedia, LLC.	\$83,200	User experience design and interface development.
Trinity Technology Group	\$242,755	Data clean-up and transfer services from legacy systems to the new permitting and compliance systems. Business analysis, software development, database and business rules logic implementation permitting and enforcement processes.
<b>TOTAL</b>	<b>\$942,893</b>	

## BACKGROUND

Air District staff is recommending semi-annual contract amendments for vendors assisting with the development of the permitting and compliance systems of the My Air Online Program in order to meet the fiscal year 2016 goals.

## DISCUSSION

### **My Air Online Program**

The My Air Online Program is composed of the design and implementation of the following information systems:

- A new public website
- A map-based visualization platform for the public to view air quality related data
- The Permitting & Compliance System (Production System), including integration into the new public website

In the second half of the 2015 calendar year, the My Air Online Program aims to complete the following:

- Support for online permitting and mobile inspections of internal combustion engines
- Support for online processing and mobile inspections for asbestos renovation and demolition jobs
- Improved public notifications for permit applications
- Enhanced support for compliance and enforcement operations

In order to continue progress on the Permitting & Compliance System portion of the My Air Online program, staff is recommending the continued use of proven vendors familiar with Air District systems for the first half of Fiscal Year End (FYE) 2016. The Air District has used these firms to assist with the design, development and testing of the permitting and compliance software systems, and they have performed well.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the vendor contract recommendations is included in the FYE 2015 budget and proposed FYE 2016 budget, and will be funded from the My Air Online Program (#125).

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 Carole Groom and Members  
of the Board of Directors

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

Date: May 21, 2015

Re: Report of the Climate Protection Committee Meeting of May 21, 2015

RECOMMENDED ACTION

The Climate Protection Committee (Committee) received only informational items and has no recommendations of approval by the Board of Directors.

BACKGROUND

The Committee met on Thursday, May 21, 2015, and received the following reports:

- A) Air District Activities to Assess and Reduce Methane Emissions; and
- B) Property Assessed Clean Energy Programs.

Chairperson John Avalos will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) Enhanced methane monitoring activities require resources that have been included in the Fiscal Year Ending (FYE) 2015 budget, with additional resources anticipated in the proposed FYE 2016 budget.
- B) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

Attachment A: 05/21/15 – Climate Protection Committee Meeting Agenda #4  
Attachment B: 05/21/15 – Climate Protection Committee Meeting Agenda #5

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Avalos and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 13, 2015

Re: Air District Activities to Assess and Reduce Methane Emissions

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Methane is an important greenhouse gas (GHG) that contributes to the Bay Area's regional GHG emissions inventory. In the Bay Area, major sources of methane include leakage from the decomposition of waste from landfills and wastewater treatment facilities, livestock, natural gas distribution systems, and oil and gas wells. Methane has a Global Warming Potential (GWP) 28 times that of carbon dioxide, which means that methane, is much more effective at trapping heat than carbon dioxide. Because of this high GWP and its short atmospheric lifespan (about 12 years), reducing methane emissions today can have an immediate beneficial impact on global warming.

Since 2006, the Air District has maintained a regional GHG emissions inventory, which includes methane. The Air District's emissions inventory, consistent with state and federal inventories, calculates emissions based on analysis of specific source categories (e.g., "fugitive" leaks at landfills or natural gas lines). A growing number of recent studies have indicated that there may be a disparity between such source-based estimates of methane and levels of methane detected in the ambient air. The results of these studies indicate that the Air District's inventory may significantly underestimate methane emissions. This disparity is consistent with findings at the state and national level, and work is underway to resolve this disparity and better understand which methane sources should be the focus of reduction efforts.

The Air District began measuring ambient methane levels in 1980 as part of a measurement network focused primarily on ozone precursors, or non-methane hydrocarbons. An enhanced measurement network with greater precision instruments and broader coverage, focused on tracking methane trends and sources, is currently under development. In addition, Air District staff is currently collaborating with researchers at the Lawrence Berkeley National Laboratory to refine and improve methane estimates in the regional emissions inventory. Outcomes of these efforts will inform Air District climate policies and programs, and also may be useful to



emissions inventory work and policy development being done at other air districts, and at the state and national levels.

DISCUSSION

Several elements of the Air District's 10-Point Climate Action Work Program address methane emissions and are reflected in current work efforts. Staff will provide the Committee with an overview of the Air District's efforts to date and future plans to monitor methane levels, enhance the Air District's methane emissions inventory, and identify the major sources of methane in the Bay Area. The presentation also will highlight current and proposed rule-making efforts and other activities underway to control methane emissions.

BUDGET CONSIDERATION / FINANCIAL IMPACT

Enhanced methane monitoring activities require resources that have been included in the Fiscal Year Ending (FYE) 2015 budget, with additional resources anticipated in the proposed FYE 2016 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Abby Young  
Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Avalos and Members  
of the Climate Protection Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 13, 2015

Re: Property Assessed Clean Energy Programs

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

California's Building Energy Efficiency Standards (under Title 24) were adopted in 1978. These Standards set stringent energy efficiency requirements for new and remodeled buildings in California. There are approximately 2.8 million housing units in the Bay Area, and it is estimated that nearly 70% were built prior to the 1978 adoption of the Building Energy Efficiency Standards. As part of the development of the Regional Climate Protection Strategy, Air District staff has conducted an analysis of greenhouse gas (GHG) trends and mitigation opportunities in the buildings sector. This analysis indicates that the existing building stock represents a large opportunity for reducing energy use and GHG emissions. In addition, the Air District has extensive experience working with local governments on the development of local energy efficiency and GHG reduction plans, and expects to continue this collaboration in addressing GHG emissions from the existing building stock.

In 2007, the Air District awarded a Climate Protection Grant to the City of Berkeley to implement the Berkeley Financing Initiative for Renewable and Solar Technology (BerkeleyFIRST) – a pilot concept to finance solar energy systems on existing residential and commercial buildings through a property tax assessment. The program was replicated at the state level and promoted nationally by President Obama. The statewide CaliforniaFIRST program facilitates energy efficiency upgrades and solar installations by overcoming traditional barriers to such investments, including upfront costs and long-term loans that are attached to the borrower instead of the property. These types of programs are often referred to as Property Assessed Clean Energy (PACE) programs.

## DISCUSSION

Staff from Renewable Funding, a major provider of PACE program financing, will provide the Committee with an overview of how PACE programs work, the status of participation in PACE programs in the Bay Area and results to date. The presentation will also address the potential for PACE programs to reduce GHG emissions from the buildings sector in the Bay Area and potential role(s) for the Air District in facilitating participation.

## BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Abby Young  
Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 27, 2015

Re: Report of the Stationary Source Committee Meeting of May 27, 2015

RECOMMENDED ACTION

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

- A) None; receive and file;
- B) None; receive and file; and
- C) None; receive and file.

BACKGROUND

The Committee met on Wednesday, May 27, 2015, and received the following reports:

- A) Resolution Regarding a Comprehensive Regulatory Program to Reduce GHGs from Stationary Sources;
- B) Five Point Action Plan to Address Refinery Emissions; and
- C) Candlestick Park Demolition Update.

Representatives of Communities for a Better Environment (CBE), requested that the Committee and Board of Directors consider a resolution addressing caps on certain refinery emissions. A copy of the communication from CBE is attached.

Subsequent to the meeting of the Stationary Source Committee, an additional request that the Board of Directors consider a resolution on the use of resolutions and rule development was received from the California Council for Environmental and Economic Balance (CCEEB). A copy of the communication from CCEEB is also attached.

Chairperson John Gioia will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

A) None.

B) None. Air District staff intends to propose a new fee schedule in order to recover the Air District's costs of implementing the new and amended rules developed in the five point action plan.

C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

- Attachment A: 05/27/15 – Stationary Source Committee Meeting Agenda #4
- Attachment B: 05/27/15 – Stationary Source Committee Meeting Agenda #5
- Attachment C: 05/27/15 – Stationary Source Committee Meeting Agenda #6
- Attachment D: A Draft Resolution Recommending District Board Action to Prevent Increased Air and Climate Protection Emissions from Bay Area Petroleum Refineries
- Attachment E: A Draft Resolution Addressing the Use of Resolutions and Rule Development

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Stationary Source Committee

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

Date: May 22, 2015

Re: Resolution Regarding a Comprehensive Regulatory Program to Reduce Greenhouse  
Gases from Stationary Sources

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**RECOMMENDED ACTION**

Consider recommending that the Board of Directors adopt a resolution establishing a comprehensive regulatory program to reduce greenhouse gases from stationary sources.

**BACKGROUND**

On November 6, 2013, the Board of Directors adopted Resolution 2013-11, establishing a greenhouse gas (GHG) reduction goal for the Bay Area and committing to develop a Regional Climate Protection Strategy. On April 2, 2014, the Board of Directors approved a 10-point Climate Action Work Program to guide Air District's climate protection activities in the near-term. Resolution 2013-11 and the 10-Point Climate Action Work Program include elements regarding regulation and permitting of stationary sources.

Stationary sources, over which the Air District has regulatory authority, represent a significant share of Bay Area GHG emissions. By establishing a comprehensive regulatory program to reduce GHGs from stationary sources, the Air District would reaffirm and focus previous commitments to achieve maximum feasible GHG reductions in order to achieve long-term GHG reduction goals.

Attached is a draft resolution for the Committee's consideration.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Resources to implement the proposed resolution are included in the proposed Fiscal Year Ending 2016 budget. Additional resources, if necessary, will be discussed with the Board of Directors as needed.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Henry Hilken  
Reviewed by: Jean Roggenkamp

Attachment: Draft Resolution Establishing a Comprehensive Regulatory Program to Reduce Greenhouse Gases from Stationary Sources

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**RESOLUTION No. 2015 -**

**A Resolution of the Board of Directors of the Bay Area Air Quality Management District**

**Resolution Establishing a Comprehensive Regulatory Program to Reduce Greenhouse Gases from Stationary Sources**

WHEREAS, Resolution 2013-11, adopted by the Board of Directors on November 6, 2013, adopted a greenhouse gas reduction goal and committed to developing a Regional Climate Protection Strategy, including the following elements:

- Setting a goal for the Bay Area region of reducing GHG emissions to 80% below 1990 levels by 2050, and developing specific performance objectives to track progress in achieving the goal; and
- Developing a Regional Climate Action Strategy to guide and document the Air District's work towards achieving the 2050 goal for GHG emission reductions that complements existing planning efforts at the state, regional and local levels, utilizing the Air District's Clean Air Plan update to coordinate the planning and outreach processes; and
- Directing staff to develop a work program to guide and document the Air District's climate protection activities in the near term, to be approved by the Board of Directors in the first quarter of 2014; and

WHEREAS, The 10-Point Climate Action Work Program was adopted by the Board of Directors on April 2, 2014 and has guided the Air District's climate protection activities; and

WHEREAS, Resolution 2013-11 includes a series of findings regarding climate change impacts on the health and welfare of Bay Area residents and regarding the critical importance of deep, long-term greenhouse gas reductions, which are herein incorporated by reference; and

WHEREAS, The Board of Directors reaffirms its previous commitment to develop and implement rigorous programs to protect the climate, including but not limited to projects and programs identified in the 10-Point Climate Action Work Program and the Regional Climate Protection Strategy ; and

WHEREAS, Stationary sources represent a significant share of total Bay Area greenhouse gas emissions; and



WHEREAS, Pursuant to California Clean Air Act and Amendments (HSC Section 40910 et seq) and the Federal Clean Air Act and Amendments (42 U.S.C. Section 7401 et seq.), the Air District has authority to regulate emissions from non-vehicular sources of air pollution, including GHGs, and to enact more stringent requirements than federal or State law;

NOW, THEREFORE, BE IT RESOLVED, The Board of Directors seeks to establish a comprehensive regulatory program to reduce greenhouse gases from stationary sources including:

- Incorporating greenhouse gases in the Air District’s regulatory program; and
- Incorporating greenhouse gases in the Air District’s permitting program, including evaluation of Best Available Control Technology in New Source Review; and
- Evaluation and adoption of appropriate methods to assure that greenhouse gases from stationary sources do not increase, including but not limited to emission caps; and
- Developing regulatory proposals to limit short-lived climate pollutants from stationary sources; and
- Investigating and pursuing all other opportunities to assure greenhouse gas reductions.

