



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
MEETING
SEPTEMBER 1, 2021

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
EXECUTIVE ORDER N-29-20 ISSUED BY
GOVERNOR GAVIN NEWSOM**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY
CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S AGENDA
WEBPAGE AT**

www.baaqmd.gov/bodagendas

- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE
FOLLOWING LINK OR BY PHONE**

<https://bayareametro.zoom.us/j/81663130561>

(408) 638-0968 or (669) 900-6833

WEBINAR ID: 816 6313 0561

- **THOSE PARTICIPATING BY PHONE WHO WOULD LIKE TO MAKE A
COMMENT CAN USE THE "RAISE HAND" FEATURE BY DIALING "**9". IN
ORDER TO RECEIVE THE FULL ZOOM EXPERIENCE, PLEASE MAKE SURE
YOUR APPLICATION IS UP TO DATE**

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY
SEPTEMBER 1, 2021
9:30 A.M.

Chairperson, Cindy Chavez

1. **CALL TO ORDER - ROLL CALL**

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***Public Comment on Agenda Items** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Board. No speaker who has already spoken on that item will be entitled to speak to that item again.*

COMMENDATION/PROCLAMATION/AWARDS

2. *The Board of Directors will recognize outgoing Advisory Councilmembers Stan Hayes, Dr. Jane Long and Dr. Timothy Lipman for their outstanding leadership on the Advisory Council.*

CONSENT CALENDAR (ITEMS 3-12)

Staff/Phone (415) 749-

3. Minutes of the Board of Directors Regular Meeting of August 4, 2021

Clerk of the Boards/5073

The Board of Directors will consider approving the draft minutes of the Board of Directors Regular Meeting of August 4, 2021.

4. Board Communications Received from August 4, 2021 through August 31, 2021

J. Broadbent/5052

jbroadbent@baaqmd.gov

A copy of communications directed to the Board of Directors received by the Air District from August 4, 2021, through August 31, 2021, if any, will be distributed to the Board Members by way of email.

5. Air District Personnel on Out-of-State Business Travel **J. Broadbent/5052**
jbroadbent@baaqmd.gov

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

6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of July 2021 **J. Broadbent/5052**
jbroadbent@baaqmd.gov

In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of July 2021.

7. Quarterly Report of the Executive Office and Division Activities for the Months of April 2021- June 2021 **J. Broadbent/5052**
jbroadbent@baaqmd.gov

A summary of Board of Directors, Hearing Board, and Advisory Council meeting activities for the first quarter is provided for information only. Also included is a summary of the Executive Office and Division Activities for the months of April 2021 – June 2021.

8. Quarterly Report of California Air Resources Board Representative – Honorable Davina Hurt **J. Broadbent/5052**
jbroadbent@baaqmd.gov

9. Authorize the Executive Officer/APCO to Execute a Memorandum of Understanding (MOU) with the California Air Pollution Control Officers Association (CAPCOA) Related to the Administration of Pass-Through Environmental Protection Agency 105 Grant Funds Designated for CAPCOA **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a MOU with CAPCOA related to the administration of pass-through Environmental Protection Agency 105 grant funds designated for CAPCOA.

10. Authorization to Amend Consultation Bench Contracts **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider authorizing the Executive Officer/APCO to increase funding available to community engagement consultant bench.

11. Consider Approval of Hiring Recommendation at Step E of Salary Range for Environmental Justice Officer **J. Broadbent/5052**
jbroadbent@baaqmd.gov

The Board of Directors will consider approving a hiring recommendation at Step E salary range for Environmental Justice Officer.

12. Public Meeting to Consider Adoption of a Certification that the Bay Area Air Quality Management District's Non-attainment New Source Review Permitting Program Meets the Requirements of the Federal Clean Air Act as a Result of the Bay Area's Designation as "Non-attainment" of the 2015 Ozone National Ambient Air Quality Standards (NAAQS)

J. Broadbent/5052

jbroadbent@baaqmd.gov

The Board of Directors will consider adopting a certification that the Bay Area Air Quality Management District's Non-attainment New Source Review Permitting program meets federal requirements for the implementation of the 2015 ozone NAAQS.

13. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting

CO-CHAIRS: Alfredo Angulo and Y'Anad Burrell

V. Eady/4646

veady@baaqmd.gov

- 13.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of August 16, 2021

For the full Committee agenda packet and materials, click on the link below:

<https://www.baaqmd.gov/community-health/community-health-protection-program>

- 13.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of August 16, 2021

END OF CONSENT CALENDAR

PRESENTATION

14. Update on Clean Air Filtration Program

D. Breen/5041

dbreen@baaqmd.gov

Staff will provide the Board of Directors with a brief overview of the Air District's Wildfire Program and provide an information update on the expansion of the Clean Air Filtration Program.

END OF PRESENTATION

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Board.

BOARD MEMBERS' COMMENTS

16. *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

17. Report of the Executive Officer/APCO

18. Chairperson's Report

19. Time and Place of Next Meeting:

Wednesday, October 6, 2021, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

20. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

Accessibility and Non-Discrimination Policy

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Terri Levels, at (415) 749-4667 or by email at tlevels@baaqmd.gov.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

AUGUST 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	26	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

SEPTEMBER 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting as the Sole Member of the Bay Area Clean Air Foundation	Wednesday	1	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Meeting	Wednesday	1	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community Equity, Health and Justice Committee	Thursday	2	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Advisory Council Meeting	Monday	13	8:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee	Wednesday	15	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	15	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Technology Implementation Office (TIO) Steering Committee	Friday	17	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source and Climate Impacts Committee – CANCELLED & RESCHEDULED TO MONDAY, SEPTEMBER 27, 2021 at 9:00 A.M.	Thursday	20	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	23	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source and Climate Impacts Committee	Monday	27	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Minutes of the Board of Directors Regular Meeting of August 4, 2021

RECOMMENDED ACTION

Approve the attached draft minutes of Board of Directors Regular Meeting of August 4, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of August 4, 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Board of Directors Regular Meeting of August 4, 2021

AGENDA: 3A – ATTACHMENT

Draft Minutes - Board of Directors Regular Meeting of August 4, 2021

Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
(415) 749-5073

Board of Directors Regular Meeting
Wednesday, August 4, 2021

DRAFT MINUTES

Note: Audio recordings of the meeting are available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 9:31 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Margaret Abe-Koga, Teresa Barrett, David Canepa, Rich Constantine, Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Katie Rice, Mark Ross, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Myrna Melgar, Rob Rennie, and Shamann Walton.

CLOSED SESSION (9:35 a.m.)

2. **A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION AND EMPLOYMENT Pursuant to Government Code Section 54957 (b)(1)**

Title: Chief Executive Officer/Air Pollution Control Officer

REPORTABLE ACTION: Secretary Bauters announced that there was nothing to report.

B. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

Agency designated representatives: Cindy Chavez, John Chiladakis, Charles Sakai, Sloan Sakai Yeung & Wong LLP

Unrepresented employees: Chief Executive Officer/Air Pollution Control Officer

REPORTABLE ACTION: Secretary Bauters announced that there was nothing to report.

OPEN SESSION (10:23 a.m.)

CONSENT CALENDAR (ITEMS 3 – 9)

3. Minutes of the Board of Directors Regular Meeting of July 7, 2021, and the Board of Directors Special Meeting of July 21, 2021
4. Board Communications Received from July 7, 2021, through August 3, 2021
5. Air District Personnel on Out-of-State Business Travel
6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of June 2021
7. Authorization to Accept Clean Cars for All Funding
8. Stationary Source and Climate Impacts Committee Meeting
- 8.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 19, 2021
- 8.2 Report of the Stationary Source and Climate Impacts Committee Meeting of July 19, 2021
9. Richmond Area Community Emissions Reduction Plan Steering Committee Meeting
- 9.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of July 19, 2021
- 9.2 Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of July 19, 2021

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Rice, to **approve** Consent Calendar Items 3 through 9, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Hopkins, Hudson, Hurt, Jue, Miley, Mitchoff, Rice, Ross, Wagenknecht, Wilson.

NOES: None.

ABSTAIN: None.

ABSENT: Haubert, Melgar, Rennie, Walton.

PUBLIC COMMENT ON NON-AGENDA MATTERS

10. Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3 (OUT OF ORDER, ITEM 11)

None.

BOARD MEMBERS' COMMENTS

11. Board Members' Comments (ITEM 12)

None.

OTHER BUSINESS

12. Report of the Executive Officer/Air Pollution Control Officer (APCO) (ITEM 13)

Jack P. Broadbent, Executive Officer/APCO, reported that the Bay Area has experienced only two ozone exceedances thus far in 2021, based on the National Ambient Air Quality Standards. He added that predominant offshore flow patterns have been typically beginning several weeks into August and acknowledged the presence of wildfires currently burning to the east of the Bay Area. The smoke from those fires may degrade the Bay Area's air quality and should Particulate Matter levels in the air become elevated, the Air District's Communications and Meteorology and Measurement teams will be deployed to inform the public.

13. Chairperson's Report (ITEM 14)

Chair Chavez announced the following:

- There will be no committee meetings in August.
- Santa Clara County hired Mountain Data Group to conduct a study entitled "Leaded Aviation Gasoline Exposure Risk at Reid-Hillview Airport in Santa Clara County, California", which was published on August 3, 2021. This report will be sent to the Board members, as the study pertains to the impact of leaded fuel on the community, particularly children.

CONTRACT AMENDMENT CONSIDERATION

14. Consider Approving an Amendment to the Executive Officer's Employment Agreement and Authorizing the Chair to Execute the Amendment (ITEM 10)

The Board of Directors considered the Executive Officer's employment contract and labor negotiations in Closed Session (ITEM 2). Based upon the discussion from Closed Session, the Chair presented a recommended action to the Board.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Gioia, to **direct** the Chair do the following: Negotiate a modification to the Employment Agreement with Jack Broadbent to convert it from an Evergreen contract to one with a fixed term. The Chair is authorized to negotiate an amendment to the Employment Agreement to be approved by the Board in Open Session, which makes the following changes:

1. Establishes a contract end date of December 31, 2023;
2. Modifies the contract ending provision to apply to any separation of employment which occurs on or before December 31, 2023, including a termination due to the expiration of the agreement but excluding termination for cause; and
3. Re-examines the cause provisions for ending the contract

The motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Barrett, Bauters, Canepa, Chavez, Constantine, Cutter, Gioia, Groom, Hannigan, Hopkins, Hudson, Hurt, Jue, Miley, Mitchoff, Rice, Ross, Wagenknecht, Wilson.
NOES: None.
ABSTAIN: None.
ABSENT: Haubert, Melgar, Rennie, Walton.

OTHER BUSINESS CONTINUED

15. Time and Place of Next Meeting

Wednesday, September 1, 2021, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

16. Adjournment

The meeting adjourned at 10:38 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Board Communications Received from August 4, 2021, through August 31, 2021

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from August 4, 2021, through August 31, 2021, if any, will be distributed to the Board Members by way of email.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marjorie Villanueva
Reviewed by: Vanessa Johnson

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

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

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

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

The report covers the out-of-state business travel for the month of July 2021. The monthly out-of-state business travel report is presented in the months following travel completion.

DISCUSSION

There were no out-of-state business travel activities that occurred in the month of July 2021.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze

Reviewed by: Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of July
2021

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

In accordance with Resolution No. 2012-08, attached to this memorandum is a listing of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar month prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties collected are included in the Air District's general fund budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Adan Schwartz

Attachment 6A: Notices of Violations for the Month of July 2021

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violations were issued in July 2021:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Anthony Rillera	Z9441	Hayward	A59123A	7/15/2021	11-2-401.3	ASB120813Late Notifier.
Applied Thin-Film Products	B0617	Fremont	A57377A	7/14/2021	2-1-307	Failure to meet permit condition @14996, limits exceeded.
Astra	Z9442	Alameda	A59817A	7/19/2021	2-1-301	No Authority to Construct rocket testing & manufacturing.
Astra	Z9442	Alameda	A59817B	7/19/2021	2-1-302	No permit to operate rocket testing & manufacturing.
CJC Santa Rita, LLC	Z8936	Pleasanton	A59645A	7/8/2021	8-7-301.5	Missing gasket on 91 tank product fill side dust cap.
Lazer Diode Inc.	Z9417	Fremont	A57399A	7/9/2021	2-1-307	Failure to submit annual report.
Mission Valley Rock Co.	A0595	Sunol	A55869A	7/22/2021	2-1-307	Failed source test #21096 conducted 4/27/21.
PABCO Gypsum	A0153	Newark	A60212A	7/19/2021	2-1-307	Source test NTV-2431 & 2432 NST-6417 PM emissions exceedance per PC #26959.
Restoration Management Company	E2420	Hayward	A60266A	7/28/2021	11-2-401.3	Improper notification.
Tesla, Inc.	A1438	Fremont	A60213A	7/28/2021	2-6-307	S-1002 was not abated at all times of operation by A-30192 (RCA# 08A40 & 08A41).

Tesla, Inc.	A1438	Fremont	A60214A	7/28/2021	2-6-307	Furnace hourly throughput exceedance (Dev #6422).
Vasco Road Landfill	A5095	Livermore	A55868A	7/13/2021	8-34-301.3	Failed S.T. 05-8065 N51-6300, P.O. cond #818 Part 10.

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Alhambra Petroleum, Inc.	Z9452	Martinez	A59673A	7/21/2021	2-1-307	Failure to conduct and passing source testing.
C Hammond Construction	U3580	Richmond	A60131A	7/7/2021	11-2-401.5	Failure to start on notified start date.
C Hammond Construction	U3580	Richmond	A60130A	7/7/2021	11-2-401.5	Failure to start on notified start date.
Chevron Products Company	A0010	Richmond	A59248A	7/13/2021	10	40CFR60.104(a1) - RCA 07R02, H2S > 160 ppm / 3 hr avg.
Chevron Products Company	A0010	Richmond	A59249A	7/13/2021	10	40CFR60.104(a1) - RCA 07R01, H2S > 160 ppm / 3 hr avg.
Chevron Products Company	A0010	Richmond	A60473A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM > 15 Mins with no samples collected and analyzed. Dev #5540.
Chevron Products Company	A0010	Richmond	A59247A	7/13/2021	2-1-307	RCA 07R03, Total sulfur > 200 ppmv / 1 hr avg.
Chevron Products Company	A0010	Richmond	A59246A	7/13/2021	2-1-307	RCA 07R04, Total sulfur > 200 ppmv / 1 hr avg.
Chevron Products Company	A0010	Richmond	A60474A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM >15 mins with no samples collected and analyzed Dev #5562.
Chevron Products Company	A0010	Richmond	A60476A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM > 15 Mins with no samples collected

						and analyzed. Dev #5577.
Chevron Products Company	A0010	Richmond	A60703A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM > 15 Mins with no samples collected and analyzed. Dev #5752.
Chevron Products Company	A0010	Richmond	A60472A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM > 15 Mins with no samples collected and analyzed. Dev #5492.
Chevron Products Company	A0010	Richmond	A60475A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM > 15 Mins with no samples collected and analyzed. Dev #5567.
Chevron Products Company	A0010	Richmond	A60477A	7/20/2021	12-11-502.3.1	Flare > 330 SCFM > 15 Mins with no samples collected and analyzed. Dev #5588.
Emerald Point Manna	Z9453	Bethel Island	A59662A	7/14/2021	8-7-301.13	Failure to conduct and pass vapor tightness test.
Enterprise Roofing Service Inc	B1916	Concord	A59671B	7/12/2021	8-7-301.1	Use of uncertified Phase I equipment.
Enterprise Roofing Service Inc.	B1916	Concord	A59671A	7/12/2021	2-1-307	Failure to submit source test results within 30 days.
Gafco Enterprises Inc.	Z9400	Lafayette	A59687A	7/6/2021	2-1-307	Did not meet A/C A68531 requirements.
Gafco Enterprises Inc.	Z9400	Lafayette	A59687B	7/6/2021	8-7-301.5	91g vapor adaptor is loose on riser.
Golden State Contract	Z9483	Concord	A59677A	7/28/2021	2-1-307	Failure to conduct and pass source tests.
Griffon Ventures Inc.	Z9392	Alamo	A59670A	7/6/2021	8-7-503.3	Gasoline throughput, Maintenance/ISD alarm, & source test results and records not available on-site.
Phillips 66 Company - San	A0016	Rodeo	A59913A	7/13/2021	8-5-306.2	Emergency relief valve #83450 on

Francisco Refinery						S135 was not gas tight, or measure to be more than 500 ppm.
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Marin						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
North Bay Gas	Z9405	Fairfax	A60238A	7/7/2021	2-1-307	Phase I/II source tests not completed 2018, 2020.
North Gate Gas	Y3626	San Rafael	A60237A	7/1/2021	2-1-307	Failed Air district GDF source tests - ST# 21103, 21104, 21105, 21107, 21108.

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
CA Dept. of Forestry Napa County	Y6971	Saint Helena	A59672A	7/20/2021	2-1-307	Failure to conduct & pass source testing per permit to operate. P/C #16576.

San Francisco						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
City and County of San Francisco - Boilers	A9347	San Francisco	A60263A	7/13/2021	9-7-506	No Source Test 2019.
City and County of San Francisco - Boilers	A9347	San Francisco	A60262A	7/13/2021	9-7-506	No Source Test 2019.
City and County of San Francisco - Boilers	A9347	San Francisco	A60264A	7/13/2021	2-1-307	No Source Test 2019; Failed NOx Emissions Test 6/23/2020.
City and County of San Francisco - Boilers	A9347	San Francisco	A60264B	7/13/2021	9-7-506	No Source Test 2019; Failed NOx

						Emissions Test 6/23/2020.
Hudson 1455 Market LLC	A0429	San Francisco	A60441A	7/14/2021	9-7-506	No source test 2019, 2020.
Hudson 1455 Market LLC	A0429	San Francisco	A60442A	7/14/2021	9-7-506	No source test 2019, 2020.
Hudson 1455 Market LLC	A0429	San Francisco	A60443A	7/14/2021	9-7-506	No source test 2019, 2020.
Pacific Gas & Electric	H1945	San Francisco	A60705A	7/27/2021	2-1-301	1 generator at location with no authority to Construct.
Pacific Gas & Electric	H1945	San Francisco	A60705B	7/27/2021	2-1-302	1 generator at location with no permit to operate.
Pacific Gas & Electric	H1945	San Francisco	A60704A	7/27/2021	2-1-302	7 generators at location with no authority to construct.
Pacific Gas & Electric	H1945	San Francisco	A60704B	7/27/2021	2-1-301	7 generators at location with no permit to operate.
Quality Gas for your Cash	V3276	San Francisco	A59688A	7/12/2021	2-1-307	Did not meet permit testing condition.
San Francisco Public Utilities Commission	A4116	San Francisco	A59014A	7/28/2021	2-1-307	Vented raw gas from digesters PC 3292.

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Double AA Corp.	Z8614	South San Francisco	A59690A	7/20/2021	2-1-307	Did not meet annual source test conditions.
Excel Site Services Inc.	V1204	South San Francisco	A60261A	7/8/2021	11-2-401.5	Failure to revise start & end dates.
Excel Site Services Inc.	V1204	South San Francisco	A60260A	7/8/2021	11-2-401.5	Failure to revise start & end date.
Grand Martco Inc.	Z9473	Redwood City	A59691A	7/29/2021	2-1-307	Failed to perform required source test.

The Towers Association	Z9494	San Mateo	A59366A	7/27/2021	2-1-301	No authority to construct.
The Towers Association	Z9494	San Mateo	A59366B	7/27/2021	2-1-302	No permit to operate.

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
3740 El Camino Real, Inc.	Z9478	San Jose	A59711A	7/19/2021	2-1-307	Failure to conduct Annual Source test per Air District PC #23223 (pt4).
Capitol Nissan	Z9440	San Jose	A59710A	7/15/2021	2-1-307	Uncertified non-low perm. hose installed.
Capitol Nissan	Z9440	San Jose	A59714A	7/28/2021	2-1-307	Failure to Meet Permit Condition PC #27169. Failure to conduct/pass/submit Annual Source Test.
City of Sunnyvale Water Pollution Control	A0733	Sunnyvale	A58384A	7/16/2021	8-34-301.4	Permit condition # 10844, Part 4.
Hadad Enterprises, Inc.	Z8882	Sunnyvale	A59713A	7/26/2021	8-7-301.3	Fill pipe exceeding regulatory 6" from bottom of tank at 10 1/2" (9/g).
Hadad Enterprises, Inc.	Z8882	Sunnyvale	A59713B	7/26/2021	8-7-308	6/2" gas in 87 g (6k tank) vapor spill bucket.
Hengehold Motors	Z9447	Palo Alto	A59712A	7/22/2021	2-1-307	Operating with uncertified non low perm hoses.
Kirby Canyon Recycling and Disposal Facility	A1812	Morgan Hill	A59778A	7/21/2021	8-34-303	Surface leaks >500 ppm well # 129, 141, 157.
MK Atar Properties Inc.	Z9475	San Jose	A59646A	7/27/2021	8-7-314	Phase 2 nozzle missing hold-open latch.
Polanco Enterprises, Inc.	Z9403	Los Gatos	A59709A	7/7/2021	2-1-307	Failure to conduct annual source test per P/C #100050.

Shoreline Amphitheatre	A2561	Mountain View	A60444A	7/15/2021	8-34-301.2	Component leak > 1000 ppm at Well 19.
Stanford Golf Course	Z9390	Stanford	A59708A	7/1/2021	2-1-307	Failure to conduct passing annual source test per P/C# 16516.
Vander-Bend Manufacturing	E3467	San Jose	A60487A	7/29/2021	2-1-307	Facility has been exceeding solvent usage limits as per PC #26240 Section 1 & 2.

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Benicia Industries	Z9389	Benicia	A59669A	7/1/2021	2-1-307	Failure to conduct periodic source testing per P/O P/C# 16576.
GD & Son Builders, Inc.	Z9482	Vallejo	A60265A	7/26/2021	11-2-401.3	Failure to notify.
Gilroy Energy Center, LLC. (Wolfskill Energy Ctr)	B4511	Fairfield	A56051A	7/27/2021	2-1-307	NOx excess 07X03 failed permit condition limit.
M F Maher	Z9449	Vallejo	A59674A	7/22/2021	8-7-302.1	No certified phase II vapor recovery at a non-exempt GDF.
Valero Refining Company - California	B2626	Benicia	A59508A	7/13/2021	9-1-307	RCA 07U27 - SRU exceeded SO2 250 ppm 1-hour limit.
Valero Refining Company - California	B2626	Benicia	A59507A	7/13/2021	2-6-307	RCA 07P09 - Exceeded CO 100 ppm calendar day average.
Valero Refining Company - California	B2626	Benicia	A59506A	7/13/2021	2-6-307	RCA 07P08 - Exceeded TRS 100 ppm rolling 24-hr limit.
Valero Refining Company - California	B2626	Benicia	A59509A	7/13/2021	2-6-307	RCA 07W83 - H-4603 fell below the minimum

						temperature limit of 1,115 degree F.
Vallejo Flood and Wastewater District	A3319	Vallejo	A59676A	7/22/2021	2-1-307	Failure to conduct source testing; failure to submit source test results within 30 days of testing.

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Curran Environmental Services Inc.	Z9380	Petaluma	A60258A	7/6/2021	11-2-401.3	Failure to notify.
CVE NB Contracting Group Inc.	Z5329	Rohnert Park	A60129A	7/6/2021	11-2-303.6	ASB120240No viewport in containment.
CVE NB Contracting Group Inc.	Z5329	Rohnert Park	A60259A	7/6/2021	11-2-401.3	Improper Notification.
NorCal HealthConnect LLC dba Petaluma Vly Hospital	B1308	Petaluma	A59865A	7/6/2021	2-1-302	Permit to operate expired 12/01/20.

District Wide						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
7-Eleven Inc.	Z8587	Irving	A59689A	7/28/2021	8-7-502	No access provided to dispenser cabinets.

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 0 settlement(s) for \$10,000 or more completed in July 2021.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Quarterly Report of the Executive Office and Division Activities for the Months of
April 2021 – June 2021

**ADMINISTRATIVE RESOURCES DIVISION
M. MARTINEZ, DIRECTOR**

Human Resources

The Human Resources (HR) Office conducted 15 recruitments including exams for: Accounting Assistant I/II, Air Quality Engineer I/II, Air Quality Instrument Specialist I/II, Air Quality Technician I/II, Air Quality Specialist I/II, Environmental Planner I/II, Manager, Principal Air Quality Instrument Specialist, Principal Human Resources Analyst, Senior Advanced Projects Advisor, Senior Air Quality Engineer, Senior Human Resources Analyst, Senior Staff Specialist, Staff Specialist I/II, and Temporary Human Resources Administrative Assistant. The HR Office offered 42 wellness/fitness classes and four (4) group training sessions, including: Time Management, Maximizing Performance Through Evaluation, Documentation, and Corrective Action, Disability Interactive Process, and Managing the Marginal Employee. In addition, employees utilized seven (7) training courses and utilized the educational reimbursement program. The HR Office continues to administer payroll, benefits, safety/worker's compensation, and labor/employee relations. There are currently 377 regular employees, 8 temporary employees, and 37 budgeted vacant positions. There were nine (9) new employees, 12 promotions, and four (4) separations from April 2021 to June 2021.

Business Office

The Business Office issued 538 purchase orders and executed 139 contracts. There were six (6) Requests for Proposals/Qualifications issued during this period.

Fleet and Facilities Office

Fleet services disposed of five (5) vehicles, acquired zero (0) vehicles, and sent 56 vehicles for maintenance and/or body shop repairs. There were fourteen (14) vehicle requests (all from Metropolitan Transportation Commission (MTC) staff and none from Air District staff), of which zero (0) were pool vehicles and thirteen (13) were Enterprise car rentals, and one (1) cancellation. There are currently 126 fleet vehicles: three (3) electric, one (1) hydrogen fuel cell, 86 plug-in hybrids, 13 hybrids, 22 gas, and one (1) diesel.

Facilities received nine (19) Angus requests, facilitated zero (0) furniture orders, and completed 115 ad-hoc projects/tasks. Facilities also performs daily maintenance of the coffee machines, replenishes coffee and tea supplies in the Air District coffee bar and pantries, and replenishes office supplies in the copy/supply rooms.

**COMPLIANCE AND ENFORCEMENT DIVISION
J. GOVE, DIRECTOR**

Enforcement Program

Air District Staff documented 213 air pollution violations that resulted in Notice of Violations (NOV) and responded to 796 general air pollution complaints. These activities addressed noncompliance with applicable Federal, State and Air District regulations, and provided a mechanism for the public to voice their concerns about air pollution issues that might be in noncompliance status. Additionally, highlighted enforcement activities for the quarter are as follows:

On April 8, 2021, staff accompanied members of the Bayview Hunter's Point (BVHP) community on a tour of Amador Street in Bayview Hunters Point, San Francisco. The community has alleged impacts from visible emissions from facilities along this street. The tour allowed community stakeholders to identify sources of concern with staff and learn about ways the Air District can work together with BVHP stakeholders to improve public relations and public health. The discussions focused mostly on the concrete batch plants and aggregate facilities on Amador Street. Initial discussions regarding increased air monitoring in the BVHP area were undertaken.

On April 14, 2021, staff met with Berkeley Asphalt (BA) representatives to discuss the findings of the odors root cause analysis prepared by a consulting company hired by BA. BA representatives stated that neither they nor the consulting company were able to find the root cause of the odors. BA also presented a progress report on the blue smoke system being installed at the BA facility. The blue smoke system is expected to start operations in late July 2021. Staff also responded on several occasions to questions from Jordan Klein, Interim Director, Department of Planning & Development, City of Berkeley regarding the developments at the BA facility.

On May 5, 2021, Recology San Francisco (Sustainable Crushing) at Pier 94 received a Notice of Violation for failing to obtain an Authority to Construct and Permit to Operate for portable equipment and bulk material storage piles. Recology has operated at this location since 2009 without permits. The facility voluntarily stopped all crushing activity due to the sensitivity of its location adjacent to the Covid homeless shelter but has expressed concerns that incoming material may soon have to be trucked to Redwood City. The Air District is currently reviewing the facility's permit application.

On May 7, 2021, the Air District co-hosted with Communities for a Better Environment (CBE) a community presentation of the Draft Health Risk Assessment (HRA) for AB&I Foundry (AB&I), located in Oakland, per the requirements of Air District Regulation 11-18. The primary HRA finding is that AB&I's centrifugal straight/hollow pipe casting machines emit fugitive Hexavalent Chromium, along with other toxic metals, above toxic risk thresholds, which will require permitting and abatement. Staff followed up with the Engineering Division staff who drafted the

HRA regarding the formaldehyde emissions from the phenol sand binder, which had not yet been analyzed, but will be before the final HRA draft is completed.

On May 28, 2021, Russell City Energy Center had a fire at its steam turbine that resulted in the failure of the steam turbine. The local fire department was called, and the fire was extinguished in about four hours with no injuries reported. The cause of the fire has not been determined yet. The fire did not result in any violations because only steam is emitted from that source.

From May 24, 2021, to June 20, 2021, staff received a total of 15 complaints from seven (7) complainants related to smoke and odors from the Smokehouse BBQ, a restaurant located in Berkeley. The complaints did not result in an air quality violation. After having a fire in the kitchen, the restaurant rebuilt the kitchen and installed new equipment. An exhaust system now more efficiently evacuates the smoke out of the stack, but no abatement device is installed. The restaurant restarted operations in November 2020 and is exempt from Regulation 6, Rule 3, Charbroilers due to the quantity of meat cooked each week.

On June 3, 2021, staff participated at the Air District's Virtual Workshop on Cemex, Hanson Aggregates and Other Bayview Hunters Point Facilities (Workshop). The purpose of the workshop was to present, discuss, and hear community concerns on impacts and Air District permitting efforts of facilities along Amador Street in Southeastern San Francisco.

On June 17, 2021, staff received a total of 14 odor complaints alleging AB&I, Site #A0062. Nine (9) odor complaints were confirmed to the facility. On June 21, 2021, staff issued an NOV, citing Air District Regulation 1, Section 301, Public Nuisance. The day of the complaints was unusually warm with minimal wind dispersion and the facility was operating normally, with no extraordinary causes or factors relating to the generation and control of the odor.

On June 29, 2021, staff met with California Air Resources Board (CARB) staff to discuss the permit status of Sims Metal Management (Sims), Redwood City. The facility is one of nine statewide metal shredders that are the focus of a CalEPA metal shredders enforcement initiative.

On July 6, 2021, staff met with the City of San Jose to discuss the ongoing smoke/odor/fire out complaints in San Jose associated with homeless encampments along the Coyote Creek watershed in and around the Naglee Park neighborhood. Since December 2020, the Air District has investigated around 50 complaints. There are approximately 5,000 unhoused people and 250 encampments in San Jose. Staff learned of the city's two-pronged approach to address encampment/homelessness issues: homeless prevention and encampment management. Through encampment management, the city prioritized its resources and responses based on data acquisition including incidents, crime, risk, and safety. Therefore, city resources to address encampment issues were not necessarily aligned with the location of air quality complaints received by the Air District. There was a robust conversation on how the city and Air District might coordinate on future complaints to address illegal burning. A future meeting date was tentatively set for mid-August to continue the discussion.

Compliance Assurance

Air District Staff conducted over 2,501 inspections of permitted facilities, gasoline dispensing stations, asbestos demolition and renovation jobs, open burning, portable equipment, and mobile sources. Additionally, highlighted inspection activities for the quarter are as follows:

On April 6, 2021, staff met with the South Bay Odor Attribution Study consultants Jacobs Engineering and Montrose Environmental Group for an overview and analysis of the data collected from the winter odor sampling event of the South Bay Odor Attribution Study conducted March 2, 2021. The odor study aims to investigate the odor problem impacting the Milpitas community from the three large organic waste facilities adjacent to it: Newby Island Landfill, ZWED, and the San Jose Santa Clara Regional Wastewater Treatment facility.

On April 8, 2021 and April 9, 2021, staff attended a workshop hosted by San Jose State University that provided the latest information and current state-of-knowledge on fire weather research. Topics included fuels and fire danger, remote sensing of the fire environment, fire weather indices and case studies, coupled fire-atmosphere modeling advances, and smoke modeling and impacts.

On April 15, 2021, staff participated in the quarterly South Bay Odor Stakeholders Group (SBOSG) meeting. Stakeholders included local government and state representatives, enforcement agencies, industry, and community members with the group's goal of addressing and resolving community concerns of the south bay odor problems through an open and transparent process. Staff provided an update on the South Bay Odor Attribution Study and a summary of the quarterly air quality odor complaints received in the Milpitas area.

On May 12, 2021, the Air District and California Air Resources Board (CARB) hosted a training webinar for CARB's Prescribed Fire Incident Reporting System (PFIRS). The webinar covered key components of smoke management communication, coordination, and planning processes, how PFIRS is used and how to submit smoke management plans for Air District approval. Twenty-five participants from a variety of organizations including CALFIRE, local fire districts, and federal, state, and local agency land managers participated in the training.

On May 21, 2021, staff attended a workshop hosted by the Alliance of Nurses for Healthy Environments (ANHE). The workshop focused on providing information on how air pollution affects human health, with special attention paid to wildfire-related air pollutants. Additional topics covered included an overview of the latest research regarding protective mask and air purifier use during poor air quality days, a synopsis of how to identify major sources of air pollution, and a look at how transportation policies affect air pollution and public health

On May 26, 2021, staff attended a webinar hosted by the U.S. EPA AirNow Sensor Pilot Team to receive updates to the AirNow Fire and Smoke Map, a feature launched in 2020 by the EPA and the U.S. Forest Service to provide additional air quality information to the AirNow map interface during wildfire events. The webinar focused on providing information on improvements that the AirNow team has added based on comments received from the regulatory community and public on how to improve the map to provide a better user experience and clearer information regarding the air quality in their communities during the 2021 fire season.

June 2021, staff integrated the Air District's existing prescribed burn and smoke management plan procedures into the statewide Prescribed Fire Information Reporting System (PFIRS). PFIRS serves as an interface between air quality managers, land management agencies, and individuals

that conduct prescribed burning in California. The web tool facilitates communications by providing access to a database containing information on burn planning, burn approvals, and emissions information. Smoke management plans (SMPs) can now be submitted to the Air District via PFIRS. During an interim period through December 31, 2021, staff will accept hard copy SMP submittals on a case-by-case basis. The PFIRS integration streamlines the existing Air District program and compliments statewide fuel reduction and wildfire prevention efforts.