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 \_\_\_\_\_, 2015, by the following vote of the Board:

AYES:

NOES:

ABSENT:

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Carole Groom  
Chairperson of the Board of Directors

ATTEST:

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Liz Kniss  
Secretary of the Board of Directors

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Stationary Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 19, 2015

Re: Five Point Action Plan to Address Refinery Emissions

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Air District staff held public workshops on Regulation 12, Rule 15 and Regulation 12, Rule 16 in Benicia on March 16, 2015, Richmond on March 17, 2015, Martinez on March 18, 2015, and at the Air District office on March 20, 2015. Air District staff also developed a Refinery Emission Reduction Strategy in response to Resolution Number 2014-07, identifying specific rulemaking to meet the goal of reducing refinery emissions by 20%. During this process, Air District staff received over 3,000 comments regarding emissions from refineries.

As a result of this input, Air District staff developed a five point action plan to provide a path forward to quickly and effectively address concerns regarding emissions of criteria pollutants, toxic air contaminants and greenhouse gases (GHG) from refineries.

DISCUSSION

In this report, Air District staff will provide the Committee with specific information and details of the five point action plan developed in response to comments and input provided during the rulemaking process. The five point plan includes:

- Addition of elements to Regulation 12, Rule 15;
- Focusing Regulation 12, Rule 16 on mitigating health burdens on refinery communities;
- Permit review for significant crude oil changes;
- Refinery Emission Reduction rulemaking activities; and
- Refinery methane rulemaking activities

BUDGET CONSIDERATIONS/FINANCIAL IMPACT

None. Air District staff intends to propose a new fee schedule in order to recover the Air District's costs of implementing the new and amended rules developed in the five point action plan.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Eric Stevenson  
Reviewed by: Jean Roggenkamp

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson John Gioia and Members  
of the Stationary Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 20, 2015

Re: Candlestick Park Demolition Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Candlestick Point Redevelopment Project is a multiple acre site located at Candlestick Point in San Francisco. This site contains naturally occurring asbestos (NOA) materials that are subject to state Air Toxics Control Measure (ATCM) requirements and the demolition of Candlestick Park Stadium is subject to the Air District's asbestos and visible emission requirements.

DISCUSSION

Air District staff will discuss the Air District's role in the activities that are occurring at this site.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Wayne Kino

Reviewed by: Jeff McKay

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT CLIMATE PROTECTION /  
STATIONARY SOURCE COMMITTEE RESOLUTION NO. \_\_\_\_\_**

**A Resolution Recommending District Board Action to Prevent Increased Air and  
Climate Pollution Emissions from Bay Area Petroleum Refineries**

WHEREAS, the Bay Area has five major oil refineries that emit smog-forming, toxic, and climate-disrupting air pollutants in environmentally significant amounts; and

WHEREAS, greenhouse gasses co-emit with other air pollutants, including co-pollutants that are not currently controlled as criteria or toxic air pollutants; and

WHEREAS, on October 15, 2014, the Air District Board resolved\* to develop requirements to reduce refinery emissions as expeditiously as practicable through a strategy that includes enforceable mechanisms; and

WHEREAS, refinery production of motor vehicle fuels for use in California is declining and this trend is expected to continue; and

WHEREAS, despite the Board's resolve to reduce refinery emissions and the declining statewide use of refined products, the Board has found\* that Bay Area refineries are in the process of infrastructure and crude oil changes that have the potential to result in significant worsening of air quality; and

WHEREAS, the Board is scheduled to consider refinery emissions requirements in the summer of 2015 through proposed Rule 12-16;

NOW, THEREFORE, BE IT RESOLVED THAT the Committee recommends a resolution of the Board directing Air District Staff to develop, for Board consideration in proposed Rule 12-16, enforceable numeric limits on criteria, toxic, and greenhouse gas air pollutant emissions that will prevent increased emissions from Bay Area refineries.

\* A Resolution of the Board of Directors of the Bay Area Air Quality Management District Addressing Emissions from Bay Area Petroleum Refineries; adopted October 15, 2014.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
RESOLUTION NO. \_\_\_\_\_

A Resolution of the Board of Directors of the Bay Area Air  
Quality Management District

Addressing the Use of Resolutions and Rule Development

WHEREAS, the Bay Area Air Quality Management District uses resolutions to express the intent of the Board on issues such as the development of rules, the approval of contracts and expenditures, and entering into memorandums of understanding;

WHEREAS the Bay Area Air Quality Management District uses resolutions to establish the Board's views on broad policy issues, such as establishing the Bay Area Healthy Communities Initiative;

WHEREAS, the Bay Area Air Quality Management District has established a Clean Air Plan that directs staff to act on the priorities of the Board and towards the achievement of State and federal air quality standards as specified in the Plan;

WHEREAS, the Bay Area Air Quality Management District updates the Clean Air Plan on a regular basis;

WHEREAS, the Bay Area Air Quality Management District has established Guiding Principles for its Rule Development Plan, which are displayed on its webpage and state that the District will:

- Meet our environmental goals in the most efficient and effective manner
- Respect all different points of view and knowledge
- Identify every player with a stake in the outcome of our regulations
- Strengthen and refine our rules to do a better job of protecting the public health, environment and economy of the Bay Area
- Provide businesses maximum flexibility to meet air quality goals in a way that works best for them, allowing them to be cleaner at a lower cost
- Develop and promote voluntary, efficient cooperative programs
- Explore incentives to reduce emissions beyond mandated limits by creating partnerships with business, the environmental community and the public to capture the creativity and ingenuity of all facets of the community;

WHEREAS, the Bay Area Air Quality Management District has summarized the steps involved in writing a new regulation or modifying an existing regulation, which are displayed on its webpage and state that the District, as part of its rule development process, will conduct internal

scoping meetings, stakeholder meetings, public workshops, and public hearings, and that the District will prepare and make publicly available technical assessments, draft rule language, CEQA determinations and CEQA analyses, socioeconomic impact analyses, staff reports describing all technical issues, emissions benefits, and costs associated with proposed rules, and all policy and procedures need to implement adopted rules;

WHEREAS the Bay Area Air Quality Management District has developed a Public Participation Plan, which provides in great detail how the District shall engage with the public;

WHEREAS the Bay Area Air Quality Management District's Public Participation Plan includes discussion on public testimony that states: "The Air District's Board of Directors, Advisory Council, and Hearing Board meetings provide opportunities for public comment. In accordance with the Brown Act, members of the Boards and Council may choose to respond to public comments or questions but may not take action or enter into substantive discussion on non-agendized items."

NOW, THEREFORE, BE IT RESOLVED that the Board commits to follow these well-established policies;

AND BE IT FURTHER RESOLVED THAT the Board shall not consider resolutions that attempt to legislate or establish standards or regulations without going through the rule



development and public participation steps, as identified above;

AND BE IT FURTHER RESOLVED THAT the Board continues to rely upon the Clean Air Plan to provide guidance, priorities and direction to staff in terms of rule development and policy making.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 18, 2015

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

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RECOMMENDED ACTION

Air District staff recommends the Board of Directors adopt proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2015, and approve the filing of a California Environmental Quality Act (CEQA) Notice of Exemption.

BACKGROUND

Amendments to the Air District's fee regulations are 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. The first of two public hearings necessary to adopt amendments to Regulation 3: Fees was conducted on April 15, 2015.

DISCUSSION

Consistent with the Cost Recovery Policy, draft amendments to specific fee schedules were made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being proposed for the schedules that have larger cost recovery gaps. Existing fee rates would be increased by 2.6, 7, 8, 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 2.6 percent.

In addition, proposed amendments to Schedule R: Equipment Registration fees would delete the facility registration fee and replace it with a lower registration fee per device of \$100. The proposed amendment to Section 3-304: Alteration would require a fee equal to 50% of the initial fee for an altered source.

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 2016 by approximately \$2.3 million relative to fee revenue that would be expected without the amendments.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jim Karas  
Reveiwed 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 15, 2015**

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## 1. EXECUTIVE SUMMARY

District staff has prepared proposed amendments to District Regulation 3: Fees for Fiscal Year Ending (FYE) 2016 (i.e., July 1, 2015 to June 30, 2016) 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. The proposed fee amendments for FYE 2016 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 states 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. A recently completed 2015 Cost Recovery Study (a copy of which is available on request) shows that for the most recently completed fiscal year (FYE 2014), fee revenue recovered 80 percent of program activity costs.

The results of the 2015 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 (2.6%), 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 2.6 percent. In addition, proposed amendments to Schedule R: Equipment Registration fees would delete the facility registration fee in Section 4a and replace it with a registration fee per device. Proposed amendments to Section 3-304, Alteration would increase the fee to alter an existing permitted source by an additional 50 percent of the initial fee for that source.

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 \$198 in annual permit renewal fees). For larger facilities, increases in annual permit renewal fees would range between 7 and 15 percent due to differences in the facility's size, type of emission sources, pollutant emission rates and applicable fee schedules. In accordance with State law, the District's amendments to Regulation 3 cannot cause an increase in overall permit fees by more than 15 percent in any calendar year. The proposed fee amendments would increase overall District fee revenue in FYE 2016 by approximately \$2.3 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, 2015, and approve the filing of a

CEQA Notice of Exemption following the 2<sup>nd</sup> public hearing scheduled to consider this matter on June 3, 2015.

## **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 2014) using the methodology established by Matrix Consulting Group. The 2015 Cost Recovery Study indicates that overall cost recovery rate in FYE 2014 was 80 percent.

### 3. PROPOSED FEE AMENDMENTS FOR FYE 2015

#### 3.1 OVERVIEW OF PROPOSED AMENDMENTS

The results of the 2015 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 increased by 7, 8, or 9 percent. Other fee schedules would be raised by 2.6%, the annual increase from 2013 to 2014 in the Bay Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) as reported by the United States Bureau of Labor Statistics. 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**

<b>Revenue from Fee Schedule as a Percentage of Program Activity Costs</b>	<b>Fee Increase</b>	<b>Affected Fee Schedules</b>
Revenue exceeds 95% of costs	2.6%	C, G-5, M, N, Q, U
Revenue is 85 to 95% of costs	7%	B, D, I, L
Revenue is 75 to 84% of costs	8%	F, G-3
Revenue is less than 75% of costs	9%	A, E, G-1, G-2, G-4, H, K, P, R, S, V

Cost recovery for Schedule D, Gasoline Transfer at Gasoline Dispensing Facilities and Schedule I, Dry Cleaners for was less than 75% (3-year average), 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 2015. 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 2016.

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 2.6 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 R: Equipment Registration Fees**

The proposed amendments to Schedule R: Equipment Registration Fees would delete the \$590 facility registration fee in Section 4a and replace it with a registration fee per device equal to \$100. Owners and operators of smaller industrial, institutional, and commercial boilers are required to register them with the District in accordance with Regulation 9-7. These types of boilers are most commonly found in apartment and condominium complexes, schools, hospitals, police/fire stations, and other public buildings. The current facility registration fee in Schedule R is cost prohibitive to entities that operate multiple facilities. In addition, since boilers are currently renewed annually, a lower initial registration fee is appropriate and consistent with other registration fees found in Schedule R.

### **Section 304: Alteration**

The proposed amendments to Section 304: Alteration would require that an applicant to alter an existing permitted source pay a filing fee and 50 percent of the initial fee for the source. The current fee for an application to alter a source is \$441.

A considerable level of effort is required by District staff to review alteration applications. These applications are multifaceted and may require an extensive review of upstream and downstream units, process flow and instrumentation diagrams, permitting records, material throughput data, and historical emission calculations. The purpose of the review is to ensure that the proposed alteration would not result in an increase in emissions, triggering New Source Review regulations. Most alteration applications received by the District are submitted by large, complex facilities such as oil refineries. The proposed fee is consistent with fees currently charged for the installation of abatement equipment.

## **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.

In FYE 2016, Schedule T will increase from the current fee rate of \$0.07 to \$0.09 per metric ton of CDE emissions. This fee increase was adopted last year (FYE 2015) as part of a two-year, phased increase per Board of Directors Resolution No. 2014-04.

### **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. Proposed fee increases have been rounded to the nearest whole dollar. Additional details on the proposed fee amendments follow.

- Section 3-225: Minor Modification

The proposed amendments to Regulation 3, Fees would delete Section 3-225 since minor modifications are proposed to be treated as alterations.