Staff approved six (6) Asbestos Dust Mitigation Plans (ADMP) for the following projects: 1) RIN# 0206, Shoreline Rehabilitation Project at Bay View Hunters Point- 900 Innes Ave, San Francisco (SF), 2) RIN# 0209, Anderson Dam Tunnel Project, Morgan Hill, 3) RIN # 0212, UCSF Block 34 Mission Bay, SF, 4) RIN# 0213, United Rental 2968 Daylight Way, San Jose, 5) RIN# 0214, SF-Marin Food Bank Expansion Project – 900 Pennsylvania Ave., SF, and 6) RIN# 0215 Mountain View High School – 3535 Truman Ave., Mountain View. These six Naturally Occurring Asbestos (NOA) projects are required to perform asbestos ambient perimeter air monitoring and submit results to the Air District on a bi-weekly basis. In addition, staff reviewed five ADMP amendment requests and approved two ADMP amendments for the following projects: 1) RIN# 0187 Mission Rock Project, SF and 2) RIN# 0196 SFPUC Biosolids Digester Facility Project, SF. Three ADMP amendment requests to modify/reduce frequency of air monitoring were denied 1) RIN# 178 Gateway of Pacific Phase 3 in South SF, 2) RIN# 0179 Gateway of Pacific Phase 2 in South San Francisco and 3) RIN# 0187 Mission Rock in San Francisco. One proposed ADMP amendment request is under review.

Compliance Assistance and Operations Program

On June 1, 2021, facilities subject to Rule 12-13 (Foundry and Forging Operations) and Rule 6-4 (Metal Shredding and Recycling Operations) were required to submit 5-year Emission Minimization Plan (EMP) updates, plans that detail facility operations, management practices, and measures to reduce fugitive emissions. Four facilities subject to Rule 12-13 submitted EMPs, including AB&I Foundry, United States and Pipe Foundry, CASS, Inc., and USS Posco. Three facilities are subject to Rule 6-4, including Sims Metal Management- Redwood City, Sims Metal Management- Richmond and Schnitzer Steel. Staff are in the process of reviewing the EMPs for completeness and will be visiting each facility to ensure sites are operating in compliance with applicable Rule 12-13 and Rule 6-4 requirements. As part of the EMP review process, the Air District will be making recommendations to each facility to continue efforts to reduce fugitive emissions.

On June 16, 2021, Air District staff provided the Board of Directors with a presentation on the 2021 wildfire season outlook. The presentation included an overview of the Air District's Wildfire Air Quality Response Program and agency actions during wildfire events, including monitoring, smoke forecasting, coordination with state and local agencies, and outreach to the public. Staff requested the Board of Directors to authorize \$250,000 funding for the Air District's *Home Air Filtration Program* which was unanimously approved. The program aims to provide air filtration units to low-income individuals suffering from severe asthma and enrolled in the state's Asthma Mitigation Project, a program that provides in-home asthma care visits.

Wildfire Air Quality Response Program

- American Red Cross Partnership: On May 5, 2021, the Air District formalized a partnership and memorandum of understanding (MOU) with the American Red Cross. The Air District

purchased portable air filtration units to help support wildfire response and emergency operations in the Bay Area. During the two-year pilot program and partnership, the Red Cross will deploy portable air filters within the nine county Bay Area region to evacuation centers or sheltering facilities in wildfire smoke impacted areas. The units will be tracked by Red Cross and the Air District will be notified when the units are deployed. Red Cross and will report back to the Air District on a semi-annual basis with updates on the number of units that were deployed, details about sheltering locations and information on program effectiveness.

- Home Air Filtration Program: On May 31, 2021, the Air District signed a Memorandum of Affiliation (MOA) and partnered with the Regional Asthma Management and Prevention for the Air District's new *Home Air Filtration Program*. This 2-year program will provide home air filtration units to those most vulnerable to wildfire smoke. The partnership with RAMP will help reach low income, Medi-Cal recipients suffering from severe asthma and receiving in-home asthma care services through the State of California's Asthma Mitigation Project (AMP). A Request for Quotation (RFQ) was initiated to obtain bulk pricing for the air filtration units and the Air District selected four air filtration units that met specific criteria such that units have high-efficiency particulate air (HEPA) filters, are both CARB and ENERGY STAR certified, and are certified by the Association of Home Appliance Manufacturers (AHAM) to have a minimum Clean Air Deliver Rate (CADR) for smoke. Delivery of the units will begin in August and RAMP will work closely with seven home visiting programs to provide updates to the Air District on a quarterly basis. RAMP is a non-profit, advocacy organization focusing on health equity and reducing the burden of asthma.
- Assembly Bill (AB) 836: Air District staff have been working closely with CARB to finalize the program guidelines and contract for AB 836, *Wildfire Smoke Clean Air Center Incentive Program for Vulnerable Populations*. CARB hosted two public workshops in June to discuss draft program guidelines with stakeholders and plan to make funding available by late August or early September. The Air District will receive \$3 million to pilot the program in the Bay Area. Counties will receive funding to improve air filtration in public buildings located in low-income, disadvantaged communities such as designated AB617 communities and other high priority communities to retrofit HVAC systems, purchase portable air filtration units or purchase replacement air filters. Funding will also allow county emergency management authorities and disaster response agencies to purchase portable air filtration units and replacement air filters to enhance wildfire preparedness.
- Partnerships with County Office of Emergency Services (OES): The Air District is expanding partnerships across the nine Bay Area Counties OES to enhance coordination and wildfire preparedness. The Air District will be purchasing portable air filtration units for each county OES to deploy to evacuation and sheltering facilities and other congregate facilities such as schools, libraries, community centers. A request for quotation (RFQ) was initiated to seek bulk pricing of larger air filtration units and will close July 13th. Units selected must meet Air District qualifications such as high efficiency particulate air (HEPA) filters, carbon filter for odors and volatile organic compounds, must be certified by the California Air Resources Board (CARB) for compliance with ozone and must meet air flow/cubic feet per minute (CFM) specifications. Other considerations include pricing of the air filtration units, replacement filters, size and portability, stack ability, and noise. Staff is scheduled to provide

a presentation to the Board of Directors in early July to discuss the new OES partnership and request authorization for funding this program.

On June 17, 2021, staff sought reimbursement for direct and indirect costs in support of the Prescribed Burn Reporting and Monitoring Support Program Grant agreement between the California Air Pollution Control Officers Association (CAPCOA) and the California Air Resources Board (CARB) in the amount of \$71,700 for program cost implementation.

Air District Staff received and evaluated over 1,914 plans, petitions, and notifications required by the asbestos, coatings, open burn, tank, and flare regulations. Staff received and responded to over 32 compliance assistance inquiries and green business review requests. Highlighted compliance assistance activities for the quarter also included the following:

- Staff completed and mailed the Commuter Benefits Advisory in May to allow for telework option for employers. Staff worked with MTC to finalize support documents, the new Telework Guide, website pages and registration database to allow for the telework option.
- Air District staff approved 10 prescribed burn smoke management plans in Alameda, Contra Costa, Marin, Napa, San Mateo, Solano, and Sonoma County.
- Air District staff completed the data verification and posting of refinery flare monitoring data through April 2021.
- Air District staff conducted the following inspections for the Strategic Incentives Division (SID): 67 projects and 209 engines.

**TECHNOLOGY IMPLEMENTATION OFFICE
A. FOURNIER, OFFICER**

The mission of the Technology Implementation Office (TIO) is to provide financial incentives, technical services, and matchmaking support that speed development and deployment of climate technologies in the Bay Area and beyond.

Climate Tech Finance

Climate Tech Finance increases access to capital for entrepreneurs, small businesses, and local governments to reduce greenhouse gas emissions. The program uses innovative financial instruments to encourage commercialization and adoption of low-carbon technologies. Our products are offered through a unique partnership between the Air District and the California Infrastructure and Economic Development Bank (IBank). (www.baaqmd.gov/ctf)

To support climate technology development, the Climate Tech Finance program offers a first-of-its-kind loan guarantee. This de-risking insurance will pay a commercial lender up to 90% of a loan value, to a maximum of \$2.5 million, in case of a default on a loan made to a technology venture bringing new climate tech to market. This loan guarantee enhances the credit of technology startups and increases their access to working capital that can fuel their growth. The Air District markets and develops these loan guarantees in close cooperation with NorCal Financial Development Corporation (NorCal FDC), an Oakland-based affiliate of IBank.

Companies funded by banks who received Climate Tech Finance loan guarantees:

- **SWITCH Maritime**, a hydrogen fuel cell ferry (\$2.5 million/50% guarantee including Air District funds)
- **Gridscape Solutions**, a renewable microgrid developer (\$1 million/90% guarantee including Air District funds)
- **Imperial Electric Services**, an electric vehicle charging station installer (80% guarantee with State funds)
- **The Climate Center**, a nonprofit that helped establish Community Choice Aggregators (80% guarantee with State funds)

Staff and NorCal FDC continue to support advancement of loan applications of qualified projects and to identify other prospects across industrial sectors. This includes prospective borrowers developing solutions in energy storage, zero-emission infrastructure, construction, data center spaces, and advanced energy efficiency.

Staff engaged with a marketing contractor to develop a marketing and communications plan to enhance outreach for Climate Tech Finance, including the development of a new website and marketing materials.

Staff met with IBank and NorCal FDC to discuss the potential expansion of Climate Tech Finance statewide by utilizing state and federal funding from recent climate legislation.

Clean Cars for All

Clean Cars for All (CCFA) incentivizes income-qualified households to replace older, higher-emission vehicles with a newer, cleaner vehicle or mobility options (e.g. public transit passes). (www.baaqmd.gov/cleancarsforall)

To date the Air District has received \$24 Million (M) in program and administrative resources to implement CCFA. CCFA funding comes from the Transportation Fund for Clean Air and California Climate Investments (CCI) and Volkswagen Settlement (VW) which are both administrated by the California Air Resources Board (CARB).

Due to high demand and low funding, CCFA removed the hybrid electric vehicle replacement option and moved to an application waitlist on September 14, 2020. The waitlist was closed on December 22, 2020. There are currently 212 applications on the waitlist.

CCFA relaunched on January 22, 2021, with \$5M in TFCA. Funding will be limited to disadvantaged communities and grantees enrolled in an eligible state or federal low-income assistance programs may receive an additional \$500.

The Air District has executed a funding agreement with CARB for \$3M in Air Quality Improvement Program funds to continue CCFA.

CCFA stopped accepting applications on June 30, 2021. Staff are making updates to the program’s application and anticipate re-opening in August 2021.

CARB notified staff that the Air District will receive \$8.4 million in funding for CCFA as soon as possible. This funding is part of the \$75 million in the state budget allocated for CCFA programs statewide. Additional funds will be distributed in December or January after CARB’s funding plan process. Here are key program highlights:

- 2,313 applications have been submitted since the program opened in March 2019, and 1,921 awards have been made (totaling over \$16.67 million). Nearly 1,700 grantees purchased new vehicles, 13 grantees received PEX cards for public transit and other mobility options, 147 grantees installed a home charger or purchased a portable charger.
- Of the clean transportation options selected to date, 24% were battery electric vehicles (BEV), 53% were plug-in hybrid electric vehicles (PHEV), 21% were conventional hybrid vehicles, 1% percent were hydrogen fuel cell vehicles (FCEV), and 1% were mobility option.

Clean Cars for All Program Key Performance Indicators (KPI)

Clean Cars for All Program KPI Totals to Date (2019-2021)

Total budget	\$22.95M
Total available	\$1.42M (i.e. not awarded)
Applications received	2,313
Funds awarded	\$16.67M / 1,921 grantees
Funds paid	\$14.5M / 1,641 payments

Clean Cars for All Program KPI Totals During Q1 of 2021

Applications received	321
Funds awarded	\$1.1M / 131 grants
Funds paid	\$1.67M / 153 payments

Charge! Program for Electric Vehicle (EV) Infrastructure

Charge! provides grants for installation of light-duty electric vehicle charging infrastructure, focusing on expanding the coverage of charging stations, especially in multi-unit dwellings and along transportation corridors. (www.baaqmd.gov/charge)

- Staff continue to administer and monitor current Charge! program projects for compliance.

- The Charge! Program launched on December 28 and closed on March 18. Twenty-five applications were submitted requesting nearly \$13 million in funding. Applications have been evaluated and a panel of three staff from TIO, SID, and Rules and Strategic Policy scored and ranked the projects. Twenty projects are eligible for roughly \$10 million. Sixteen projects will receive funding totaling \$5.23 million.

Charge! Program KPI Totals to Date (Calendar Year 2021) – program currently open	
Total budget	\$6,000,000
Applications received	25
Funds awarded	\$5.23M
Funds paid	\$0

Outreach and Partnerships

TIO continues to organize the Bay Area EV Coordinating Council and convene quarterly networking, coordinating, and information sharing events for public agencies, companies, and non-profit organizations to accelerate EV adoption in the Bay Area. An EV Coordinating Council meeting was held on July 6, 2021 and focused on challenges and solutions for advancing the adoption of e-mobility. A steering committee meeting was held for July 22, 2021, to plan for the next meeting. The next meeting is being scheduled for September 2021 and may focus on fleet electrification.

Staff have developed the Bay Area EV Acceleration Plan and a complementary webpage to host a vast array of EV resources for residents and EV stakeholders. The EV Acceleration Plan was posted on the Air District’s website and an e-blast went out on April 1st requesting public comment on the draft plan. The comment period ended on April 28, 2021, and 18 comments were received. Staff presented the Acceleration Plan to the Mobile Source and Climate Impacts Committee on June 24, 2021.

Staff are finalizing a partnership with StopWaste to provide technical assistance to encourage EV charging installations at multi-family buildings serving low-income residents or located in AB 617 communities.

Sponsorship and Conferences

- Derrick Tang presented on electric vehicle-to-grid technologies for the Marin Conservation League Climate Action Panel on July 16, 2021.
- JJ Camarena will attend Electric Vehicles in West Oakland: A WOEIP & OakDOT Workshop on August 10, 2021.
- TIO is sponsoring a ride and drive event with Breathe California on September 25, 2021 in San Jose.

California Environmental Quality Act (CEQA) Projects

Schnitzer Steel's Ocean-Going Vessel (OGV) Increase Project (Oakland)

Schnitzer Steel submitted an application to increase the allowable number of OGVs transporting materials from Schnitzer Steel's scrap metal recycling facility in Oakland, California from 26 ship calls per calendar year to 32 ship calls per calendar year. Recently, smaller ships and partially loaded ships have been used to transport Schnitzer Steel's scrap metal, resulting in the need to have more ship calls per year to transport the same amount of material. This application will not change any of the existing throughput limits at this facility. The Air District is Lead Agency under CEQA for this Schnitzer Steel permit application. The Air District has contracted with Environmental Audit, Inc. to conduct the CEQA review and prepare the CEQA documentation for this project. The Air District is currently working on the CEQA Initial Study and health risk assessment.

Permits and Projects

Bay View/Hunters Point (BVHP) Facilities (San Francisco): On June 3, 2021, the Air District hosted a public workshop to discuss permits, enforcement activities, and other opportunities to improve air quality in the area. The community expressed concerns about particulate matter modeling for PM_{2.5}, an error made in a previous CEMEX evaluation, and enforcement practices.

Staff completed preliminary reports for CEMEX, Hanson Aggregates Pier 92, and Hanson Aggregates Pier 94, located in the Bayview Hunters Point neighborhood of San Francisco. The public participation period for the permits closed on June 17, 2021. Staff is reviewing and considering the comments received before recommending a final decision on these permits.

On June 3, Recology San Francisco submitted an application to request permits for concrete debris stockpiles, screens, crushers, and associated portable equipment located at Pier 94, Lot 352. This facility is located adjacent to emergency housing trailers, which were erected on Port of San Francisco property in 2020. Staff is reviewing the application.

Los Esteros Critical Energy Facility (San Jose): On June 7, 2021, staff approved a significant revision of the Title V permit for the Los Esteros Critical Energy Facility which included revisions to monitoring requirements. Staff responded to comments from the Alviso community, the Sierra Club and Audubon Society.

California Air Pollution Control Officers Association (CAPCOA) Engineering Managers Committee: On April 26, 2021 and April 27, 2021, staff participated in the CAPCOA Engineering Managers Committee meeting. The following topics were presented by California Air Resources Board (CARB): 1) review of air district new source review (NSR) rule revisions, 2) review of San Diego County Air Pollution Control District's NSR program, 3) their request for aircraft operations data, and 4) proposed amendments to the greenhouse gas (GHG) emission standards for crude oil and natural gas facilities. Also, the following updates were presented by EPA: 1) their COVID-19 operations, 2) regulatory changes, 3) electronic permit submittal portal, 4) guidance on using AP-42 emission factors, 5) available EPA training, and 6) tribal regulation. In addition,

attendees discussed AB 617 implementation updates, air toxics matters, and planned for a CAPCOA Engineering and Toxics Symposium in the fall later this year.

National Association of Clean Air Agencies (NACAA): On May 12, 2021, staff attended the meeting of the NACAA Permitting and New Source Review Committee. Committee members discussed implementation of federal requirements for municipal solid waste landfills and potential ideas for improving efficiency of new source review permitting. On May 18 and 19, staff attended the 2021 Virtual Spring Membership Meeting. Over 400 individuals met to participate in policy and informational sessions. Attendees heard a keynote address from Michael S. Regan, Administrator of the U.S. EPA. Senator Tom Carper (D-Delaware) also provided remarks on Congressional clean air priorities. During the meeting, NACAA held a panel discussion on Clean Air Regulatory and Legislative Priorities. Attendees also heard a presentation by Dr. Joel Schwartz of Harvard's T.H. Chan School of Public Health, about his research on using "Big Data" to improve public health research and received a comprehensive policy and technical update from the EPA's Office of Air Quality Planning and Standards.

Cost Recovery and Containment Study: The Air District has retained Matrix Consulting Group (Matrix) for a new cost recovery and containment study. Matrix performed the last study in 2018. The Air District completes cost recovery and containment studies every 3 to 5 years to review the Air District's cost recovery methodology. During the adoption of the 2022 budget in June, the Board of Directors (The Board) requested staff to explore a 100% cost recovery goal and to review the Air District's cost recovery methodology. Staff will be working with Matrix to conduct this review with this new goal and additional opportunities to improve our processes.

South Coast Air Quality Management District' BACT Scientific Review Committee: As a member of the South Coast Air Quality Management District's BACT Scientific Review Committee, staff participated in a meeting of the committee on June 24, 2021 and provided input regarding a proposed determination. Staff subsequently met with South Coast staff on July 16 to discuss a proposed determination in detail.

Rule Development and Implementation

Regulation 3 – Fees: On April 7, 2021, staff held the first public hearing on proposed amendments to Regulation 3 at the Board Meeting. On June 16, 2021 staff held the second public hearing on proposed amendments to Regulation 3. The amendments would increase fee revenue to allow the Air District to meet budgetary needs for the upcoming fiscal year, and to continue implement and enforce regulatory programs for stationary sources of air pollution. The Board adopted the proposed amendments and determined that the action was exempt from CEQA. The adopted amendments became effective on July 1, 2021.

Regulation 11, Rule 18 – Reduction of Risk from Air Toxic Emissions at Existing Facilities: Regulation 11, Rule 18, or Rule 11-18 requires that facilities reduce health risks if facility health risks exceed a risk action level (RAL). A site wide HRA is necessary to determine the facility health risks due to routine and predictable toxic emissions from stationary sources at the facility. The current list of Phase I facilities is available on the Air District web site at: <https://www.baaqmd.gov/community-health/facility-risk-reduction-program/facility-risk-reduction-list>.

Once a preliminary HRA is complete, it is sent to the facility for a 90-day review period. The Air District will respond to facility comments and post a draft HRA on the web site for public review. After the 45-day public comment period, staff will consider all comments, make any necessary revisions to the HRA, and post a final HRA on the website. The requirement for risk reductions will be identified in the final HRA report. If risk reductions are required, the facility will have 180 days to submit a risk reduction plan.

Status as of June 30 for the Phase I facilities

HRA Review Stage	Number of Facilities
Validating Inventory and HRA Input Data	13
Preparing Preliminary HRA	15
On 90-Day Facility Review	0
Preparing Draft HRA	3
On 45-Day Public Comment	0
Preparing Final HRA	3
Final HRA Complete	0

AB&I Foundry (Oakland): After posting the draft HRA, staff co-hosted a public workshop with Citizens for a Better Environment (CBE) to explain the HRA and facilitate public comment on May 7, 2021. Public comment was collected through June 8, 2021. The community expressed serious concerns about the elevated health levels identified by the HRA, on-going odor issues, and the length of time allowed by the rule for reducing risk to acceptable levels. The facility, EPA, and CBE provided comments on the emission inventory. Staff is preparing responses to all comments and is working on the final HRA for AB&I.

Regulation 12, Rule 15 – Petroleum Refining Emissions Tracking: Staff received required facility-wide emissions inventories from the petroleum refineries and their support facilities which were due April 15, 2021. Staff held preliminary conference calls as a courtesy (not required by the regulation) with facilities to discuss initial comments and ask clarifying questions. Staff reviewed submitted inventories, noted deficiencies in each inventory, and sent each of the petroleum refineries and their support facilities letters with deficiencies specific to each facility’s inventory. Staff held meet and confer conference calls with each facility, as required by the regulation, to discuss in detail the identified deficiencies. Revised inventories and deficiency responses submitted by the refineries and their support facilities were received and reviewed. Staff are currently working on finalizing of emissions inventories with Air District required corrections.

Staff is also working with the Western States Petroleum Association (WSPA) on ways the facilities can improve their submittals so that they do not require as much review effort to validate submitted inventories.

Refinery Rules Definitions: Two of the five Bay Area petroleum refineries have indicated their intention to transition away from petroleum processing to renewable fuels facilities. Staff is working with Compliance & Enforcement, Legal, and Rule Development to propose amending definitions within Air District rules that currently apply to petroleum refineries such that these facilities remain subject to these rules. Staff have identified 34 rules as potentially needing revision.

Heavy Liquids Study: Staff is working with Legal, Enforcement, and Rule Development to address a path forward for developing revised average emission factors for fugitive emission leaks from heavy liquid service components. Staff participates in biweekly conference calls with WSPA's technical personnel to discuss methodologies for developing revised average emission factors.

Assembly Bill 617 (AB 617): Division staff continue to participate in the implementation of AB 617 as part of the Air District's working group on the technical assessment and source apportionment of the Richmond/San Pablo community emission reduction plan (CERP). On April 6, 2021, staff participated in the AB 617 Air District Staff Capacity Building and Cultural Competency Training Series - First Module: Introduction to Structural Racism. At the training coordinated by CARB, staff learned about the history of structural racism in the United States, particularly in environmental justice communities. On April 12, 2021, staff participated in the second training with Urban BioFilter and the West Oakland Environmental Indicators Project. Topics included ways to improve communication of technical information. On May 25, 2021, several staff participated in the Air District staff capacity building and cultural competency training titled "AB 617 Training Module #2: Building Trust through Successful Community Partnerships".

Staff continues to work with the CARB, CAPCOA, and other local air districts as part of the CARB's Best Available Control Technology (BACT) / Best Available Retrofit Control Technology (BARCT) Working Group on reviewing and commenting on the AB 617 Technology Clearinghouse being developed by CARB and its consultants. AB 617 required CARB to establish and maintain a statewide Technology Clearinghouse that identifies the best technologies for reducing emissions, namely BACT, BARCT, and related technologies for the control of toxic air contaminants. CARB is developing a technology clearinghouse of air district rules and control technologies as required under its AB 617 program and is working with CAPCOA and local air districts to ensure the information is useful and meets the needs of users. On May 11, 2021, CARB gave an update on its progress on this clearinghouse and its enhancement to include some out-of-state projects.

Criteria Pollutant and Toxics Emissions Reporting (CTR): As AB 617, CARB adopted the CTR Regulation in 2020 for the reporting of criteria air pollutants and toxic air contaminants for stationary sources. 2021 is the first implementation year when Applicability 1 and 2 CTR facilities report calendar year data to determine emissions for the previous year. Applicability 1 represents facilities required to report under CARB’s GHG mandatory reporting rule (MRR). Applicability 2 are facilities with any criteria pollutant emissions above 250 tons per year or precursor in any portion of an air basin that has been designated as nonattainment. Seventy-one (71) facilities were impacted this year.

Starting early last year, staff made several system and procedural changes in preparation for CTR. Staff piloted electronic reporting with six facility volunteers. By mid-May 2021, all impacted facilities reported data. With cooperation with the Assessment, Inventory and Modeling section, CTR data is scheduled for submission to CARB in October.

**LEGAL DIVISION
A. SCHWARTZ, ACTING DISTRICT COUNSEL**

The following summarizes the activities of the District Counsel’s Office for the Second Quarter.

The District Counsel’s Office received 209 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff-initiated settlement discussions regarding civil penalties or passing the Wood Smoke Awareness Course for 154 violations reflected in NOVs. In addition, no Final 30-Day Letter(s) was/were sent regarding civil penalties for any violation(s). Finally, settlement negotiations resulted in collection of \$83,250 in civil penalties for 84 NOVs. 1 NOV was settled by passing the Wood Smoke Awareness Course with \$0.

Counsel in the District Counsel’s Office initiated settlement discussions regarding civil penalties for 18 violation(s). Settlement negotiations by counsel resulted in collection of \$215,200 in civil penalties for 25 violation(s).

**COMMUNICATIONS AND PUBLIC INFORMATION DIVISION
K. ROSELIUS, OFFICER**

Media Inquiries

Staff responded to 63 media inquiries, including requests about:

- Air filtration/wildfire preparedness
- Air quality during the pandemic and now
- American Lung Association State of the Air report card media teleconference
- Backup generators
- Chevron
- Chevron causal report
- Chevron flaring
- Chevron Notice of Violation
- Commuter Benefits Program – Flex Your Commute

- Diesel grants
- Flex Your Commute
- Gun ranges and airborne lead
- I-580 air quality
- Landfill emissions rule
- Landfill methane
- Marine grants
- Phillips 66
- Reg 5, Rule 6
- Reg 6, Rule 5
- Reg 6-5 lobbying
- Russell City Energy Center
- School legislation – AB 762
- Spare the Air
- Stratford school
- Tesla settlement
- Tesla violations

Media Events/Op-eds

- KNTV Interview – interview regarding schools’ legislation with Alan Abbs and KNTV investigative team at Richmond HQ East, on April 2, 2021, at 10 a.m.
- AB&I HRA – April 9, 2021.
- Media Advisory: Air Filtration Press Conference – April 20, 2021.
- AB&I Public Workshop with CBE – April 21, 2021.
- Air Filtration/Wildfire Preparedness Press Conference – April 22, 2021, in South Bay.
- Start of Spare the Air summer season – May 3, 2021.
- Media Advisory: Public Workshop – May 4, 2021.
- Media Advisory: Public Workshop, AB&I HRA – May 5, 2021.
- Tesla settlement – May 7, 2021.
- VW press release – May 12, 2021.
- Commuter Benefits Program/Flex Your Commute press conference – May 24, 2021.
- Rule 6-5 Public Hearing Media Advisory – May 26, 2021.
- Bayview Hunters Point public workshop – May 27, 2021.
- Rule 6-5 amendments media advisory – June 21, 2021.
- Bayview Hunters Point air filters press conference – June 23, 2021.
- Benicia public workshop – June 28, 2021.
- Wildfire preparedness/fireworks/drought press conference in east San Jose – June 30, 2021.

Media Highlights

The Air District was mentioned in 1,090 print/online stories and 247 radio/video clips from April 2021 through June 2021. Below are media coverage highlights:

- 06/21/2021 [Moraga, Orinda Firefighters To Hold Training Exercises, Smoke May Be Visible](#)
- 06/21/2021 [A Pivotal Moment for Regulating Oil Companies in the Bay](#)
- 06/21/2021 [Willow Fire smoke is drifting over the Bay Area. Where does air quality stand?](#)
- 06/20/2021 [Prescribed burn on Snell Valley Road planned for Tuesday](#)
- 06/19/2021 [Third straight Spare the Air alert issued for Saturday](#)
- 06/19/2021 [Smoke from Big Sur fire forecast to impact SF Bay Area: Here's when](#)
- 06/18/2021 [Heat Wave Lingers; Californians Urged To Continue Conserving Power](#)
- 06/18/2021 [Spare the Air alert for Bay Area extended to Saturday](#)
- 06/18/2021 [Editorial: Bay Area refinery rules would improve environment and health](#)
- 06/18/2021 [California wildfire season 2021 survival guide: How to prepare for fire and smoke](#)
- 06/18/2021 [Spare the Air alert issued for Friday, Saturday as heat wave lingers](#)
- 06/18/2021 [Bay Area's excessive heat warning remains. When will it start to cool down?](#)
- 06/17/2021 [Spare the Air Alert extended: What's not allowed](#)
- 06/17/2021 [Air district extends pollution warning](#)
- 06/17/2021 [Solano County prepares for high temperatures, smog](#)
- 06/17/2021 [Two Days of Near-100 Temps Prompt Air Quality, Power Alerts](#)
- 06/17/2021 [Spare the Air alert issued for Friday, Saturday as heat wave lingers](#)
- 06/17/2021 [Spare the Air alert issued for Friday](#)
- 06/17/2021 [Heat wave bakes the Bay Area as triple-digit temperatures spread](#)
- 06/17/2021 [Heat wave: 34-degree difference between 2 Bay Area towns, 6 miles apart](#)
- 06/16/2021 [Spare the Air Alert Extended Through Saturday](#)
- 06/16/2021 [Are you smelling smoke in the Bay Area? Here's where it's coming from, and where air quality stands](#)
- 06/16/2021 [Spare the Air Alert issued for Thursday](#)
- 06/16/2021 [Bay Area Heat Wave: Cal ISO Issues Flex Alert For Thursday as Temperatures Soar](#)
- 06/16/2021 [Spare the Air Alert Extended Through Saturday](#)
- 06/15/2021 [Hot weather leads to heat advisory, Spare the Air alert in Bay Area](#)
- 06/15/2021 [San Francisco nearing vote to drastically cut refinery pollution with new tech](#)
- 06/14/2021 [A community guide to understanding refinery flares](#)
- 06/14/2021 [Seeking to curb emissions, San Mateo eyes leaf blower rebates](#)
- 06/06/2021 [STA board set to review final changes to current year's budget](#)
- 06/04/2021 [Workers in Mare Island building owned by the Navy allegedly exposed to asbestos](#)
- 06/03/2021 [Bay Area air quality board delays vote on controversial anti-pollution rules](#)
- 06/03/2021 ['Telework' becomes new employer option for regional commuter program](#)
- 06/03/2021 [Bay Area air district board considering new rules to dramatically cut refinery pollution](#)
- 06/01/2021 [Sixteen global shipping companies slowed cargo ships off California coast to protect blue whales and blue skies](#)
- 05/31/2021 [Bay Area Celebrates Memorial Day Outdoors Despite Smog, Heat Advisory](#)
- 05/31/2021 [Spare the Air alert in effect on Monday](#)
- 05/31/2021 [Air District Issues This Year's First Spare the Air Alert for Smog on Memorial Day](#)
- 05/31/2021 [Memorial Day Air Quality Alert May Be A Sign Of Smoggy Skies This Summer](#)

05/31/2021 [High temperatures bring air pollution warning to Solano](#)

05/31/2021 [Spare the Air Alert issued on Memorial Day](#)

05/30/2021 [Bay Area Air Quality Management District issues first Spare the Air alert of 2021](#)

05/30/2021 [Holiday Traffic, Sweltering Heat Monday Prompt First Spare the Air Alert of 2021](#)

05/30/2021 [Air district issues first Spare the Air alert of the year for Memorial Day](#)

05/30/2021 [Bay Area weather: Hot, dry conditions in store for Memorial Day and the week](#)

05/30/2021 [Cleaner air and racial justice versus jobs: The battle over fossil fuels hits the Bay Area](#)

05/26/2021 [Improper grounding of equipment faulted in 2019 fiery ethanol tank explosion in East Bay](#)

05/25/2021 [Funding Available For Zero-Emission Freight, Marine Projects](#)

05/25/2021 [Funding Available For Zero-Emission Freight, Marine Projects](#)

05/24/2021 [Qualified employers can now offer work-from home as a commuter benefits option](#)

05/24/2021 [Regional commuter program adds ‘telework’ to employer options](#)

05/24/2021 [Santa Clara County Launches Program to Avoid Traffic Congestion and Pollution](#)

05/21/2021 [California Seeks to Close Loophole Allowing Schools to Be Built Near Toxic Sites](#)

05/18/2021 [Bulk of California’s GHG reductions come from biobased diesel](#)

05/18/2021 [Development plans for nearly 1,000 condos, apartments headed to Union City council](#)

05/17/2021 [In Your Town for May 18, 2021: Clinic seeks permit for gas generator](#)

05/16/2021 [Bay Area wildfire program offers free chipping service: See if you qualify](#)

05/10/2021 [Tesla agrees to pay fine, install solar project in air quality case with Bay Area Air District](#)

05/10/2021 [Tesla will pay \\$750,000 and build a solar roof to settle dozens of air-quality violations at its Fremont factory](#)

05/10/2021 [Tesla Signs Settlement To Comply With Emission Rules In Fremont](#)

05/09/2021 [Tesla to pay \\$1M air quality penalty, construct solar project](#)

05/09/2021 [Air district encourages reduction in vehicle use as smog season begins](#)

05/09/2021 [Air district encourages reduction in vehicle use as smog season begins](#)

05/08/2021 [Tesla to pay \\$1M air quality penalty, construct solar project](#)

05/08/2021 [Tesla Cited for Air Pollution Violations. Its Penalty? Build a Community Microgrid](#)

05/08/2021 [Tesla to pay \\$750k fine and build solar microgrid system to settle California air quality violations](#)

05/08/2021 [Tesla Settles \\$1M Penalty For Air Quality Violations In Fremont](#)

05/08/2021 [Tesla Settles \\$1 Million Penalty for Air Quality Violations at Fremont Assembly Plant](#)

05/08/2021 [Tesla Settles \\$1M Penalty for Air Quality Violations at Fremont Assembly Plant](#)

05/07/2021 [Tesla to Pay \\$1 Million for California Air Pollution Violations](#)