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

The proposed amendment to Section 3-302 is a 2.6 percent increase in the filing fee for permit applications for new/modified sources and abatement devices, from \$441 to \$452.

- Section 3-302.5: Schedule G Fees

The proposed amendments to Regulation 3, Fees would delete Section 3-302.5 since minor modifications are proposed to be treated as alterations.

- Section 3-304: Alteration

The proposed amendment to Section 3-304 would require that an applicant to alter an existing permitted source pay a filing fee and 50 percent of the initial fee for the source.

- Section 3-309: Duplicate Permit or Registration

The proposed amendment to Section 3-309 is a 2.6 percent increase in the duplicate permit or registration fee, from \$74 to \$76.

- Section 3-311: Banking

The proposed amendment to Section 3-311 is a 2.6 percent increase in the filing fee for banking applications, from \$441 to \$452.

- 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 2.6 percent increase in the annual fee 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 \$1,115 to \$1,144 and the maximum fee would be increased from \$11,155 to \$11,445.

- Section 3-315: Costs of Environmental Documentation

The proposed amendments to Section 3-315 addresses concerns that the existing language only applies to projects subject to review under the California Environmental Quality Act and not to exempt projects.

- 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 2.6 percent.

- 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 2.6 percent from \$441 to \$452. 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 2.6 percent increase in the filing fee for a certificate of exemption, from \$441 to \$452.

## **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. 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. The base fee for a health risk screening analysis for a source covered by Schedule B would be increased by 2.6 percent from \$441 to \$452.

### **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 2.6 percent. The base fee for a health risk screening analysis for a source covered by Schedule C would be increased by 2.6 percent from \$441 to \$452.

### **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 2.6 percent from \$441 to \$452. 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 2.6 percent from \$441 to \$452.

### **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 2.6 percent, from \$441 to \$452. 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 2.6 percent from \$441 to \$452. 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 2.6 percent from \$441 to \$452. 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 8 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 2.6 percent from \$441 to \$452. 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 9 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 2.6 percent from \$441 to \$452. 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 2.6 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 be increased by 2.6 percent from \$441 to \$452. 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 2.6 percent from \$441 to \$452.

#### 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 2.6 percent from \$441 to \$452.

#### 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 2.6 percent from \$441 to \$452.

#### Schedule L: Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule L would be increased by 7 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 PM<sub>10</sub>. District staff is proposing a 2.6 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 \$84 to \$86. 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 2016.

#### 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.

#### 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 2.6 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. In addition, the \$590 facility registration fee in Section 4a would be deleted and Section 4b amended to require a registration fee per device equal to \$100.

#### 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 U: Indirect Source Review Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule U would be increased by 2.6 percent.

#### Schedule V: Open Burning

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

### **4. FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES**

On an overall basis, the 2015 Cost Recovery Study (a copy of which is available on request) concluded that, for FYE 2014, fee revenue recovered 80 percent of regulatory program activity costs, with revenue of \$32.6 million and costs of \$41 million. This resulted in a shortfall, or cost recovery gap, of \$8.4 million which was filled by county tax revenue. The cost recovery rate for FYE 2015 is projected to be 82%. The proposed fee amendments for FYE 2016 are projected to increase overall District fee revenue by approximately \$2.3 million relative to fee revenue levels that would be expected without the amendments. Revenue in FYE 2016 is expected to remain 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 2016, the District is proposing to fill some of these vacancies in order to support mandated stationary source programs, ensure that core functions will



be maintained at levels necessary to adequately service the regulated community, and address key policy initiatives such as the Refinery Emissions Reduction Strategy and the Climate Action Work Program. In order to improve program efficiency, the District has recently initiated an on-line permitting system for high-volume source categories including gas stations, dry cleaners, and auto-body shops. Staff will continue to identify and maintain a level of effort to achieve District mandates and continually monitor the pattern of revenues versus expenditures.

## **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 2015 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.

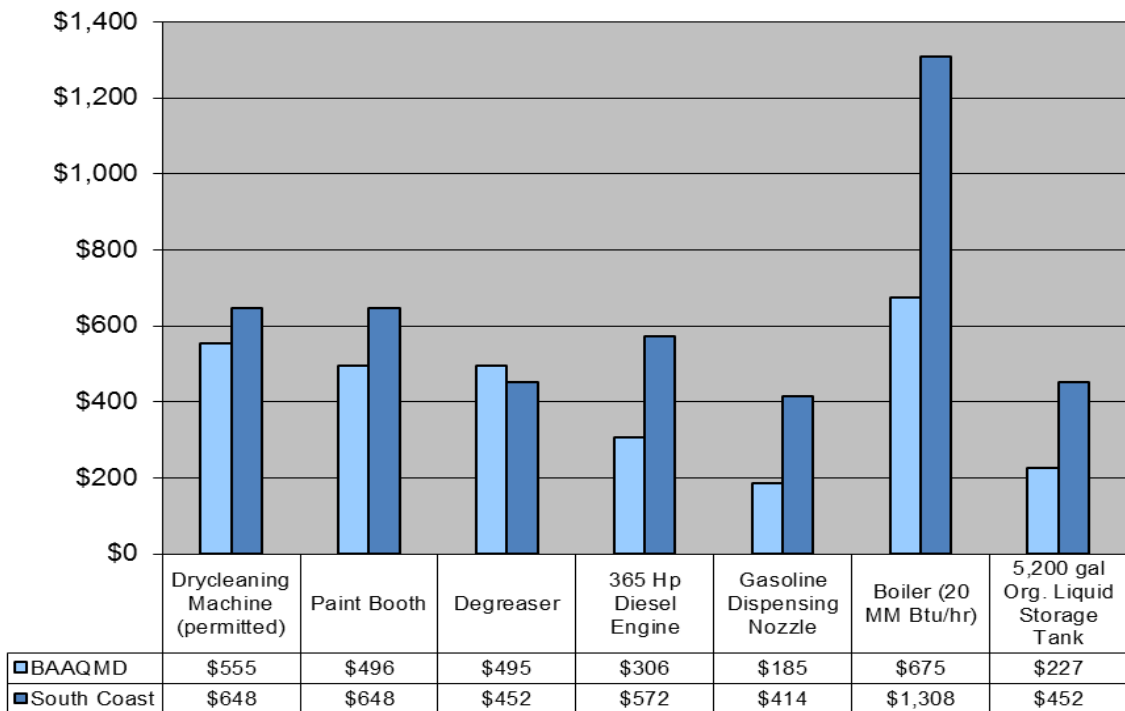
The financial impact of the proposed fee amendments on small businesses is expected to be minor. Many small businesses operate only one or two permitted sources, and generally pay only the minimum permit renewal fees. For the facilities shown in Table 2, increases in annual permit and registration renewal fees would be under \$100, with the exception of a typical service station with ten, multiproduct gasoline nozzles.

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

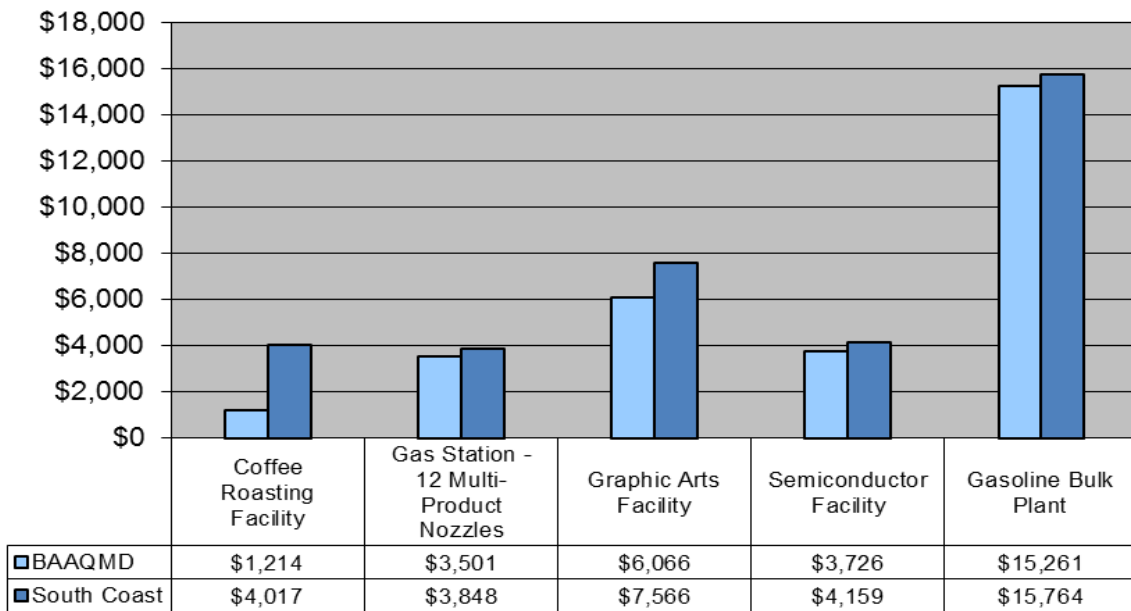
Facility Type	Facility Description	Fee Increase	Total Fee
Gas Station	10 multi-product gasoline nozzles	\$198	\$3,130
Dry Cleaner (permitted)	One machine: 1,400 lb/yr Perc emissions	\$29	\$585
Dry Cleaner (registered)	One machine: 800 lb/yr VOC emissions	\$16	\$189
Auto Body Shop	one spray booth: 400 gal/yr paint 100 gal/yr cleanup solvent	\$39	\$535
Back-up Generator	One 365 hp engine	\$17	\$323

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 2015 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Small Sources**



**Figure 2. Comparison of FYE 2015 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Medium Sources**



For larger facilities such as refineries and power plants, increases in annual permit renewal fees would cover a considerable range due to differences in the facility's size, mix of emission sources, pollutant emission rates and applicable fee schedules. As shown in Table 3, the FYE 2016 annual permit fee increase for the five Bay Area refineries would range from approximately 7 to 9 percent. The annual permit fee increase for the power generating facilities shown in Table 4 would range from approximately 13 to 15 percent. Projected FYE 2016 fee increases are based on FYE 2015 material throughput data. Tables 3 and 4 also include current Permit to Operate fees paid and historical annual fee increases.

**Table 3. Refinery Permit to Operate Fee Comparison**

	Annual % Fee Increase (Fiscal Year Ending)				Current Permit to Operate Fee (million)
	2013	2014	2015	2016 <i>Projected</i>	
Chevron	5.8	3.4	12.6	8.0	\$2.91
Shell	3.9	1.2	12.6	8.5	\$2.51
Phillips 66	1.6	1.2	10.9	7.5	\$1.36
Valero	-32*	7.2	11.4	8.5	\$1.42
Tesoro	1.8	5.5	8.3	7.1	\$1.77

\*Note: Decrease due to significant reduction in emissions

**Table 4. Power Plant Permit to Operate Fee Comparison**

	Annual % Fee Increase (Fiscal Year Ending)				Current Permit to Operate Fee
	2013	2014	2015	2016 <i>Projected</i>	
Delta Energy	4.3	13.5	16.9	14.9	\$ 310,000
Los Medanos	-0.4	11.3	15.0	14.0	\$ 236,000
Gateway	-0.5	3.3	15.0	13.8	\$ 207,000
Crockett Cogen	1.6	2.1	15.0	12.9	\$ 196,811

## **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 22, 2015, 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 17, 2015 to discuss the initial Regulation 3 fee proposal.

On March 25, 2015 District staff provided a briefing on the proposed fee amendments to the District Board of Directors' Budget and Finance Committee.

Under H&S Code section 41512.5, the adoption or revision of fees for non-permitted sources requires two public hearings that are held at least 30 days apart from one another. This provision applies to Schedule L: Asbestos Operations, Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, Schedule R: Equipment Registration Fees, Schedule S: Naturally Occurring Asbestos Operations and Schedule V: Open Burning. A Public Hearing Notice for the proposed Regulation 3 was published on March 13, 2015. An initial public hearing to consider testimony on the proposed amendments was held on April 15, 2015. A second public hearing, to consider adoption of the proposed fee amendments, has been scheduled for June 3, 2015. If adopted, the amendments would be made effective on July 1, 2015.

## **8. PUBLIC COMMENTS**

To date, the District has received two letters in response to the draft amendments to Regulation 3 presented at the fee workshops. Written comments were received on the staff fee proposal as follows: 1) William Quinn of the California Council for Environmental and Economic Balance (CCEEB), and 2) Susan Gustofson of Valero Refining Company (Valero).

CCEEB/Valero Comment: The fees proposed for an application to alter an existing permitted source are significantly greater than the services expended to process those applications. Alteration applications by definition are reasonably straightforward consuming less time to review than modifications or new source review applications. The fee charged by the District per alteration should not to exceed \$20,000.

Response: The District's need to raise the current \$441 alteration fee is based on the level of effort consumed reviewing alteration applications from large, complex facilities such as oil refineries. These applications are multifaceted and often require an extensive review of upstream and downstream units, process flow and instrumentation diagrams, permitting records, material throughput data, and historical criteria/toxics emission calculations. The purpose of the review is to ensure that the proposed change would not be considered a modification subject to New Source Review regulations.

The proposed alteration fee has a built-in cap based on 50% of the maximum initial fee per schedule. The range of possible alteration fees charged would be approximately \$600 to \$29,000 depending on the applicable fee schedule.

Valero Comment: Minor administrative changes to a Permit to Operate would be subjected to the District's proposed alteration fee.

Response: An application for minor administrative changes to an existing Permit to Operate are currently assessed a filing fee only (Section 3-306). The District is not



proposing to amend this section of Regulation 3, Fees.

CCEEB Comment: The commenter questions how Greenhouse Gas (GHG) fees from Schedule T are used to regulate stationary sources and whether District GHG fees are related to, or duplicative of, the California Air Resources Board's (CARB) AB 32 GHG program.

Response: Greenhouse gas fees are intended to recover District costs for Climate Protection Program activities related to stationary sources including the implementation of District Board directives and regulations, and federal/state regulatory requirements. Other District Climate Change mitigation efforts are funded by non-Schedule T sources such as General Fund county revenues.

Specific District GHG activities include the development of GHG emissions factors and inventory, rule development, CEQA analyses, offset protocols, emissions banking, sources testing, and inspection of GHG emitting sources. In addition, the District engages in permitting and enforcement activities related to AB 32 Early Action Measures such as Semiconductor Operations, Municipal Solid Waste Landfills, and Refrigerants.

District staff is working closely with CARB to coordinate and complement climate protection efforts, and is tracking the implementation of AB 32, in order to avoid any conflicts, duplication, or inconsistencies in program requirements. For example, If CARB provides a specific source of funding to the air districts for the purpose of recovering costs of activities related to AB 32 implementation, District staff will re-examine the fee rate in Schedule T to avoid over-collection of fee revenue.

Valero Comment: Regulation 3, Section 315, Costs of Environmental Documentation should be amended to include the noticing costs for CEQA-exempt projects, with applicable references to CEQA Guidelines Section 15062, Notice of Exemption (NOE), and the County Clerk Processing Fee.

Response: New language has been proposed to clarify that all CEQA related costs are to be recovered including recouping costs for filing NOEs.

CCEEB/Valero Comment: The District should include in the Staff Report a historical cost increase analysis for larger facilities such as power plants and refineries.

Response: See Section 6.2, Economic Impacts of the Staff Report.

CCEEB/Valero Comment: The District should provide an update on cost containment efforts.

Response: The District has implemented a number of cost containment measures that have improved the quality and consistency of permits. We have completed up-front analyses for high volume source categories in order to reduce the level of effort needed.

This eliminates unique efforts on many of these applications, freeing up resources to handle projects with higher emission impacts.

Engineering staff recently completed an extensive permit review training program designed to improve the accuracy, consistency, timeliness, and transparency of the permitting process. These efforts have reduced the backlog of New Source Review applications by approximately 90 percent over the past three years.

In addition, the District has been judicious in filling staff vacancies. Approximately 70% of District expenditures are related to personnel costs. Between FYE 2010 and FTE 2014 the number of filled positions decreased from 340 to 314, representing a substantial cost savings. Costs for services and supplies were also reduced during this period. The District is re-evaluating the level of service it provides to ensure stakeholder needs and expectations are met.

## **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 2015 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. After adoption of the proposed amendments, permit fee revenue would still be 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, 2015, and approve the filing of a CEQA Notice of Exemption, following the 2<sup>nd</sup> public hearing scheduled to consider this matter on June 3, 2015.



BAY AREA  
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DISTRICT

## **STAFF REPORT**

### **PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES**

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

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

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**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**



# REGULATION 3 FEES

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# 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 PM<sub>10</sub> 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 PM<sub>10</sub>:** 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 \$441452, 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 \$441452, 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 \$441452 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; 6/4/14)*



- 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 and 50% of the initial fee for the source, 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<sub>x</sub>, CO, SO<sub>2</sub>, or PM<sub>10</sub> 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 \$100 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; 6/4/14)*
- 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 \$~~74~~76 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; 6/4/14)

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 \$441452 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 \$441452.

(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; 6/4/14)

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 \$1,151,144 for each source included in the alternative compliance plan, not to exceed \$1,151,144.

(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; 6/4/14)

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~~ any environmental evaluation ~~required and preparing and filing any documents~~ pursuant to the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), ~~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~~ evaluation or documentation), as well as the District's reasonable internal costs (including overhead) of processing, and reviewing, or filing ~~the any required~~ environmental evaluation or 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 PM<sub>10</sub> 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 \$~~8789~~ for facilities with one permitted source, including gasoline dispensing facilities,
- 327.2 \$~~172176~~ for facilities with 2 to 5 permitted sources,
- 327.3 \$~~342351~~ for facilities with 6 to 10 permitted sources,
- 327.4 \$~~514527~~ for facilities with 11 to 15 permitted sources,
- 327.5 \$~~682700~~ for facilities with 16 to 20 permitted sources,
- 327.6 \$~~854876~~ 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; 6/4/14)*

**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 \$~~441~~452 per exempt source.

(Adopted June 19, 2013; Amended 6/4/14)

**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 a 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 a 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; 6/4/14)*

**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 FEES<sup>1</sup>**

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.....	\$3,5533 ,873  \$1,7791 ,939	\$5345 79  \$1791 95	
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.....	\$2,1342 ,326  \$1,0651 ,161	\$5345 79  \$1791 95	
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 .....	\$1,4161 ,543  \$1,0651 ,161	\$1791 95  \$1791 95	
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 .....	\$1,4161 543  \$1,0651 ,161	\$1791 95  \$1791 95	
5.	For each application to revoke a variance.....	\$2,1342 ,326	\$1791 95	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703 .....	\$1,4161 ,543	\$1791 95	
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 .....	\$3,5533 ,873  \$1,7791 ,939	\$5345 79  \$1791 95	

		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 .....	\$2,1342 ,326  \$1,0651 ,161	\$5345 79  \$1791 95	
9.	For each Appeal (Permit, Banking, Title V) .....	\$3,5533,8 73 per hearing day	\$1,77919 39 per hearing day	\$1,7791,9 39 for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6 .....	\$1,7791 ,939	\$3583 90	
11.	For each application to Modify or Terminate an abatement order .....	\$3,5533,8 73 per hearing day	\$1,779 1,939per hearing day	
12.	For each application for an interim variance in accordance with §42351	\$1,7791 ,939	\$3583 90	
13.	For each application for an emergency variance in accordance with §42359.5 .....	\$88796 7	\$1791 95	
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	\$1,7791 ,939	\$5345 79	\$53457 9
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; 6/4/14)



**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 \$~~3.41~~3.72 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 \$~~16.94~~18.46 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 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 20) \times \text{number of days allowed in variance} \times \$\del{3.79}4.13$$

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

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 40) \times \text{number of days allowed by variance} \times \$\del{3.79}4.13$$

\* 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; 6/4/14)*

**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: ~~\$57.71~~61.75 per MM BTU/HOUR
  - a. The minimum fee per source is: ~~\$308~~330
  - b. The maximum fee per source is: ~~\$107,663~~115,199
  
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: ~~\$441~~452 plus ~~\$57.71~~61.75 per MM BTU/hr
  - b. Minimum RSF for first TAC source: ~~\$749~~782
  - c. RSF for each additional TAC source: ~~\$57.71~~61.75 per MM BTU/hr \*
  - d. Minimum RSF per additional TAC source: ~~\$308~~330 \*
  - e. Maximum RSF per source is: ~~\$107,663~~115,199
    - \* 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: ~~\$28.84~~30.86 per MM BTU/HOUR
  - a. The minimum fee per source is: ~~\$219~~234
  - b. The maximum fee per source is: ~~\$53,831~~57,599
  
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; 6/4/14)*

**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.~~476~~.181 cents per gallon
  - a. The minimum fee per source is: \$~~195~~200
  - b. The maximum fee per source is: \$~~26,567~~27,258
  
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: \$~~441~~452 plus 0.~~476~~.181 cents per gallon
  - b. Minimum RSF for first TAC source: \$~~636~~652
  - c. RSF for each additional TAC source: 0.~~476~~.181 cents per gallon \*
  - d. Minimum RSF per additional TAC source: \$~~195~~200 \*
  - e. Maximum RSF per source is: \$~~26,567~~27,258

\* 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.~~089~~.091 cents per gallon
  - a. The minimum fee per source is: \$~~140~~144
  - b. The maximum fee per source is: \$~~13,283~~13,628
  
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; 6/4/14)*

**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: \$~~243.26~~260.29 per single product nozzle (spn)  
\$~~243.26~~260.29 per product for each multi-product nozzle (mpn)
2. PERMIT TO OPERATE FEE: \$~~93.18~~99.70 per single product nozzle (spn)  
\$~~93.18~~99.70 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:

$$\$336.42359.97 \times \{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]\}$$

*mpn* = multi-product nozzles  
*spn* = single product nozzles

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 \$~~441~~452 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: \$~~3,195~~3,419 per single product loading arm  
\$~~3,195~~3,419 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: \$~~3,636~~3,871
  - b. RSF for each additional TAC source: \$~~3,195~~3,419 \*

\* 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: \$~~890~~952 per single product loading arm

\$~~890~~952 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; 6/4/14)*

**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: \$~~566~~617
  - b. If usage is not more than 1,000 gallons/year: \$~~566~~617
  - c. If usage is more than 1,000 gallons/year: \$~~1,138~~1,240 per 1,000 gallons
  - d. The maximum fee per source is: \$~~45,242~~49,314
  
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: \$~~441~~452 plus initial fee
  - b. Minimum RSF for first TAC source: \$~~1,007~~1,069
  - c. RSF for each additional TAC source: equal to initial fee \*
  - d. Minimum RSF per additional TAC source: \$~~566~~617 \*
  - e. Maximum RSF per source is: \$~~45,242~~49,314

\* 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: \$~~408~~445
  - b. If usage is not more than 1,000 gallons/year: \$~~408~~445
  - c. If usage is more than 1,000 gallons/year: \$~~566~~617 per 1,000 gallons
  - d. The maximum fee per source is: \$~~22,619~~24,655
  
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; 6/4/14)*



**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: ~~\$476514~~
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: ~~\$917966~~
  - b. RSF for each additional TAC source: ~~\$476514~~ \*  
\* 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: ~~\$346374~~
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: ~~\$3,0753,352~~
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: ~~\$3,5163,804~~
  - b. RSF for each additional TAC source: ~~\$3,0753,352~~ \*  
\* 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: ~~\$1,5351,673~~
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: ~~\$4,0604,425~~
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: ~~\$4,5014,877~~
  - b. RSF for each additional TAC source: ~~\$4,0604,425~~ \*  
\* 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: ~~\$2,0282,211~~
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: **\$25,67827,732**
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: **\$26,11928,184**
  - b. RSF for each additional TAC source: **\$25,67827,732 \***
    - \* 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: **\$12,83713,864**
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: **\$53,67858,509**
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: **\$54,11958,961**
  - b. RSF for each additional TAC source: **\$53,67858,509 \***
    - \* 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: **\$26,83829,253**
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: **\$49,33450,617**
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: **\$49,77551,069**
  - b. RSF for each additional TAC source: **\$49,33450,617 \***
    - \* 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: **\$24,66725,308**
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; 6/4/14)*

**SCHEDULE G-1**  
(Adopted June 18, 1980)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
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

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

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

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Petroleum Refining – Storage Ponds)	refineries
Wastewater Treatment, Municipal – Preliminary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Primary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Digesters	Municipal Wastewater
Wastewater Treatment, Municipal – Sludge Handling Processes, excluding sludge incinerators (see G-2 for sludge incinerators)	Sewage Sludge