05/07/2021 [Tesla agrees to \\$1M penalty over Fremont air quality violations](#)

05/07/2021 [Tesla will pay \\$750,000 fine, build microgrid system to settle air quality violations](#)

05/07/2021 [Tesla will pay \\$750,000 fine, build microgrid system to settle air quality violations](#)

05/07/2021 [Air Quality Makes COVID-19 Shelter ‘Worst Place’ to Live, Environmental Activists Say](#)

05/04/2021 [Smog season begins in the Bay Area](#)

05/04/2021 [Petaluma City Council moves to ban natural gas in new construction](#)

05/04/2021 [Bay Area Air District: Reduce Driving as Smog Season Begins](#)

05/03/2021 [Air District to Review Foundry Risk Assessment](#)

05/03/2021 [Bay Area Air Quality Management District encourages reduction in vehicle use](#)

05/02/2021 [Burn permits required as of May 1 Article](#)

04/23/2021 [First Monarch Tractor Reports to Work at Wente Vineyards](#)

04/23/2021 [Capitol Corridor expands cleaner fleet](#)

04/23/2021 [County leaders mark Earth Day by preparing for 'triple threat': Drought, wildfire and bad air quality](#)

04/23/2021 [‘Triple Threat:’ Santa Clara County Leaders Prep for Drought, Wildfire and Bad Air Quality](#)

04/22/2021 [South Bay Officials Issue Wildfire Season Early Warning](#)

04/22/2021 [South Bay Residents Warned About Triple Threat Of Drought, Fire Danger, Air Quality](#)

04/21/2021 [San Bernardino, Riverside, Los Angeles counties rank as smoggiest in U.S.](#)

04/19/2021 [3 free roundtrip ferry rides offered to eligible local commuters](#)

04/15/2021 [California EV rebate demand exceeds CVRP funding; rebates have gone to nearly 65% of all California EV owners](#)

04/14/2021 [Bay Area Air District Finds Oakland Foundry Emissions Pose Health Risk](#)

04/13/2021 [Bay Area Bike to Wherever Days are Coming in May](#)

04/12/2021 [AB&I Invites Oakland Community's Input On New Emission Standards Results And How To Save 100 Jobs](#)

04/08/2021 [Menlo Park council takes steps toward 2030 climate goals](#)

04/06/2021 [Daimler Trucks N.A. Opens Order Books For All-Electric Freightliner ECascadia, EM2](#)

Press Releases

06/30/2021 [Air District urges residents to prepare now for wildfires and warns of fireworks dangers](#)

06/23/2021 [Air District delivers air filtration units for Pier 94 transitional housing site residents](#)

06/21/2021 [Air District to deliver air filtration units for Pier 94 transitional housing site residents](#)

06/18/2021 [Air District extends Spare the Air Alert for smog through Saturday](#)

06/17/2021 [Air District extends Spare the Air Alert for smog through Friday](#)

06/16/2021 [Air District issues Spare the Air Alert for smog for Thursday](#)

05/30/2021 [Air District issues this year’s first Spare the Air Alert for smog on Memorial Day](#)

05/27/2021 [Air District hosts virtual workshop on Hanson Aggregates, CEMEX and other Bayview Hunters Point facilities](#)

05/26/2021 [Air District hosts virtual public hearing on proposed amendments to Regulation 6, Rule 5: Particulate Emissions from Refinery Fluidized Catalytic Cracking Units](#)

05/25/2021 [\\$34 million in VW funding now available for zero-emission freight and marine projects in California](#)

05/24/2021 [Bay Area employers have a new incentive as they develop plans for a post pandemic workforce](#)

05/21/2021 [Bay Area telework option and new Flex Your Commute program launched](#)

05/12/2021 [Volkswagen Light Duty Electric Vehicle Infrastructure Funding Program Now Open](#)

05/07/2021 [Air District settles air quality violations with Tesla, Inc.](#)

05/05/2021 [Air District staff seeks public feedback for AB&I Foundry draft health risk assessment](#)

05/04/2021 [Air District hosts public workshop on amendments to permit regulation](#)

- 05/03/2021 [Spare the Air smog season begins today](#)
04/21/2021 [Air District & CBE to co-host virtual workshop for AB&I Foundry draft health risk assessment](#)
04/12/2021 [Air District releases AB&I Foundry draft health risk assessment](#)

Public Inquiries

Phone: 135 public calls

Events

- Participation in most events has been cancelled due to COVID-19. Some participation in digital events and specially requested Spare the Air presentations.
 - StopWaste Earth Day Virtual Event – April 19, 2021 – April 23, 2021.
 - North American Carbon World – April 22, 2021 – April 28, 2021, at 12 p.m.
 - Castro Valley Rotary Club – April 27, 2021, at 12 p.m.
 - Santa Clara Valley Urban Runoff Pollution Prevention Program – April 28, 2021, at 4:30 p.m.
 - Sustain-a-Palooza – May 19, 2021 – May 20, 2021, at 3 p.m.
 - Oakland Bike to Wherever Day – May 21, 2021, at 3 p.m. – 6 p.m. (Lake Merritt).
 - United Seniors of Oakland and Alameda County Annual Convention – June 4, 2021, at 9 a.m. to 3 p.m. (sponsorship only).
 - Rise Together Events (Livable City) – various SF neighborhoods on weekends starting June 4, 2021.
 - San Mateo County Fair – June 5, 2021 – June 13, 2021, at 12 p.m. – 10 p.m. (STA virtual presence).
 - Marin County Virtual Fair – Marin on July 2, 2021 – July 4, 2021.
 - Sonoma County Fair – Santa Rosa on July 28, 2021 – August 8, 2021.

Spare the Air

- Advertising
 - Staff approved early summer remote work media buy.
 - Finished the May-June flight of the summer buy.
 - Television started running on May 10, 2021.
 - Spanish started running on May 13, 2021.
 - Radio spots start running on May 17, 2021.
 - Facebook ads start running on May 17, 2021.
 - All assets for the May-June buy ran until July 4, 2021.
 - “Choose Transit” advertising will run from July 2021 – October 2021

- Creative
 - Staff planned budgeting and strategy for the late summer Spare the Air season.
 - Air District and Prosio participated in planning meeting on March 22, 2021, to discuss initial activities for the summer Spare the Air season.
 - Prosio developed initial media buys for the summer and winter seasons.
 - Sent recommended buys for review the week of April 12, 2021.
 - Creative concepts discussion was held on April 7, 2021.
 - Prosio to follow up with next steps and dates for concepts.
 - Staff provided feedback to creative comps.
 - Prosio designed eco-posters and digital billboards to run through June.
 - Staff approved locations for the eco-posters.
 - Staff drafted one sheet with key messages and proof points for summer 2021.
 - Staff reviewed.
 - Coordinated with True North for pre-creative development research to identify attitudes about transit use and potential barriers to behavior change.
 - Pre-creative development survey to identify attitudes about transit use and potential barriers to behavior change survey ran through May 7, 2021.
 - Toplines sent for review.
 - Transit creative concepts
 - Air District met with Prosio to run through the transit creative concepts.
 - Prosio sent needed updates to the concepts by May 21, 2021.
 - Staff worked with un/common to make updates to creative concepts.
 - Creative switched to new transit creative week of July 5, 2021.
 - Creative for transit buy was due on June 21, 2021, to traffic by week of July 5, 2021.
 - Presented creative concepts to Jack for approval.
 - Moved forward with both “Choose Transit” and “Welcome Back” concepts.
 - “Choose Transit” for full campaign build out.
 - “Welcome Back” will primarily be for social media.
 - Reviewed rough spots, voice over talent options and out-of-home creatives for new Spare the Air summer advertising.
- Media Relations
 - Staff moved ahead on summer campaign media outreach tactics from recommended plan.
 - Prosio sent a draft pitch and updated strategy for summer season kick-off.
 - Prosio drafted messaging for summer campaign.
 - Staff pitching for the summer Spare the Air kick-off news release.
 - Op-eds / Letters to the Editor
 - Wood burning/wildfire smoke op-ed with the American Lung Association
 - Staff worked with American Lung Association on two more Letters to the Editor for placement.
 - Prosio wrote draft by June 17, 2021 for review.
 - Prosio made recommendations regarding placement of the wood burning/wildfire op-ed piece.

- Meteorologist Roundtable
 - Continued outreach to local media to pitch the “Air Quality Forecasting 101” virtual interviews with Air District meteorologists.
 - Followed up with KNTV about scheduling.
- March American Lung Association PSA placements
 - Pro시오 sent metrics.
 - Followed up regarding “winter” PSA running through May.
- Public Affairs interviews
 - Continued to pitch.
 - Pro시오 will draft updated questions and send to the Air District by May 28, 2021.
 - Pro시오 sent updated questions.
 - Pro시오 reached out to American Lung Association to coordinate updated asthma spots and will send details as they come in.
 - Coordinated with American Lung Association to place asthma spots.
 - Details of the Bonneville SF interview on June 10, 2021, sent to Comms.
 - Staff completed Bonneville Radio Interview on June 10, 2021.
 - Staff completed Family Radio interview on June 2, 2021.
- Reviewed list of transition items.
- Employer Program
 - Coordinated with contacts on details and logistics for approved Employer Program sponsorships.
 - Secured the WomenTech Global Conference Sponsorship and the Society for Human Resource Management’s Northern California yearly sponsorship at the approved levels.
 - Society for Human Resource Management
 - For Society for Human Resource Management’s May 21, 2021, webcast, Spare the Air had an opportunity to present to introduce the benefits of Spare the Air Employer Program
 - Spare the Air presented on the Employer Program during a webcast on the new age of workplace commutes on May 21, 2021.
 - WomenTech
 - Sponsorship took place June 7, 2021 – June 11, 2021.
 - Pro시오 sent additional information on other sponsorships as available.
 - Staff drafted another e-newsletter for distribution to the Employer Program database.
 - Content focusing on remote work, promoting transit as a commute option when returning to work and Air Quality Awareness Week.
 - Staff reviewed the April e-newsletter for distribution to the Employer Program member database.
 - Held Employer Program April e-newsletter for distribution.
 - Updated and removed transit references in the April e-newsletter.
 - May e-newsletter
 - Pro시오 distributed the May e-newsletter to the Employer Program database on May 4, 2021:
 - Open rate: 13.5%

- Unique opens: 206
 - Total opens: 377
 - Click-through rate: 5.3%
- Spare the Air App Redesign
 - Graphics and requested technical information were shared with the mobile app contractor to build the links between the app and Air District website data.
- Reporting
 - Compiled data and draft content for the 2020-2021 winter season end-of-campaign report.
 - Pro시오 sent the finalized Winter end of campaign report on May 13, 2021.
 - Staff reviewed the finalized winter season end-of-campaign report.
 - Developed slideshow for the winter season summary presentation to the Administration Committee.
- Public Opinion Surveys
 - Coordinated with True North Research to initiate the surveys for the upcoming summer season.
 - Staff worked with True North Research to make as-needed adjustments to survey questions.
 - Incorporated equity and inclusion questions.
 - Pro시오 to work with True North to test creative concepts once developed.
- Social Media
 - Prepared for Spare the Air contractor transition.
 - Compiled and shared social media resources.
 - Transferred Facebook ad account.

Spare the Air Social Media

Staff and Pro시오 actively monitored and posted on social media throughout the Spare the Air season. Facebook, Twitter, Instagram and Pinterest platforms were monitored.

- Post samples:
 - [Facebook](#)
 - [Twitter](#)
 - [Instagram](#)
- Response samples:
 - [Twitter](#)

In this quarter, Spare the Air social media follower numbers increased to 13,361 (+632) on Facebook, decreased to 15,008 (-8) on Twitter, increased to 1,608 (+10) on Instagram, and increased to 301 (+2) on Pinterest.

Air District Social Media

- Administrative
 - Worked with Facebook on Business Verification.
- Regular content
 - Staff finalized April social content.
 - Prosio drafted final Social Media Calendar.
 - Draft sent to staff on May 13, 2021, for review.
- Special content
 - Created special Earth Day content for April.
 - Worked with Strategic Incentives Division on ad campaigns to promote the Community Health Protection Grant Program.
 - Worked with Climate Protection Section on Switch Is On posts.
 - Special content to promote Air Quality Awareness Week from May 3, 2021 – May 7, 2021.
- Staff continued to run social posts daily including:
 - Air quality forecasts: daily, two-day and five-day forecasts.
 - Shared:
 - Air quality updates
 - Youth perspective on air pollution in West Oakland video
 - Clean vehicle rebates
 - How our food systems contribute to emissions
 - Wildfire preparedness webinar
 - Our Shared Journey survey
 - Brightline environmental justice podcast featuring V. Eady
 - Article on how the pandemic impacted carbon emissions
 - Article on EVs powered by tidal energy
 - Microgrids and solar powering tiny homes for the unhoused in San Jose
 - History of the Air District
 - Remote work policy clearinghouse
 - Video showing the time it takes to move 200 people using different modes of transit
 - Climate change threatening Bay Area wildlife
 - What are national ambient air quality standards
 - Prescribed burns video
 - AB&I HRA announcement and infographic
 - Drive Electric Earth Day events
 - New publicly accessible EV chargers
 - Spare the Air Leadership Award winners
 - Electric buses for Mt. Diablo Unified School District
 - 511 Contra Costa e-bike rebate
 - Climate Center webinar on equitable and climate-safe mobility
 - U.S. Department of Energy offshore wind announcement
 - EV charging stations in California
 - Bay Area Summer Academy high school internship program
 - Jack Broadbent statement re: Derek Chauvin verdict
 - The Climate Center webinar on transportation

- AB&I public workshop
- New Air District funded EV chargers
- Earth Day games, facts and trivia
- Wildfire preparedness press conference live stream
- Capitol Corridor locomotives funded through Carl Moyer
- StopWaste Earth Day activities
- SF Examiner article on Brightline Defense air monitoring and environmental justice
- Powering Resilient Schools webinar
- Building electrification infographic
- Bay Area Summer Academy high school internship program
- Jack Broadbent statement re: California emissions waiver
- All-electric tractor at Wente Vineyards
- Wildfire community preparedness day
- Prescribed burn at Bouverie Preserve
- Pittsburg Unified School District's electric buses
- Tree planting at Lipman Middle School
- Wildfire Prevention Chipping Pilot Program
- Volkswagen Environmental Mitigation Trust funding
- Santa Clara County Ready, Set, Go program
- Summer sources of ozone-forming pollutants
- Bike month
- Bike to Wherever Day
- Buildings as a source of greenhouse gas emissions
- Asbestos inspections
- Decarbonized accessory dwelling unit building plans
- Staff feature on Stephen Reid
- Launch of the Flex Your Commute program
- 2020 air pollution complaints
- Pride month
- How our air monitors work
- Nation's first zero-emission refrigerated truck
- Decarbonized ADU building plans
- Bike to Wherever Day photos
- VW funding announcement
- EPA climate change indicators website
- Clean Cars for All
- CARB smoke spotter app for prescribed burns
- Spare the Air Alert for Memorial Day
- Grist event on air pollution measurement
- Largest California wildfires and preparedness
- Community convening to inform the Community Equity Health and Justice Committee
- Spare the Air Alerts
- Youth bike lessons funded through James Cary Smith grants
- VW funding for combustion freight and marine projects
- Grist panel with Aclima
- Clean Cars for All

- Zero emission ferry
- Wildfire preparedness tips
- Prescribed burn in Novato
- Grist panel on air quality
- Equity and emissions reductions
- Bloom Energy aspire series
- Refrigerants and GHGs

In this quarter, Air District social media follower numbers increased to 5,032 (+44) on Facebook, increased to 17,279 (+439) on Twitter, increased to 2,126 (+30) on Instagram, and increased to 2,353 (+102) on LinkedIn.

Other

- Video
 - General
 - Compiling b-roll clips for Spare the Air contractor.
 - Facilitating monthly Video Think Tank meetings with Air District staff.
 - Met with Video Think Tank on May 20, 2021.
 - Worked on video ideas from May 20, 2021, Think Tank meeting.
 - Reviewed script from Strategic Incentives Division.
 - Wrote scripts for upcoming FAQ videos.
 - FAQ videos
 - Scripts are under review.
 - Wildfire safety mini videos
 - Edited “Where can I find air quality data?”
 - Active Transportation videos / Spare the Air transit videos
 - Revisions made.
 - Met with DiffWorks on March 29, 2021.
 - Air Quality Complaints video
 - Awaiting webpage development to complete videos #2 and #6.
 - Tribute to Staff video / Adapting to Change
 - Complete.
 - Staff interviews video
 - Complete.
 - 5% Reduction in Traffic video
 - Gathering data.
 - Fire department interview for Wildfire preparedness video
 - Complete.
 - Davey Tree chipping photo shoot
 - Collecting b-roll.
 - Forth Roadmap Conference sponsor introduction video
 - Complete.
- Staff Development
 - CAPIO and Ragan training ongoing.
 - Staff attended EPA webinar: Smoke Impacts: 2020 Lessons - 2021 Actions in April 2021.
 - Staff attended Social Media Strategies Summit in May 2021.

- Subject matter expert facilitation training for PIOs scheduled for March 2021 and April 2021.
- Staff participated in Implicit Bias Training.
- Discussions regarding media training for new in-language staff.
- 2020 Annual Report
 - Print version complete.
 - Videos complete.
 - Approved final web content.
 - Website live.
 - Reprinted 200 copies with photo update.
- Graphic Design Projects
 - Developed and printed press conference posters with various graphics.
 - Complaints tips
 - Complete.
 - Community air monitoring
 - Van decals
 - Install and photos completed on April 5, 2021.
 - Handout
 - Complete.
 - EV graphics for Technology Implementation Office
 - Revisions in progress.
 - In review.
 - AB&I workshop materials
 - Rule 11-18 process handout/graphic
 - Complete.
 - Foundry odor wheel
 - Complete.
 - Transit vs. cars graphics
 - Complete.
 - Rule 11-18 process handout/graphic
 - Awaiting content approval.
 - Complaints Tips Fact Sheets
 - Complete.
 - Clean Cars for All postcard/mailer
 - Awaiting content from Technology Implementation Office.
 - In review.
 - Wildfire Preparedness Press Conference
 - Complete.
 - Flex Your Commute handout and Commuter Benefits poster
 - Complete.
 - Benicia Community Monitoring map and FAQ
 - In review.
 - Complete; awaiting final content for overview docs.
 - FAQ in other languages in progress.
 - Mask graphic for July 7, 2021 Board presentation
 - Green and Healthy Homes air filter handout
 - In review.

- Translations in progress.
 - Pier 94 posters
 - Complete.
- Websites
 - Baaqmd.gov
 - Administrative
 - Current Air Quality website
 - Worked on air monitoring station down messaging.
 - Continued daily Current Air Quality website monitoring.
 - Worked with webteam to set up Google Ads tracking.
 - Contacted Enviroflash regarding late AirAlert send-outs.
 - Website architecture
 - Spare the Air web alert landing pages
 - Continued to meet with web team to finalize Spare the Air web alert setup.
 - Met with Anja to finalize Spare the Air Alert landing page items and home page wildfire resources panel.
 - Published new Spare the Air Alert and action categories on website.
 - Populated these pages with items and set up Related Links for each alert type.
 - Reviewed new air quality advisory structure for website.
 - Webpage updates
 - Removed link to old Climate Curriculum.
 - Remote Work Clearinghouse webpages revised.
 - Posted Commuter Benefits and Rule Advisories page updates.
 - Created 2020 archive of Press Release page and pulled 2020 table from main page.
 - Flex Your Commute Pledge webpage
 - Created and posted Flex Your Commute program webpage.
 - Published new Flex Your Commute landing page and amended Cut the Commute page to point to it.
 - Public Data Center
 - Monitored error tracking website to catch data discrepancies.
 - Continued to perform daily monitoring of Hourly Air Quality website to note issues.
 - Annual Report
 - Reviewed temporary site and entered scrolling issue in bug tracking platform.
 - Posted link to 2020 Annual Report in table on Annual Report web page and included link in What's New weekly email.
 - Press releases and Latest News Items
 - Sent press releases for translation.
 - Posted Spare the Air, Rule 2.
 - Posted AB&I health risk assessment press releases and Latest News items.

- Posted Tesla press release.
 - Reports and Factsheets
 - Posted Chevron flaring incident report.
 - Posted new Air Quality Complaints factsheet.
 - Sparetheair.org
 - Posted changes to Spare the Air website pages relating to the Flex Your Commute/Commuter Benefits Program and remote work.
- Promotions
 - To discuss potential radio PSAs and podcasts to promote the Clean Cars for All Program with the Technology Implementation Office.
- Remote Work
 - Staff participated in the Remote Work Taskforce meetings.
- College interns
 - Staff reviewed college intern applications.
 - Staff scheduled summer intern interviews week of April 26, 2021.
 - Summer intern began work on June 7, 2021.
- Publications
 - Staff drafted May 1 edition of Air Currents.
 - League of Women Voters
 - Staff worked on coordinating staff resources for League of Women’s Voters newsletter article on microgrids.
 - Coordinated microgrid article review with staff.
 - Scheduled conversation with editor about newsletter.
 - Met with editor to discuss next fiscal year.
 - Worked on contract renewal paperwork.
 - Discussions with editor on reworking scope/cost schedule language.
 - Met with incoming editor on June 22, 2021.
- Administrative
 - 4900 Script – on hold.
 - Working with Enforcement to have consistency between 4900, 5000 and 6000 phone trees.
 - Quantified subscriber counts through Twilio.
 - Coordinated press release and Spare the Air social media messaging translation requests.
 - Coordinated various translation requests.
- Events
 - Developed talking points for Grist/Aclima event.
- AB 617
 - AB 617 new program name brainstorm sessions took place.
- Photography
 - Agricultural Wood Chipping Program on May 6, 2021.
 - Community grantee bike workshop on May 16, 2021.
 - Milpitas Odor Study field work on May 18,2021 and May 19, 2021.
 - Bay View Hunters Point air filters press conference on June 23, 2021.
 - Transit riders for Spare the Air ad campaign.
 - Scheduled shoots of 2021 projects.
- Spare the Air app

- Met with Innoppl on May 19, 2021 for app update.

**PLANNING AND CLIMATE PROTECTION DIVISION
H. HILKEN, DIRECTOR**

Climate Protection

Climate Protection Grants

Staff continued to implement climate grant projects, including meeting with grantees and reviewing quarterly progress and final reports. Achievements by grantees in this quarter included:

- The Housing Endowment and Regional Trust (HEART) of San Mateo County developed pre-approved plans for low-carbon accessory dwelling units (ADUs) to streamline the approval process for green housing. In addition to reducing GHGs, this project addresses other County goals by reducing air pollution and increasing affordable housing. The four designs (studio, square one-bedroom, rectangle one-bedroom, two-bedroom) each include multiple architectural styles. The ADU designs have been pre-reviewed for streamlined approval in several jurisdictions. These designs plus a handbook for their use are available to jurisdictions beyond San Mateo County (<https://www.heartofsmc.org/programs/adu-center/>).
- The City of Brisbane completed its grant project establishing a Building Efficiency Program that included passage of a building benchmarking and audit ordinance that includes mandates for energy efficiency. In addition to the ordinance, the project included development of a toolkit (<https://www.brisbaneca.org/bbep/page/program-toolkit>) to facilitate replication by other jurisdictions. The program covers 117 buildings in the City, which will go through a benchmarking and/or auditing process, resulting in mandatory building efficiency upgrades estimated to reduce GHGs by more than 3,000 metric tons of CO₂ (MTCO₂) per year once the project is fully implemented.
- A project led by ABAG's Bay Area Regional Energy Network (BayREN) – the Heat Pump Water Heater Regional Market Transformation Project – created a regionally-coordinated incentive, outreach and training program to accelerate the market for heat pump water heaters (HPWH). BayREN produced a 10-page report (https://cbbf458e-67d0-4a11-9597-023b97b18cc4.filesusr.com/ugd/fbb014_b56cc2ee025e4ede9e23e42cb5dace6b.pdf) describing key findings and lessons learned from the HPWH Contractor Incentive Program, a fundamental part of the Project. The program serves five counties (Marin, Napa, Solano, Alameda and Contra Costa) and the city of Santa Clara.

Local Government Climate Planning Support

Staff attended meetings with local government climate staff in order to identify and discuss synergies between Air District and local climate work, including:

- Meeting with consultants working with the City of Los Altos, to discuss issues and approaches to the City's climate action plan update.
- Attending the San Mateo County Regionally Integrated Climate Action Planning Suite (RICAPS) meeting; topics included incorporating methane leakage in community GHG inventories, standardizing permitting requirements for heat pump water heaters, and neighborhood-based building electrification.
- Participating in a monthly meeting with staff from Marin Clean Energy (MCE) to discuss MCE's Workforce Education and Training Program and Low-Income Family and Tenants (LIFT) Program findings. The Workforce Program pairs contractors working on building electrification with people that have gone through local construction/energy-related job training programs. The LIFT program provides \$1,200 per unit incentives to fund energy efficiency improvements and electric appliances.
- Meeting with San Leandro staff to discuss Air District staff's review of the city's Climate Action Plan Update.
- Presenting on the Air District's Climate Protection Program at the inaugural meeting of the Santa Clara County Collaborative, a new coordinating group of local climate staff.

GHG Reduction Activities

Staff participated in the inaugural meeting of SPUR's Building Decarbonization Task Force, which is developing a Bay Area Roadmap for Building Decarbonization, which will focus on electrification of new and existing multi-family buildings. Staff met with the California Air Resources Board, CA Public Utilities Commission (CPUC), other local air districts, the Sierra Club and Earth Justice to discuss public agency coordination related to a recent CPUC demand response decision on the use of diesel BUGs during summer power emergencies.

Staff released a Request for Qualifications, reviewed applications and selected a vendor for a recycling company that will establish a regional bulk collection/pick-up program for residential refrigerators, freezers, and air conditioning units to reduce emissions of fluorinated gases (F-gases). The company will collect appliances at centralized collection sites and will properly dispose of F-gas refrigerants and F-gas containing foams. This effort builds on the success of the Climate Protection Grant project with Palo Alto to provide curb-side pick-up and recycling of refrigerators.

Staff presented an update on Plan Bay Area 2050 to the Mobile Source and Climate Impacts Committee. Staff met with MTC staff to discuss the Plan Bay Area EIR and applications to CEQA. Staff attended the MTC Draft Plan Bay Area release webinar, the ABAG Executive Board Meeting on Plan Bay Area 2050 and participated in the Plan Bay Area 2050 South Bay Workshop.

Staff worked with the non-profit KyotoUSA and partners ARC Alternatives and Center for Resource Solutions to conclude the first phase of the Power Resilient Schools Project. In this first phase, the project partners developed a proof-of-concept for schools to minimize energy load and potentially remain open during power shut-off emergencies. The project partners worked with

school district staff in San Rafael and West Oakland to assess electricity needs and develop an energy load model to determine solar and electricity storage needs under different outage scenarios. The project also worked with school districts to register renewable energy credits produced by their existing solar systems with the Western Renewable Energy Generation Information System (WREGIS), for potential sale to credit-seeking buyers. A webinar on the project was convened with over 50 school district facilities staff participating; the recording of the webinar can be viewed at <https://vimeo.com/481839092> (password: eyyWPyd89zYJ).

Staff attended regular meetings of the CAPCOA Planning Managers Committee, which included a presentation on CARB's Carbon Mapper Project. Staff participated in meetings of the CAPCOA Technical Advisory Group working on an update to CAPCOA's GHG Quantification Handbook and CalEEMod. Staff reviewed and provided extensive feedback on the draft update to the Handbook, the effort being led by SacMetro AQMD staff.

Staff attended a variety of regular meetings with other state and local agencies and collaborators, including:

- An organizational meeting of the Air and Waste Management Association's Climate Change Committee;
- A webinar at NASA/Caltech's Jet Propulsion Laboratory featuring Dr. David Victor (UCSD) discussing the fundamental technological and economic factors that explain why political and diplomatic progress has been slow, entitled "Why is it so hard to stop global warming: A political and technical analysis";
- An A&WMA panel discussion on best practices for the use of low-cost sensors to expand air quality monitoring coverage in the urban environment, including how to build a sensor network to build relationships between community groups and local government;
- A regular meeting of the National Association of Clean Air Agencies (NACAA) Climate Change Committee.

CEQA

Staff continued implementing the Air District's California Environmental Quality Act (CEQA) Guidelines. This quarter staff tracked 758 projects, reviewing air quality and greenhouse gas analyses of eight (8) projects, and providing three (3) comment letter: to the City of Pleasanton for the 10x Genomics Project MND, the City of Oakland for the Oakland Waterfront Ballpark District DEIR, and the West County Wastewater District for the Comprehensive Energy and Sustainability Upgrades Project MND. Additionally, staff met with BCDC, MTC and CARB to discuss the Oakland Waterfront Ballpark District Project; with Contra County staff and consultants regarding the Marathon Renewable Fuels Project and the Phillips 66 Rodeo Renewed Project; and with Contra Costa County staff on the Scannell Properties Project in North Richmond.

Staff responded to stationary source information requests from Palo Alto, Campbell, San Jose, Mountain View and San Mateo, San Francisco, St. Helena, the University of California at Berkeley, and Contra Costa County. Staff provided technical assistance to the City of Emeryville on construction mitigations for the Sherwin Williams Mixed-Use Project; to EMC Planning Group on roadway analysis, railroad emissions and health risk assessments; Rincon Consultants, Inc, on EMFAC and District rail data; Contra Costa County on the Phillips 66 Rodeo Renewed Project Baseline; Dyett and Bhatia on roadway analysis; RCH Group on roadway analysis, construction

thresholds, GHG threshold, and indoor air quality; FirstCarbon Solutions on CalEEMod 2020.4.0 and warehouse truck modeling; Illingworth & Rodkin on CalEEMod 2020.4.0; Ramboll on Road Screening Tool and on CalEEMod 2020.4.0; EMC Consulting on HRA methodology; and ICF on Clean Air Plan consistency.

Staff continued updating the CEQA Thresholds of Significance and Guidelines, including developing a new approach for the greenhouse gas thresholds of significance in coordination with Climate Protection and Legal; briefing the APCO and Executive staff on the proposed thresholds update; planning a series of focus groups with local planning and sustainability staff; and researching and writing updated Guidelines chapters and technical appendices.

AB 617

West Oakland Community Action Plan (WOCAP) staff continued holding weekly core team meeting and weekly meetings with the West Oakland Environmental Indicators Project (WOEIP) community co-leads on plan implementation. The co-leads planned and held monthly Steering Committee meetings and meetings of the four subcommittee: Port and Freight, Land Use Subcommittee, Bike/Walk/Transit, and Health and Living Buffers. Staff continued to meet with agency partners on implementation including MTC, BARC, City of Oakland, and Caltrans. Staff met with East Bay Community Energy, Caltrans, and city staff to coordinate Zero Emission truck parking infrastructure for the Oakland Gateway Truck Parking Project. Staff prepared letter of support for WOEIP's application to the U.S. EPA Environmental Justice Small Grants Program and attended a Sustainable Ports collaborative meeting led by EarthJustice and WOEIP. Staff worked with Alameda County StopWaste, Alameda County Public Health AsthmaStart program and BayREN to apply for an Automobile Emissions Research and Technology Fund grant for a healthy homes' initiative.

The Richmond-North Richmond-San Pablo Area Path to Clean Air staff continued holding weekly core team meetings and began meeting with the Community Emissions Reduction Plan (CERP) Steering Committee co-chairs to plan and hold monthly committee meetings. Staff worked with Community Engagement to initiate the build out of a new community engagement tool called Social Pinpoint. Staff continued holding bi-weekly meetings with the cross-divisional Internal Path to Clean Air and attended the weekly Technical Assessment meetings. Staff attended two training organized by Community Engagement: Capacity Building and Cultural Competency and Building Trust Through Successful Community Partnerships.

East Oakland staff continued holding weekly core team meetings and initiated the development of a report to support the selection of East Oakland as the next AB617 designated community in partnership with other Divisions. Staff met with the City of Oakland to discuss AB 617 building capacity efforts in East Oakland, the City's General Plan Update, the Environmental Justice Element and discuss an approach for updating the city's conditional use permits requirements. Staff met with Engineering, Meteorology and Measurement, Executive staff and Communities for a Better Environment on the Air District's draft HRA for AB&I Foundry.

Staff attended a discussion on the Tri-Valley Community Health Protection grant workplan with Community Engagement, Compliance and Enforcement, and Meteorology and Measurement. Staff attended the Tri-Valley's virtual forum on the Transition to Electric Commercial Landscaping Equipment. Staff from Planning, Community Engagement and Assessment, Inventory and

Measurement met with Tri-Valley Air Quality Community Alliance (TVAQCA) to discuss the TVAQCA's community profile, emissions inventory and updated health data.

Staff continued collaborating with Meteorology and Measurement, Community Engagement, and Assessment, Inventory, and Modeling and Executive staff on developing an overall AB 617 Program Plan for FYE22 and began planning for a regional community convening on the Program Plan and community selection process.

Air Quality Planning

Staff continued work on local, regional and statewide air quality planning activities including attended the Draft Plan Bay Area 2050 release webinar and reviewed the draft plan, the equity analysis, the EIR and Implementation Plan. Staff attending the SIP Ozone NAAQS monthly meeting and the CAPCOA Planning Manager monthly meeting. Staff provided feedback on the CAPCOA Technical Advisory Committee Final GHG Quantification Memorandum draft Equity and Health Measures and assisted on the CalEEMod web upgrade and GHG Handbook Administrative Draft.

Staff presented to a UC-Berkeley graduate City Planning Class on Sustainability, Environmental Justice and Air Quality with a focus on the District's SB 1000 and AB 617 work, including new efforts to compile statewide policy strategies. Staff participated in ongoing regional SB 1000 efforts in the monthly Bay Area Regional Health Inequities (BARTHII) meeting and assisted the Contra Costa County Public Health Department review draft general plan policies related to best practices for environmental justice and equity.

Staff participated in the East Oakland Mobility Action Plan Technical Advisory Committee. In addition, staff met with City of Oakland department of transportation regarding the on-going East Oakland Mobility Plan and capital improvement planning at the county, regional, state, and federal levels. Staff met with the City of Oakland's Resiliency Office and other local partners to coordinate regional support for the San Leandro Creek Urban Greening project as part of a planned inter-connected green infrastructure network with the East Bay Greenway.