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

**SCHEDULE G-2**  
(Adopted June 6, 1990)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
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)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
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)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
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**

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
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: \$494538
- b. The maximum fee per source is: \$39,52743,084

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: \$494538
- ii. If gross throughput is more than 3,000 gallons/year: \$334364 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: \$494538
- ii. If gross throughput is more than 1,000 gallons/year: \$9931,082 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: \$441452 plus initial fee
- b. Minimum RSF for first TAC source: \$935990
- c. RSF for each additional TAC source: equal to initial fee \*
- d. Minimum RSF per additional TAC source: \$494538 \*
- e. Maximum RSF per source is: \$39,52743,084

\* 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: \$358390

- b. The maximum fee per source is: \$~~19,764~~21,539
- 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: \$~~358~~390  
 ii. If gross throughput is more than 3,000 gallons/year: \$~~168~~183 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: \$~~358~~390  
 ii. If gross throughput is more than 1,000 gallons/year: \$~~494~~538 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; 6/4/14)*

**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: \$~~479~~513
  - b. If the washing or drying capacity exceeds 100 pounds: \$479513 plus  
For that portion of the capacity exceeding 100 pounds: \$~~14.34~~15.34 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: \$~~441~~452 plus initial fee
  - b. Minimum RSF for first TAC source: \$~~920~~965
  - c. RSF for each additional TAC source: equal to initial fee \*
  - d. Minimum RSF per additional TAC source: \$~~479~~513 \*

\* 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: \$~~349~~373
  - b. If the washing or drying capacity exceeds 100 pounds: \$~~349~~373 plus  
For that portion of the capacity exceeding 100 pounds: \$~~7.207~~.70 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; 6/4/14)*

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

1. INITIAL FEE:

- a. Landfill (Decomposition Process) \$~~3,390~~3,695
- b. Active Landfill (Waste and Cover Material Dumping Process) \$~~1,695~~1,848
- c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$~~1,695~~1,848

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: \$~~444~~452 plus initial fee
- b. RSF for each additional TAC source: equal to initial fee \*

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

3. PERMIT TO OPERATE FEE:

- a. Landfill (Decomposition Process) \$~~1,695~~1,848
- b. Active Landfill (Waste and Cover Material Dumping Process) \$~~847~~923
- c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$~~847~~923

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

5. Evaluation of Reports and Questionnaires:

- a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$~~1,869~~2,037
- b. Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$~~937~~1,021
- 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) \$~~937~~1,021
- d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$~~688~~750
- e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$~~1,974~~2,148
- f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$~~688~~750
- g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$~~1,725~~1,880

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; 6/4/14)*

**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: ~~\$169181~~ for amounts 100 to 500 square feet or linear feet.  
~~\$621664~~ for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
~~\$904967~~ for amounts 1001 square feet or liner feet to 2000 square feet or linear feet.  
~~\$1,2421,329~~ for amounts greater than 2000 square feet or linear feet.
  - b. Cancellation: ~~\$8288~~ 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: ~~\$479513~~ for amounts 100 to 159 square feet or 100 to 259 linear feet or 35 cubic feet  
~~\$690738~~ for amounts 160 square feet or 260 linear feet to 500 square or linear feet or greater than 35 cubic feet.  
~~\$1,0041,074~~ for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
~~\$1,4811,585~~ for amounts 1001 square feet or liner feet to 2500 square feet or linear feet.  
~~\$2,1112,259~~ for amounts 2501 square feet or linear feet to 5000 square feet or linear feet.  
~~\$2,8983,101~~ for amounts 5001 square feet or linear feet to 10000 square feet or linear feet.  
~~\$3,6863,944~~ for amounts greater than 10000 square feet or linear feet.
  - b. Cancellation: ~~\$227243~~ 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: ~~\$8288~~
  - b. Cancellation: ~~\$8288~~ (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: ~~\$340364~~
  - b. Cancellation: ~~\$227243~~ 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: ~~\$566606~~
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: ~~\$340364~~
  - b. Cancellation: ~~\$227243~~ 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; 6/4/14)*

**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 PM<sub>10</sub>, the fee shall be based on the following:

1.	Organic Compounds	<del>\$107.93</del> 110.74 per ton
2.	Sulfur Oxides	<del>\$107.93</del> 110.74 per ton
3.	Nitrogen Oxides	<del>\$107.93</del> 110.74 per ton
4.	PM <sub>10</sub>	<del>\$107.93</del> 110.74 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 PM<sub>10</sub>, 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; 6/4/14)*



**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 \$8486 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 \$8486 +  $S_L \times (w_i - 1000)$  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; 6/4/14)*

**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 ..... \$591644 per source
- b. MFR EMISSIONS FEE..... \$23,2825.38 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 \$5,9136,445 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 ..... \$823897 per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE ..... \$578630 per source
- c. SYNTHETIC MINOR REVISION FEE..... \$578630 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 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 ..... \$823897 per application
- b. MFR INITIAL PERMIT FEE ..... \$797869 per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ..... \$233254 per application
- d. MFR MINOR REVISION FEE ..... \$1,1701,275 per source modified
- e. MFR SIGNIFICANT REVISION FEE ..... \$2,1812,377 per source modified
- f. MFR REOPENING FEE ..... \$715779 per source modified
- g. MFR RENEWAL FEE ..... \$347378 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 ..... \$~~1,231~~1,342 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 ..... \$~~141~~154 per source, not to exceed \$~~13,833~~15,078

*(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; 6/4/14)*

**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: ~~\$160~~164

*(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; 6/4/14)*

**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: \$~~500~~545 per facility
  - b. ConveyORIZED Charbroiler ANNUAL RENEWAL FEE: \$~~140~~153 per facility
  - c. Under-fired Charbroiler REGISTRATION FEE: \$~~500~~545 per facility
  - d. Under-fired Charbroiler ANNUAL RENEWAL FEE: \$~~140~~153 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: \$~~250~~272
  - b. Dry Cleaning Machine ANNUAL RENEWAL FEE: \$~~173~~189
  
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: \$~~168~~183
  - b. Diesel Engine ANNUAL RENEWAL FEE: \$~~411~~121
  - c. Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402): \$~~168~~183
  
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 \$~~590~~100 per ~~device~~facility
  - b. ~~Each boiler, steam generator or process heater subject to Regulation 9-7-404, after the first REGISTRATION FEE~~ \$70 per device
  - b.e. ANNUAL RENEWAL FEE: \$~~778~~4 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: \$~~300~~327
  - b. ANNUAL RENEWAL FEE: \$~~187~~204
  
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 \$~~140~~153
  - b. ANNUAL RENEWAL FEE \$~~83~~90  
*(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; 6/4/14)*

**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): \$~~413~~450

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: \$~~3,671~~4,001

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: \$~~107~~117 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; 6/4/14)*

**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 \$0.09 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\*\***

<b>GHG</b>	<b>GWP**</b>
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

~~\* Fee rate to be phased in per Board of Directors Resolution No. 2014-04:~~

~~Effective July 1, 2014~~

~~\$0.07 per metric ton~~

~~Effective July 1, 2015~~

~~\$0.09 per metric ton~~

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

\*\* GWP compares 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; 6/4/14)*

**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: \$~~571~~586
- b. Non-residential or mixed use project: \$~~853~~875

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; 6/4/14)*



**SCHEDULE V  
OPEN BURNING**

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

- a. OPERATION FEE: ~~\$100~~109
- 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:

<b>Regulation 5 Section – Fire</b>	<b>Burn Period</b>
401.1 - Disease and Pest	January 1 – December 31
401.2 - Crop Replacement <sup>1</sup>	October 1 – April 30
401.3 - Orchard Pruning and Attrition <sup>2</sup>	November 1 – April 30
401.4 - Double Cropping Stubble	June 1 – August 31
401.6 - Hazardous Material <sup>1</sup>	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 <sup>1</sup>	July 1 – April 30
401.12 - Forest Management <sup>1</sup>	November 1 – April 30
401.14 - Contraband	January 1 – December 31

<sup>1</sup> 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.

<sup>2</sup> 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: ~~\$357~~389 for 50 acres or less  
~~\$485~~529 for more than 50 acres but less than or equal to 150 acres  
~~\$642~~667 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.

3. Any Wildland Vegetation Management fire (prescribed burning) conducted pursuant to Regulation 5, Section 401.15 is subject to the following fee, which will be determined for each prescribed burning project by the proposed acreage to be burned:
  - a. OPERATION FEE:         \$~~434~~473                                 for 50 acres or less  
                                   \$~~587~~640 for more than 50 acres but less than or equal to 150 acres  
   \$765834                                 for more than 150 acres
  - b. The operation fee paid for a prescribed burn project will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
  
4. Any Filmmaking fire conducted pursuant to Regulation 5, Section 401.16 and any Public Exhibition fire conducted pursuant to Regulation 5, Section 401.17 is subject to the following fee:
  - a. OPERATION FEE:         \$~~545~~561
  - b. The operation fee paid for a Filmmaking or Public Exhibition fire will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
  
5. Any Stubble fire conducted pursuant to Regulation 5, Section 401.5 that requires a person to receive an acreage burning allocation prior to ignition is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:
  - a. OPERATION FEE:         \$~~255~~278                                 for 25 acres or less  
                                   \$~~357~~389 for more than 25 acres but less than or equal to 75 acres  
                                   \$~~434~~473 for more than 75 acres but less than or equal to 150 acres  
   \$540556                                 for more than 150 acres
  - b. The operation fee paid for a Stubble fire will be valid for one burn period, which is the time period beginning September 1 and ending December 31, each calendar year. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
  
6. All fees paid pursuant to Schedule V are non-refundable.
  
7. All fees required pursuant to Schedule V must be paid before conducting a fire.

(Adopted June 19, 2013; Amended 6/4/14)

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Carole Groom and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 18, 2015

Re: Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal  
Year Ending (FYE) 2016

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RECOMMENDED ACTION

Recommend the 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 2016 (FYE 2015-2016) and various budget related actions.

SUMMARY

Pursuant to Health and Safety Code Section 40131, the Executive Officer/APCO will present the FYE 2016 proposed budget to the Board of Directors for adoption.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The proposed consolidated budget for FYE 2016 is \$146,465,660 which includes \$43,523,747 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, 2016 (FYE 2015-2016) and Various Budget Related Actions;
2. Bay Area Air Quality Management District Salary Schedule for Management and Confidential Classes; and
3. Proposed FYI 2016 budget available at:  
<http://www.baaqmd.gov/The-Air-District/Board-of-Directors/Agendas-and-Minutes.aspx>

AGENDA 12 – ATTACHMENT 1

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**Resolution No. -**

**A Resolution to Approve the Budget for the Fiscal Year Ending June 30, 2016  
(FY 2015-2016) 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. 2014-05, the Board of Directors adopted the Air District Budget for Fiscal Year (FY) 2014-2015 on June 4, 2014, 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 2014-2015;

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 2015-2016 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 2015-2016 District Budget at public meetings held on March 25, 2015, and April 22, 2015, and recommended that the Board of Directors approve as submitted.

WHEREAS, an initial public hearing was duly noticed and held on May 20, 2015, 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 2015-2016 Budget and of providing the public with an opportunity to comment upon the proposed District Budget;

WHEREAS, at the May 20, 2015 Special Meeting of the Board of Directors, the Proposed FY 2015-2016 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 3, 2015;

WHEREAS, in connection with the public hearing and consideration of the Proposed FY 2015-2016 District Budget on June 3, 2015, the Board of Directors decided to take the following actions related to the FY 2014-2015 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 FY2014-2015 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 2014-2015 for continuation of projects, to transfer such appropriations to the 2015-2016 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 2015-2016;

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 2014-2015, 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;

WHEREAS, as a part of the adoption of the 2015-16 Budget, the Board of Director approved an Economic Contingency Reserve Policy of 20% of the General Fund Budget;

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Reserve be continued for FY 2015-2016, 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 2015-2016 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 2015-2016.

**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 2015-2016 includes funds for Board of Director discretionary use in adjusting salaries and fringe benefits for Air District employees;

WHEREAS, on June 18, 2014, by Resolution No. 2014-06, the Board of Directors approved a successor Memorandum of Understanding (the "MOU") with the employees represented by the recognized employee organization Bay Area Air Quality Management District Employees Association ("EA") which MOU had been previously ratified by the EA;

WHEREAS, the successor MOU between the District and EA is set to expire on June 30, 2017 and all provisions shall supersede the provisions of the June 7, 2000 to June 30, 2014 agreement;

WHEREAS, the attached salary schedule proposes a 2.6% salary adjustment as provided for in the MOU 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 2015-2016 Proposed Budget; and with contracts with Board appointed management employees, provide salary increases effective July 1, 2015.