Staff participated in a California Climate Action Team Public Health Working Group meeting on plans for statewide transportation infrastructure investments with health and social equity goals. Staff attended the Caltrans District 4 Bicycle Advisory Committee meeting regarding upcoming Federal funding through the "Rebuilding American Infrastructure with Sustainability and Equity" program. Staff met with Caltrans and later presented at the Bay Area Regional Collaborative funding committee on the application for federal transportation funding for capital and planning project and opportunities for regional collaboration on green infrastructure along the I-880 corridor.

Staff reviewed projects from sponsors seeking PM2.5 project level conformity approval. Staff attended the Volvo Group Zero Emissions Construction Equipment meeting focusing on the viability of heavy-duty electric trucks. Staff attended the CARB Research Seminar on Anti-displacement Strategies. In collaboration with Climate Protection, staff developed a proposal for a reconfigured local government program to make it more integrated, efficient, and visible. Staff presented survey results of 50 local government staff and a framework for reconfiguring the local government support program at a division meeting.

ASSESSMENT, INVENTORY, AND MODELING
P. MARTIEN, DIRECTOR

Emissions and Community Exposure Assessment

Under Assembly Bill (AB) 617 community assessment work, staff completed preparation of emissions input data across all sources included in dispersion modeling analysis to support the Richmond/North Richmond/San Pablo (R/NR/SP) community emissions reduction strategies development. Staff worked with the Planning, Rules, and Compliance & Enforcement Divisions to complete the R/NR/SP business types and emission sources categorization and presented the preliminary categorization results at an internal AB 617 Technical Assessment team meeting. Staff performed quality assurance of emissions and stack parameters for selected refinery facilities to support proposed amendments to Regulation 6 Rule 5 in reducing particulate matter emissions from petroleum refinery fluidized catalytic cracking units. Under the Partnership Agreement with the Metropolitan Transportation Commission (MTC), staff completed draft guidance for creating master-level and project-level datasets for the proposed data management platform. Under the District's California Environmental Quality Act (CEQA) work, staff continued support on multiple projects, including the Schnitzer Steel's CEQA analysis, health risk assessment (HRA) in the Oakland Waterfront Ballpark District Project (A's Stadium) Environmental Impact Report (EIR), and the Marathon Martinez Refinery and Phillips 66 Refinery Renewal Fuels projects. Staff also completed review and provided comments on the City of Oakland's Conditional Use Permits in industrial zones to reduce emission exposures for workers and residents.

To improve products for existing State emissions reporting requirements and to meet the new statewide regulation for Criteria Pollutant and Toxics Emissions Reporting (CTR), staff continued collaboration with Engineering Division and My Air Online staff to develop data processing strategies and approaches. Staff attended the Emission Inventory Technical Advisory Committee meeting hosted by the California Air Resources Board (CARB). Staff worked closely with the Engineering Division staff to finalize and submit emissions data to CARB under the Assembly Bill 10X (AB10X) fee collection program. Staff addressed CARB's data request on aircraft operations activities, commercial building emissions, and agriculture burning emissions. Staff completed review of the Federal Aviation Administration's (FAA) Voluntary Airport Low Emission (VALE) Program application for the Sonoma County Airport.

Air Quality Modeling and Analysis

Staff devoted significant time to AB 617-related activities, with focus on work supporting the Richmond/North Richmond/San Pablo (R/NR/SP) community. Staff participated in regular internal R/NR/SP meetings in meetings with CARB, including meetings on air toxics emissions for R/NR/SP. Staff completed community-scale dispersion modeling runs for restaurants, rail lines, railyards, and port-related activities and began dispersion modeling of all highway and surface streets. Staff prepared slides on modeled construction project impacts for the R/NR/SP community, showing how results could inform updates to CEQA thresholds. For other AB 617 communities, staff prepared gridded criteria pollutant and air toxics emissions estimates for the San Leandro community and provided gridded criteria pollutant emissions to the Tri-Valley AB 617 community's Science Committee. Staff participated in a meeting hosted by consultant Resource Development Associates on internal AB 617 collaboration and communication, attended an AB 617 cultural competency training workshop, presented a talk on the District's AB 617 work at the Western States Air Resource Council's (WESTAR) spring meeting, met with CARB staff on the development of local on-road mobile source emissions estimates for AB 617 communities, and participated in a CARB webinar on new methods to better understand cumulative impacts for environmental justice programs.

In regional modeling work, staff began collaboration with UC Davis for improving regional and local weather modeling performance, to better support rule development activities. Staff developed emissions inputs for historical years 2000 and 2010 and began regional modeling simulations to evaluate trends in fine particulate matter (PM 2.5) concentrations and impacts from 2000 through 2018. Dispersion modeling efforts focused on impacts from permitted facilities with the highest PM2.5 emitting facilities as staff created model-ready inputs for the Valero Refinery and the Lehigh cement plant. Staff participated in status meetings for the residential woodburning project with consultant Baseline Environmental. Staff prepared a Board memorandum seeking approval of a proposed contract with the University of Washington to apply the Intervention Model for Air Pollution (InMAP) in the Bay Area. Staff identified facilities in high scoring CalEnviroScreen 4.0 census tracts. Staff completed multiple public records requests.

**RULES DIVISION
E. YURA, DIRECTOR**

Amendments to Rule 6-5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units (AB 617 BARCT Schedule):

Status/Next Milestones:

- Public hearing to consider adoption – June 2, 2021
- Continued public hearing to consider adoption – July 21, 2021

Background: Staff has developed proposed amendments to Regulation 6: Particulate Matter, Rule 5: Particulate Emissions from Petroleum Refinery Fluidized Catalytic Cracking Units (Rule 6-5) to address emissions of particulate matter, including condensable particulate matter, from petroleum refinery fluidized catalytic cracking units (FCCUs). Petroleum refinery FCCUs are some of the largest individual sources of particulate matter emissions in the San Francisco Bay Area, and further reductions of these emissions are needed to ensure progress towards attainment of state and

national ambient air quality standards and to achieve further clean air and public health benefits. These sources were identified as a potential area for further rule development in the Air District's 2017 Clean Air Plan and AB 617 Expedited BARCT Implementation Schedule.

Following the adoption of the AB 617 Expedited BARCT Implementation Schedule in 2018, Air District staff continued work on the development of amendments to Rule 6-5. Staff presented an update on the implementation of current refinery rules and rule development efforts on amendments to Rule 6-5 to the Board of Directors Stationary Source Committee in April 2019. Air District staff conducted early stakeholder outreach on this rule development effort in 2019 in meetings of the Refinery Rules Technical Working Group, which includes representatives from industry, community-based organizations, and regulatory agencies. Staff also presented an update on rule development efforts, including amendments to Rule 6-5, at a Board of Directors Stationary Source Committee meeting in April 2020.

Air District staff released draft amendments to Rule 6-5 and an Initial Staff Report in May 2020 for public review and comment and presented the draft amendments at a Board of Directors Stationary Source Committee meeting in June 2020. Following the release of the May 2020 draft amendments, staff further evaluated other potential control options, including a more stringent potential control option. Staff presented preliminary information on these options, as well as to potential impacts of the repurposing of two Bay Area refineries and the impacts of the COVID-19 Pandemic, at Stationary Source Committee meetings in July, October, and December 2020.

Staff released a workshop package with additional and updated information on these control options for public comment, and conducted a virtual public workshop to present, discuss, and receive comments on these potential control options in February 2021. Staff received a total of 69 written comments on the workshop package. Staff provided an update to the Board of Directors Stationary Source and Climate Impacts Committee in March 2021 to present feedback received and discuss the direction of the effort moving forward. In that meeting, a majority of Committee members expressed a preference to proceed with development of the more stringent of the two control options issued for comment in January.

Discussion/Key Updates: Air District staff published proposed amendments reflecting the more stringent standard on March 30, 2021, and received 62 comment letters on the proposal package. The proposed amendments, final staff report, and summary of responses to comments are available at <http://www.baaqmd.gov/reg6rule5>.

The Board of Directors initiated a Public Hearing on June 2, 2021, to consider adoption of the proposed amendments to Rule 6-5. The Board of Directors will continue the Public Hearing on July 21, 2021.

Rule 8-5: Organic Liquid Storage Tanks (AB 617 BARCT Schedule):

Status/Next Milestones:

- Stationary Source and Climates Impact Committee—Q3 2021
- Board of Directors—Q4 2021

Background: Regulation 8: Organic Compounds, Rule 5: Storage of Organic Liquids (Rule 8-5) was selected as one of the six high-priority rule development projects in the AB 617 BARCT

Schedule because stored organic liquids are estimated to emit over 400 tons of volatile organic compounds per year and emit toxic air contaminants, such as benzene, toluene, ethylbenzene, and xylene. Storage tank designs used for organic liquid storage vessels include fixed roof tank (vertical and horizontal), external floating roof tank, domed external (or covered) floating roof tank, internal floating roof tank, variable vapor space tank, and pressure tanks (low and high).

Discussion/Key Updates: Staff is currently working to development amendments to Rule 8-5 that would further reduce emissions of organic compounds, including toxic emissions. Staff anticipates holding a public workshop to present these draft amendments in the third quarter of this year, discussing this effort at the Stationary Source and Climates Impact Committee in quarter three of 2021, and bringing this effort to the Board of Directors for their consideration by the end of 2021.

Visit this webpage for more information: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

Rule 8-8: Rule Petroleum Wastewater Treating (AB 617 BARCT Schedule):

Status/Next Milestones:

- Organic Emissions Estimation—ETA December 2021
- Workshop—Q2 2022

Background: Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems (Rule 8-8) was selected as one of the six high-priority rule development projects that would fully satisfy the Expedited BARCT Implementation Schedule requirement of AB 617 based on high emissions of volatile organic compounds per year, based on the Air District’s emissions inventory. Air District staff conducted early stakeholder outreach on this rule development effort in meetings of the Refinery Rules Technical Working Group in 2020. Draft amendments to Rule 8-8 that correspond to the front end of the wastewater treatment system (collection and separation systems) are primarily administrative. The estimated annual volatile organic compound emissions reductions expected from this portion of the draft amendments to Rule 8-8 can potentially be quite small (about four tons/year).

Discussion/Key Updates: The secondary or back-end emissions and potential emission reductions are at this time poorly understood and need to be better characterized. Staff focused on characterizing emissions from petroleum refinery wastewater treatment plants as part of the Air District’s internal Organics Emission Estimation Project. The knowledge assessment phase of this process was completed in March 2021. Currently, staff is working on amending Rule 8-8 only by focusing on reducing the front-end emissions. A more in-depth stakeholder engagement is anticipated in early 2022. Staff is tentatively scheduled to present this rule to the Board of Directors in the fourth quarter of 2022. scheduled to present this rule to the Board of Directors in the fourth quarter of 2022.

Visit this webpage for more information: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

Rule 8-18: Refinery Heavy Liquids Leaks (AB 617 BARCT Schedule):

Status/Next Milestones:

- Stationary Source and Climate Impacts Committee—Q4 2021
- Board Hearing—Q1 2022

Background: This rule development project would address emissions of reactive organic gases (ROG) from petroleum refineries, chemical plants, bulk terminals and bulk plants, and other facilities that store, transport, and use organic liquids. Amendments to Regulation 8, Rule 18: Equipment Leaks (Rule 8-18) in December 2015 addressed equipment that service heavy liquids at these sources, but those amendments have not yet been fully implemented due to uncertainty regarding proper emissions factors for heavy liquid fugitive emissions. Air District staff coordinated with each of the five Bay Area refineries to conduct a Heavy Liquid Leak Study. These studies are designed to determine appropriate emission factors for heavy liquid leaks. The results of these studies are currently being finalized.

Discussion/Key Updates: The secondary or back-end emissions and potential emission reductions are at this time poorly understood and need to be better characterized. Staff focused on characterizing emissions from petroleum refinery wastewater treatment plants as part of the Air District's internal Organics Emission Estimation Project. The knowledge assessment phase of this process was completed in March 2021. Currently, staff is working on amending Rule 8-8 only by focusing on reducing the front-end emissions. A more in-depth stakeholder engagement is anticipated in early 2022. Staff is tentatively scheduled to present this rule to the Board of Directors in the fourth quarter of 2022.

Visit this webpage for more information: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

Rule 9-13: Nitrogen Oxides, Particulate Matter, and Toxic Air Contaminants from Portland Cement Manufacturing (AB 617 BARCT Schedule):

Status/Next Milestones:

- Active rule development currently on hold pending data gathering efforts, including determining the impacts of the Consent Decree.

Background: Potential emissions reductions from Cement Manufacturing were identified as part of the AB 617 Expedited BARCT Implementation Schedule. In the Rule Development Project Scope, staff estimated that application of BARCT may result in emissions reductions of particulate matter (PM) and sulfur dioxide (SO₂). Emissions of oxides of nitrogen (NO_x), and reactive organic gases (ROG) were addressed by the 2012 adoption of Regulation 9, Rule 13, so rulemaking for those emissions was not anticipated. Regulation 9, Rule 13 also addressed emissions of filterable particulate matter (FPM) but did not address condensable particulate matter (CPM). The source test methodology for measurement of CPM was not adopted by US Environmental Protection Agency (US EPA) until 2017.

On November 18, 2020, a consent decree (CD) was entered into federal Court between Lehigh Cement Company and US EPA, the Air District, and other environmental jurisdictions throughout the United States. This CD compels Lehigh to implement modifications for enhanced control of NO_x and SO₂ emissions at several facilities including the kiln in Cupertino. The CD requires Lehigh to enter into a “test and set” procedure to establish the lowest achievable SO₂ emission level for the Cupertino kiln. The “test and set” process may take between two and three years and includes time for preparation, submittal and approval of a design and optimization plan, optimization report, and demonstration report, along with a period to design and install equipment and operational modifications, an optimization period, and a demonstration period. Review and approval periods for US EPA are not set and there may be extensions due to non-operation of the kiln, required permitting, or other reasons.

Discussion/Key Updates: Staff will coordinate with Lehigh Cupertino to conduct a series of source tests during the demonstration period as proscribed in the consent decree to measure and characterize the back half (condensable fraction) particulate matter, along with oxides of nitrogen, sulfur dioxide, total organic compounds, and Ammonia (measurements for these emissions may be corroborated by continuous emissions monitoring systems). Staff will evaluate the effectiveness of the consent decree in reducing particulate matter emissions and will determine if additional rulemaking is needed to ensure adequate control of this pollutant.

Rule 9-14: Coke Calcining Operations (AB 617 BARCT Schedule):

Status/Next Milestones:

- Awaiting the decisions of Phillip 66 regarding the shutting down of the Carbon Plant—Q4 2021

Background: This rule limits sulfur dioxide emissions from coke calcining kilns; of which there is only one in the Air District operated by Phillip 66. The amendments to Rule 9-14 would address oxide of nitrogen emissions from the coke calciner. However, Phillip 66 has announced that it will convert to a renewable fuels production operation.

Discussion/Key Updates: This announcement leaves in doubt the future of the coke calciner. Staff believes there are three potential outcomes: 1) With the conversion of Phillip 66 to renewable fuels production, the refinery could shut down the operation of the coke calciner; 2) Phillip 66 could continue operation of the calciner by accepting and processing green coke from another source; or 3) Phillip 66 could resume petroleum refining and continue operations of the coke calciner. Until one of the above outcomes is decided upon, the impacts of coke plant operation remain unknown. Staff will continue to track the status of the coke calciner and will be evaluating potential paths forward later this year.

Visit this webpage for more information: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

Regulation 2: Permits:

Status/Next Milestones:

- Late Summer Public Workshop on Draft Rule Amendments—Q3 2021

Background: Staff has been evaluating potential changes to the permitting rules to provide greater health protection from new and modified sources of air pollution, particularly in communities that are overburdened by air pollution and other public health stressors. In response to concerns from community advocates, staff has met with community and public health advocacy organizations in the following areas to hear their feedback how to amend the permitting rules: the Carquinez Strait region (Vallejo and Rodeo), Suisun Bay region (Pittsburg), Eastern San Francisco (Bayview-Hunters Point), East Oakland, the South Bay region (Santa Clara County), the North Bay region, and the Tri-Valley region. Staff intends to incorporate feedback from advocacy organizations into the potential amendments to the permitting rules.

Discussion/Key Updates: Staff released a concept paper that describes potential ways to amend the permitting rules and posted written public comments received on the Air District website. The concepts are summarized below:

- (1) Make the allowable project risk limit in Rule 2-5 more stringent. Staff will evaluate how to make Rule 2-5 more health protective by reducing the allowable cancer risk and acute and chronic hazards.
- (2) Develop a metric to consider local disparities in air pollution and community health, if possible. In response to public comment received, staff is continuing to research potential methods to increase the health protectiveness and community sensitivity of the air toxics New Source Review process.
- (3) Update the health risk screening assessment (HRA) procedure for gasoline dispensing facilities (GDFs) that are subject to Rule 2-5. Revisions to the HRA procedure will make New Source Review for Toxic Air Contaminants more accurately reflect the risk projects at GDFs pose to nearby receptors.
- (4) Enhance noticing and analysis requirements in overburdened communities, which can provide community empowerment through additional transparency.
- (5) Evaluate exposure-based limits on fine particulate matter emissions.

On May 12, 2021, staff held a virtual public workshop from 6-8 pm via Zoom to present the concepts as described in the concept paper and receive feedback from the public. Staff provided an update to the Stationary Source and Climate Impacts Committee on May 17, 2021, on the feedback received during the concepts workshop, and will also provide an update to the Community Equity, Health and Justice Committee on July 1, 2021.

Staff is continuing outreach to community stakeholders and industry representatives during the ongoing evaluation and development of amendments to the Permitting rules (Rules 2-1 and 2-5) to improve the permitting processes. Staff anticipates presenting these draft amendments are a virtual workshop this summer and a final proposal at a Board Hearing later this year.

Visit this webpage for more information: <https://www.baaqmd.gov/reg-2-permits>.

Particulate Matter (PM) Reduction Efforts:

Status/Next Milestones:

- Rule Development compiling PM rule making efforts – May 2021
- PM Design Team Resolution (assisting internal working group) – May 2021

Background: The Air District's Advisory Council convened a conference series on undifferentiated particulate matter, with a focus on fine (PM_{<2.5}) particulate matter. This series included presentations and discussions among nationally recognized scientists, health professionals, industry, community members, and the Air District, identifying the most effective measures to further protect public health. The symposia highlighted this public health challenge, as well as information and tools to inform future policy decisions. The first symposium took place on October 28, 2019, and covered topics on particulate matter health effects and particulate matter exposure and risk. In February 2020, staff also participated in a Particulate Matter Community Summit held in Richmond, California. The Summit was co-organized by representatives from 350 Bay Area, 350 Marin, All Positives Possible, California Climate Health Now, New Voices Are Rising, the Sunflower Alliance, and Vallejo Citizen Air Monitoring Network, and highlighted Air District's efforts to better assess the impacts of particulate matter, current rule development efforts to reduce particulate matter emissions and exposure, and policy concepts for further addressing particulate matter and reducing the public's exposure. Approximately 30 people attended, sharing a meal in addition to expressing their concerns regarding particulate matter, its sources, and its health effects. Staff also presented information to the Advisory Council during a technical policy discussion in May 2020.

At a joint meeting with the Air District Board of Directors in December 2020, the Advisory Council presented its Particulate Matter Reduction Strategy Report, which included findings, a framework for evaluation reduction strategies, and recommendations.

Discussion/Key Updates: Staff has met with community stakeholders in Bayview Hunters Point (San Francisco), including touring large aggregate facilities and construction sites. Staff took the opportunity to document community concerns surrounding PM and witness PM-related activity that may impact community health.

Staff is currently investigating ways to further reduce particulate matter emissions that are consistent with the Air District's authority under that California Health and Safety Code, including potential measures to further reduce emissions and public exposure from particulate matter sources, such as restaurants and concrete batch plants.

The Air District has also established a Policy-focused PM Internal Working Group (IWG) to collaborate with the PM Design Team (consisting of representatives from community groups) on Air District PM reduction efforts. Rule Development staff are currently mapping PM-related rule developing activities and reviewing a potential PM reduction Resolution for the Board of Director's consideration.

Construction and Concrete Plants:

Status/Next Milestones:

- Initial rule development in progress. Compliance & Enforcement (C&E) are leads with Rule Development staff assisting – June 2021

Background: Construction sites and concrete batch plants have been identified by community advocates as sources of concern due to dust impacts and are included as measures in the West Oakland Community Emissions Reduction Plan. While both of these source types can often be located in overburdened communities and pose temporary particulate matter exposures, they are often overlooked because construction sites are not required to notify the Air District of their operations and concrete batch plants may not have equipment that require an Air District permit.

Discussion/Key Updates: Air District staff intends to further review and assess these sources to determine if additional regulation is needed because even short-term exposure to particulate matter can exacerbate respiratory illness and increase mortality rates. Potential options for further control include requiring construction projects to register with the Air District, so we can be aware of their presence and activities in various communities. We are also looking at ensuring that these activities have personnel that can monitor and be responsible for managing dust mitigation options, such as curtailing operations during high wind events or ensure trackout requirements of Rule 6-6 are complied with to minimize the generation of road dust. Compliance & Enforcement (C&E) have taken over lead rule making efforts, with Rule Development staff providing assistance.

Staff anticipates updating the Stationary Source and Climate Impacts Committee in the fourth quarter of 2021.

Data Centers and Back-up Generators:

Status/Next Milestones:

- Technical Assessment and Concept Development

Background: Air District staff is evaluating measures that could reduce diesel particulate matter from the use of back-up generators at new and existing data centers across the Region. Data centers are a growing source of diesel particulate matter and are often located in overburdened communities. While the backup engines are permitted, the emissions associated with their potential emergency use is not considered in the permitting process and there is no limit on emergency as long as this operation meets the emergency definition. Further, at existing data centers, these engines are often some of the higher polluting engines — tiers 0, 1, and 2. There are cleaner engines that could be used to reduce diesel particulate matter emissions and staff is considering requiring these cleaner engines at these facilities.

Discussion/Key Updates: Staff is looking at requiring lower emitting engines when permitting facilities that use multiple engines like data centers. Also, facilities like data centers are exempt from the Rule 11-18: Toxic Risk Reduction at Existing Facilities as long as there are no other sources of toxic emissions located at the facility. Revising that exemption might be a means to address the risk these facilities pose. Staff anticipates updating the Stationary Source and Climate Impacts Committee in the second quarter of 2021.

Rules 13-2: Organic Material Handling, and 13-3: Composting Operations:

Status/Next Milestones:

- Active rule development currently on hold pending data gathering efforts.

Background: In 2018, staff-initiated rule development efforts for this industrial sector by publishing draft concept papers for sources within the organic recovery sector and in 2019, followed that up with workshops to provide draft regulatory language. In response to feedback from the regulated community, we modified our approach and scope, and then met again with specific industry groups in August 2019 to refine our focus. In January 2020, staff provided draft language in a Request for Comments, and received a clear message from the regulated community that we needed to further refine our approach.

Given this feedback, we suspended formal rule development process for both rules and developed plans to continue stakeholder engagement through the formation of an Organic Recovery Technical Working Group to establish a forum for collaboration with stakeholders on technical issues, such as best management practices, data gathering and monitoring methods, and potential emissions controls. The Working Group was formed in September 2020 to establish a forum for collaboration with stakeholders on technical issues, such as best management practices, data gathering and monitoring methods, and potential emissions controls. The Working Group was composed of Air District staff members, industrial sector representatives (e.g., organic material handling facilities and industrial composting operations), technical experts, and representatives from industry associations, non-governmental organizations, other governmental agencies (e.g., CalRecycle and local enforcement agencies), and community advocacy groups. The Working Group met in October and November 2020. Drawing from input provided in the forum, staff prepared draft guidance documents, which were shared with the working group in February 2021. Staff reviewed comments submitted by external working group members, discussed proposed changes internally, and prepared revised guidance document drafts to be shared with TWG members and the public at large.

Discussion/Key Updates: The next step will be to determine if rulemaking is needed to reduce emissions. Addition permitting will be required to address new or expanding existing facilities in order to achieve waste diversion goals. The methods identified through the Working Group could be incorporated into these permits, thereby avoiding the need for rulemaking, and enabling more site-specific customized approaches while still achieving the anticipated emissions reductions.

Rule 13-4: Sewage Treatment & Anaerobic Digestion:

Status/Next Milestones:

- Active rule development currently on hold pending data gathering efforts.

Background: Rule Development staff led a subgroup focused on characterizing emissions from sewage treatment plants and anaerobic digesters as part of the Air District's internal Organics Emission Estimation (OEE). The knowledge assessment phase of this process was completed in January 2020 and the document was sent for division director review in May 2020.

Discussion/Key Updates: Following the completion of the OEE knowledge assessment, key active data gathering efforts include collaboration with BACWA and surveys sent out to their members.

Rule 13-5: Refinery Hydrogen Plants:

Status/Next Milestones:

- CEQA Scoping Meeting—July 2021
- Stationary Source and Climate Impacts Committee—July 2021

Background: Hydrogen gas releases from petroleum refinery hydrogen plant operations and from naphtha reforming operations sometimes include methane and other organic gases. Currently, methane emissions are exempt from most Air District regulations because methane emissions do not contribute to ozone formation. As a result, the Air District has no regulatory basis for requiring facilities to control methane emissions from these operations. Now that the Air District is addressing methane emissions, a powerful climate pollutant, staff is developing a rule to control methane emissions from hydrogen plants, one of the largest industrial sources of methane in the Bay Area.

Discussion/Key Updates: In developing Rule 13-5: Refinery Hydrogen Plants, staff first held a public workshop in January 2020. Based on comments received on the draft rule and additional research, staff revised the draft rule significantly and in October 2020, staff posted a revised version of the rule on the Air District's web page. One of the things that arose during staff analysis of this sector was that one of the abatement methods, a hydrogen flare, may emit oxides of nitrogen and volatile organic compounds in quantities that could potentially exceed that Air District's California Environmental Quality Act (CEQA) threshold. Because of this, staff is undertaking a thorough environmental analysis to determine if an Environmental Impact Report would be required under CEQA for this rule development effort. Staff plans to hold a scoping meeting in July 2021 to solicit public comment regarding the scope and content of the environmental information to be included in the Draft Environmental Impact Report. Staff intends to propose Rule 13-5 to the Board of Directors for consideration in the fourth quarter of 2021.

Visit this webpage for more information: <https://www.baaqmd.gov/rules-and-compliance/rules/reg-13-rule-5-petroleum-refinery-hydrogen-plants>.

Rule 8-34: Solid Waste Disposal Sites

Status/Next Milestones:

- Internal White Paper - Q2 2021
- Supplementary work: Organic Emissions Estimation (OEE) effort for Landfill Sector – Solutions Phase, 2022

Background: Rule 8-34 regulates emissions of VOCs (NMOC and methane) from municipal solid waste sites. It was last substantively amended in 1999. The amendment process was undertaken in response to emerging emissions data. Results from airplane flyovers have indicated that methane mass emissions from landfills are much larger than had been previously calculated. Rule development began work on a technical and regulatory assessment and aligned technical efforts with a larger emissions-related project internal to the Air District called the Organic Emissions Estimation (OEE) effort.

Early on, staff released a concept paper that was discussed at a series of three workshops held in June 2019 focused on climate pollutants and organics. No comments were received during the comment period following the final workshop, but staff received verbal input at the three events. Also in 2019, rule development staff visited multiple large landfills to observe the site layouts, learn about operations, and discuss the amendment process with employees at the site, including landfill operators, environmental staff, and consultants. Staff will continue (once safely able to do so, given the pandemic) to visit more of the 39 landfills within the Air District. Staff is regularly collaborating with Air District Compliance & Enforcement landfill efforts to leverage their boots-on-the-ground knowledge and experience. In 2020 and 2021, staff continued collaborating with Compliance & Enforcement and the Organics Emission Estimation effort. Staff also continued to communicate about emissions and regulatory issues with interested stakeholders on an ad hoc basis.

Discussion/Key Updates: Amendment efforts for Rule 8-34 are currently focused on preliminary efforts to better understand the nature and extent of methane emissions from landfill sites in the Bay Area. Emissions for the landfill sector, and for individual landfills, are quite complex. Rules aims to get better data about how much each landfill is contributing to the total emissions from the sector; where within landfills emissions are coming from; and which areas and/or processes within the landfill can be targeted for emissions reductions. This is actively being addressed by ongoing research efforts, mainly via the Landfills Sector evaluation portion of the OEE effort.

Once emissions are better understood, draft amendments will be developed and made available for public review: these amendments are envisioned to include elements such as alignment with the state's Landfill Methane Rule (LMR) for increased stringency and consistency; additional clarifications; incorporation of best practices; monitoring, repairs, recordkeeping, and reporting requirements; and additional stringency / control measures as informed by the OEE.

Potential additional measures would rely on further study and analysis, including the completion of the next step of the Air District's OEE effort: a minimum viable product (MVP) approach for how to implement the most efficient and effective set of solutions to address current data gaps for the landfill sector. Any emerging research from other statewide and national methane research efforts will be investigated via the OEE process as well. There is also potential to collaborate with industry and/or academia, as well as other external entities.

Rules 9-4 and 9-6: Residential and Commercial Appliances:

Status/Next Milestones:

- Upcoming External Stakeholder Working Group Meetings – June 23, 2021, Week of July 5, 2021, Week of July 19, 2021.
- Public Workshop – Summer 2021
- Board Hearing for Adoption – Q2 2022

Background: Staff is assessing potential rule development efforts to further reduce oxides of nitrogen (NOx) emissions from residential appliances. These sources are addressed by Rules 9-4: Residential Furnaces and 9-6: Gas-Fired Water Heaters. The current rulemaking approach would be to match ultra-low oxides of nitrogen standards currently required by South Coast Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District, as well as determining a path to regulation of natural gas installation for new construction. Staff is also considering introducing a zero or near-zero emission standard for oxides of nitrogen as that can be met by some equipment currently available on the market. Because conversion to these appliances may require changes to homes electrical service, staff is developing an equity analysis to ensure the cost impacts to consumers, especially low-income consumers, are fully understood and means to mitigate those impacts are explored and considered.

Discussion/Key Updates: Staff presented initial source information to the Climate Protection Committee in November 2020 and presented rule development concepts to the Stationary Source and Climate Impacts Committee on April 19, 2021. The Board and public both expressed general support for staff's proposed concepts and emphasized the need for swift action in this space but also noted the importance of balancing complicating factors, such as equity and the availability of funding mechanisms for incentives and subsidies. Staff held a kick-off meeting for an external working group on May 26, 2021, with a wide spectrum of stakeholders and will continue to meet with this group throughout the summer and fall of 2021.

Fluorinated Gases:

Status/Next Milestones:

- Stationary Source and Climate Impacts Committee—October 2021
- Active rule development currently on hold pending data gathering efforts.

Background: In concert with on-going climate and planning efforts surrounding management of fluorinated gases with high Global Warming Potential values (F-gases), Air District staff is considering the introduction of a new rule to reduce end-of-life F-gas emissions. Staff is evaluating this potential regulatory effort in conjunction with nonregulatory programs to further reduce F-gas emissions under the umbrella of the F-Gas Strategy.

Discussion/Key Updates: Staff plans to present an overview of the F-Gas Strategy to the Stationary Source and Climate Impacts Committee in October 2021. The F-Gas Strategy includes the Air District's assessment of Bay Area F-gas emissions, major emissions sources, and tools for emissions reductions, which are both rules and incentives based. Staff does not currently have a proposed date to present this suite of rules to the Board of Directors.

Definition of Refinery:

Status/Next Milestones:

- Request for Comments from Public—Q4 2021 (tentative)
- Board of Directors—Q1 2022 (tentative)

Background: Air District staff are looking to revise the definition of “refinery” in all Air District rules to ensure that the two refineries that are transitioning from the use of petroleum to renewable fuels remain subject to current Air District requirements. Engineering Staff is currently analyzing these proposed changes and how the definition will need to be modified to ensure that permitted sources continue to be subject to appropriate controls.

Discussion/Key Updates: A timeline for regulatory development will be prepared in consideration of amended permit applications for modified operations at two facilities to ensure that statutory deadlines are met. This effort is underway, and a proposal should be ready to be presented to the Board of Directors for consideration for adoption sometime in either the fourth quarter of this year or the first quarter of 2022.

**COMMUNITY ENGAGEMENT DIVISION
V. EADY, SR. DEPUTY EXECUTIVE OFFICER**

Community Engagement and Outreach Programs

AB 617 Community Health Protection Program

- **Monday, June 28, 2021, and Wednesday, June 30, 2021** – Staff met with Communities for a Better Environment. CBE indicated they are interested in East Oakland being nominated for a CERP process.
- **Wednesday, June 9, 2021** – Met with Dr. Jo Kay Ghosh, Health Effects Officer of the South Coast AQMD, to discuss AB 617 incentive funding and ways to bring transparency and power-sharing into the AB 617 budget process.
- **Wednesday, June 9, 2021** – Met with Matt Dessert, APCO at the Imperial County Air Pollution Control District to discuss AB 617 incentive funding and ways to bring transparency and power-sharing into the AB 617 budget process.
- **Thursday, June 3, 2021, and Friday, June 4, 2021** – Staff met with Communities for a Better Environment to discuss interest in participation in AB 617 this year and East Oakland being nominated for a process for a CERP and/ or CAMP.