**F. APPROVE PROPOSED AIR DISTRICT BUDGET FOR FY 2015-2016**

WHEREAS, on May 20, 2015, and June 3, 2015, public proceedings have been held in a manner and form required by Health & Safety Code Section 40131 for the adoption of the FY 2015-2016 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, 2016, 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 2015-2016 Air District Budget at their meetings of March 25, 2015 and April 22, 2015;



WHEREAS, at the May 6, 2015, 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 2015-2016 Air District Budget to the Board of Directors;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Proposed Air District Budget for FY Ending 2016 in the total consolidated amount of One Hundred Forty Six Million, Four Hundred Sixty Five, Six Hundred and Sixty Dollars (\$146,465,660), 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, 2015.

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 \_\_\_\_\_ 2015

by the following vote of the Board:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
CAROLE GROOM  
Chairperson of the Board of Directors

ATTEST:

\_\_\_\_\_  
LIZ KNISS  
Secretary of the Board of Directors

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT - AGENDA 12 - ATTACHMENT 2**  
**SALARY SCHEDULE FOR MANAGEMENT AND CONFIDENTIAL CLASSES**  
 Annually/Monthly/Bi-weekly/Hourly effective July 1, 2015

**ID-JDE MANAGEMENT**

**Per Employment Agreement**

1B101 Executive Officer/Air Pollution Control Officer	281764.98 23480.41 10837.11 135.46
1B102 Counsel	265120.90 22093.41 10196.96 127.46

**ID-JDE MANAGEMENT**

	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
3M101 Air Monitoring Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M102 Air Quality Engineering Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M103 Air Quality Planning Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M104 Air Quality Program Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
8M101 Assistant Counsel I	149M	123397.05 10283.09 4746.04 59.33	129566.90 10797.24 4983.34 62.29	136045.24 11337.10 5232.51 65.41	142847.51 11903.96 5494.13 68.68	149989.88 12499.16 5768.84 72.11
7M101 Assistant Counsel II	153M	138410.31 11534.19 5323.47 66.54	145330.83 12110.90 5589.65 69.87	152597.37 12716.45 5869.13 73.36	160227.24 13352.27 6162.59 77.03	168238.60 14019.88 6470.72 80.88
Assistant Manager*	147M	119564.03 9963.67 4598.62 57.48	125542.23 10461.85 4828.55 60.36	131819.35 10984.95 5069.97 63.37	138410.31 11534.19 5323.47 66.54	145330.83 12110.90 5589.65 69.87
3M117 Audit & Special Projects Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60

ID-JDE MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M105 Business Manager	148M	122516.68	128642.51	135074.64	141828.37	148919.79
		10209.72	10720.21	11256.22	11819.03	12409.98
		4712.18	4947.79	5195.18	5454.94	5727.68
		58.90	61.85	64.94	68.19	71.60
2M110 Communications Officer	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
1M101 Deputy Air Pollution Control Officer	160M	164184.06	172393.27	181012.93	190063.58	199566.76
		13682.01	14366.11	15084.41	15838.63	16630.56
		6314.77	6630.51	6962.04	7310.14	7675.64
		78.93	82.88	87.03	91.38	95.95
Deputy Executive Officer*	169M	204495.07	214719.83	225455.82	236728.61	248565.04
		17041.26	17893.32	18787.98	19727.38	20713.75
		7865.20	8258.45	8671.38	9104.95	9560.19
		98.31	103.23	108.39	113.81	119.50
Director*	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M101 Director of Administration	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M102 Director of Enforcement	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M103 Director of Engineering	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M108 Director of Strategic Incentives	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M104 Director of Information Services	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M105 Director of Planning and Research	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45
2M107 Director of Technical Services	156M	147936.63	155333.46	163100.13	171255.14	179817.89
		12328.05	12944.45	13591.68	14271.26	14984.82
		5689.87	5974.36	6273.08	6586.74	6916.07
		71.12	74.68	78.41	82.33	86.45

ID-JDE MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M119 Engineering Project Processing Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M113 Executive Operations Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M107 Finance Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M106 Fleet and Facilities Manager	134M	87070.31 7255.86 3348.86 41.86	91423.83 7618.65 3516.30 43.95	95995.02 7999.59 3692.12 46.15	100794.77 8399.56 3876.72 48.46	105834.51 8819.54 4070.56 50.88
6M104 Health and Science Officer	158M	155333.46 12944.45 5974.36 74.68	163100.13 13591.68 6273.08 78.41	171255.14 14271.26 6586.74 82.33	179817.89 14984.82 6916.07 86.45	188808.79 15734.07 7261.88 90.77
3M118 Human Resources Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M108 Human Resources Officer	156M	147936.63 12328.05 5689.87 71.12	155333.46 12944.45 5974.36 74.68	163100.13 13591.68 6273.08 78.41	171255.14 14271.26 6586.74 82.33	179817.89 14984.82 6916.07 86.45
3M109 Information Systems Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
2M109 Information Technology Officer	156M	147936.63 12328.05 5689.87 71.12	155333.46 12944.45 5974.36 74.68	163100.13 13591.68 6273.08 78.41	171255.14 14271.26 6586.74 82.33	179817.89 14984.82 6916.07 86.45
3M110 Laboratory Services Manager	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
Manager*	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60
3M115 Manager of Executive Operations	148M	122516.68 10209.72 4712.18 58.90	128642.51 10720.21 4947.79 61.85	135074.64 11256.22 5195.18 64.94	141828.37 11819.03 5454.94 68.19	148919.79 12409.98 5727.68 71.60

ID-JDE MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M111 Meteorology and Data Analysis Manager	148M	122516.68	128642.51	135074.64	141828.37	148919.79
		10209.72	10720.21	11256.22	11819.03	12409.98
		4712.18	4947.79	5195.18	5454.94	5727.68
		58.90	61.85	64.94	68.19	71.60
3M112 Research and Modeling Manager	148M	122516.68	128642.51	135074.64	141828.37	148919.79
		10209.72	10720.21	11256.22	11819.03	12409.98
		4712.18	4947.79	5195.18	5454.94	5727.68
		58.90	61.85	64.94	68.19	71.60
6M101 Senior Assistant Counsel	157M	152597.37	160227.24	168238.60	176650.53	185483.06
		12716.45	13352.27	14019.88	14720.88	15456.92
		5869.13	6162.59	6470.72	6794.25	7133.96
		73.36	77.03	80.88	84.93	89.17
6M102 Senior Policy Advisor	148M	122516.68	128642.51	135074.64	141828.37	148919.79
		10209.72	10720.21	11256.22	11819.03	12409.98
		4712.18	4947.79	5195.18	5454.94	5727.68
		58.90	61.85	64.94	68.19	71.60
3M116 Strategic Facilities Planning Manager	148M	122516.68	128642.51	135074.64	141828.37	148919.79
		10209.72	10720.21	11256.22	11819.03	12409.98
		4712.18	4947.79	5195.18	5454.94	5727.68
		58.90	61.85	64.94	68.19	71.60

\*Pending Board Approval

ID-JDE	CONFIDENTIAL	Range	Step A	Step B	Step C	Step D	Step E
7C007	Administrative Secretary (Confidential)	118	57216.13 4768.01 2200.62 27.51	60076.94 5006.41 2310.65 28.88	63080.79 5256.73 2426.18 30.33	66234.82 5519.57 2547.49 31.84	69546.57 5795.55 2674.87 33.44
5C101	Clerk of the Boards	132	80508.84 6709.07 3096.49 38.71	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81	97859.00 8154.92 3763.81 47.05
8C004	Executive Secretary I	128	73023.89 6085.32 2808.61 35.11	76675.09 6389.59 2949.04 36.86	80508.84 6709.07 3096.49 38.71	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67
7C001	Executive Secretary II	132	80508.84 6709.07 3096.49 38.71	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81	97859.00 8154.92 3763.81 47.05
8C101	Human Resources Analyst I	130	76675.09 6389.59 2949.04 36.86	80508.84 6709.07 3096.49 38.71	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81
7C103	Human Resources Analyst II	134	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81	97859.00 8154.92 3763.81 47.05	102751.95 8562.66 3952.00 49.40
8C001	Human Resources Technician I	116	54491.55 4540.96 2095.83 26.20	57216.13 4768.01 2200.62 27.51	60076.94 5006.41 2310.65 28.88	63080.79 5256.73 2426.18 30.33	66234.82 5519.57 2547.49 31.84
7C002	Human Resources Technician II	120	60076.94 5006.41 2310.65 28.88	63080.79 5256.73 2426.18 30.33	66234.82 5519.57 2547.49 31.84	69546.57 5795.55 2674.87 33.44	73023.89 6085.32 2808.61 35.11
7C003	Legal Office Services Specialist	124	66234.82 5519.57 2547.49 31.84	69546.57 5795.55 2674.87 33.44	73023.89 6085.32 2808.61 35.11	76675.09 6389.59 2949.04 36.86	80508.84 6709.07 3096.49 38.71
8C002	Legal Secretary I	116	54491.55 4540.96 2095.83 26.20	57216.13 4768.01 2200.62 27.51	60076.94 5006.41 2310.65 28.88	63080.79 5256.73 2426.18 30.33	66234.82 5519.57 2547.49 31.84
7C004	Legal Secretary II	120	60076.94 5006.41 2310.65 28.88	63080.79 5256.73 2426.18 30.33	66234.82 5519.57 2547.49 31.84	69546.57 5795.55 2674.87 33.44	73023.89 6085.32 2808.61 35.11
8C003	Office Assistant I (HR)	104	40662.44 3388.54 1563.94 19.55	42695.56 3557.96 1642.14 20.53	44830.34 3735.86 1724.24 21.55	47071.85 3922.65 1810.46 22.63	49425.45 4118.79 1900.98 23.76

**ID-JDE CONFIDENTIAL(CONTINUED)**

	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
7C005 Office Assistant II (HR)	108	44830.34	47071.85	49425.45	51896.72	54491.55
		3735.86	3922.65	4118.79	4324.73	4540.96
		1724.24	1810.46	1900.98	1996.03	2095.83
		21.55	22.63	23.76	24.95	26.20
7C102 Paralegal	124	66234.82	69546.57	73023.89	76675.09	80508.84
		5519.57	5795.55	6085.32	6389.59	6709.07
		2547.49	2674.87	2808.61	2949.04	3096.49
		31.84	33.44	35.11	36.86	38.71
6C001 Senior Executive Secretary	134	84534.29	88761.00	93199.05	97859.00	102751.95
		7044.52	7396.75	7766.59	8154.92	8562.66
		3251.32	3413.88	3584.58	3763.81	3952.00
		40.64	42.67	44.81	47.05	49.40
5C102 Supervising Human Resources Analyst	142	102751.95	107889.55	113284.03	118948.23	124895.64
		8562.66	8990.80	9440.34	9912.35	10407.97
		3952.00	4149.60	4357.08	4574.93	4803.68
		49.40	51.87	54.46	57.19	60.05

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**SALARY SCHEDULE FOR TECHNICAL/GENERAL AND PROFESSIONAL EMPLOYEES**  
Effective July 1, 2015 per Memorandum of Understanding dated May 15, 2002