West Oakland AB 617

- Staff continue to meet with our West Oakland Co-Leads (WOEIP) on a weekly basis to discuss next steps for implementation of the Community Action Plan and design the following month's Steering Committee meeting. Our Co-Leads meetings took place weekly on Thursday mornings.
- **Wednesday, July 8, 2021** – West Oakland AB 617 Steering Committee Meeting. The meeting featured an update from WO EIP and the Air District on the project realignment. Subcommittee Co-Chairs reported back on their June 2021 meetings. The meeting also featured a presentation from Land Use Subcommittee Co-Chairs Charles Reed and Alicia Parker on the Wood Street Unhoused Community Tour.
- **Friday, July 2, 2021, and Thursday, July 8, 2021** - Staff met with WOEIP and consultants to plan a Co-Leads retreat.
- **Wednesday, June 23, 2021** – Land Use Subcommittee, The Land Use Co-Chairs will recap the Wood St. unhoused encampment that took place on Friday, June 18, 2021.
- **Tuesday, June 22, 2021** – Port and Freight Subcommittee Meeting, WOEIP and the Air District along with the Port and Freight Co-Chairs will meet to discuss developments at the Port of Oakland, Electrification of Port Equipment, and technology faire plans.
- **Wednesday, June 2, 2021** - *Owning Our Air* West Oakland AB 617 Steering Committee Meeting. West Oakland EIP and the Air District hosted the monthly Steering Committee meeting. The Subcommittee Co-Chairs reported back from their previous meetings. WOEIP leadership discussed realignment efforts. Air District staff facilitated breakout room activities to garner feedback as part of the Co-Leads realignment efforts.
- **Wednesday, May 26, 2021** - **Land Use Subcommittee Meeting**, Participants discussed the removal of the unhoused community located on CalTrans land near Wood Street.
- **Tuesday, May 25, 2021** - **Port & Freight Subcommittee Meeting**, Subcommittee members discussed truck parking at OMSS and Oakland Gateway. Local activities related to hydrogen fuel cell trucks were a topic of discussion.
- **Thursday, May 20, 2021** - **Transit Bike & Walk Subcommittee Meeting**, City of Oakland representatives gave a presentation on its Zero Emissions Vehicle Plan. Subcommittee members discussed realignment.
- **Tuesday, May 18, 2021** - **Health & Living Buffer Subcommittee Meeting**, Community Engagement and Planning staff hosted this monthly meeting focused on public health and green emission reduction CERP implementation strategies. A representative from the City of Oakland's Urban Forestry office presented on policy implementation and took suggestions for community engagement best practices.
- **Wednesday, May 5, 2021** – Staff attended a WOCAP Co-Chairs meeting for them to discuss progress and issues across the sub-committees and develop solutions to better support their needs
- April Subcommittee meetings were postponed as WOEIP and the Air District deliberate on restructuring elements of the work plan during implementation.
- **Wednesday, April 7, 2021** – West Oakland Owning Our Air Steering Committee Meeting. This meeting featured subcommittee report backs, a presentation on the Howard Terminal EIR and our guest speaker from CARB, Deldi Reyes.
- **Monday, April 12, 2021** – Staff met with West Oakland Environmental Indicators Project to discuss a process for realignment of the WOCAP process.

Richmond/San Pablo AB 617

- **Monday, June 28, 2021 – Monitoring Outreach Team (MOT) Meeting #9** – Four members of the MOT, all of whom were Monitoring Steering Committee members, met with District staff to discuss the next quarterly update on monitoring projects and outreach to the community. The group also discussed findings from a black carbon data analysis presented by an intern working on the Groundwork Richmond Air Rangers air monitoring project.
- Staff met with multiple community leaders, including Andres Soto, Linda Whitmore, and Oscar Garcia, to promote the community organizing grants.
- **Wednesday, June 23, 2021** - Staff continue to work on a training for Air District staff working on AB 617 and met with community partners from Contra Costa Public Health Department to participate on a panel.
- **Tuesday, June 22, 2021** – Staff hosted a webinar to advertise the upcoming opportunity for local organizations to apply for community organizing grants in the Path to Clean Air focus area. Five organizations participated and there will be a follow-up webinar on Friday for additional organizations.
- **Monday, June 21, 2021 - Path to Clean Air Steering Committee meeting** – This was the third Path to Clean Air Steering Committee meeting, which focused on staff introductions, and an introduction to the charter development process and the planning and vision and principles processes the Steering Committee will be working on throughout the summer.
- **Saturday, June 5, 2021** – Presented on the Path to Clean Air CERP process with Veronica Eady for the NAACP – Richmond Branch.
- **Thursday, June 3, 2021, and Friday, June 11, 2021** – Held first two meetings with Co-chairs Y’Anad Burrell and Alfredo Angulo Castro to go over roles and responsibilities, share lessons learned from the WOCAP process, and go over the agenda materials and review process.
- **Tuesday, May 25, 2021 – Training #2 for staff participating in AB 617 efforts** - Staff involved in the Path to Clean Air CERP AB 617 implementation process in Richmond/San Pablo completed a five-hour capacity building and cultural competency training on building trust through successful community partnerships. This second module of the series included interactive sessions with partner organizations about implementation of AB 617 in the San Joaquin Valley, Richmond/San Pablo case studies, and a discussion about power, privilege, and class dynamics working in government.
- **Monday, May 24, 2021 – Monitoring Outreach Team (MOT) Meeting #8** – The five members of the MOT, all of whom were Monitoring Steering Committee members, met with District staff to discuss quarterly updates on monitoring projects, next steps for outreach to the community, and alignment with the CERP Community Steering Committee.
- **Tuesday, May 18, 2021** – Staff met with trainers (Catherine Garoupa-White, Roxanne Carrillo Garza, Richard Grow) for Community Partnerships and Trust Building training dry run that was held on Tuesday, May 25, 2021.
- **Monday, May 17, 2021 – Community Steering Committee Meeting #2** – Steering Committee members convened to hear a presentation on environmental justice, racial disparities in air pollution exposure, and the purpose of the Community Steering Committee. They also selected to Co-chairs, Y’Anad Burrell and Alfredo Angulo Castro, to lead the team through this effort.

- **Thursday, May 6, 2021** – Staff facilitated a meeting between Greg Nudd and Jeff Kilbreth, a Path to Clean Air Steering Committee member, on his comments and concerns regarding Rule 6-5. Staff plan to follow up with him on some of his ideas, and plan to continue the conversation until the June 2nd Board meeting.
- **Monday, May 3, 2021, Monday, May 10, 2021, Wednesday, May 12, 2021, and Friday, May 14, 2021** – Staff met with Catherine Garoupa-White (Central Valley Air Quality Coalition), Richard Grow (retired US EPA), Andres Soto (CBE), Roxanne Carrillo-Garza (Healthy Richmond), and Kimberly Aceves (RYSE) to plan 617 internal training modules for staff on community partnerships and how to build trust with communities.
- Staff have been scheduling one-on-one virtual meetings between Path to Clean Air Steering Committee members to build the team trust and relationships over the summer.
- **Monday, April 26, 2021 – Monitoring Outreach Team (MOT) Meeting #7** – The five members of the MOT, all of whom were Monitoring Steering Committee members, met with District staff to discuss updates on monitoring projects and outreach to the community. The group also discussed air monitoring findings with representatives from the Assessment of Coal and Petcoke Pollution (ACAPP) project, a CARB grantee conducting air monitoring in the Richmond/San Pablo area.
- **Monday, April 19, 2021 – Path to Clean Air Steering Committee Meeting #1** – The 30-member steering committee was convened for the first meeting, where staff had introductory presentations on the Brown Act, Zoom, The Air District, AB 617 and the co-chair roles and responsibilities and nomination process. The Steering Committee also took time to introduce themselves and CDT members spoke during public comment.
- Staff continue to meet with Path to Clean Air Steering Committee members to prepare them for the nomination and selection of the co-chairs. Additionally, staff are scheduling virtual coffee chats, so each Steering Committee member has the opportunity to meet another member to help build the team dynamics early on in the CERP process.
- Staff have been meeting with CDT members to continue to engage and keep positive relationships, as well as encourage their participation through the public comment process.
- **Monday, April 5, 2021 – Friday, April 16, 2021** – Staff met throughout the last two weeks with over 20 Steering Committee members with one-on-one conversations to go over the CERP development process and answer any questions they had regarding the onboarding process, Steering Committee responsibilities and background on AB 617.
- Staff met with the Directors of three nonprofits in Richmond (CBE, RYSE, Healthy Richmond) to discuss opportunities for internal training of 617 staff and potential partnerships for organizing community members to participate in in the CERP development process.
- **Friday, April 2, 2021, and Thursday, April 8, 2021** – Staff met with 15 CERP Steering Committee members to conduct the Brown Act swearing in process and collect financial forms.

Spare the Air Resource Teams

- **Thursday, June 17, 2021 – Contra Costa County Spare the Air Team** – The **Contra Costa County Spare the Air Team** met via Zoom on Thursday, June 17, 2021, at 11:00 am. At the meeting, the Team shared and discussed the results of the Driver’s Ed 2.0 Quiz the Team helped promote. The Team also began outlining a project to promote Clipper START as well as youth and senior passes.
- **Thursday, June 17, 2021 – Southern Alameda County Spare the Air Team** – The **Southern Alameda County Spare the Air Team** met via Zoom on Thursday, June 17, 2021, at 1:00 pm. At the meeting, the Team shared and discussed the results of the Driver’s Ed 2.0 Quiz the Team helped promote. The Team also received updates on CARB’s Wildfire Smoke Clean Air Center Grant and the Idle Free Exhibit the Team worked on. This was also the last meeting of the fiscal year, so the Team discussed final project budget expenditures and preferences for future meetings, including possible meeting in-person.
- **Wednesday, June 16, 2021 – Santa Clara County Spare the Air Team** – The **Santa Clara County Spare the Air Team** met via Zoom on Wednesday, June 16, 2021, at 10:15 am. At the meeting, the Team did a recap of the 24 Hr. Commute Cycle –Building Equity and Flexibility into Commuter Transportation Programs Webinar. This was also the last meeting of the fiscal year, so the Team discussed final project budget expenditures and preferences for future meetings, including possible meeting in-person.
- **Friday, June 11, 2021 – Napa Valley Clean Air Coalition** – The **Napa Valley Clean Air Coalition** met via Zoom on Friday, June 11, 2021, at 1:00 pm. At the meeting, the Team heard an update on Safe Streets webinars from the Bicycle Coalition, continued their discussion about a Clipper START promotion, and received a presentation from Christopher Knoll, Commute with Enterprise, about how employers are using vanpools in adaptive ways. The Team also continued preparing for their Idle Free pledge outreach, which includes an “Idle Free” street banner that is going up in downtown Napa on June 28. This was also the last meeting of the fiscal year, so the Team discussed final project budget expenditures.
- **Wednesday, June 9, 2021 – SF Spare the Air Team** – The **SF Spare the Air Team** met via Zoom on Wednesday, June 9, 2021, at 1:00 pm. At the meeting, Michelle Go, Associate Transportation Planner, MTC, presented an overview of SHIFT, MTC’s funding for commute management platform employer partnerships. Gabrielle Brazzil, MTC Bay Area Carpool and Vanpool Program Consultant, presented the new Interactive Employer Transportation Planning Handbook. Eliana Marcus-Tyler, Bicycle Education Manager, San Francisco Bicycle Coalition, did a recap of the Bike-Friendly Facilities Forum. This was also the last meeting of the fiscal year, so the Team discussed final project budget expenditures and preferences for future meetings, including possible outdoor gatherings.
- **Friday, June 4, 2021 – Sonoma County Spare the Air Resource Team** – The **Sonoma County Spare the Air Resource Team** met via Zoom on Friday, June 4, 2021, at 10:30 am. At the meeting, Christopher Knoll with Commute with Enterprise shared how the pandemic has led employers to utilize vanpools in new ways, which could be the catalyst for a new employer-focused project for the Team. The Team also shared updates for several Team projects such as the SCOE Five-Minute (virtual) Film Festival, Safe Routes and Bicycle Coalition “Bike2it!”. This was also the last meeting of the fiscal year, so the Team discussed final project budget expenditures and preferences for future meetings, including possible outdoor gatherings.

- **Thursday, May 20, 2021 – Contra Costa County Spare the Air Resource Team** –The Contra Costa County Spare the Air Resource Team met via Zoom on Thursday, May 20, 2021, for a short check-in at 11:00 am. At the meeting, the received an update on outreach underway promoting the Driver’s Ed 2.0 quiz. the Driver’s Ed 2.0 quiz promotion that has been done to date. Bike East Bay reports that they are seeing more quiz-takers.
- **Friday, May 14, 2021 – Napa Clean Air Coalition** – The Napa Clean Air Coalition met via Zoom on Friday, May 14, 2021, from 1:00 pm until 2:00 pm. At the meeting, the team provide a recap of the April 29 and May 10 Safe Streets Bicycle Education Webinars. The team is also working on using street banners to promote Idle Free. The team discussed the application process and graphic design for the banners. The team also discussed potential new projects.
- **Tuesday, May 4, 2021 – Southern Alameda County Spare the Air Resource Team** – The Southern Alameda County Spare the Air Resource Team met via Zoom on Tuesday, May 4, 2021, for a short check-in at 11:00 am. At the meeting, the Team checked out the Driver’s Ed 2.0 quiz promotion that has been done to date.
- **Friday, April 23, 2021 – Tri-Valley Spare the Air Resource Team** – The Tri-Valley Spare the Air Resource Team met via Zoom on Friday, April 23, 2021, from 1:30 pm until 2:30 pm. At the meeting, the Team continued discussing ways to distribute aging promotional materials and how to use the Team’s remaining budget. The Team also continued discussing the possibility of holding a bike giveaway for Bike Month.
- **Friday, April 16, 2021 – Sonoma County Spare the Air Resource Team** – The Sonoma County Spare the Air Resource Team met via Zoom on Friday, April 16, 2021, from 10:30 am until 11:30 am. At the meeting, the Team heard from Commute with Enterprise about how employers are using vanpools during this pandemic period and consider a vanpool promotion for Go Sonoma. The Team also discussed supporting various “Bike Month!” events.
- **Thursday, April 15, 2021 – Contra Costa County Spare the Air Resource Team** –The Contra Costa County Spare the Air Resource Team met on Thursday, April 15, 2021, from 11:00 am until 11:45 am. At the meeting, the Team received an update on the Idle Free Bay Area program and continued discussing their bicycle safety project, Driver’s Ed 2.0 quiz. The Team also reviewed the final graphics and instructions for the Driver’s Ed 2.0 quiz promotion.
- **Friday, April 9, 2021 – Napa Valley Clean Air Coalition** – The Napa Valley Clean Air Coalition met via Zoom on Friday, April 9, 2021, from 1:00 pm until 2:00 pm. At the meeting, the Team continued discussing its plan to co-host a series of Safe Streets webinars for various audiences, including local businesses and community groups with the Napa County Bicycle Coalition (Napa Bike). These traffic-safety presentations will cover basic bicycle safety for new or new-again bicyclists, shifting short-distance vehicle trips to biking, and best practices to help bicyclists and drivers share the road safely. The Team also continued discussing strategies for promoting the Idle Free Pledge, such as through social media and incentives.
- **Thursday, April 8, 2021 – Southern Alameda County Spare the Air Resource Team** – The Southern Alameda County Spare the Air Resource Team will meet via Zoom on Thursday, April 8, 2021, from 1:00 pm until 1:45 pm. The primary focus of this meeting is promotion of the Driver’s Ed 2.0 quiz.

- Staff continued working with James Cary Smith Grantees and School Community Grantees to discuss project updates, available resources, and workplan adjustments due to COVID-19.
- **Wednesday, June 30, 2021 – School Community Grants** – Seven recipients of 2019 School Community Grants from the Air District submitted final reports and deliverables for their funded projects. Projects included delivering air quality education, planting school gardens, and implementing idle-free campaigns. The grantees were located in four different counties, including Alameda, Napa, San Mateo, and Sonoma.
- **Sunday, May 16, 2021 – Grantee event** – Staff attended a community event for James Cary Smith grantee TransForm in East Oakland. As part of the Know How to Go program, residents of the Lion Creek Crossings property, which offers affordable housing for families and seniors in East Oakland, participated in a family cycling workshop to build skills and practice safety drills to improve their ability to engage in active transportation.
- **Monday, April 19, 2021 – Wednesday, April 21, 2021 – Grantee focus groups** - Staff worked with consultant RDA to conduct four Community Grant Program focus groups as part of a community grant evaluation. Representatives from 17 nonprofit organizations receiving Community Health Protection grant funding or James Cary Smith grant funding from the Air District attended the focus groups.
- **Monday, April 12, 2021** – Staff involved in a training with West Oakland Environmental Indicators Project and Urban Biofilter on communicating technical information for community
- **Tuesday, April 6, 2021** – Staff involved in the Path to Clean Air CERP AB 617 implementation processes in Richmond/San Pablo completed a three-hour capacity building and cultural competency training on structural racism and environmental justice.

Training

- **Friday, June 25, 2021** – Staff participated in the second training of an internal Agile Management Workshop Series, designed to develop project management skills.
- **Friday, June 11, 2021** – Staff participated in the first training of an internal Agile Management Workshop Series, designed to develop project management skills.
- **Monday, May 24, 2021 – Implicit Bias 2.0 Training** - Staff participated in the Implicit Bias Training 2.0 with Dr. Marks.
- **Wednesday, May 12, 2021** – Staff participated in a 3-hour implicit bias training with Dr. Bryant Marks. The session was designed as a follow-up to the implicit bias training offered in Q1 of 2021.
- **Thursday, April 21, 2021 – Friday, April 22, 2021 – UC Center for Climate Justice Launch Event** – Staff attended the Launch event. Topics included just transition, environmental injustice, and action steps toward climate justice.
- **Wednesday, April 21, 2021 – UC Othering and Belonging Conference** – Staff attended the virtual conference to learn about ways to create a sense of belonging and equity in our work.

Other

- **Wednesday, June 30, 2021 – Schedule X: Benicia Community Air Monitor Site Selection Virtual Workshop** – Staff supported a virtual workshop to facilitate community input and preferences for community air monitor site selection in Benicia.
- **Wednesday, June 16, 2021** – Staff met with Benicia community advocates, Marilyn Bardet and Constance Beutel to discuss their 15-minute presentation during the workshop.
- **Wednesday, June 23, 2021** – Staff supported a press event to deliver air filtration units to Pier 94 transitional housing site residents.
- **Wednesday, June 23, 2021 – CEHJ Community Convening** - Staff supported the CEHJ Community Convening in which community members from the region were invited to share input on the Community Advisory Council application and formation.
- **Monday, June 21, 2021 – Asthma Initiative (previously called the Green and Health Homes Initiative) Meeting** - Staff from Community Engagement and Planning met with partners from Contra Costa County to discuss progress on the Asthma Initiative. The County has launched virtual home visits with low-income, high-risk asthma patients to address health concerns and identify opportunities for home weatherization. District staff updated County partners on the status of Path to Clean Air AB 617 implementation efforts in the Richmond/San Pablo area.
- **Tuesday, June 15, 2021 – PM Design Team Meeting** – Staff met with seven (7) community advocates who are part of the Particulate Matter Community Design Team. The group discussed stipends, available resources, and potential next steps.
- **Thursday, June 3, 2021** – Virtual Workshop on Permits for Stationary Sources in BVHP – Air District leadership and staff hosted a virtual workshop to discuss the operation of stationary sources along Amador St. in BVHP. The workshop featured opening remarks from District 10 Supervisor, Director Shamann Walton. Engineering staff provided an extensive presentation on the permit applications from each facility along with background information on AD oversight of the facilities. Panelists from several AD Divisions sat on a Q&A panel to field questions from public participants.
- **Wednesday, May 26, 2021 – Benicia Monitoring Project** - Community Engagement staff met with a key community stakeholder, Marilyn Bardet, to solicit input on the workshop purpose, process, and outcome.
- **Wednesday, May 26, 2021 – CEHJ Community Convening Meeting** – Staff joined the Co-Chairs of the CEHJ Committee and staff from the Diversity, Equity, and Inclusion Office for the second monthly CEHJ Community Convening. Attendees heard a brief recap of the first Convening held on April 21, 2021, informed the formation of the Community Advisory Council, and engaged with each other in open discussion.
- **Friday, May 21, 2021 – BVHP Coordination Call** – CE staff attended a meeting with Air District Board members following up on the BVHP tours to coordinate on activities and share updates.
- **Thursday, May 20 – Benicia Monitoring Project** - Community Engagement staff met with City of Benicia Officials to discuss the structure and content of the June 30, 2021, Virtual Workshop on Benicia Monitoring site selection.

- **Tuesday, May 18, 2021 – PM Design Team Meeting** – Staff met with a group of community advocates who are members of the Particulate Matter Community Design Team to discuss next steps and timelines for policy efforts, and updates on particulate matter reduction efforts from the Air District.
- **Tuesday, May 18, 2021 – AB&I Foundry Community Forum** - CE staff attended the AB&I Foundry Health Risk Assessment Community Forum to listen in to the presentation and questions and comments from community members
- **Monday, May 17, 2021 – Green and Health Homes Initiative Meeting** - Staff from Community Engagement and Planning met with partners from Contra Costa County to discuss progress on the Green and Health Homes Initiative (locally called the Asthma Initiative). The County has launched virtual home visits with low-income, high-risk asthma patients to address health concerns and identify opportunities for home weatherization. District staff updated County partners on the status of Path to Clean Air AB 617 implementation efforts in the Richmond/San Pablo area.
- **Friday, May 14, 2021** – Staff met with community members who are part of the Particulate Matter Community Design Team to discuss next steps for policy actions to commit to reducing particulate matter at the regional and local levels.
- **Wednesday, May 12, 2021** – Staff joined staff from the Rules Division to host a virtual Permitting Concepts Public Workshop.
- **Thursday, May 6, 2021** – Staff and Executives met with Bayview Hunters Point Advocates to discuss AB 617 and other issues in Bayview Hunters Point
- **Wednesday, May 5, 2021, Friday, May 7, 2021, and Wednesday, May 12, 2021** – Staff held a dry-run with InterEthnica and co-hosted a virtual workshop with Communities for a Better Environment on the Draft Health Risk Assessment for AB&I Foundry. Staff also met with CBE to debrief the workshop.
- **Wednesday, April 21, 2021 – Schedule X Community Monitoring in Benicia** – Staff joined M&M staff and a Benicia activist to share an update on community monitoring site selection and to learn about best ways to engage the Benicia community in site selection.
- **Wednesday, April 21, 2021 – CEHJ Community Convening Meeting** – Staff co-hosted with DEI and CEHJ the first monthly CEHJ Community Convening. Attendees were able to learn about the history and work plan for the CEHJ Committee and spent more than an hour sharing thoughts on ways to improve the workplan for the Board Committee.
- **Tuesday, April 20, 2021 – PM Design Team Meeting** - Staff met with a group of community advocates who are members of the Particulate Matter Community Design Team to discuss a draft charter for the group, next steps for policy efforts, and updates on particulate matter reduction efforts from the Air District.
- **Monday, April 19, 2021 – Thursday, April 30, 2021** – Community Engagement staff continue to meet with Communities for a Better Environment about the AB&I Health Risk Assessment workshop planning. The meetings include the following dates: April 19, 2021, April 22, 2021, and April 26, 2021.

- **Monday, April 19, 2021 – Green and Healthy Homes Initiative Meeting** - Staff from Community Engagement and Planning met with partners at Contra Costa Health Services to discuss progress on the Green and Health Homes Initiative (locally called the Asthma Initiative). They have started conducting virtual home visits with low-income, high-risk asthma patients to address health concerns and identify opportunities for home weatherization. Staff updated County partners on the status of Path to Clean Air AB 617 implementation efforts in the Richmond/San Pablo area.
- **Wednesday, April 14, 2021 – Benicia Community Monitoring Site Selections** – Community Engagement staff joined M&M staff in a meeting with the City of Benicia and other stakeholders to discuss community monitoring site selection and community engagement strategies.
- **Wednesday, April 8, 2021** – Community Engagement staff attended a Bayview Hunters Point Tour w/ Dr. Tompkins and Lonnie Mason on April 8, 2021.
- **Tuesday, April 7, 2021** – Community engagement staff met with representatives from Craig Communications who are consultants to AB&I Foundry to answer questions they have about outreach for the AB&I Health Risk Assessment workshop on April 7.
- **Monday, April 6, 2021 – Thursday, April 15, 2021** – Community Engagement staff continue to meet with Communities for a Better Environment about the AB&I Health Risk Assessment workshop planning. The meetings include the following dates: April 5, 2021, April 12, 2021, April 14, 2021, and April 15, 2021.
- **Friday, April 2, 2021** – Staff met with a Community Review Panel composed of four community advocates to review applications for the Air District’s Advisory Council and to discuss next steps in the recruitment process.

OFFICE OF DIVERSITY, EQUITY, AND INCLUSION M. OKPALAUGO, ACTING DIRECTOR

In the second quarter of 2021, the Office of Diversity, Equity & Inclusion (DE&I Office) focused on five (5) functional areas; Board of Directors/Community Equity, Health and Justice Committee support, strategic planning, Human Resources strategies, DE&I events/activities, and communications.

Board of Directors/Community Equity, Health and Justice Committee Support

The DE&I Office continued to play an integral role in the Community Equity, Health and Justice (CEHJ) Committee meetings. The Office prepared multiple presentations and PPT decks for the meetings that including Community Perspectives by Commissioner Eddie Ahn, Executive Director of Brightline Defense, discussing Brightline Defense’ air monitoring program and work in disadvantaged and low in communities in San Francisco’s Tenderloin, Richmond and Potrero Hill neighborhoods and Menlo Park City Council Member, Cecilia Taylor who discussed air monitoring initiatives in the Belle Haven community as part of the Community Perspective agenda items. In addition, the Office prepared or assisted in presentations for additional items such as the Transparent and Equitable Spending Project, AB617 Richmond, North Richmond, San Pablo Community Emissions Reduction Plan information, and the Committee’s 2021 workplan.

The DE&I Office worked with the Community Engagement team to discuss Community Advisory Council formation options. Leading up to these initial discussions, various community members participated in one-on-one meetings, and shared their feedback on the proposed formation options. As a follow-up, DE&I Office and Community Engagement management team met with Executive Officer Broadbent, CEHJ Co-chairs Tyrone Jue and Davina Hurt, Sr. Deputy Executive Officer Eady, and Deputy Nudd to explore the formation options and review an aggressive timeline for the formation of the Council.

The DE&I Office worked to create the agendas for the Community Convening meetings. The purpose of the convening meetings is to allow community members an opportunity to share their feedback on the CEHJ Committee’s proposed 2021/2022 workplan and provide additional items for consideration to be included in the plan. Initial workplan items included components of the AB617 work program, establishment of a Community Advisory Council process, establishment of a Community Benefits Fund framework, information on the Transparent and Equitable Funding Project and updated information on Grant Programs and Guidelines. The Office created the meeting presentations decks, agenda outlines, communication email notifications and participated in Convening planning meetings with CEHJ Co-chairs and Sr. Deputy Executive Officer.

Strategic Planning

The Office updated its 5-year (year by year) demographic analysis of all Air District employees by gender and race/ethnicity. Below is a snapshot of one element of the data within the report.

ALL EMPLOYEES	2016	2017	2018	2019	2020
Male	63%	61%	59%	58%	57%
Female	37%	39%	41%	42%	43%
American Indian/Alaskan Native	1%	1%	1%	1%	1%
Asian	37%	38%	39%	39%	40%
Black	8%	8%	8%	8%	8%
Hispanic	7%	8%	8%	8%	8%
White	46%	47%	43%	44%	42%
Other	0%	0%	0%	0%	1%

Note: Figures shown (+/- 1% due to rounding)

In the second quarter, the DE&I Office met with new Air District Equity Resource Team. The team meets bi-weekly and are tasked with assisting in the creation of an Equity Work Plan; assisting in the development of the Transparent and Equitable Funding Project; Equity Training to staff, and additional ad hoc requests. The DE&I Office shared with the team an outline of their assignment as related to the creation of the Agency’s cross-divisional Equity Work Plan. The team utilizes a Project Management approach to its projects.

The DE&I Office leads the Transparent and Equitable Funding Project team. The project is designed to improve transparency in program budgets and spending in communities, especially Black/African American communities, and to better communicate funding opportunities. The team met with Chief Financial Officer Jeff McKay to review next steps regarding data classifications by Division. Divisions were tasked with categorizing their expenditures based upon templates and

guidelines provided by the TEF Project team. In addition, the DE&I Office met with community members to discuss the project. Community members provided their feedback on the proposed outline and timeline and provided resources such as auditors to assist the project, if need be.

The COVID-19 pandemic has forced the Air District and other organizations to adjust to new ways of doing business. During the 2nd quarter, the DE&I Office participated in the Remote Work Task Force meetings with Executive Officer/APCO Broadbent with a focused discussion on the content of the Air District's Remote Work Policy draft and the associated timelines of completion. Additionally, in the second quarter the Task Force shared updated information on the progress of the written policy draft with staff and held an open house for employees to answer any questions. Over 175 employees participated in the initial session. Later in the quarter, the Task Force completed its final remote work policy draft and forwarded its document to the management team for review. As part of the planning, the DE&I Office met with and interviewed potential contractors who would be tasked with interviewing staff and ensuring the final policy creates equitable outcomes for all employees.

Throughout the second quarter, the DE&I Office met with the Global Community Advancement Center "Global", the newly hired Equity consultant tasked with assisting in the Agency's Equity Workplan. Discussions included Sr. Deputy Executive Officer Eady regarding expectations, delivery dates, goals, and specific tasks orders.

In April 2021, the DE&I Office met with the African American Resource Team to receive an update on the Team's list of suggested action items to encourage equitable outcomes for African Americans at the District related to recruitment and retention efforts.

The DE&I Office is part of the Agency's Innovation Team. In the second quarter, the DE&I Office participated in Innovation Team bi-weekly and monthly meetings. During these meetings, the team worked on creating a tract for employees to be trained on the principles of Project Management. The training opportunities occur on a bi-weekly basis.

Human Resources/DE&I Strategies

In the second quarter, the DE&I Office participated in the Air District's Succession Planning Meetings with Executive Office and Human Resources representatives. Part of the discussion focused on strategies to mitigate institutional knowledge being lost as a result of retirements and personnel turnover.

The DE&I Office met with the Human Resources Management team, Employee Engagement consultant, Illumyx and the Cultural Advisory Team (CAT) Co-Chairs to discuss and review the employee written comments shared in the original survey. The Cultural Advisory Team was then tasked to categorize the paraphrased comments for future review. Upon completion, a strategy will be shared to further support employee engagement practices at the Air District.

In June, the Office assisted in organizing and participated in the Cultural Advisory Team’s Coffee Chat Presents event. For the month of June, the theme focused on LGBTQ Pride Month. Mark Sawchuck, Ph.D., Director of Communications at the GLBT Historical Society discussed the history and development of LGBTIQ+ neighborhoods in San Francisco followed by Q&A.

Events/Activities

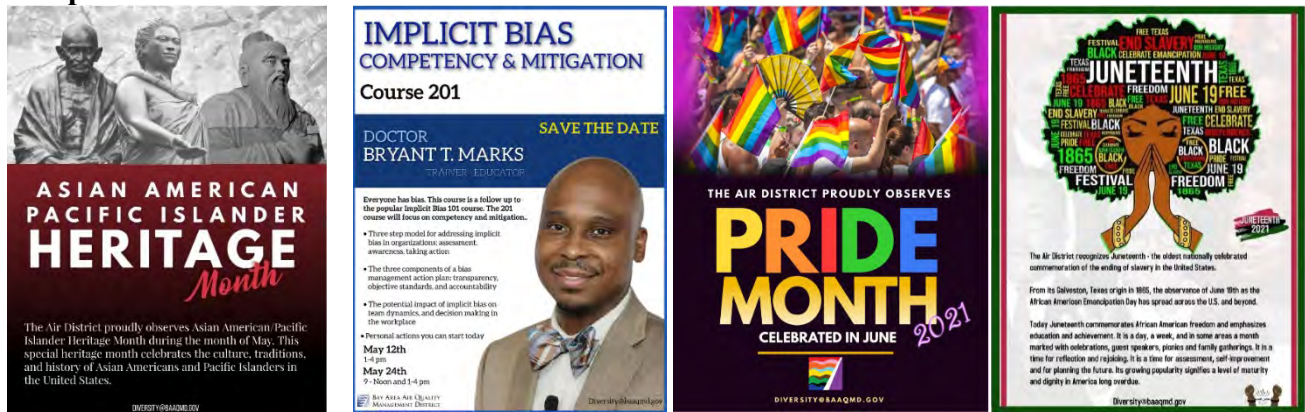
The DE&I Office organized several events in the second quarter to promote equity and cultural inclusion. Some events included Cultural Book and Movie Club discussions. Employees from the Air District and MTC participated in discussions on equity themes. The selected book was, My Own Words, by Ruth Bader Ginsberg and the movie was, Just Mercy, dealing with systemic racism. In April 2021, the DE&I Office met with the Asian American/Pacific Islander Heritage Month Planning Resource Team to discuss events, activities, and programming for the month-long historical heritage celebration in May. In May 2021, the DE&I Office met with the employee LGBTQ Pride Month Resource Team to identify potential speakers and activities during the month of June 2021 for Pride Month.

As part of the DE&I Office’s educational programming, an Implicit Bias Competency and Mitigation course 201 was offered to staff. The course covered steps for addressing implicit bias in organizations, components of a bias management action plan, potential impacts of implicit bias on team dynamics, and personal actions to mitigate implicit bias. The National Training Institute on Race and Equity facilitated the awareness and training sessions.

Communications/Newsletters

The DE&I Office continued to provide educational and informational content on the Public Bulletin Board and within the employee newsletters. Communication examples included information about Asian American Pacific Islander Heritage Month, Implicit Bias Training, LGBTQ PRIDE Month, and Juneteenth.

Sample communications:



**STRATEGIC INCENTIVES DIVISION
K. SCHKOLNICK, DIRECTOR**

Key Performance Indicators

Key Performance Indicators for the period of April 1, 2021, to June 30, 2021.

<i>Activity</i>		<i>Count</i>	<i>Amount/Description</i>
Projects	Evaluated	39	\$20,922,218
	Contracted	28	\$9,165,830
	Amended	29	\$1,207,000
	Reimbursement Requests Processed	56	\$22,070,753
Outreach Presentations		8	557 Attendees
Reports Submitted to CARB		3	FARMER Semi-Annual Report FARMER Year 1 Report CAP Mid-cycle Report
Grant Agreements with CARB Executed		2	CMP Year 23 Grant Agreement CMP Year 23 State Reserve Grant Agreement CAP Year 1 - G17-MCAP-03 Amendment 2
Letters of Support		1	AC Transit's FTA Low-and-No Emission Vehicle Program Application
Program Funds Awarded to Air District		2	Carl Moyer Year 23 – \$9,982,051 Carl Moyer Year 23 State Reserve – \$1,449,760
Disbursements	Received	2	Zero Emission Ferry – \$509,539 Carl Moyer Year 22 – \$2,729,749
	Submitted	1	CAP Year 3 – \$ 22,855,818.85

Key Accomplishments and Milestones

Transportation Fund for Clean Air (TFCA) – Funded through a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to implement projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. Sixty percent (60%) of TFCA funds are awarded directly by the Air District. The remaining forty percent (40%) are passed-through and awarded by the nine designated agencies within the Air District's jurisdiction.

- **Regional Fund and Air-District Sponsored Projects:**
 - Staff worked to co-fund the NorCal Drayage Project which will deploy 22 class eight (8) fuel cell electric trucks based out of the Port of Oakland. This was a collaboration with the Alameda County Transportation Commission, in support of the project’s award from the California Energy Emission and California Air Resources Board (CARB). Efforts also included supporting on outreach, communications, and press opportunities.
 - Staff worked with the project sponsors of the Last Mile Commuter Connections projects to extend their projects for an additional two years.
 - Staff met with project partners to discuss the Goodwill Electric Truck Project, May 4, 2021.
 - Staff met with Daimler Trucks North America and Gladstein, Neandross & Associates to discuss progress on the “Class 8 Truck Demonstration Project”, June 15, 2021.

- **County Program Manager (CPM) Fund:**
 - Staff hosted a County Program Managers workgroup to discuss policy update cycles and program updates, May 5, 2021.

- **Audit #22:** The authorizing legislation for the TFCA requires annual audits be conducted at least bi-annually on all TFCA-funded programs and projects to confirm whether TFCA funds were used to implement the approved projects in accordance with applicable State law. This quarter, staff coordinated with auditors Simpson & Simpson regarding Audit #22, which involved the review of 100 Regional Fund projects that were completed between July 1, 2019, and December 31, 2020. Throughout the quarter, staff and the auditor had ongoing communications regarding the progress and completion.

Carl Moyer Program (CMP), Mobile Source Incentive Fund (MSIF), Funding Agricultural Replacement Measures for Emission Reductions Program (FARMER), and Community Health Protection Program – In cooperation with CARB, the Air District administers State-funded grant programs including the CMP, MSIF, FARMER, and the Community Health Protection Grant Program. These programs provide funding to reduce emissions from existing heavy-duty engines in on-road vehicles, school buses, off-road and agricultural equipment, marine equipment, and locomotives. In addition, the programs fund zero emission equipment and supporting infrastructure when eligible. Staff evaluated applications, contracted with grantees for eligible projects, monitored project performance, conducted outreach and webinars to promote funding opportunities, submitted disbursement requests and funding reports, and participated in meetings and educational/informational events related to these programs.

- **Key Administrative Activities and Reports:**
 - Staff met with WOEIP for to discuss opportunities for strategic incentives to support West Oakland community emissions reduction plan priorities and strategies, April 1, 2021.
 - Staff received the fully executed Fiscal Year (FY) 2017-2018 FARMER Year 1 amended grant agreement from CARB, effective April 19, 2021, April 23, 2021.
 - CAP Year 1, Grant Agreement Amendment 2 was executed with the grant liquidation deadline extended to June 30, 2023, June 10, 2021.

- **FARMER Demo**

- Staff held meetings with Monarch Tractor, Solectrac, and Wente Vineyards to discuss the Zero Emission FARMER Demonstration Program projects.
- Staff met with CARB staff to discuss tracking baseline diesel equipment activity as part of the FARMER Demo Program, June 8, 2021.
- Staff met with Solectrac to discuss the delivery of the e70 and eUtility zero emission tractors for the FARMER Demo Program, June 14, 2021.
- **Coordination Meetings, Events, and Other Activities:**
 - Staff met multiple times with Air Districts and CARB to discuss executed and proposed amendments to regulations and Program Guidelines.
 - Staff attended PG&E's Electric Heat Pumps for Space Heating and Cooling webinar, 3/30.
 - Staff met with Planning and Climate division to discuss opportunities for reducing emissions at warehouses in Richmond, April 2, 2021.
 - Staff presented information on available funding at Norman Y. Mineta San Jose International Airport Station Managers Meeting, April 7, 2021.
 - Staff presented at the Tri-Valley Air Quality Community Alliance's Forum on the Transition to Electric Commercial Landscaping Equipment regarding Moyer funding for off-road equipment, April 13, 2021.
 - Staff participated in the Climate Friendly Farming Workshop hosted by Napa Green, April 29, 2021.
 - Staff attended a Class 6 and 8 zero emission truck demonstration at Golden Gate Truck, May 6, 2021.
 - Staff attended the CARB workshop on Amendments to the In-Use Off-Road Diesel Regulation, May 6, 2021.
 - Staff attended CARB's Community Air Protection (CAP) Reporting Training, May 11, 2021.
 - Staff selected 51 CMP, CAP, and FARMER projects for the 2021 project audit and notified Grantees that were selected, May 26, 2021.
 - Staff met with Pape Machinery to discuss post inspection issues for Mazetta Dairy, June 17, 2021.
 - Staff met with East Bay Municipal Utility District (EBMUD) to discuss opportunities to replace existing generators and potential SID grant funding, June 25, 2021.
 - Staff attended CARB Research Seminar on Off-Road Diesel Low-Emission Demo for Nitrogen (NOx), Particulate Matter (PM), and Toxics, June 29, 2021.
 - Staff participated in CARB's Work Group Meeting for the Fiscal Year 2021-22 Long-Term Heavy-Duty Investment Strategy, June 30, 2021.

Proposition 1B Goods Movement Program (GMP) – This program provides funding for upgrades and replacement of diesel trucks, locomotives, transportation refrigeration units (TRUs), cargo handling equipment, and shore power equipment. The program has \$20 million available for projects that reduce diesel emissions and health risk from freight movement vehicles and equipment along California trade corridor. The Goods Movement Program's sixth solicitation closed on 5/6/2021. Nine proposals were received, estimated funding at \$1.6M. Staff met with CARB to discuss the proposals received, and contracted out for 25 new trucks.

Volkswagen (VW) Environmental Mitigation Trust Fund Program - The VW Environmental Mitigation Trust will provide approximately \$360M to mitigate the excess nitrogen oxide emissions caused in California by VW's use of illegal emissions testing defeat devices. Under

contract to CARB, San Joaquin Valley, South Coast, and Bay Area air districts are administering VW Program funding, with the Bay Area Air District responsible for the administration of two pots of funding: 1) for the installation of new electric and hydrogen fueling stations for light duty vehicles, and 2) for the scrap and replacement of heavy-duty forklifts, airport ground support equipment, port cargo-handling equipment, engines of marine vessels, and the installation of shore power systems for ocean going vessels.

During this quarter, staff conducted outreach and worked to finalize program solicitation materials and resources. The solicitations for the two programs opened in May 2021. Staff also participated in coordination meetings with the other administering air districts and with CARB.

○ **General VW Coordination Meetings, Events, and Other Activities:**

- Staff routinely met with CARB to discuss status of the two solicitations.
- Staff met biweekly with SCAQMD and SJVAPCD to share and coordinate administration of the VW Program across the five program categories.
- Staff submitted to CARB quarterly reports for the period of October 1, 2020, to December 31, 2020, for both ZEFM and LDI categories, April 1, 2021.
- Staff met with GreenInfo to coordinate updates to the program website, April 15, 2021.
- Staff attended the VW Program Workshop for Combustion Freight and Marine Projects Category hosted by South Coast AQMD, May 26, 2021.

○ **Light-Duty Infrastructure (LDI) – Hydrogen-Fueling Stations** – The \$5 million in VW Trust funding was awarded through a competitive solicitation conducted under a contract with the California Energy Commission (CEC). The deadline to submit applications was May 22, 2020. On December 9, 2020, the CEC approved award of the VW Trust funds (five stations award \$1 million each). Two of these stations are in the Bay Area and are anticipated to be constructed by 2022. During this quarter staff continue to coordinate with the CEC for the contracting of the approved projects.

○ Staff met with First Element and project partners biweekly to discuss status of light-duty hydrogen stations.

○ **LDI – Electric Vehicle (EV) Stations** - A competitive solicitation offering \$5 million in VW Trust funding opened on May 11, 2021. Staff hosted two application workshops for the open solicitation. The solicitation period was extended and will close August 18, 2021.

○ **Zero-Emission Freight and Marine Projects (ZEF&M)** – A competitive solicitation offering \$35 million in VW Trust funding was conducted June 18, 2021 - August 31, 2020. Staff received approval from CARB for revisions to the Program Guidance for the second Zero-Emission Freight and Marine Program solicitation. A solicitation seeking to award the remaining ~ \$34 million opened on May 25, 2021. Staff conducted outreach and held a pre-solicitation webinar and Q&A workshop.

Other Programs and Special Projects

○ **Zero-Emission Hydrogen Ferry Demonstration Project** – This Project, funded by CARB and administered by the Air District, will demonstrate the feasibility of hydrogen fuel cells for

use in the commercial maritime industry by deploying a zero-emission hydrogen ferry in the San Francisco Bay. Construction on the ferry started in November 2018 and is expected to be completed by mid-2021.

- Staff hosted a monthly meeting with project partners to discuss the project's status, April 15, 2021.
- Staff received a disbursement of \$509,539 from CARB for administrative and project funds, April 19, 2021.
- Staff met with SWITCH to discuss the project schedule.
- **Woodsmoke Reduction Program** – This program is funded by the Environmental Protection Agency (EPA) Targeted Airshed Grant (TAG) program and is scheduled to open near the end of year 2021. The program is currently under development and this quarter staff worked on developing program materials and the online application portal. The program is scheduled to open by the end of 2021 and will replace approximately 325 woodstoves or fireplace-inserts with zero-emission heat pumps in AB617 and CARE communities, and for low-income residents.
 - Staff attended monthly Residential Wood Smoke (RWS) Work Group Members meetings hosted by EPA.
 - Staff attended a TAG kickoff meeting with EPA program liaisons, April 29, 2021.

Grant Programs in Development:

- Staff met with the SF Giants and the City and County of San Francisco to discuss CEQA offsets for the Mission Rock development, April 22, 2021.

AB 617:

- Staff attended the AB 617 Inter-Division Coordination Meetings.
- Staff attended the AB 617 Richmond/San Pablo Technical Assessment Meetings and trainings on Building Trust Through Successful Community Partnership.
- Staff participated in the internal workgroup meetings to discuss AB 617 Overall Work Program for FYE 2022.
- Staff attended the AB617 Staff Capacity Building and Cultural Competency Training: Introduction to Structural Racism, led by CARB staff, April 6, 2021.
- Staff met with Air District's Health Officer to discuss CalEnviroScreen 4.0 for a comment letter, April 21, 2021.
- Staff attended the West Oakland CAP - Oakland Gateway ZE Truck Parking meeting, May 11, 2021.

Other SID Coordination Meetings and Events

- Staff hosted and attended the Monthly CAPCOA Mobile Source and Grants Subcommittee Meetings.
- Staff attended the Bay Area Transportation Agencies Roundtable Meetings.

- Staff attended CARB workgroup meetings on the FY 2021-22 Long-Term Heavy-Duty Investment Strategy.
- Staff met with government staff to discuss recent progress in hydrogen station network development in California, April 1, 2021.
- Staff attended the CTA Planning Directors Meeting, April 2, 2021.
- Staff attended a meeting with Trinity to discuss needs and opportunities for near-term data system improvements, April 6, 2021.
- Staff attended the I-680 and I-80 Corridor partnership Meeting, April 7, 2021.
- Staff attended the Joint Workshop with the California Energy Commission and California Public Utilities Commission to discuss the Electric Vehicle Infrastructure Training Program, April 16, 2021.
- Staff attended a meeting with Air District legislative team and assembly member legislative aides to discuss proposed amendments to AB 363 (Medina), April 19, 2021.
- Staff attended a workgroup meeting with local- and state-government staff to discuss the status of hydrogen stations in California, May 13, 2021.
- Staff attended Metropolitan Transportation Commission's (MTC) Active Transportation work group, May 20, 2021.
- Staff attended MTC's Transportation Demand Management Working Group, May 20, 2021.
- Staff attended Dr. Bryant Marks Implicit Bias Training, May 24, 2021.
- Staff attended EPA's Residential Wood Smoke Working Group monthly call, May 25, 2021.
- Staff attended a public meeting on Electrify America's progress in California, May 25, 2021.
- Staff attended the team meeting for the CEC & CARB funded NorCal Drayage Team project, May 26, 2021.
- Staff attended a workshop on Electric Infrastructure and Utility Connections, June 1, 2021.
- Staff attended the Medium- and Heavy-Duty Zero-Emission Vehicle Fueling Infrastructure Forum hosted by GO-Biz, CARB, CEC, and the CPUC, June 2, 2021.
- Staff attended a monthly meeting with government officials to discuss progress on hydrogen station development in California, June 3, 2021.
- Staff attended a Goods Movement + WOCAP Transportation Funding Roundtable discussion, June 3, 2021.
- Staff attended the U.S. Department of Energy, Hydrogen Program 2021 Annual Merit Review and Peer Evaluation Meeting, June 7, 2021 – June 11, 2021.
- Staff met with the City of Santa Clara and Related to discuss CEQA mitigation offsets and draft agreement language, June 10, 2021.
- Staff attended an Agile training workshop, Introduction to Agile Scrum, June 11, 2021.
- Staff attended CARB's public workgroup meeting on Clean Transportation Equity Projects Funding Allocations for FY 2021-22, June 14, 2021.
- Staff attended CARB's Public Work Group meeting for Clean Mobility Options Voucher, June 23, 2021.
- Staff attended a CARB workgroup meeting on the Fiscal Year 2021-22 Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project (HVIP), June 23, 2021.
- Staff attended Metropolitan Transportation Commission's Active Transportation Working Group meeting, June 24, 2021.

- Staff attended, “Research Seminar on Emissions Impact of Connected and Automated Vehicle Deployment in California.” June 29, 2021.
- Staff attended a CARB workgroup meeting on the FY 2021-22 Long-Term Heavy-Duty Investment Strategy, June 30, 2021.
- Staff attended “3RFM Deep Dive: Remote Work, Commute Patterns and Car Ownership during COVID-19” webinar, June 30, 2021.

Open Grant Solicitations Administered by SID (as of July 19, 2021)

- **Heavy-Duty Mobile and Stationary Equipment Replacement** – Funding is available for eligible projects that reduce emissions from mobile and stationary sources by replacing old, high-polluting vehicles and equipment with clean technologies. Project types include heavy-duty trucks and buses, marine vessels, locomotives, off-road construction, industrial, agricultural, port, and freight equipment and stations and alternative fueling stations that support advanced clean vehicles and technology. Priority is given to projects that benefit AB617-identified communities and other areas highly impacted by air pollution. Funding is provided under the CMP, Community Health Protection, TFCA, and FARMER incentive programs.
- **Low- and Zero-Emission School Bus Program** – Funding is available for public school districts, Joint Powers Authorities (JPAs), and contracted fleets in the Bay Area for bus replacements, engine repowers or electric conversions, natural gas tank replacements, and electric charging and alternative fueling infrastructure projects.
- **Passenger Car and Light-duty Truck Retirement** – The Vehicle Buy Back Program pays Bay Area residents \$1,200 per vehicle to turn in their operable, registered, model year 1997 and older passenger cars or light-duty trucks for scrapping.
- **VW Light Duty Infrastructure Program** – \$5 million in Volkswagen Environmental Mitigation Trust funding is available statewide for eligible entities who purchase and install new charging stations for battery electric vehicles, while directing a minimum of 50% of funds to disadvantaged and low-income communities and expanding EV charging access statewide, closing geographic gaps in coverage.

- **VW Zero-emission Freight and Marine Program** – \$34 million in Volkswagen Environmental Mitigation Trust funding is available statewide on a first-come, first-served basis, to owners of eligible equipment who will scrap and replace airport ground support equipment, heavy-lift forklifts, and/or port cargo handling equipment with new, commercially available zero-emission technologies; scrap and re-power ferry, tugboats, or towboats with all-electric engines; and/or install portside oceangoing vessel shore power systems at berths. At least 75 percent of funding will be awarded to projects that reduce emissions in California’s disadvantaged and low-income communities.

METEOROLOGY & MEASUREMENT DIVISION
R. CHIANG, DIRECTOR

Air Quality Forecasting

	# of Days	Dates
Spare the Air alerts called for ozone	4	5/31, 6/17 – 6/19
Spare the Air Alerts called for PM _{2.5}	0	
Exceedances of the national 8-hour ozone standard (70 ppb)	2	6/17, 6/18
Exceedances of the national 24-hour PM _{2.5} standard (35 µg/m ³)	0	

Four Spare the Air alerts were called in the Bay Area and two exceedances were observed during the second quarter of 2021. All four days those alerts were called were the result of high pressure over the Bay Area leading to hot inland temperatures (106°F and above) and light afternoon sea breezes.

Laboratory

Subsequent to the shelter-in-place due to COVID-19, the laboratory has continued to operate on a reduced schedule and continues to provide support for critical ambient air monitoring programs including PM₁₀, PM_{2.5}, PM_{coarse}, SASS, toxics canisters, and aldehydes.

During the second quarter the laboratory has started to bring other instrumentation online and has continued to focus on document revision, method and systems evaluation, and modernizing procedures amenable to digitalization.

Regulatory Air Monitoring

Thirty-one air monitoring sites were operational during the second quarter 2021. Operations were adjusted to ensure staff safety and compliance with applicable county health directives pertaining to COVID-19 response. Despite having to adapt to the logistical challenges posed by the shelter-in-place directives, staff continued to exceed all quality objectives while maintaining an average data capture rate for continuous criteria pollutant measurements of **94.63%**.

Napa Valley College station was demobilized on May 20, 2021, due to development efforts on the college campus. District staff are scouting alternate locations to replace the closed station. The station was operational from April 1, 2021, to May 20, 2021.

Refinery Community Monitoring

- o Worked with Community Engagement, community members, the City of Benicia and the Fire Department Chief to design a meeting agenda, prepare materials for, and present at a public workshop on 6/30. The objective of the meeting was to present three candidate locations for a new monitoring station to meet the District's program for enhanced air monitoring in refinery communities, and to listen to the community stakeholders about their feedback on the locations and other air quality data needs.

Community Monitoring

Staff continued to work with Aclima on reviewing the mobile measurements made throughout the Bay Area to identify potential differences in air pollution across geographies and establish community-scale baseline concentrations of air pollutants.

Staff are preparing and field-testing new monitoring capabilities to conduct the air toxics monitoring project selected by the AB 617 Richmond-San Pablo Monitoring Steering Committee. In-motion testing of the Air Monitoring Van scheduled to begin in July 2021, pending COVID-19 conditions and health guidance, which requires multiple staff inside the vehicle.

Performance Evaluation

All gas analyzers and particulate samplers were found to be operating within the Air District's established accuracy limits (29 monitoring stations, 88 parameters).

- o The section has been conducting as many audits as possible, while still respecting social-distancing guidelines, as well as everyone's personal-parameter requests for health and safety needs.
- o The PE Section continues to conduct QC checks of Thermo-Fisher TVAs for the C & E Division.
- o A special, non-scheduled "shut-down" audit was performed at the Napa Valley College AM site to put an ending quality assessment "bracket" on the data collected at that location since the last audit was performed.
- o Ground-Level Monitoring (GLM) audits of hydrogen sulfide (H₂S) and sulfur dioxide (SO₂) gas-analyzers were conducted at Shell, Phillips 66 SFAR and Carbon Refineries.
- o The section developed a method to reduce the number of manual steps needed to upload data to EPA
- o Regular departmental duties continued, including audits; report processing and review; database management; and equipment testing and maintenance.

Completed and submitted Certification of 2020 Ambient Air Quality Data and Related Quality Assurance Statistics to EPA.

Air Quality Analysis

General Monitoring Analysis and Summaries

- Prepared and submitted the [2020 Ambient Air Monitoring Network Plan](#) to U.S. EPA as required. This document describes the required regulatory monitoring performed in 2020, and any changes that are anticipated from January 2021 through July 2022.
- Continued to compile datasets and design a new annual summary report of air quality measurement data.
- Attended a four-day EPA training on monitoring, data validation and analysis for our PAMS (Photochemical Assessment Monitoring Stations) program (June 1-2, 8-9).

Inter-agency Collaboration, Conferences and Workshops

- Attended the NACAA 2021 Virtual Spring Meeting (May 18, 2021 – May 19, 2021) and monthly Committee Meetings (Monitoring Committee, Criteria Pollutant Committee, and Air Toxics Committee).
- Attend monthly CAPCOA Monitoring Committee Calls.
- Provided comments to U.S. EPA on the proposed revisions to the AirNow Fire and Smoke Map webpage.
- Coordinate with EPA Region 9 on monitoring network modifications during a quarterly call.
- Attended conferences and webinars on air monitoring, low-cost sensors, data analysis and communication, and environmental justice.

AB 617: Richmond-North Richmond-San Pablo Path to Clean Air

Monitoring Plan Implementation

- Compiled and analyzed data for use in quarterly updates on monitoring plan implementation and for CERP technical assessment (ongoing)
- Monitoring Outreach Team (MOT):
 - Held monthly meetings with community members to discuss status of air monitoring projects and develop public-facing materials (April 26, 2021, May 24, 2021, and June 28, 2021).
 - Developed factsheets on analyses of PM_{2.5} trends and occurrences of higher PM_{2.5} levels in the Richmond-San Pablo area for the quarterly update.
 - Coordinated contributions from District and community monitoring project leads for the quarterly update.
 - Compiled and finalized quarterly update on air monitoring projects (to be released late July 2021).

Support for the Community Emissions Reduction Plan (CERP)

- Coordinated with AIM division on developing framework for CERP technical assessment.
- Prepared and delivered presentations on monitoring data analyses for internal technical assessment meetings.

AB 617: Support to EJ Communities Not Yet Designated

- Continue to work with Bay Air Center to develop informational resources about air quality, sensors, and data interpretation.
- Participated in the Air District trainings: “Introduction to Structural Racism”, “Building Trust Through Successful Community Partnerships” and Implicit Bias.
- Eastern SF / Bayview-Hunters Point
 - Attended an EJ tour of the Amador Street corridor (April 8, 2021) to learn more about the community concerns and view the contributing sources. Kurrant Insights (April 29, 2021) on sensor and regulatory network data collection and analysis.
 - Developed memo on current monitoring in BVHP.
 - Coordinate with the Rules office and Compliance & Enforcement to consider potential improvements to air district activities or policies around fugitive dust sources.
 - Contribute to the development of the presentation for June 3, 2021, community workshop on Amador Street corridor dust issues and attend workshop.
 - Attended meeting w/ Brightline Defense (April 27, 2021) on participating in the Sensor Verification System project being developed with the Bay Air Center to assist with QA for the community monitoring project.
 - Coordinate with Region 9 EPA Superfund Division to get information about air monitoring at the Navy Shipyard to address community concerns.

Technical Advising to Air District divisions

- Compliance and Enforcement:
 - Reviewed the monitoring design for 15 new and revised Asbestos Dust Monitoring Plans.
 - Contributed to a letter to the Mayor of Millbrae responding to concerns about emissions and noise from SFO.
- Engineering: Reviewed and provided comments on a PM₁₀ monitoring plan required by an Air District permit condition (Turk Island Landfill).
- Rules: Provided an updated data summary and language for an initial study report for Regulation 13 Rule 5.
- Communications: Provide information or conduct interviews to respond to three press requests about air quality trends, different types of air pollution monitoring, low-cost sensors, ultrafine particles, wildfire smoke impacts and Richmond-San Pablo AB 617 monitoring projects.

Source Test

- Evaluations and implementation of new measurement technologies and developed test procedures relevant to AB-617, Regulation 11-18 and emission inventory improvement.
- Oversight of the Regulation 12-15 fence line monitoring programs.
- Tracked progress of refinery hydrogen sulfide fence line monitoring field demonstration.
- Drafting revisions to the Manual of Procedures Volumes IV and V.
- Evaluation and Assessment of fluidized catalytic cracking unit PM₁₀ testing results.
- Oversight of South Bay Odor Study and May sampling event.
- Continued work on Injury & Illness Prevention Plan (IIPP).
- Continued review of source test tracking and review system.

- Delivered presentation *Source Test 101* to the Board of Directors: Stationary Source and Climate Impacts Committee.
- Participated in Rule 11-18, AB&I Health Risk Assessment Virtual Workshop.
- Source tests conducted:
 - Sample analysis and report generation for refinery Fluidized Catalytic Cracking Unit PM₁₀ testing.
 - Performance of source tests to determine emissions of precursor organic compounds, and toxic air contaminants.
 - Performance of source tests to determine emissions of particulate matter.
 - Performance of tests to assess the compliance status of gasoline cargo tanks, gasoline dispensing facilities, gasoline terminal loading and vapor recovery systems.
 - Evaluation of independent contractor conducted source tests to determine report acceptability and source compliance.
 - Evaluation of CEMS installations and ongoing compliance, including monitoring plan review and approval.
- Technical advising to Air District Divisions:
 - Advice and guidance to Engineering and Compliance & Enforcement on emission data interpretation, permit development, recommendations for further evaluation indicating potential violations and facility annual emission reporting.
 - Advice to the Rules Section and Engineering on development of Rules 6-5, 8-5, 9-4, 9-6, 9-7, 13-5 and petroleum refinery rules.
 - Advice and meeting participation on the Organics Emissions Estimation (OEE) workgroups and knowledge gap analysis.
 - Advised and participated with Compliance & Enforcement on facility CEMS compliance audits.

STATISTICS			
<u>Administrative Services:</u>		<u>Compliance Assistance and Operations Program:</u>	
<u>Accounting/Purchasing/Comm.</u>		Asbestos Plans Received	1699
General Checks Issued	1760	Coating and other Petitions Evaluated	1
Purchase Orders Issued	538	Open Burn Notifications Received	181
Checks/Credit Cards Processed	4789	Prescribed Burn Plans Evaluated	10
Contracts Completed	139	Tank/Soil Removal Notifications Received	20
RFP/RFQ	6	Compliance Assistance Inquiries Received	31
		Green Business Reviews	1
<u>Executive Office:</u>		Refinery Flare Notifications	3
APCO'S Meetings Attended	455		
Board Meetings Held (including Budget Hearing and CAF)	6	<u>Compliance Assurance Program:</u>	
Committee Meetings Held (including Richmond Area CERP)	17	Industrial Inspections Conducted	1988
Advisory Council Meetings Held	0	Gas Station Inspection Conducted	268
Hearing Board Meetings Held	1	Asbestos Inspections Conducted	9
New Variances Received	1	Open Burning Inspections Conducted	4
		PERP Inspections Conducted	23
<u>Information Systems:</u>		Mobile Source Inspections	0
New Installation Completed	12	Grant Inspections Conducted	209
PC Upgrades Completed	24		
Service Calls Completed	833	<u>Engineering Division:</u>	
		Annual Update Packages Completed	919
<u>Human Resources:</u>		New Applications Received	344
Manager/Employee Consultation (Hrs.)	350	Authorities to Construct Issued	150
Management Projects (Hrs.)	400	Permits to Operate Issued (New and Modified)	140
Employee/Benefit Transaction	600	Permit Exemptions (Entire application deemed exempt)	2
Training Sessions Conducted (Group)	4	New Facilities Added	143
Training Sessions Conducted (Individual)	7	Registrations (New)	20
Applications Processed	314	Health Risk Assessments (HRA)	70
Exams Conducted	15		
New Hires	9		
Promotions	12	<u>Communications and Public Information:</u>	
Separations	4	Responses to Media Inquires	63
Payroll Administration (Hrs.)	900	Events Staffed with Air District Booth	11
Safety/Wellness Administration	150		
Inquiries	4000	<u>Community Engagement:</u>	
Wellness Sessions	42	Presentations Made	5
		Visitors	0
<u>Facility/Vehicle:</u>		Air District Tours	0
Request for Facility Service	19	Community Meetings Attended	49
Vehicle Request(s)	14		
Vehicle Maintenance/Service/Repair(s)	56		

STATISTICS (continued)			
Compliance and Enforcement Division:		2nd Quarter 2021 Agricultural Burn Days	
Enforcement Program		Apr - June Permissive Burn Days-North	71
Violations Resulting in Notices of Violations	213	Apr - June No-Burn Days-North	20
Violations Resulting in Notice to Comply	4	Apr - June Permissive Burn Days-South	71
New Hearing Board Cases Reviewed	1	Apr - June No-Burn Days-South	20
Reportable Compliance Activity Investigated	125	Apr - June Permissive Burn Days-Coastal	70
General Complaints Investigated	196	Apr - June No Burn Days-Coastal	21
Wood Smoke Complaints Received	227		
Mobile Source Violations	0	Laboratory	
		Analyses Performed	1303
Meteorology Measurements & Rules:		Inter-Laboratory Analyses	0
2nd Quarter 2021 Ambient Air Monitoring			
Days Exceeding Nat'l 24-Hour PM _{2.5} Std.	0	Technical Library	
Days Exceeding Nat'l 24-Hour PM ₁₀ Std.	0	Titles Indexed/Cataloged	0
Days Exceeding State 24-Hour PM ₁₀ Std.	0	Periodicals Received/Routed	0
Days Exceeding the Nat'l 8-Hour Ozone Std.	2	Reportable Compliance Activity Investigated	0
Days Exceeding the State 1-Hour Ozone Std.	2	Source Test	
Days Exceeding the State 8-Hour Ozone Std.	2	Cargo Tank Tests Performed	0
		Total Source Tests	31
Ozone Totals, Year to Date 2021		Pending Source Tests	2
Days Exceeding State 1-Hour Ozone Std.	2	Further Evaluation Notices Recommended	11
Days Exceeding Nat'l 8-Hour Ozone Std.	2	Contractor Source Tests Reviewed	4,853
Days Exceeding State 8-Hour Ozone Std.	2	Outside Test Observed	22
		Further Evaluation Notices Recommended After Review	10
Particulate Totals, Year to Date 2021		Contractor Source Test Protocols Reviewed	37
Days Exceeding Nat'l 24-Hour PM _{2.5} Std.	0	Contractor Source Tests invalidated	24
Days Exceeding Nat'l 24-Hour PM ₁₀ Std.	0		
Days Exceeding State 24-Hour PM ₁₀ Std.	0	Continuous Emissions Monitoring (CEM)	
		Indicated Excesses Emission Reports Evaluated	35
Ground Level Monitoring (GLM)		Monthly CEM Reports Reviewed	111
Apr - June Ground Level Monitoring SO ₂ Excess Reports	0	Indicated Excess from CEM	54
Apr - June Ground Level Monitoring H ₂ S Excess Reports	0	Field Accuracy Tests Performed	0

These facilities have received one or more Notices of Violations
Report period: April 1, 2021 – June 30, 2021

Alameda County				
Status Date	Site #	Site Name	City	Regulation Title
5/13/2021	Z9114	SFD	Alameda	Asbestos; Schedule Changes and Updates
6/8/2021	A9684	Bay Ship & Yacht Co	Alameda	Failure to Meet Permit Conditions
6/3/2021	Z9287	SFD	Castro Valley	Asbestos; Schedule Changes and Updates
4/12/2021	Z8937	Alcosta Shell #135244	Dublin	GDF Operating Practices
4/12/2021	Z8937	Alcosta Shell #135244	Dublin	Failure to Meet Permit Conditions
4/13/2021	A1438	Tesla, Inc	Fremont	Failure to Meet Permit Conditions
4/13/2021	B2989	Mattson Technology, Inc	Fremont	Failure to Meet Permit Conditions
5/11/2021	Z9073	Lexus of Fremont	Fremont	Failure to Meet Permit Conditions
5/25/2021	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
5/25/2021	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/10/2021	B9501	Specialized Coating Services	Fremont	Failure to Meet Permit Conditions
6/11/2021	Z9357	Simply Gasoline	Fremont	Failure to Meet Permit Conditions
6/14/2021	A6378	Tri-City Rock, Inc	Fremont	Failure to Meet Permit Conditions
6/16/2021	E2881	Tesla, Inc	Fremont	Failure to Meet Permit Conditions
6/16/2021	E2881	Tesla, Inc	Fremont	Parametric Monitoring and Recordkeeping
4/6/2021	Z8902	SFD	Hayward	Administrative Requirements; Fees
4/22/2021	Z8978	Harder Road Beacon	Hayward	GDF Standard Phase II CARB Certified Requirement
6/1/2021	B3243	Delphon Holdco LLC	Hayward	Failure to Meet Permit Conditions
6/3/2021	Z9360	Vasco Road Chevron	Livermore	GDF Standard Phase I CARB Certified Requirement
6/3/2021	Z9361	Portola Food & Liquor	Livermore	Failure to Meet Permit Conditions
6/10/2021	Z9208	Bernard's Chevron	Livermore	Failure to Meet Permit Conditions
6/25/2021	Z9305	Shell SS #68149	Livermore	GDF Operating Practices
5/6/2021	E3581	Vision Recycling	Newark	No Authority to Construct
5/6/2021	E3581	Vision Recycling	Newark	No Permit to Operate
4/9/2021	Z8844	Pious Petroleum LLC	Oakland	GDF Standard Phase II Requirements
4/9/2021	Z8844	Pious Petroleum LLC	Oakland	GDF Record Keeping Requirements
4/13/2021	Z9002	100 Mac 76 GDF	Oakland	Failure to Meet Permit Conditions
4/14/2021	Z8973	SFD	Oakland	Asbestos; Written Plan or Notification
5/18/2021	A0591	East Bay Municipal Utility District	Oakland	Non-Compliance; Major Facility Review
6/15/2021	Z9336	SFD	Oakland	Asbestos; Written Plan or Notification
6/21/2021	A0062	A B & I Foundry	Oakland	Public Nuisance
4/13/2021	A3256	Turk Island Solid Waste Disposal Site	Union City	Failure to Meet Permit Conditions
4/13/2021	A3256	Turk Island Solid Waste Disposal Site	Union City	Landfill Emission Control System Requirement
4/13/2021	A3256	Turk Island Solid Waste Disposal Site	Union City	Parametric Monitoring and Recordkeeping
4/19/2021	A3256	Turk Island Solid Waste Disposal Site	Union City	Landfill Emission Control System Requirement
Contra Costa County				
Status Date	Site #	Site Name	City	Regulation Title
6/1/2021	E3595	San Ramon Valley Fire Department - Station 3	Alamo	Failure to Meet Permit Conditions
6/28/2021	Z9341	AND Investments, Inc	Alamo	GDF Operating Practices
4/21/2021	A1258	Delta Diablo Sanitation District	Antioch	Quarterly NO _x and CO Requirements
4/21/2021	V8974	A-Street Union 76	Antioch	GDF Phase I Equipment Not Maintained
5/10/2021	Z9120	A-Street Union 76	Antioch	Failure to Meet Permit Conditions
5/18/2021	Z9164	Antioch Municipal Marina GDF	Antioch	Failure to Meet Permit Conditions
4/13/2021	Z9010	Colonial Energy CE S0145 GDF	Bay Point	GDF Operating Practices
4/5/2021	Z8890	Brentwood Chevron	Brentwood	Failure to Meet Permit Conditions
4/12/2021	Z8965	Harbor Petroleum Inc.	Brentwood	GDF Phase I Equipment Not Maintained
5/11/2021	E4863	Reabold CA Inc. Venturini-Ginocchio Site	Brentwood	No Authority to Construct
5/11/2021	E4863	Reabold CA Inc. Venturini-Ginocchio Site	Brentwood	No Permit to Operate
6/17/2021	Z9289	Strauch and Company	Brentwood	Failure to Meet Permit Conditions
5/19/2021	Z9110	Oakhurst CC	Clayton	Failure to Meet Permit Conditions
6/3/2021	Z9270	Contra Costa Water District	Concord	Failure to Meet Permit Conditions
6/3/2021	Z9270	Contra Costa Water District	Concord	GDF Standard Phase I CARB Certified Requirement
4/5/2021	Z8885	Crow Canyon Country Club	Danville	GDF Standard Phase I CARB Certified Requirement
4/5/2021	Z8885	Crow Canyon Country Club	Danville	Failure to Meet Permit Conditions
4/5/2021	Z8886	Camino Ramon Shell	Danville	GDF Standard Phase II CARB Certified Requirement
6/22/2021	Z9285	SCH	El Cerrito	Asbestos; Containment Requirement
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	No Authority to Construct
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	No Permit to Operate
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Prohibited Modifications
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Emission Control Requirements Marine Tank Vessel