ID-JDE PROFESSIONAL	Range	Step A	Step B	Step C	Step D	Step E
7P001 Accountant I	123	64638.57	67870.50	71264.02	74827.23	78568.59
		5386.55	5655.87	5938.67	6235.60	6547.38
		2486.10	2610.40	2740.92	2877.97	3021.87
		31.08	32.63	34.26	35.97	37.77
7P014 Accountant II	127	71264.02	74827.23	78568.59	82497.02	86621.87
		5938.67	6235.60	6547.38	6874.75	7218.49
		2740.92	2877.97	3021.87	3172.96	3331.61
		34.26	35.97	37.77	39.66	41.65
7P002 Advanced Projects Advisor	144	107889.55	113284.03	118948.23	124895.64	131140.42
		8990.80	9440.34	9912.35	10407.97	10928.37
		4149.60	4357.08	4574.93	4803.68	5043.86
		51.87	54.46	57.19	60.05	63.05
8P001 Air Quality Chemist I	127	71264.02	74827.23	78568.59	82497.02	86621.87
		5938.67	6235.60	6547.38	6874.75	7218.49
		2740.92	2877.97	3021.87	3172.96	3331.61
		34.26	35.97	37.77	39.66	41.65
7P003 Air Quality Chemist II	131	78568.59	82497.02	86621.87	90952.96	95500.61
		6547.38	6874.75	7218.49	7579.41	7958.38
		3021.87	3172.96	3331.61	3498.19	3673.10
		37.77	39.66	41.65	43.73	45.91
8P002 Air Quality Engineer I	132	80508.84	84534.29	88761.00	93199.05	97859.00
		6709.07	7044.52	7396.75	7766.59	8154.92
		3096.49	3251.32	3413.88	3584.58	3763.81
		38.71	40.64	42.67	44.81	47.05
7P004 Air Quality Engineer II	136	88761.00	93199.05	97859.00	102751.95	107889.55
		7396.75	7766.59	8154.92	8562.66	8990.80
		3413.88	3584.58	3763.81	3952.00	4149.60
		42.67	44.81	47.05	49.40	51.87
8P003 Air Quality Meteorologist I	131	78568.59	82497.02	86621.87	90952.96	95500.61
		6547.38	6874.75	7218.49	7579.41	7958.38
		3021.87	3172.96	3331.61	3498.19	3673.10
		37.77	39.66	41.65	43.73	45.91
7P005 Air Quality Meteorologist II	135	86621.87	90952.96	95500.61	100275.64	105289.42
		7218.49	7579.41	7958.38	8356.30	8774.12
		3331.61	3498.19	3673.10	3856.76	4049.59
		41.65	43.73	45.91	48.21	50.62
7P006 Atmospheric Modeler	140	97859.00	102751.95	107889.55	113284.03	118948.23
		8154.92	8562.66	8990.80	9440.34	9912.35
		3763.81	3952.00	4149.60	4357.08	4574.93
		47.05	49.40	51.87	54.46	57.19
8P004 Environmental Planner I	130	76675.09	80508.84	84534.29	88761.00	93199.05
		6389.59	6709.07	7044.52	7396.75	7766.59
		2949.04	3096.49	3251.32	3413.88	3584.58
		36.86	38.71	40.64	42.67	44.81



ID-JDE PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
7P007 Environmental Planner II	134	84534.29	88761.00	93199.05	97859.00	102751.95
		7044.52	7396.75	7766.59	8154.92	8562.66
		3251.32	3413.88	3584.58	3763.81	3952.00
		40.64	42.67	44.81	47.05	49.40
7P008 Legislative Analyst	138	93199.05	97859.00	102751.95	107889.55	113284.03
		7766.59	8154.92	8562.66	8990.80	9440.34
		3584.58	3763.81	3952.00	4149.60	4357.08
		44.81	47.05	49.40	51.87	54.46
7P009 Librarian	128	73023.89	76675.09	80508.84	84534.29	88761.00
		6085.32	6389.59	6709.07	7044.52	7396.75
		2808.61	2949.04	3096.49	3251.32	3413.88
		35.11	36.86	38.71	40.64	42.67
4P001 Principal Accountant	135	86621.87	90952.96	95500.61	100275.64	105289.42
		7218.49	7579.41	7958.38	8356.30	8774.12
		3331.61	3498.19	3673.10	3856.76	4049.59
		41.65	43.73	45.91	48.21	50.62
4P002 Principal Air and Meteorological Monitoring Specialist	143	105289.42	110553.89	116081.59	121885.66	127979.95
		8774.12	9212.82	9673.47	10157.14	10665.00
		4049.59	4252.07	4464.68	4687.91	4922.31
		50.62	53.15	55.81	58.60	61.53
4P005 Principal Air Quality Chemist	139	95500.61	100275.64	105289.42	110553.89	116081.59
		7958.38	8356.30	8774.12	9212.82	9673.47
		3673.10	3856.76	4049.59	4252.07	4464.68
		45.91	48.21	50.62	53.15	55.81
4P003 Principal Air Quality Engineer	144	107889.55	113284.03	118948.23	124895.64	131140.42
		8990.80	9440.34	9912.35	10407.97	10928.37
		4149.60	4357.08	4574.93	4803.68	5043.86
		51.87	54.46	57.19	60.05	63.05
4P004 Principal Environmental Planner	142	102751.95	107889.55	113284.03	118948.23	124895.64
		8562.66	8990.80	9440.34	9912.35	10407.97
		3952.00	4149.60	4357.08	4574.93	4803.68
		49.40	51.87	54.46	57.19	60.05
7P010 Research Analyst	130	76675.09	80508.84	84534.29	88761.00	93199.05
		6389.59	6709.07	7044.52	7396.75	7766.59
		2949.04	3096.49	3251.32	3413.88	3584.58
		36.86	38.71	40.64	42.67	44.81
6P001 Senior Advanced Projects Advisor	148	118948.23	124895.64	131140.42	137697.44	144582.32
		9912.35	10407.97	10928.37	11474.79	12048.53
		4574.93	4803.68	5043.86	5296.06	5560.86
		57.19	60.05	63.05	66.20	69.51
6P002 Senior Air Quality Chemist	135	86621.87	90952.96	95500.61	100275.64	105289.42
		7218.49	7579.41	7958.38	8356.30	8774.12
		3331.61	3498.19	3673.10	3856.76	4049.59
		41.65	43.73	45.91	48.21	50.62

**ID-JDE PROFESSIONAL(continued)**

Range	Step A	Step B	Step C	Step D	Step E
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6P003 Senior Air Quality Engineer	140	97859.00	102751.95	107889.55	113284.03	118948.23
		8154.92	8562.66	8990.80	9440.34	9912.35
		3763.81	3952.00	4149.60	4357.08	4574.93
		47.05	49.40	51.87	54.46	57.19

6P004 Senior Air Quality Meteorologist	139	95500.61	100275.64	105289.42	110553.89	116081.59
		7958.38	8356.30	8774.12	9212.82	9673.47
		3673.10	3856.76	4049.59	4252.07	4464.68
		45.91	48.21	50.62	53.15	55.81

6P005 Senior Atmospheric Modeler	144	107889.55	113284.03	118948.23	124895.64	131140.42
		8990.80	9440.34	9912.35	10407.97	10928.37
		4149.60	4357.08	4574.93	4803.68	5043.86
		51.87	54.46	57.19	60.05	63.05

6P006 Senior Environmental Planner	138	93199.05	97859.00	102751.95	107889.55	113284.03
		7766.59	8154.92	8562.66	8990.80	9440.34
		3584.58	3763.81	3952.00	4149.60	4357.08
		44.81	47.05	49.40	51.87	54.46

7P011 Statistician	137	90952.96	95500.61	100275.64	105289.42	110553.89
		7579.41	7958.38	8356.30	8774.12	9212.82
		3498.19	3673.10	3856.76	4049.59	4252.07
		43.73	45.91	48.21	50.62	53.15

5P001 Supervising Air Quality Engineer	144	107889.55	113284.03	118948.23	124895.64	131140.42
		8990.80	9440.34	9912.35	10407.97	10928.37
		4149.60	4357.08	4574.93	4803.68	5043.86
		51.87	54.46	57.19	60.05	63.05

5P002 Supervising Air Quality Meteorologist	143	105289.42	110553.89	116081.59	121885.66	127979.95
		8774.12	9212.82	9673.47	10157.14	10665.00
		4049.59	4252.07	4464.68	4687.91	4922.31
		50.62	53.15	55.81	58.60	61.53

5P003 Supervising Environmental Planner	142	102751.95	107889.55	113284.03	118948.23	124895.64
		8562.66	8990.80	9440.34	9912.35	10407.97
		3952.00	4149.60	4357.08	4574.93	4803.68
		49.40	51.87	54.46	57.19	60.05

7P012 Toxicologist	144	107889.55	113284.03	118948.23	124895.64	131140.42
		8990.80	9440.34	9912.35	10407.97	10928.37
		4149.60	4357.08	4574.93	4803.68	5043.86
		51.87	54.46	57.19	60.05	63.05

**ID-JDE TECHNICAL/GENERAL**

Range	Step A	Step B	Step C	Step D	Step E
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8T001 Accounting Assistant I	106	42695.56	44830.34	47071.85	49425.45	51896.72
		3557.96	3735.86	3922.65	4118.79	4324.73
		1642.14	1724.24	1810.46	1900.98	1996.03
		20.53	21.55	22.63	23.76	24.95

7T001 Accounting Assistant II	110	47071.85	49425.45	51896.72	54491.55	57216.13
		3922.65	4118.79	4324.73	4540.96	4768.01
		1810.46	1900.98	1996.03	2095.83	2200.62
		22.63	23.76	24.95	26.20	27.51

ID-JDE TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T002 Administrative Analyst	131	78568.59	82497.02	86621.87	90952.96	95500.61
		6547.38	6874.75	7218.49	7579.41	7958.38
		3021.87	3172.96	3331.61	3498.19	3673.10
		37.77	39.66	41.65	43.73	45.91
7T003 Administrative Secretary	118	57216.13	60076.94	63080.79	66234.82	69546.57
		4768.01	5006.41	5256.73	5519.57	5795.55
		2200.62	2310.65	2426.18	2547.49	2674.87
		27.51	28.88	30.33	31.84	33.44
8T002 Air Quality Case Settlement Specialist I	126	69546.57	73023.89	76675.09	80508.84	84534.29
		5795.55	6085.32	6389.59	6709.07	7044.52
		2674.87	2808.61	2949.04	3096.49	3251.32
		33.44	35.11	36.86	38.71	40.64
7T004 Air Quality Case Settlement Specialist II	130	76675.09	80508.84	84534.29	88761.00	93199.05
		6389.59	6709.07	7044.52	7396.75	7766.59
		2949.04	3096.49	3251.32	3413.88	3584.58
		36.86	38.71	40.64	42.67	44.81
8T003 Air Quality Inspector I	124	66234.82	69546.57	73023.89	76675.09	80508.84
		5519.57	5795.55	6085.32	6389.59	6709.07
		2547.49	2674.87	2808.61	2949.04	3096.49
		31.84	33.44	35.11	36.86	38.71
7T005 Air Quality Inspector II	128	73023.89	76675.09	80508.84	84534.29	88761.00
		6085.32	6389.59	6709.07	7044.52	7396.75
		2808.61	2949.04	3096.49	3251.32	3413.88
		35.11	36.86	38.71	40.64	42.67
8T004 Air Quality Instrument Specialist I	124	66234.82	69546.57	73023.89	76675.09	80508.84
		5519.57	5795.55	6085.32	6389.59	6709.07
		2547.49	2674.87	2808.61	2949.04	3096.49
		31.84	33.44	35.11	36.86	38.71
7T006 Air Quality Instrument Specialist II	128	73023.89	76675.09	80508.84	84534.29	88761.00
		6085.32	6389.59	6709.07	7044.52	7396.75
		2808.61	2949.04	3096.49	3251.32	3413.88
		35.11	36.86	38.71	40.64	42.67
8T005 Air Quality Laboratory Technician I	122	63080.79	66234.82	69546.57	73023.89	76675.09
		5256.73	5519.57	5795.55	6085.32	6389.59
		2426.18	2547.49	2674.87	2808.61	2949.04
		30.33	31.84	33.44	35.11	36.86
7T007 Air Quality Laboratory Technician II	126	69546.57	73023.89	76675.09	80508.84	84534.29
		5795.55	6085.32	6389.59	6709.07	7044.52
		2674.87	2808.61	2949.04	3096.49	3251.32
		33.44	35.11	36.86	38.71	40.64
8T006 Air Quality Permit Technician I	122	63080.79	66234.82	69546.57	73023.89	76675.09
		5256.73	5519.57	5795.55	6085.32	6389.59
		2426.18	2547.49	2674.87	2808.61	2949.04
		30.33	31.84	33.44	35.11	36.86

ID-JDE TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T008 Air Quality Permit Technician II	126	69546.57	73023.89	76675.09	80508.84	84534.29
		5795.55	6085.32	6389.59	6709.07	7044.52
		2674.87	2808.61	2949.04	3096.49	3251.32
		33.44	35.11	36.86	38.71	40.64
8T007 Air Quality Specialist I	130	76675.09	80508.84	84534.29	88761.00	93199.05
		6389.59	6709.07	7044.52	7396.75	7766.59
		2949.04	3096.49	3251.32	3413.88	3584.58
		36.86	38.71	40.64	42.67	44.81
7T009 Air Quality Specialist II	134	84534.29	88761.00	93199.05	97859.00	102751.95
		7044.52	7396.75	7766.59	8154.92	8562.66
		3251.32	3413.88	3584.58	3763.81	3952.00
		40.64	42.67	44.81	47.05	49.40
7T010 Air Quality Technical Assistant	118	57216.13	60076.94	63080.79	66234.82	69546.57
		4768.01	5006.41	5256.73	5519.57	5795.55
		2200.62	2310.65	2426.18	2547.49	2674.87
		27.51	28.88	30.33	31.84	33.44
8T008 Air Quality Technician I	122	63080.79	66234.82	69546.57	73023.89	76675.09
		5256.73	5519.57	5795.55	6085.32	6389.59
		2426.18	2547.49	2674.87	2808.61	2949.04
		30.33	31.84	33.44	35.11	36.86
7T011 Air Quality Technician II	126	69546.57	73023.89	76675.09	80508.84	84534.29
		5795.55	6085.32	6389.59	6709.07	7044.52
		2674.87	2808.61	2949.04	3096.49	3251.32
		33.44	35.11	36.86	38.71	40.64
7T012 Building Maintenance Mechanic	114	51896.72	54491.55	57216.13	60076.94	63080.79
		4324.73	4540.96	4768.01	5006.41	5256.73
		1996.03	2095.83	2200.62	2310.65	2426.18
		24.95	26.20	27.51	28.88	30.33
7T013 Data Entry Operator	111	48234.30	50646.01	53178.31	55837.23	58629.09
		4019.52	4220.50	4431.53	4653.10	4885.76
		1855.17	1947.92	2045.32	2147.59	2254.96
		23.19	24.35	25.57	26.84	28.19
5T009 Data Support Supervisor	142	102751.95	107889.55	113284.03	118948.23	124895.64
		8562.66	8990.80	9440.34	9912.35	10407.97
		3952.00	4149.60	4357.08	4574.93	4803.68
		49.40	51.87	54.46	57.19	60.05
7T014 Database Specialist	135	86621.87	90952.96	95500.61	100275.64	105289.42
		7218.49	7579.41	7958.38	8356.30	8774.12
		3331.61	3498.19	3673.10	3856.76	4049.59
		41.65	43.73	45.91	48.21	50.62
7T015 Deputy Clerk of the Boards	123	64638.57	67870.50	71264.02	74827.23	78568.59
		5386.55	5655.87	5938.67	6235.60	6547.38
		2486.10	2610.40	2740.92	2877.97	3021.87
		31.08	32.63	34.26	35.97	37.77
7T028 Facilities Maintenance Worker	108	44830.34	47071.85	49425.45	51896.72	54491.55
		3735.86	3922.65	4118.79	4324.73	4540.96
		1724.24	1810.46	1900.98	1996.03	2095.83
		21.55	22.63	23.76	24.95	26.20

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T008 Facilities Services Supervisor	130	76675.09	80508.84	84534.29	88761.00	93199.05
		6389.59	6709.07	7044.52	7396.75	7766.59
		2949.04	3096.49	3251.32	3413.88	3584.58
		36.86	38.71	40.64	42.67	44.81
7T031 Fiscal Services Coordinator	139	95500.61	100275.64	105289.42	110553.89	116081.59
		7958.38	8356.30	8774.12	9212.82	9673.47
		3673.10	3856.76	4049.59	4252.07	4464.68
		45.91	48.21	50.62	53.15	55.81
8T009 Mechanic I	121	61560.54	64638.57	67870.50	71264.02	74827.23
		5130.05	5386.55	5655.87	5938.67	6235.60
		2367.71	2486.10	2610.40	2740.92	2877.97
		29.60	31.08	32.63	34.26	35.97
7T016 Mechanic II	125	67870.50	71264.02	74827.23	78568.59	82497.02
		5655.87	5938.67	6235.60	6547.38	6874.75
		2610.40	2740.92	2877.97	3021.87	3172.96
		32.63	34.26	35.97	37.77	39.66
8T010 Office Assistant I	104	40662.44	42695.56	44830.34	47071.85	49425.45
		3388.54	3557.96	3735.86	3922.65	4118.79
		1563.94	1642.14	1724.24	1810.46	1900.98
		19.55	20.53	21.55	22.63	23.76
7T017 Office Assistant II	108	44830.34	47071.85	49425.45	51896.72	54491.55
		3735.86	3922.65	4118.79	4324.73	4540.96
		1724.24	1810.46	1900.98	1996.03	2095.83
		21.55	22.63	23.76	24.95	26.20
5T001 Office Services Supervisor	116	54491.55	57216.13	60076.94	63080.79	66234.82
		4540.96	4768.01	5006.41	5256.73	5519.57
		2095.83	2200.62	2310.65	2426.18	2547.49
		26.20	27.51	28.88	30.33	31.84
7T029 Organizational Development and Training Specialist	134	84534.29	88761.00	93199.05	97859.00	102751.95
		7044.52	7396.75	7766.59	8154.92	8562.66
		3251.32	3413.88	3584.58	3763.81	3952.00
		40.64	42.67	44.81	47.05	49.40
7T018 Permit Coordinator	134	84534.29	88761.00	93199.05	97859.00	102751.95
		7044.52	7396.75	7766.59	8154.92	8562.66
		3251.32	3413.88	3584.58	3763.81	3952.00
		40.64	42.67	44.81	47.05	49.40
4T001 Principal Air Quality Specialist	142	102751.95	107889.55	113284.03	118948.23	124895.64
		8562.66	8990.80	9440.34	9912.35	10407.97
		3952.00	4149.60	4357.08	4574.93	4803.68
		49.40	51.87	54.46	57.19	60.05
8T011 Programmer Analyst I	127	71264.02	74827.23	78568.59	82497.02	86621.87
		5938.67	6235.60	6547.38	6874.75	7218.49
		2740.92	2877.97	3021.87	3172.96	3331.61
		34.26	35.97	37.77	39.66	41.65

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T019 Programmer Analyst II	131	78568.59	82497.02	86621.87	90952.96	95500.61
		6547.38	6874.75	7218.49	7579.41	7958.38
		3021.87	3172.96	3331.61	3498.19	3673.10
		37.77	39.66	41.65	43.73	45.91
8T012 Public Information Officer I	127	71264.02	74827.23	78568.59	82497.02	86621.87
		5938.67	6235.60	6547.38	6874.75	7218.49
		2740.92	2877.97	3021.87	3172.96	3331.61
		34.26	35.97	37.77	39.66	41.65
7T020 Public Information Officer II	131	78568.59	82497.02	86621.87	90952.96	95500.61
		6547.38	6874.75	7218.49	7579.41	7958.38
		3021.87	3172.96	3331.61	3498.19	3673.10
		37.77	39.66	41.65	43.73	45.91
7T027 Purchasing Agent	122	63080.79	66234.82	69546.57	73023.89	76675.09
		5256.73	5519.57	5795.55	6085.32	6389.59
		2426.18	2547.49	2674.87	2808.61	2949.04
		30.33	31.84	33.44	35.11	36.86
7T021 Radio/Telephone Operator	113	50646.01	53178.31	55837.23	58629.09	61560.54
		4220.50	4431.53	4653.10	4885.76	5130.05
		1947.92	2045.32	2147.59	2254.96	2367.71
		24.35	25.57	26.84	28.19	29.60
5T002 Radio/Telephone Operator Supervisor	119	58629.09	61560.54	64638.57	67870.50	71264.02
		4885.76	5130.05	5386.55	5655.87	5938.67
		2254.96	2367.71	2486.10	2610.40	2740.92
		28.19	29.60	31.08	32.63	34.26
7T022 Receptionist	104	40662.44	42695.56	44830.34	47071.85	49425.45
		3388.54	3557.96	3735.86	3922.65	4118.79
		1563.94	1642.14	1724.24	1810.46	1900.98
		19.55	20.53	21.55	22.63	23.76
7T023 Secretary	112	49425.45	51896.72	54491.55	57216.13	60076.94
		4118.79	4324.73	4540.96	4768.01	5006.41
		1900.98	1996.03	2095.83	2200.62	2310.65
		23.76	24.95	26.20	27.51	28.88
6T001 Senior Accounting Assistant	114	51896.72	54491.55	57216.13	60076.94	63080.79
		4324.73	4540.96	4768.01	5006.41	5256.73
		1996.03	2095.83	2200.62	2310.65	2426.18
		24.95	26.20	27.51	28.88	30.33
6T002 Senior Air Quality Inspector	132	80508.84	84534.29	88761.00	93199.05	97859.00
		6709.07	7044.52	7396.75	7766.59	8154.92
		3096.49	3251.32	3413.88	3584.58	3763.81
		38.71	40.64	42.67	44.81	47.05
6T003 Senior Air Quality Instrument Specialist	132	80508.84	84534.29	88761.00	93199.05	97859.00
		6709.07	7044.52	7396.75	7766.59	8154.92
		3096.49	3251.32	3413.88	3584.58	3763.81
		38.71	40.64	42.67	44.81	47.05

ID-JDE	TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
6T007	Senior Air Quality Permit Technician	130	76675.09 6389.59 2949.04 36.86	80508.84 6709.07 3096.49 38.71	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81
6T004	Senior Air Quality Specialist	138	93199.05 7766.59 3584.58 44.81	97859.00 8154.92 3763.81 47.05	102751.95 8562.66 3952.00 49.40	107889.55 8990.80 4149.60 51.87	113284.03 9440.34 4357.08 54.46
6T006	Senior Air Quality Technician	130	76675.09 6389.59 2949.04 36.86	80508.84 6709.07 3096.49 38.71	84534.29 7044.52 3251.32 40.64	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81
6T005	Senior Public Information Officer	135	86621.87 7218.49 3331.61 41.65	90952.96 7579.41 3498.19 43.73	95500.61 7958.38 3673.10 45.91	100275.64 8356.30 3856.76 48.21	105289.42 8774.12 4049.59 50.62
5T003	Supervising Air Quality Inspector	136	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81	97859.00 8154.92 3763.81 47.05	102751.95 8562.66 3952.00 49.40	107889.55 8990.80 4149.60 51.87
5T004	Supervising Air Quality Instrument Specialist	136	88761.00 7396.75 3413.88 42.67	93199.05 7766.59 3584.58 44.81	97859.00 8154.92 3763.81 47.05	102751.95 8562.66 3952.00 49.40	107889.55 8990.80 4149.60 51.87
5T005	Supervising Air Quality Specialist	142	102751.95 8562.66 3952.00 49.40	107889.55 8990.80 4149.60 51.87	113284.03 9440.34 4357.08 54.46	118948.23 9912.35 4574.93 57.19	124895.64 10407.97 4803.68 60.05
5T006	Supervising Public Information Officer	139	95500.61 7958.38 3673.10 45.91	100275.64 8356.30 3856.76 48.21	105289.42 8774.12 4049.59 50.62	110553.89 9212.82 4252.07 53.15	116081.59 9673.47 4464.68 55.81
5T007	Supervising Systems Analyst	139	95500.61 7958.38 3673.10 45.91	100275.64 8356.30 3856.76 48.21	105289.42 8774.12 4049.59 50.62	110553.89 9212.82 4252.07 53.15	116081.59 9673.47 4464.68 55.81
7T024	Systems Analyst	135	86621.87 7218.49 3331.61 41.65	90952.96 7579.41 3498.19 43.73	95500.61 7958.38 3673.10 45.91	100275.64 8356.30 3856.76 48.21	105289.42 8774.12 4049.59 50.62
7T025	Systems Quality Assurance Specialist	135	86621.87 7218.49 3331.61 41.65	90952.96 7579.41 3498.19 43.73	95500.61 7958.38 3673.10 45.91	100275.64 8356.30 3856.76 48.21	105289.42 8774.12 4049.59 50.62
7T026	Web Master	135	86621.87 7218.49 3331.61 41.65	90952.96 7579.41 3498.19 43.73	95500.61 7958.38 3673.10 45.91	100275.64 8356.30 3856.76 48.21	105289.42 8774.12 4049.59 50.62