These facilities have received one or more Notices of Violations
Report period: April 1, 2021 – June 30, 2021
(continued)

Contra Costa County Continued				
Status Date	Site #	Site Name	City	Regulation Title
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Emission Control Requirements Marine Tank Vessel
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Limitations on Hydrogen Sulfide
5/26/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Excessive Visible Emissions
6/4/2021	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Non-Compliance; Major Facility Review
6/10/2021	Z6260	Five Star Gas & Groceries	Martinez	Failure to Meet Permit Conditions
6/29/2021	A0907	Central Contra Costa Sanitary District	Martinez	Standards for New Stationary Sources
4/28/2021	Z8984	St Marys College GDF	Moraga	Failure to Meet Permit Conditions
6/2/2021	Z4014	Moraga Service Center	Moraga	Phase I Vapor Recovery Equipment Requirements
6/2/2021	Z4014	Moraga Service Center	Moraga	Phase II Vapor Recovery Equipment Requirements
6/1/2021	Z9174	Mash Gas & Food Orinda	Orinda	Failure to Meet Permit Conditions
5/4/2021	Z9013	Sunstate Equipment	Pacheco	Phase II Vapor Recovery Equipment Requirements
4/12/2021	B7667	Ameresco Keller Canyon LLC	Pittsburg	Landfill Emission Control System Requirement
4/14/2021	Z8972	Pittsburg Valero	Pittsburg	Failure to Meet Permit Conditions
6/22/2021	Z9283	MFD	Pittsburg	Asbestos; Containment Requirement
4/6/2021	Z8935	SFD	Pleasant Hill	Administrative Requirements; Fees
4/6/2021	Z8935	SFD	Pleasant Hill	Asbestos Operation Fee
4/12/2021	A0010	Chevron Products Company	Richmond	Public Nuisance
4/20/2021	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
4/20/2021	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
4/20/2021	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
4/20/2021	A0010	Chevron Products Company	Richmond	Emission Limitations for Sulfur Recovery Plants
4/20/2021	A0010	Chevron Products Company	Richmond	Standards for New Stationary Sources
4/27/2021	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
4/27/2021	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
6/1/2021	A0010	Chevron Products Company	Richmond	Continuous Emission Monitoring and Recordkeeping
6/1/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/1/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/1/2021	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
6/1/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0010	Chevron Products Company	Richmond	California Code of Regulations
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Continuous Emissions Monitoring & Record Keeping
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Standards for New Stationary Sources
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Non-Compliance; Major Facility Review
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Monitoring Reports, Major Facility Review Permit
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Monitoring Reports, Major Facility Review Permit
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Continuous Emissions Monitoring & Record Keeping
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Standards for New Stationary Sources
6/8/2021	A0023	Chemtrade West US LLC	Richmond	Standards for New Stationary Sources
6/9/2021	A0010	Chevron Products Company	Richmond	Public Nuisance
6/9/2021	A0010	Chevron Products Company	Richmond	Standards for New Stationary Sources
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
6/28/2021	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
4/12/2021	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Public Nuisance
4/14/2021	B7419	Air Liquide Large Industries US LP	Rodeo	Equipment Leaks General Standards
5/3/2021	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Emission Limitations for Sulfur Recovery Plants
5/3/2021	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
5/3/2021	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
5/3/2021	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Emission Limitations for Sulfur Recovery Plants
5/3/2021	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Non-Compliance; Major Facility Review
5/12/2021	Z9157	COM	San Ramon	Asbestos; Schedule Changes and Updates
6/14/2021	Z9330	Napier Venture Inc	San Ramon	GDF Standard Phase II CARB Certified Requirement

These facilities have received one or more Notices of Violations
Report period: April 1, 2021 – June 30, 2021
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Marin County				
Status Date	Site #	Site Name	City	Regulation Title
4/12/2021	A1345	Sewerage Agency of South Marin	Mill Valley	Failure to Meet Permit Conditions
4/30/2021	Z8991	Chevron Gas Station	Mill Valley	GDF Periodic Testing Notification and Submission Requirements
4/30/2021	Z8991	Chevron Gas Station	Mill Valley	Failure to Meet Permit Conditions
4/30/2021	Z8991	Chevron Gas Station	Mill Valley	GDF Standard Phase II CARB Certified Requirement
5/19/2021	Z9166	HQ Fuels GDF	Mill Valley	GDF Standard Phase II CARB Certified Requirement
4/1/2021	A1275	Novato Sanitary District	Novato	Failure to Meet Permit Conditions
5/20/2021	A1179	Redwood Landfill Inc	Novato	Landfill Emission Control System Requirement
6/1/2021	Z1538	Petroleum Sales Inc.	San Rafael	Failure to Meet Permit Conditions
Napa County				
Status Date	Site #	Site Name	City	Regulation Title
5/3/2021	A2158	Syar Industries Inc	Napa	Failure to Meet Permit Conditions
6/9/2021	B9670	The Meadows of Napa Valley	Napa	No Permit to Operate
6/24/2021	Z9340	Dept of Transportation	Napa	Failure to Meet Permit Conditions
6/24/2021	Z9340	Dept of Transportation	Napa	All Phase II Vapor Recovery Equipment Requirements
4/14/2021	A6380	Upper Valley Disposal Service, I c	Saint Helena	No Authority to Construct
4/14/2021	A6380	Upper Valley Disposal Service, I c	Saint Helena	No Permit to Operate
San Francisco County				
Status Date	Site #	Site Name	City	Regulation Title
4/12/2021	Z4170	Potrero Shell	San Francisco	GDF Phase I Equipment Not Maintained
4/28/2021	A2087	St Francis Memorial Hospital	San Francisco	NO _x and CO: Final Emission Limits
4/28/2021	A2087	St Francis Memorial Hospital	San Francisco	Periodic Testing
5/5/2021	E3782	Recology San Francisco (Sustainable Crushing)	San Francisco	No Authority to Construct
5/5/2021	E3782	Recology San Francisco (Sustainable Crushing)	San Francisco	No Permit to Operate
5/5/2021	Z9055	COM	San Francisco	Asbestos; Schedule Changes and Updates
5/5/2021	Z9058	COM	San Francisco	Asbestos; Schedule Changes and Updates
5/5/2021	Z9056	San Francisco USD	San Francisco	Asbestos; Schedule Changes and Updates
5/5/2021	A3926	Kaiser Permanente Medical Center	San Francisco	No Permit to Operate
5/25/2021	B0703	One Embarcadero Center/Boston Properties,	San Francisco	Periodic Testing
5/25/2021	B0703	One Embarcadero Center/Boston Properties,	San Francisco	Periodic Testing
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Periodic Testing
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Inorganic Gaseous Pollutants Final Emissions Limits
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Periodic Testing
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Inorganic Gaseous Pollutants Final Emissions Limits
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Periodic Testing
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Inorganic Gaseous Pollutants Final Emissions Limits
5/26/2021	B0672	PPF Paramount One Market Plaza, LP	San Francisco	Periodic Testing
5/27/2021	Z9151	Tamm Auto Service Corp	San Francisco	GDF Standard Phase II CARB Certified Requirement
6/17/2021	Z9232	SFD	San Francisco	Asbestos; Schedule Changes and Updates
6/23/2021	Z9295	Salkhi Petroleum Inc	San Francisco	GDF Phase II Requirement: Posting of Operating Instructions
6/23/2021	Z9295	Salkhi Petroleum Inc	San Francisco	All Phase I Vapor Recovery Equipment Requirements
6/23/2021	Z9295	Salkhi Petroleum Inc	San Francisco	Failure to Meet Permit Conditions
6/23/2021	Z9295	Salkhi Petroleum Inc	San Francisco	GDF Phase I Equipment Not Maintained
San Mateo County				
Status Date	Site #	Site Name	City	Regulation Title
4/29/2021	A5691	Sunquest Properties Inc	Brisbane	Landfill Emission Control System Requirement
4/19/2021	Z6964	Daly City Public Works	Daly City	Failure to Meet Permit Conditions
5/12/2021	Z9115	Lake Merced Country Club	Daly City	Failure to Meet Permit Conditions
6/24/2021	Z9339	Menlo Park Fire Protection District	Menlo Park	Failure to Meet Permit Conditions
San Mateo County Continued				
Status Date	Site #	Site Name	City	Regulation Title
5/17/2021	Z9050	SFD	Palo Alto	Asbestos; Written Plan or Notification
6/23/2021	Z9298	Palo Alto Gas & Smog	Palo Alto	Phase I Vapor Recovery Equipment Requirements
6/15/2021	A5152	Sims Metal Management	Redwood City	Standards for New Stationary Sources
4/16/2021	Z8949	Condo	San Bruno	Improper Demolition, Renovation and Removal
4/16/2021	Z8949	Condo	San Bruno	Waste Disposal Procedures
4/16/2021	Z8949	Condo	San Bruno	Asbestos; Written Plan or Notification
6/3/2021	Z9205	San Bruno Kwik Serv	San Bruno	GDF Operating Practices
6/3/2021	Z9205	San Bruno Kwik Serv	San Bruno	GDF Phase I Requirement
5/4/2021	Z9014	Com	San Carlos	Asbestos; Written Plan or Notification
4/5/2021	Z8821	Salkhi Petroleum Inc.	South San Francisco	GDF Phase I Requirement
4/5/2021	Z8821	Salkhi Petroleum Inc.	South San Francisco	GDF Operating Practices
4/22/2021	Z8981	Southern Counties Oil Company L	South San Francisco	GDF Phase II Equipment Not Maintained
5/17/2021	B2766	Blue Line Transfer Inc	South San Francisco	Failure to Meet Permit Conditions
6/28/2021	Z8614	Double AA Corp.	South San Francisco	Failure to Meet Permit Conditions

These facilities have received one or more Notices of Violations
Report period: April 1, 2021 – June 30, 2021
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Santa Clara County				
Status				
Date	Site #	Site Name	City	Regulation Title
6/22/2021	A6370	Recology Pacheco Pass	Gilroy	Landfill Emission Control System Requirement
5/28/2021	L1559	Los Altos Union HSD	Los Altos	Standards for New Stationary Sources
5/19/2021	Z9179	Bottomley Distributing	Milpitas	Failure to Meet Permit Conditions
5/27/2021	A9013	International Disposal Corp of CA	Milpitas	Failure to Meet Permit Conditions
6/14/2021	A9013	International Disposal Corp of CA	Milpitas	Landfill Emission Control System Requirement
5/25/2021	Z9125	Cyote Creek Golf Course	Morgan Hill	Failure to Meet Permit Conditions
4/21/2021	Z9271	City of San Jose Fire Training Center	San Jose	Failure to Meet Permit Conditions
4/28/2021	A0107	Reed & Graham, Inc	San Jose	Failure to Meet Permit Conditions
4/28/2021	Z9007	Almaden Golf & Country Club	San Jose	Failure to Meet Permit Conditions
4/28/2021	A5751	BD Biosciences	San Jose	Failure to Meet Permit Conditions
5/11/2021	Z9076	SFD	San Jose	Asbestos; Containment Requirement
5/19/2021	Z9111	San Jose Water Company	San Jose	Failure to Meet Permit Conditions
5/19/2021	Z9111	San Jose Water Company	San Jose	GDF Standard Phase I CARB Certified Requirement
5/20/2021	Z9168	SFD	San Jose	Asbestos; Schedule Changes and Updates
5/24/2021	A1732	Glencore Recycling	San Jose	No Authority to Construct
5/24/2021	A1732	Glencore Recycling	San Jose	No Permit to Operate
6/8/2021	A6066	San Jose Evergreen Community College Dist	San Jose	Asbestos; Wetting Method
6/8/2021	A6066	San Jose Evergreen Community College Dist	San Jose	Asbestos; Containment Requirement
6/10/2021	A4020	SFPP, LP	San Jose	Requirements for Internal Floating Roof Tanks
6/11/2021	B6995	Presentation High School	San Jose	Quarterly NO _x and CO Requirements
6/17/2021	Z9247	76 / BP Service Station	San Jose	Failure to Meet Permit Conditions
6/29/2021	Z9348	MFD	San Jose	Asbestos; Schedule Changes and Updates
6/29/2021	E4570	Terrax Environmental Inc	San Jose	Failure to Meet Permit Conditions
4/21/2021	B2472	Santa Clara County Roads and Air ports Dept	San Martin	Biennial Source Test Gasoline Bulk Plants and Cargo Tanks
5/5/2021	Z9029	Hertz Rental Car	Santa Clara	GDF Phase I Equipment Not Maintained
5/13/2021	X3062	Santa Clara Unified School District	Santa Clara	Failure to Meet Permit Conditions
5/26/2021	Z9153	Valero of Santa Clara	Santa Clara	GDF Standard Phase II CARB Certified Requirement
6/11/2021	Z9307	Royal Gas Zone, Inc. M&S Santa Clara Gas	Santa Clara	Failure to Meet Permit Conditions
4/5/2021	Z8883	Sunnyvale Chevron	Sunnyvale	GDF Standard Phase I CARB Certified Requirement
6/14/2021	B0629	Unocal Service Station #4315	Sunnyvale	GDF Standard Phase I CARB Certified Requirement
Solano County				
Status				
Date	Site #	Site Name	City	Regulation Title
4/13/2021	A2329	APS West Coast, Inc , Valero Refining Co - CA	Benicia	Excessive Visible Emissions
6/2/2021	B2626	Valero Refining Company - California	Benicia	Non-Compliance; Major Facility Review
6/17/2021	B2626	Valero Refining Company - California	Benicia	Organic Compounds Identification
6/17/2021	B2626	Valero Refining Company - California	Benicia	Equipment required Quarterly Inspections
6/17/2021	B2626	Valero Refining Company - California	Benicia	Standards for New Stationary Sources
4/1/2021	Z5741	Diamond Petroleum Inc dba Marina	Suisun City	GDF Phase II Requirement: Hold Open Latch
4/1/2021	Z5741	Diamond Petroleum Inc dba Marina	Suisun City	GDF Phase II Equipment Not Maintained
Solano County Continued				
Status				
Date	Site #	Site Name	City	Regulation Title
4/6/2021	Z9001	Silicon Valley Shell, Springs Rd	Vallejo	Failure to Meet Permit Conditions
5/12/2021	A5877	N & M Arco Mini Mart	Vallejo	Failure to Meet Permit Conditions
5/26/2021	A4212	State of California Highway Patrol	Vallejo	Failure to Meet Permit Conditions
5/26/2021	B2748	ABRAC Holdings, LLC	Vallejo	Excessive Visible Emissions
5/26/2021	B2748	ABRAC Holdings, LLC	Vallejo	Standards for New Stationary Sources
6/15/2021	Z9309	Puerta Vallarta Auto Body	Vallejo	No Permit to Operate
6/23/2021	Z9301	Vallejo Golf Club, Inc	Vallejo	Failure to Meet Permit Conditions
Sonoma County				
Status				
Date	Site #	Site Name	City	Regulation Title
5/10/2021	A2254	Republic Services of Sonoma County, Inc	Petaluma	Landfill Surface Requirements
5/10/2021	A2254	Republic Services of Sonoma County, Inc	Petaluma	Standards for New Stationary Sources
4/6/2021	A0279	Keysight Technologies	Santa Rosa	Failure to Meet Permit Conditions
6/23/2021	Z9303	Osvaldo Garcia	Santa Rosa	Prohibition of Fires: Violation of Smoke Management Plan
4/30/2021	Z9009	SFD	Sonoma	Asbestos Containing Waste Disposal

Closed Notice of Violations with Penalties by County
April 1, 2021 – June 30, 2021

Alameda

Site Name	Site #	City	Penalty Amount	# of Violations Closed
AC Transit District - Central Maintenance Building	A2258	Oakland	\$1,000	1
Advantage Metal Products	E3728	Livermore	\$3,000	1
Alaska Gasoline	Z8822	Oakland	\$250	1
Albany Hill Mini Mart	Z7197	Albany	\$200	1
Alco Iron & Metal	A3360	San Leandro	\$500	1
American Technologies	L3951	Hayward	\$375	1
AMP Oakwood Investment, LLC	Z7897	San Lorenzo	\$250	1
Amphenol Thermometrics, Inc.	A3224	Fremont	\$40,000	1
Asbestos Management Group of California	J9290	Oakland	\$250	1
Au Energy, LLC	Z1937	Fremont	\$500	1
California Highway Patrol	Z7317	Oakland	\$1,500	1
California State University, East Bay	A5249	Hayward	\$500	1
Chevron Station #308613	Z9194	Oakland	\$750	1
Chinatown 76 Unocal #0752	Z8772	Oakland	\$750	1
Courtney Sharif	Z8572	Oakland	\$100	1
Dawit Auto Body	Z9030	Oakland	\$750	2
Delta Americas	E2547	Fremont	\$2,500	1
Express Gas & Mart	Z8218	Oakland	\$2,500	2
Kaiser Permanente Berkeley Campus	B4067	Berkeley	\$1,500	1
Lauren Rivera	Z8636	San Leandro	\$250	1
MidPen Housing Corporation	Z8260	Oakland	\$100	2
P. W. Stephens Environmental, Inc.	L6230	Fremont	\$7,500	1
Piedmont Shell	Z8270	Oakland	\$100	1
Safety-Kleen of California, Inc.	A1190	Newark	\$15,000	1
Schnitzer Steel Products Company	A0208	Oakland	\$10,000	1

**Closed Notice of Violations with Penalties by County
April 1, 2021 – June 30, 2021 (continued)**

Alameda (Cont'd)

SFD	Z8973	Oakland	\$250	1
Xtra Oil Company	U0581	Alameda	\$2,000	1
Xtra Oil Company	Z9005	San Leandro	\$250	1

**Alameda Total Violations
Closed: 31**

Contra Costa

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Ameresco Keller Canyon, LLC	B7667	Pittsburg	\$1,500	3
ARCO #07144	Z8137	Pittsburg	\$500	2
Bay Marine Boatworks, Inc.	A7847	Richmond	\$500	1
Bethel Market	Z6835	Bethel Island	\$500	1
Carone & Co., Inc.	Z5451	Concord	\$9,000	2
Central Gas Richmond	Z6906	Richmond	\$1,650	2
Dutra Materials/San Rafael Rock Quarry, Inc.	A7053	Richmond	\$20,000	1
Geno's Chevron	Z8413	Byron	\$750	1
Kaiser Antioch Deer Valley	B6855	Antioch	\$25,000	5
Los Medanos Energy Center	B1866	Pittsburg	\$3,000	1
Martinez Cogen Limited Partnership at Tesoro	A1820	Martinez	\$12,500	1
Murillo Construction	Z8124	San Pablo	\$500	1

**Contra Costa Total
Violations Closed: 21**

Closed Notice of Violations with Penalties by County
April 1, 2021 – June 30, 2021
(continued)

Napa

Site Name	Site #	City	Penalty Amount	# of Violations Closed
CA Dept of Forestry Napa County	Y6971	Saint Helena	\$1,500	2
California Dept of Forestry & Fire Protection	E4066	Angwin	\$500	1
KAFV, Inc	Z7168	Napa	\$450	1
Rombauer Vineyards	E3899	Napa	\$1,500	1
SFD	Z8758	Napa	\$750	2

**Napa Total Violations
Closed: 7**

San Francisco

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Ace Drilling & Excavation	Z5468	San Francisco	\$625	2
San Francisco Public Utilities Commission	A4116	San Francisco	\$5,000	1
SFD	Z6603	San Francisco	\$10,000	2
Wickman Development	Z8492	San Francisco	\$500	1

**San Francisco Total
Violations Closed: 6**

Closed Notice of Violations with Penalties by County
April 1, 2021 – June 30, 2021
(continued)

San Mateo

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Ameresco Half Moon Bay, LLC	B7040	Half Moon Bay	\$1,000	1
Bay Pacific A/B	Z8930	Belmont	\$1,500	1
Camino Petroleum	Z8021	South San Francisco	\$500	1
CEMEX Construction Materials Pacific, LLC	A2939	San Carlos	\$30,000	1
Com	Z9014	San Carlos	\$750	1
Granite Excavation & Demo	Z8666	South San Francisco	\$500	1
Jameco Electronics	B3347	Belmont	\$500	1
Kevin R Pringle	Z8457	Montara	Passed Wood Smoke Course	1
Premium Auto Tech, Inc.	Z8264	South San Francisco	\$500	1
Sewer Authority Mid-Coastside	A1533	Half Moon Bay	\$1,500	4

San Mateo Total Violations Closed: 13

Santa Clara

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Alliance Environmental Group	Z6632	San Jose	\$200	2
BELFOR Property Restoration	V6482	San Jose	\$750	1
CEMEX Construction Materials Pacific, LLC	A3259	Santa Clara	\$3,000	1

Closed Notice of Violations with Penalties by County
April 1, 2021 – June 30, 2021
(continued)

Santa Clara
(Cont'd)

Cintas Corporation	E3156	Gilroy	\$2,700	1
City of Santa Clara	A0621	Santa Clara	\$3,000	2
Grand - Nest Construction	Z8843	Saratoga	\$750	1
Joe's Custom Finishing	B2803	San Jose	\$250	1
Robinson Oil Corporation	Z7198	Santa Clara	\$4,500	1
SFPP, LP	A4020	San Jose	\$40,000	3
Shell Oil Company	A8454	San Jose	\$200	1
The Garlic Farm Center	V8265	Gilroy	\$5,000	3
United States Air Force	B7971	Moffett Field	\$2,500	1

Santa Clara Total Violations Closed: 18

Solano

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Calco	Z5648	Vallejo	\$500	1
California Dept of Forestry FPDC Camp #8	E1206	Suisun City	\$500	1
Hiddenbrooke, Inc	Z6012	Vallejo	\$2,000	3

Solano Total Violations Closed: 5

Closed Notice of Violations with Penalties by County
April 1, 2021 – June 30, 2021
(continued)

Sonoma

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Lou Saare Body Shop	Z8914	Santa Rosa	\$750	2
Northgate Ready Mix	E0297	Windsor	\$2,500	1
Sonoma Total Violations Closed:				3

District Wide

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Coastwide Environmental Technologies, Inc.	F0630	Watsonville	\$500	1
Hertz Corporation	Z7318	Estero	\$2,500	2
Riverbank Interiors	J1131	Riverbank	\$750	2
District Wide Total Violations Closed:				5



Gavin Newsom, Governor
 Jared Blumenfeld, CalEPA Secretary
 Liane M. Randolph, Chair

To: **Members of the Board of Directors**
 From: Davina Hurt, Board Member, California Air Resources Board
 Date: August 11, 2021
 Subject: Quarterly Report of My Activities as an Air Resources Board Member

The list below summarizes my activities as a California Air Resources Board member from April 1, 2021, through June 30, 2021:

April Activities

1st Staff Briefing on CARB/CTC/HCD Joint Meeting
 6th Meeting w/ CleanEnergy re: Meet-and-Greet and Hydrogen Fuels
 8th CARB/CTC/HCD Joint Meeting
 13th Meeting w/ Phillips 66 re: Biofuels
 15th Meeting with City of Roseville re: Advanced Clean Fleets
 15th April Staff Briefing
 22nd April Board Meeting
 28th Live Facebook event w/ Sen. Mullin

May Activities

5th Meeting w/ ClimateRebate re: Building Electrification
 12th Meeting w/ LCJA re: AB 617 and EJ Issues
 13th Meeting w/ Peninsula Clean Energy re: Renewables
 14th May Staff Briefing
 20th May Board Meeting
 27th Meeting w/ CNGVC re: Renewable Fuels

June Activities

7th Meeting w/ ACF Coalition re: Advanced Clean Fleets
 14th June Staff Briefing
 17th Meeting w/ World Energy re: Renewable Fuels
 24th June Board Meeting
 28th Meeting w/ Metal Finishers Assoc. re: Hex Chrome

Attachments: Public Agendas



Public Meeting Agenda

Thursday, April 22, 2021

In accordance with Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#) as well as recommendations from the California Department of Public Health, the April 22, 2021, Board Meeting will not have a physical location to attend in person. This will be a remote-only meeting.

The Board Meeting will be conducted remotely via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833

Webinar ID: 858 1812 1838

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[Webcast](#) – for those who only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)

Thursday, April 22, 2021 @ 9:00 a.m.

Discussion Items:

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

21-3-2: Public Hearing to Consider Proposed Mobile Source Certification and Compliance Fees

The Board will consider the adoption of the Mobile Source Certification and Compliance fees regulation. This regulation sets new fees for the certification and evaluation of off-road mobile sources, certification and evaluation of evaporative components, aftermarket parts,

and diesel emission control strategies, and At-Berth certification and evaluation activities. This proposal also revises the certification and compliance fees required under title 13 California Code of Regulations, sections 1990-1994 for on-road mobile sources.

- [More Information](#)
- [Public Hearing Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Hearing Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Written Comments](#)

Closed Session

The Board may 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:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Coatings Association, Inc. v. State of California and California Air Resources Board, Sacramento County Superior Court, Case No. 04CS01707.

American Lung Association, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1140.

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Dalton Trucking, Inc. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 13-1283 (dismissed), U.S. Court of Appeals, Ninth Circuit, Case No. 13-74019.

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., San Luis Obispo County Superior Court, Case No. 17CV-0576; U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al., Sacramento County Superior Court, Case No. 34-2020-80003442.

In re Pacific Gas and Electric Company, U.S. Bankruptcy Court, Northern District of California, Case No. 19-30089.

John R. Lawson Rock & Oil, Inc. et al., v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 19CEGG00331.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

Sowinski v. California Air Resources Board et al., United States District Court for the Northern District of California, No. 3:18-cv-03979-LHK.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1035.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District Court of Columbia Circuit, Case No. 19-1227

State of California, et al., v. United States Environmental Protection Agency, United States District Court, Northern District of California, Case No. 4:18-cv-03237-HSG.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of New York et al. v. United States Environmental Protection Agency, United States District Court for the Southern District of New York, Case No. 1:21-cv-00462.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

United States v. California, United States District Court, Eastern District of California, Case No. 2:19-cv-02142-WBS-EFB; United States Court of Appeals, Ninth Circuit, Case No. 20-16789.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

Opportunity for Members of the Board to Comment on Matters of Interest

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

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. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, please contact the Clerks' Office:

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cotb@arb.ca.gov or (916) 322-5594

CARB Homepage: www.arb.ca.gov

Special Accommodation Request

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- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

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Acomodación Especial

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- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

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Public Meeting Agenda

Thursday, June 24, 2021

In accordance with Governor Newsom's Executive Order [N-08-21](#), the June 24, 2021, Board Meeting will not have a physical location to attend in person. This will be a remote-only meeting.

The Board Meeting will be conducted remotely via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833
Webinar ID: 848 8005 2651

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[Webcast](#) – for those who only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)

[Como Participar en la Reunión del Consejo a Distancia](#)

[Agenda de la Reunión del Consejo del 24 de junio de 2021](#)

Spanish interpretation will be provided for the June Board Meeting.

Thursday, June 24, 2021 @ 9:00 a.m.

Discussion Items:

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

21-5-1: Public Meeting to Consider the Proposed South Coast PM10 Maintenance Plan State Implementation Plan Revision

The Board will consider approval of the Proposed PM10 Maintenance Plan for the South Coast Air Basin (2021 PM10 Plan). As is required by the federal Clean Air Act, the South Coast Air Quality Management District developed a second ten-year maintenance plan of the

federal PM10 standard, to be submitted within eight years of the approval of the first ten-year maintenance plan. The second maintenance plan meets this requirement and demonstrates that the District will continue to maintain the PM10 standard through 2035. If approved, the 2021 PM10 Plan will be submitted to the United States Environmental Protection Agency as a revision to California's State Implementation Plan.

- [More Information](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Errata to the Staff Report \(issued May 21, 2021\)](#)
- [Item Summary](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-2: Public Meeting to Consider Electrify America's Cycle 3 Zero Emission Vehicles Investment Plan

The Board will hear a staff assessment of Electrify America's Cycle 3 Zero Emission Vehicles Investment Plan and decide whether to approve or disapprove it, in whole or in part. Staff's presentation will also provide an update on Electrify America's 2020 Annual Report.

- [More Information](#)
- [Item Summary](#)
- [Staff Plan Analysis](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-3: Public Meeting to Hear the 2020 Annual Enforcement Report

The Board will receive an update on the Enforcement Division's 2020 Annual Enforcement Report that highlights enforcement programs, activities, and achievements.

- [More Information](#)
- [Enforcement Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-4: Public Meeting to Hear an Informational Update on the 2022 Scoping Plan Process

The Board will hear an informational update on the structure, development process, and timeline for the 2022 Scoping Plan Update.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)

- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-5: Public Meeting to Hear an Informational Update on the Assembly Bill 617 Technology Clearinghouse

The Board will hear an informational update from CARB staff on the status of implementation for the Assembly Bill 617 Technology Clearinghouse.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Closed Session

The Board may 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:

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California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

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State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District Court of Columbia Circuit, Case No. 19-1227

State of California, et al., v. United States Environmental Protection Agency, United States District Court, Northern District of California, Case No. 4:18-cv-03237-HSG.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of New York et al. v. United States Environmental Protection Agency, United States District Court for the Southern District of New York, Case No. 1:21-cv-00462.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

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Other Information

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[View Submitted Comments](#)

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cotb@arb.ca.gov or (916) 322-5594

CARB Homepage: www.arb.ca.gov

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- Documentos disponibles en un formato alterno u otro idioma
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Public Meeting Agenda

Thursday, May 20, 2021

In accordance with Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#) as well as recommendations from the California Department of Public Health, the May 20, 2021, Board Meeting will not have a physical location to attend in person. This will be a remote-only meeting.

The Board Meeting will be conducted remotely via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833

Webinar ID: 845 4350 5778

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[Webcast](#) – for those who only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)

[Como Participar en la Reunión del Consejo a Distancia](#)

[Agenda de la Reunión del Consejo del 20 de mayo de 2021](#)

Spanish Translation will be provided for the May Board Meeting.

Thursday, May 20, 2021 @ 11:00 a.m.

Discussion Items:

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

21-4-1: Public Hearing to Consider Proposed Clean Miles Standard

The Board will consider the proposed Clean Miles Standard Regulation, which includes the proposed annual electrification and greenhouse gas targets for transportation network companies (TNC). This is a proposed regulation in response to Senate Bill 1014 (Skinner, Stats. 2018, Ch. 369) adopted in 2018.

- [More Information](#)
- [Public Hearing Notice](#)
- [Staff Report](#)
 - [Appendix A: Proposed Regulation Order](#)
 - [Appendix B: Base Year Inventory Report](#)
 - [Appendix C-1: Standardized Regulatory Impact Analysis](#)
 - [Appendix C-2 Summary and Response to Department of Finance Comments on the Standardized Regulatory Impact Assessment](#)
 - [Appendix D: Notices of Public Workshops](#)
- [Item Summary](#)
- [Hearing Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Written Comments](#)

The following Board Item will not begin prior to 3:00 p.m.

21-4-2: Public Meeting to Consider Appointment of New Members to the Assembly Bill 32 Environmental Justice Advisory Committee

The Board will consider staff's recommendations for the appointment of new members to the Environmental Justice Advisory Committee. Pursuant to Assembly Bill 32, CARB originally convened the Environmental Justice Advisory Committee in 2007 to advise on the Initial Scoping Plan and reconvened the Committee in 2013 and 2015 to advise on the First Scoping Plan Update and the 2017 Climate Change Scoping Plan, respectively.

- [More Information](#)
- [Item Summary](#)
- [Hearing Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Written Comments](#)

The following Board Item will not begin prior to 4:00 p.m.

21-4-3: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Community Emissions Reduction Program for Southeast Los Angeles Community

The community emissions reduction program was developed through a partnership between the South Coast Air Quality Management District and the community steering committee.

The Board will consider the Southeast Los Angeles community emissions reduction program as required by Assembly Bill 617.

- [More Information](#)
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Closed Session

The Board may 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:

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

American Coatings Association, Inc. v. State of California and California Air Resources Board, Sacramento County Superior Court, Case No. 04CS01707.

American Lung Association, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1140.

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Dalton Trucking, Inc. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 13-1283 (dismissed), U.S. Court of Appeals, Ninth Circuit, Case No. 13-74019.

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., San Luis Obispo County Superior Court, Case No. 17CV-0576; U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al., Sacramento County Superior Court, Case No. 34-2020-80003442.

In re Pacific Gas and Electric Company, U.S. Bankruptcy Court, Northern District of California, Case No. 19-30089.

John R. Lawson Rock & Oil, Inc. et al., v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 19CEGG00331.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

Sowinski v. California Air Resources Board et al., United States District Court for the Northern District of California, No. 3:18-cv-03979-LHK.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1035.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District Court of Columbia Circuit, Case No. 19-1227

State of California, et al., v. United States Environmental Protection Agency, United States District Court, Northern District of California, Case No. 4:18-cv-03237-HSG.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of New York et al. v. United States Environmental Protection Agency, United States District Court for the Southern District of New York, Case No. 1:21-cv-00462.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

State of New York, et al. v. Andrew Wheeler and the United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

United States v. California, United States District Court, Eastern District of California, Case No. 2:19-cv-02142-WBS-EFB; United States Court of Appeals, Ninth Circuit, Case No. 20-16789.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

Opportunity for Members of the Board to Comment on Matters of Interest

Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.

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. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814

cotb@arb.ca.gov or (916) 322-5594

CARB Homepage: www.arb.ca.gov

Special Accommodation Request

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Acomodación Especial

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor contacte la oficina del Consejo al (916) 322-5594 o por correo electrónico al cotb@arb.ca.gov lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Authorize the Executive Officer/APCO to Execute a Memorandum of Understanding (MOU) with the California Air Pollution Control Officers Association (CAPCOA) Related to the Administration of Pass-Through Environmental Protection Agency 105 Grant Funds Designated for CAPCOA

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to execute a MOU with CAPCOA related to the administration of pass-through Environmental Protection Agency (EPA) 105 grant funds designated for CAPCOA.

BACKGROUND

Based on the approved federal budget, the United States Environmental Protection Agency (EPA) annually invites agencies to apply for Clean Air Act Section 105 grant funds. These grants are an essential source of funding for state and local agency programs to carry out their responsibilities under the Clean Air Act. Section 105 is designed to support the implementation of programs to prevent and control air pollution and address primary (health) and secondary (welfare) ambient air quality standards. Historically, the Air District has applied for and received EPA 105 funds.

In addition, EPA has awarded 105 grant funds, representing contributions from California Air Districts, to CAPCOA to support its operations. However, CAPCOA is not eligible to receive the funding directly from EPA and requires an approved agency to receive the monies from EPA and administer the disbursement of the funds as a pass-through to CAPCOA.

Currently, the Air District serves as the fiscal agent for the pass-through of the EPA 105 grant to CAPCOA for the pilot air grant reallocation project and as a courtesy, could also serve as the fiscal agent for the EPA 105 pass-through administration grant funds to CAPCOA.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Administrative cost to administer the pass-through grant funds is minimal and would be covered as part of the Air District's Finance Office annual budget. The CAPCOA pass-through grant amount is estimated at approximately \$260,000 annually.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Damian Breen and Jeff McKay

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Authorization to Amend Consultation Bench Contracts

RECOMMENDED ACTION

Recommend Board of Directors authorize the Executive Officer/APCO increase funding available to community engagement consultant bench contracts as follows:

1. InterEthnica, Inc., not to exceed \$245,000;
2. Kearns & West, Inc., not to exceed \$100,000;
3. Moore Iacofano Goltsman, Inc., not to exceed \$100,000; and
4. Resource Development Associates., not to exceed \$145,000.

BACKGROUND

In carrying out our mission to improve air quality and protect public health in the San Francisco Bay Area, the Bay Area Air Quality Management District (Air District) released a request for quotation (RFQ) in September 2019 to obtain the following services for general community engagement activities:

1. Multi-stakeholder Group Coordination
2. Stakeholder Outreach and Event Promotion
3. Logistics for Public Meetings and Workshops
4. Neutral Meeting Facilitation

Proposals were reviewed and scored by a panel comprised of two Air District employees, one Metropolitan Transportation Commission (MTC) employee, and one member of the community. The Air District received nine proposals, of which, the review panel selected four firms that demonstrated they could provide the services outlined in the RFQ.

1. InterEthnica, Inc.
2. Kearns & West, Inc.
3. Moore Iacofano Goltsman, Inc.
4. Resource Development Associates.

The four firms comprise a bench of experts that the Air District regularly draws from to provide logistic support, planning, evaluation, and neutral facilitation services for engagement activities including public in-person and virtual meetings, open houses, and interactive workshops with diverse stakeholder groups.

DISCUSSION

The pandemic and ensuing shelter in place orders created new challenges for community engagement at the Air District. To adhere to public health mandates and CDC recommendations, beginning in March 2020, all community engagement activities moved online. We quickly pivoted our process for planning and hosting interactive workshops and community meetings to virtual platforms like Zoom.

Despite the challenges brought on by the pandemic, Air District engagement, much to the credit of the Community Engagement Office and the consultant bench, remained intact and interactive. The Community Engagement Office works closely with the bench to navigate uncharted territory and to learn new ways to ensure community members can participate in key Air District programs, planning, and decision-making in virtual environments. To successfully implement and facilitate inclusive and engaging virtual workshops and community meetings has proven to require more planning, preparation and staff and consultant support than in-person meetings. Working with trusted consultants to support meeting logistics has allowed the Community Engagement Office to focus their efforts on outreach and building, expanding, and maintaining community partnerships throughout the COVID-19 pandemic. Furthermore, the Air District is now working with consultants to enhance accessibility and equity within the James Cary Smith Community Grant program. The consultant bench was formed before the pandemic and the need for support during the pandemic has shifted.

Additional consultant support is required to:

1. Host and manage virtual platforms to ensure minimal technical glitches during workshops, webinars, and meetings,
2. Prepare and implement practice dry runs so all meeting and workshops facilitators and presenters are comfortable with the technology and platforms,
3. Set up and employ interactive tools for capturing community guidance and discussions through real time polling software and virtual whiteboards,
4. Provide stipends, technical assistance, and simultaneous interpretation during engagement to ensure equitable participation and inclusive accessibility,
5. Monitor chat and raised hands, take notes, prepare meeting summaries and evaluation reports, facilitate meeting debriefs and reflections, and ensure meetings are successfully recorded for the Air District website,
6. Provide technical assistance and evaluation services with the newly revised James Cary Smith Community Grant Program to ensure funding is meeting the Air Districts diversity, equity, and inclusion goals.

With uncertainty about what to expect related to the pandemic, staff recommend that the Board approves increasing the funding available to community engagement consultant bench for an amount not to exceed the amount listed above for each respective contractor.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funds are in the approved budget for this fiscal year.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Kristen Law
Reviewed by: Veronica Eady

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Consider Approval of Hiring Recommendation at Step E of Salary Range for
Environmental Justice Officer

RECOMMENDED ACTION

Recommend the Board of Directors approve hiring recommendation at Step E of Salary Range for the Environmental Justice Officer position.

BACKGROUND

The recruitment and selection process for the Environmental Justice Officer position has been completed. Division III, Section 6.4 of the Air District's Administrative Code states that recommendation by the APCO and approval of the Board of Directors is required for hiring employees at Step E.

DISCUSSION

The Air District recently conducted a recruitment for the Environmental Justice Officer position. The process included a review of minimum qualifications, application screening, and hiring interviews. The candidate who is recommended for the position has extensive experience and expertise in environmental justice law and policy and experience developing and working on environmental justice law and policy issues related to air quality at the state and local levels.

In order to offer a salary more commensurate with the candidate's experience and in order to be competitive with a competing offer, staff is recommending approval to hire the Environmental Justice Officer at Step E of salary range.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The salary for the Environmental Justice Officer position at Step E is \$212,145 per year and is included in the fiscal year ending (FYE) 2022 budget.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Judy Yu
Reviewed by: John Chiladakis

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Public Meeting to Consider Adoption of a Certification that the Bay Area Air Quality Management District's Non-attainment New Source Review Permitting Program Meets the Requirements of the Federal Clean Air Act as a Result of the Bay Area's Designation as "Nonattainment" of the 2015 Ozone National Ambient Air Quality Standards (NAAQS)

RECOMMENDED ACTION

Certify that the Air District's existing non-attainment new source review permitting program complies with all federal requirements applicable under the Clean Air Act with respect to the 2015 ozone NAAQS. This certification is required by Environmental Protection Agency (EPA) regulations.

BACKGROUND

The San Francisco Bay Area has been designated "non-attainment" for the 2015 Ozone NAAQS. As a result of this nonattainment designation, the Air District is required to have a nonattainment new source review permitting program for major sources of two ozone-forming precursor pollutants, nitrogen oxides (NO_x) and volatile organic compounds (VOC), that meets requirements established by EPA under the federal Clean Air Act. Specifically, 40 CFR 51.1314 requires the Air District to "submit a nonattainment [new source review] plan or plan revision for [the 2015] ozone NAAQS no later than 36 months after the effective date of the area's designation of nonattainment or resignation to nonattainment for that ozone NAAQS." The requirements the nonattainment new source review permitting program must meet are set forth in 40 CFR 51.165.

The Air District already has a non-attainment new source review permitting program for NO_x and VOC, which it has adopted to meet requirements for other ozone air quality standards. The Air District's existing program is contained in three rules in Regulation 2: Regulation 2, Rule 1 (Permits-General Requirements); Regulation 2, Rule 2 (Permits-New Source Review); and Regulation 2, Rule 4 (Permits-Emissions Banking). (Copies of these three rules are provided in Attachment B.) This existing program meets all of the requirements applicable under federal regulations with respect to the 2015 ozone NAAQS. The Air District therefore does not need to make any changes to its existing program as a result of being designated nonattainment for the 2015 ozone NAAQS. All the Air District needs to do under 40 CFR 51.1314 is submit a certification that its existing program complies.

DISCUSSION

Staff have prepared a proposed certification that the Air District’s existing nonattainment new source review permitting program for ozone and its precursors is at least as stringent as the federal requirements set forth in 40 CFR 51.165 with respect to the 2015 ozone NAAQS. The proposed certification is attached hereto as Attachment A. The proposed certification goes through all of the applicable requirements of 40 CFR 51.165 in detail and explains how the Air District’s existing program complies with them. Staff recommend that the Board of Directors adopt the proposed certification. If and when the proposed certification is adopted, the Air District will submit (via the California Air Resources Board) to satisfy the Air District’s requirements under 40 CFR 51.1314 with respect to the 2015 ozone NAAQS.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Pamela Leong and Alexander Crockett
Reviewed by: Damian Breen

- Attachment 12A: Proposed Certification of Compliance with 2015 Ozone NAAQS New Source Review Requirements
- Attachment 12B: BAAQMD Regulation 2, Rule 1 (Permits-General Requirements), Regulation 2, Rule 2 (Permits-New Source Review), and Regulation 2, Rule 4 (Permits-Emissions Banking)
- Attachment 12C: Proposed Resolution

Certification that the Bay Area Air Quality Management District's Existing NNSR Program Addresses the 2015 Ozone NAAQS SIP Requirements Rule

The Bay Area Air Quality Management District (BAAQMD) is certifying that our existing NNSR program, covering the San Francisco Bay Area nonattainment area for the 2015 ozone NAAQS, is at least as stringent as the requirements at 40 CFR 51.165 for ozone and its precursors, as amended by the final rule titled *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998, December 6, 2018).

The requirements necessary to appropriately implement the BAAQMD's NNSR program include, but are not limited to, those set forth in the following table:

2015 Ozone NAAQS NNSR SIP Requirements		
	NNSR Requirements of 40 CFR 51.165	Corresponding NNSR Requirements in BAAQMD Regulation 2
1.	(a)(1)(iv)(A)(I)(i)-(iv) and (2): Major source thresholds for ozone – VOC and NO _x	Regulation 2-2-217
2.	(a)(1)(iv)(A)(3): Change constitutes a major source by itself	Regulation 2-2-217
3.	(a)(1)(v)(E): Significant net emissions increase of NO _x is significant for ozone	Regulation 2-2-218
4.	(a)(1)(v)(F): Any emissions change of VOC in Extreme area triggers NNSR	Not Applicable
5.	(a)(1)(x)(A)-(C) and (E): Significant emissions rates for VOC and NO _x as ozone precursors	Regulation 2-2-218 and 2-2-227.2
6.	(a)(3)(ii)(C)(I)-(2): Provisions for emissions reduction credits	Regulation 2-2-211 and 2-2-605.1
7.	(a)(8): Requirements for VOC apply to NO _x as ozone precursors	Regulation 2-1, Regulation 2-2 and Regulation 2-4
8.	(a)(9)(i)-(iv): Offset ratios for VOC and NO _x for ozone nonattainment areas	Regulation 2-2-302.2.2
9.	(a)(12): Anti-backsliding provisions	Regulation 2-2-217 and Regulation 2-2-302.2.2
10.	(i) Public participation requirements	Regulation 2-2-404

These requirements are explained more fully in the following discussion. They are also discussed in further detail in EPA's documents approving the BAAQMD's current NNSR program. These documents include the Federal Register notices for EPA's limited approval and limited disapproval of the BAAQMD's NNSR program in 2016 (80 FR 52236, Aug. 28, 2015, and 81 FR 50339, Aug. 1, 2016), and for EPA's subsequent full approval of the program in 2018 (83 FR 8822, March 1, 2018, and 83 FR 23372, May 21, 2018); as well as EPA's August 19, 2015, Technical Support Document (TSD).

1. 40 CFR sections 51.165(a)(1)(iv)(A)(1)(i)-(iv) and (2) establish the threshold for when a facility must be treated as a “major stationary source” for ozone for purposes of NNSR. The major source threshold for a marginal nonattainment area like the Bay Area is a potential to emit 100 tons per year (tpy) or more of NO_x and/or VOC. (Lower thresholds apply in areas classified as serious, severe, or extreme nonattainment and in ozone transport regions, but the Bay Area is classified as marginal and is not an ozone transport region, so the 100 tpy threshold applies.) BAAQMD Regulation 2-2-217 defines “major facility” – the BAAQMD’s equivalent of “major stationary source”¹ – as a facility that has the potential to emit 100 tpy more of POC² or NO_x (as well as SO₂, PM₁₀, PM_{2.5} and/or CO). The BAAQMD major facility/major stationary source threshold is therefore consistent with the requirements of 40 CFR 51.165. EPA has confirmed that this “major facility” definition in Regulation 2-2-217 is consistent with EPA’s “major stationary source” requirements. *See* TSD p. 105-106 (approving the “major facility” definition in all respects except fugitive emissions); and 83 FR 8822, 8824 & 83 FR 23372 (approving revised rules with change to address deficiency related to fugitive emissions).
2. 40 CFR section 51.165(a)(1)(iv)(A)(3) provides that the definition of “major stationary source” (or “major facility” under the BAAQMD’s nomenclature) must include situations where a physical change is implemented at a facility that is not otherwise over the “major” facility thresholds, but the change is of sufficient magnitude that it would constitute a “major facility” all by itself. BAAQMD Regulation 2-2-217 satisfies this requirement by providing that “A physical change at a facility that does not otherwise qualify as a major facility is a new major facility if the change would constitute a major facility by itself.” EPA’s approval of the BAAQMD’s “major facility” definition in Regulation 2-2-217 referenced in the previous paragraph specifically addressed this aspect of 40 CFR section 51.165(a)(1)(iv).
3. 40 CFR section 51.165(a)(1)(v)(E) requires that any significant net emissions increase of NO_x must be considered significant for ozone. BAAQMD Regulation 2-2-218 defines “major modification” as a new or modified source at a major facility (or combination of such

¹ EPA’s definition of a “stationary source” is equivalent to the BAAQMD’s definition of a “facility.” EPA’s definition of “stationary source” in 40 CFR 51.165(a)(1)(i) is “any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.” The BAAQMD’s definition of “facility” in Regulation 2-1-213 is “any source, building, structure or installation that emits or may emit any air pollutant,” and its definition of “source” in Regulation 2-1-221 is “any article, machine, equipment, operation, contrivance or related groupings of such which may produce and/or emit air pollutants.” The BAAQMD’s definitions therefore refer to a major “facility” in the same way that EPA’s definitions refer to a major “stationary source.” EPA has confirmed that the BAAQMD’s definition of “facility” is consistent with the federal definition of “stationary source.” *See* TSD pp. 29 & 105.

² The BAAQMD’s NNSR Program uses the term “precursor organic compound” (POC), which is defined under BAAQMD Regulations 2-1-208, 1-233, 1-234, and 1-235 to include the same reactive organic carbon compounds as are included in EPA’s definition of “volatile organic compound” (VOC) used in 40 CFR section 51.165, as defined under 40 CFR section 51.165(a)(1)(xix) and 40 CFR section 51.100(s). EPA has determined that the BAAQMD’s term POC is substantially equivalent to the federal term VOC for purposes of the BAAQMD’s NNSR program. *See* TSD p. 109.

new and modified sources at a major facility that are part of a single common project) that will cause an increase in emissions over the 40 tpy federal “Significant Emission Rate” in 40 CFR section 51.165(a)(1)(x)(A). A significant net increase in NO_x over this threshold is a “major modification” for purposes of the BAAQMD’s NNSR program and is considered significant for ozone. EPA has confirmed that the BAAQMD’s NNSR regulations incorporate the appropriate significance thresholds for each pollutant based on the Bay Area’s nonattainment status for each pollutant, which includes ozone. *See* TSD p. 111.

4. 40 CFR section 51.165(a)(1)(v)(F) applies only in extreme ozone nonattainment areas. The Bay Area is classified as ‘marginal’ nonattainment of the 2015 ozone standard, so this requirement is not applicable.
5. 40 CFR sections 51.165(a)(1)(x)(A)-(C) and (E) require the BAAQMD’s NNSR program to establish the thresholds for a “significant” emissions increase and net emissions increase at 40 tpy for VOC and NO_x. BAAQMD Regulation 2-2-227.2 establishes the “significant” increase threshold at 40 tpy for both NO_x and VOC. EPA has determined that the BAAQMD’s definition of “significant,” as incorporated into the definition of “major modification” in Regulation 2-2-218, is consistent with the definition found in 40 CFR 51.165(a)(1)(x). *See* TSD p. 111.
6. 40 CFR sections 51.165(a)(3)(ii)(C)(1)-(2) set forth requirements for the BAAQMD’s offsets provisions.

Section 51.165(a)(3)(ii)(C)(1)(i) requires that any emission reductions used as offsets must be surplus, permanent, quantifiable, and federally enforceable. BAAQMD Regulations 2-2-211 and 2-2-605.1 provide that an emission reduction can qualify as an “emission reduction credit” eligible to be used for offsets purposes only if it is “in excess of the reductions required by applicable regulatory requirements” (i.e., surplus), and only if it is real, permanent, quantifiable, and enforceable. EPA has determined that these provisions satisfy the requirements specified in 40 CFR 51.165(a)(3)(ii)(C)(1)(i). *See* TSD p. 115, section 7.3.16.³

Sections 51.165(a)(3)(ii)(C)(1)(ii) and (a)(3)(ii)(C)(2) provide that emission reductions can be used as offsets only if they occurred after the last day of the base year used for the SIP planning process, with two exceptions. First, section 51.165(a)(3)(ii)(C)(1)(ii) allows reductions from before the last day of the base year to be used if they are explicitly included

³ In addition, to the extent that there may be any discrepancy between the way the BAAQMD’s NNSR program determines how emission reductions are in excess of applicable regulatory requirements and how EPA’s federal requirements determine how emission reductions are in excess of applicable regulatory requirements, Regulation 2-2-412 requires the BAAQMD to conduct an analysis of any discrepancies each year and to provide additional reductions (offsets) as necessary to ensure that the BAAQMD’s program is obtaining at least as many NO_x and POC offsets as would be required under the federal program. These provisions further ensure that the BAAQMD’s NNSR offsets provisions are at least as stringent as the requirements in 40 CFR section 51.165 for ozone and its precursors.

in the planning inventory used to develop the attainment demonstration (as long as they are not from before August 7, 1977). Second, section 51.165(a)(3)(ii)(C)(2) allows such reductions to be used to offset emissions from a new source if the new source is a replacement of the source that was shut down or curtailed to generate the reductions, and that shutdown or curtailment occurs after the permit application for the new source is filed.

The Bay Area is classified as a “marginal” nonattainment area for the 2015 ozone NAAQS, so the BAAQMD is not required to submit an attainment demonstration for the that NAAQS. Because the BAAQMD is not required to submit an attainment demonstration, there is no “projected emission inventory” in which to explicitly include the emissions from previously shutdown or curtailed emission units. The BAAQMD does submit emission inventories, however, and those inventories include all of the banked emission reduction credits from previously shutdown or curtailed emission units that are eligible to be used as offsets. EPA has previously confirmed that this practice complied with 51.165(a)(3)(ii)(C)(1)(ii) for the 2008 8-hour ozone NAAQS, for which the Bay Area was also a marginal nonattainment area. *See* TSD p. 115-116, section 7.3.16. For the same reasons, this practice also complies with 51.165(a)(3)(ii)(C)(1)(ii) for the 2015 ozone NAAQS.⁴

7. 40 CFR section 51.165(a)(8) states that NNSR requirements applicable to major sources and major modifications for VOC must be equally applicable to major sources and major modifications for NOx. All of the NNSR requirements in BAAQMD Regulation 2 – including requirements for major sources, major modifications, significant emission rates, emission reduction credits, offsets, and Best Available Control Technology (the equivalent of Lowest Achievable Emissions Rate in EPA’s NNSR regulations) – apply equally to NOx as they do to POC. EPA has confirmed that these provisions satisfy 40 CFR section 51.165(a)(8). *See* TSD p. 121, section 7.3.25.
8. 40 CFR sections 51.165(a)(9)(i)-(iv) establish the minimum required emission offset ratios for VOCs and NOx for ozone nonattainment areas. The Bay Area is classified as a “marginal” nonattainment area for the 2015 Ozone NAAQS, and it is not an ozone transport region. This nonattainment status corresponds to a minimum offset ratio of 1.1:1 under 40 CFR section 51.165(a)(9)(ii)(A). However, the Bay Area was previously designated as “moderate” nonattainment for the 1979 1-hour ozone NAAQS, and EPA’s anti-backsliding requirements therefore require the BAAQMD’s NNSR program to meet the minimum offset ratio for moderate nonattainment, which is 1.15:1. The BAAQMD satisfies this requirement through Regulation 2-2-302.2.2, which requires federally-enforceable offsets at a 1.15:1 ratio for all emissions increases at any facility with a potential to emit 35 tpy or more of NOx or POC. EPA has previously confirmed that this offset ratio complied with section 51.165(a)(9) for the 2008 8-hour ozone NAAQS, for which the Bay Area was also a marginal

⁴ Since previous emission reductions are authorized to be used as offsets under 51.165(a)(3)(ii)(C)(1)(ii), there is no need to address 51.165(a)(3)(ii)(C)(2). *See* TSD p. 116, Section 7.3.17.

nonattainment area. *See* TSD p. 121-122, section 7.3.26. For the same reasons, this ratio also complies with 51.165(a)(9) for the 2015 ozone NAAQS.

9. 40 CFR section 51.165(a)(12) incorporates the “anti-backsliding” provisions of 40 CFR section 51.1105. These provisions require the BAAQMD to implement the NNSR major source thresholds and offset requirements based on its previous “moderate” non-attainment status for older ozone NAAQS that predate the 2015 NAAQS. For the major source thresholds, the moderate threshold is the same as the marginal threshold. It is 100 tpy, which the BAAQMD NNSR program complies with as discussed in Paragraph 1 above. For the offsets requirements, the offset ratio required for moderate nonattainment areas is 1.15:1, which the BAAQMD NNSR program complies with as discussed in Paragraph 8 above.

10. 40 CFR section 51.165(i) requires the BAAQMD to use a “consistent noticing method” to provide notice of draft permits for public comment, which can either be through posting on the agency’s website or through publication in a newspaper of general circulation in the area where the source is located. The BAAQMD’s NNSR program uses the second option. BAAQMD Regulation 2-2-404 requires that for major facilities and major modifications, the agency must publish notice prominently in at least one newspaper of general circulation within the District. This is a “consistent noticing method” that satisfies 40 CFR section 51.165(i).

**REGULATION 2
PERMITS
RULE 1
GENERAL REQUIREMENTS**

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REGULATION 2
PERMITS
RULE 1
GENERAL REQUIREMENTS

(Adopted January 1, 1980)

2-1-100 GENERAL

2-1-101 Description: The purpose of Regulation 2 is to provide an orderly procedure for the review of new sources of air pollution, and of the modification and operation of existing sources, and of associated air pollution control devices, through the issuance of authorities to construct and permits to operate. The applicability of Regulation 2, Rule 1 is illustrated by Figure 2-1-101, Permit/Exemption Flow Chart. An applicant may choose to obtain a permit to operate for a source that is exempt from permit requirements. In that case, the affected source is deemed to be subject to the requirements of Section 2-1-302 until such time as an application for return to exempt status is approved.

(Amended 7/17/91; 6/7/95; 5/17/00; 12/21/04)

2-1-102 Applicability to Other Rules in Regulation 2: The provisions of this Rule, including the definitions, shall apply to the other Rules of this Regulation, where applicable, unless superseded by specific provisions in those other Rules.

(Amended November 3, 1993)

2-1-103 Exemption, Source not Subject to any District Rule: Any source that is not already exempt from the requirements of Section 2-1-301 and 302 as set forth in Sections 2-1-105 to 2-1-128, is exempt from Section 2-1-301 and 302 if the source meets all of the following criteria:

- 103.1 The source is not in a source category subject to any of the provisions of Regulation 6⁽¹⁾, Regulation 8⁽²⁾ excluding Rules 1 through 4, or Regulations 9 through 12; and
- 103.2 The source is not subject to any of the provisions of Sections 2-1-316 through 319; and
- 103.3 Actual emissions of precursor organic compounds (POC), non-precursor organic compounds (NPOC), nitrogen oxides (NO_x), sulfur dioxide (SO₂), PM_{2.5}, PM₁₀ and carbon monoxide (CO) from the source are each (i) less than 10 pounds per highest day; or (ii) if greater than 10 pounds per highest day, total emissions are less than 150 pounds per year, per pollutant; and
- 103.4 The source is not an ozone generator (a piece of equipment designed to generate ozone) emitting 1 lb/day or more of ozone.

Note 1: Typically, any source may be subject to Regulation 6, Particulate Matter and Visible Emissions. For the purposes of this section, Regulation 6 applicability shall be limited to the following types of sources that emit PM_{2.5} and PM₁₀: combustion source; material handling/processing; sand, gravel or rock processing; cement, concrete and asphaltic concrete production; tub grinder; or similar PM_{2.5} and PM₁₀-emitting sources, as deemed by the APCO.

Note 2: If an exemption in a Regulation 8 Rule indicates that the source is subject to Regulation 8, Rules 1 through 4, then the source must comply with all applicable provisions of Regulation 8, Rules 1 through 4, to qualify for this exemption.

(Adopted 6/7/95; Amended 5/17/00; 12/21/04)

2-1-104 Deleted October 7, 1998

2-1-105 Exemption, Registered Statewide Portable Equipment: Equipment that complies with all applicable requirements of and is registered under the Statewide Portable Equipment Registration Program (California Code of Regulations Title 13, Division 3, Chapter 3, Article 5) is exempt from the requirements of Sections 2-1-301 and 302. If the equipment ceases to qualify for this exemption for any reason (for example, if it remains at any fixed location for more than twelve months or otherwise ceases to be portable as defined by the Program), the equipment shall be subject to the requirements of Regulation 2 as if it were a new source.

(Adopted 6/7/95; Amended 10/7/98; 5/17/00)

2-1-106 Limited Exemption, Accelerated Permitting Program: Unless subject to any of the provisions of Sections 2-1-316 through 319, any new source or modification or alteration of an existing source is exempt from the Authority to Construct requirements of Section 2-1-301 if it has received a temporary Permit to Operate under the Accelerated Permitting Program set forth in Section 2-1-302.2.

(Adopted 6/7/95; Amended 10/7/98; 5/17/00; 6/15/05; 12/19/12)

2-1-109 Deleted June 7, 1995

2-1-110 Deleted June 7, 1995

2-1-111 Deleted June 7, 1995

2-1-112 Deleted June 7, 1995

2-1-113 Exemption, Sources and Operations:

113.1 The following sources and operations are exempt from the requirements of Sections 2-1-301 and 302, in accordance with the California Health and Safety Code:

- 1.1 Single and multiple family dwellings used solely for residential purposes.
- 1.2 Agricultural sources (as defined in Section 2-1-239) with actual emissions of each regulated air pollutant, excluding fugitive dust and greenhouse gases, less than 50 tons per year. Agricultural sources engaged in composing and other similar biomass processing that primarily process green materials or animal waste products derived from agricultural operations shall not become ineligible for this exemption for processing material from non-agricultural operations as long as the facility processes less than 500 tons per year of such material from non-agricultural operations.
- 1.3 Any vehicle. Equipment temporarily or permanently attached to a vehicle is not considered to be a part of that vehicle unless the combination is a vehicle as defined in the Vehicle Code. Specialty vehicles may include temporarily or permanently attached equipment including, but are not limited to, the following: oil well production service unit; special construction equipment; and special mobile equipment.
- 1.4 Tank vehicles with vapor recovery systems subject to state certification, in accordance with the Health and Safety Code.

113.2 The following sources and operations are exempt from the requirements of Sections 2-1-301 and 302:

- 2.1 Road construction, widening and rerouting.
- 2.2 Restaurants, cafeterias and other retail establishments for the purpose of preparing food for human consumption.
- 2.3 Structural changes which do not change the quality, nature or quantity of air contaminant emissions.

- 2.4 Any abatement device which is used solely to abate equipment that does not require an Authority to Construct or Permit to Operate.
- 2.5 Architectural and industrial maintenance coating operations that are exclusively subject to Regulation 8, Rules 3 or 48, because coatings are applied to stationary structures, their appurtenances, to mobile homes, to pavements, or to curbs. This does not apply to coatings applied by the manufacturer prior to installation, nor to the coating of components removed from such structures and equipment.
- 2.6 Portable abatement equipment exclusively used to comply with the tank degassing or vacuum truck control requirements of Regulation 8, Rules 5, 40 or 53.
- 2.7 Equipment that transports, holds or stores California Public Utilities Commission regulated natural gas, excluding drivers.
- 2.8 Deleted May 17, 2000
- 2.9 Deleted May 17, 2000
- 2.10 Deleted May 17, 2000
- 2.11 Teaching laboratories used exclusively for classroom experimentation and/or demonstration.
- 2.12 Laboratories located in a building where the total laboratory floor space within the building is less than 25,000 square feet, or the total number of fume hoods within the building is less than 50, provided that Responsible Laboratory Management Practices, as defined in Section 2-1-224, are used. Buildings connected by passageways and/or corridors shall be considered as separate buildings, provided that structural integrity could be maintained in the absence of the passageways and/or corridors and the buildings have their own separate and independently operating HVAC and fire suppression systems. For the purposes of this subsection, teaching laboratories that are exempt per Section 2-1-113.2.11 are not included in the floor space or fume hood totals. In addition, laboratory units for which the owner or operator of the source can demonstrate that toxic air contaminant emissions would not occur, except under accidental or upset conditions, are not included in the floor space or fume hood totals.
- 2.13 Maintenance operations on natural gas pipelines and associated equipment, provided that emissions from such operations consist solely of residual natural gas that is vented after the equipment is isolated or shut down.
- 2.14 [Deleted 12/19/2012]
- 2.15 Asbestos and asbestos containing material renovation or removal conducted in compliance with Regulation 11, Rule 2 and Regulation 3.
- 2.16 Closed landfills that have less than 1,000,000 tons of decomposable solid waste in place and that do not have an operating landfill gas collection system.
- 2.17 Closed landfills that have not accepted waste for at least 30 years and that never had a landfill gas collection system.
- 2.18 Construction of a building or structure that is not itself a source requiring a permit.
- 2.19 Vacuum trucks subject to Regulation 8, Rule 53 and processing regulated material as defined in that rule.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00; 11/15/00; 5/2/01; 7/19/06; 4/18/12; 12/06/17)

2-1-114 Exemption, Combustion Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, only if the source does not emit pollutants other than combustion products, and those combustion products are not caused by the combustion of a pollutant generated from another source, and the source does not require permitting pursuant to Section 2-1-319.

114.1 Boilers, Heaters, Steam Generators, Duct Burners, and Similar Combustion Equipment:

- 1.1 Any of the above equipment with less than 1 million BTU per hour rated heat input.
- 1.2 Any of the above equipment with less than 10 million BTU per hour rated heat input if fired exclusively with natural gas (including compressed natural gas), liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures), or any combination thereof.

114.2 Internal Combustion Engines and Gas Turbines:

- 2.1 Internal combustion (IC) engines and gas turbines with a maximum output rating less than or equal to 50 bhp.
- 2.2 Internal combustion (IC) engines and gas turbines used solely for instructional purposes at research, teaching, or educational facilities.
- 2.3 Portable internal combustion engines which are at a location for less than 72 consecutive hours.
- 2.4 Any engine mounted on, within, or incorporated into any vehicle, train, ship, boat, or barge used to provide propulsion for the vehicle, train, ship, boat, or barge.
- 2.5 Any engine mounted on, within, or incorporated into any vehicle, train, ship, boat, or barge used to provide propulsion for the vehicle, train, ship, boat, or barge and which is also used to supply mechanical or electrical power to ancillary equipment (e.g., crane, drill, winch, etc.) which is affixed to or is a part of the vehicle, train, ship, boat, or barge.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00; 8/1/01, 12/06/17)

2-1-115 Exemption, Particulate Sources at Quarries, Mineral Processing and Biomass Facilities: The following potential PM_{2.5} and PM₁₀ sources are exempt from the requirements of sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

115.1 Sources located at quarrying; mineral or ore handling or processing; concrete production; asphaltic concrete production; marine bulk transfer stations; concrete or asphaltic concrete recycling; vehicle shredding; glass manufacturing; handling or processing of cement, coke, lime, flyash, fertilizer, or catalyst; or other similar facility which meets one of the following:

- 1.1 Mixer and other ancillary sources at concrete or aggregate product production facilities with a maximum rated production capacity less than 15 cubic yards (yd³) per hour;
- 1.2 Other source at a facility with a maximum throughput less than 5000 tons per year;
- 1.3 Operating, loading and unloading a crusher or grinder which processes exclusively material with a moisture content greater than or equal to 20 percent by weight;
- 1.4 Operating, loading and unloading the following sources which process exclusively material with a moisture content greater than or equal to 5 percent by weight:

- 1.4.1 Screen or other size classification;
- 1.4.2 Conveyor, screw, auger, stacker or bucket elevator;
- 1.4.3 Grizzly, or other material loading or unloading;
- 1.4.4 Storage silos;
- 1.4.5 Storage or weigh hopper/bin system.
- 1.5 Haul or access roads;
- 1.6 Drilling or blasting.
- 115.2 Sources located at biomass recycling, composting, landfill, POTW, or related facilities, including, but not limited to, the following:
 - 2.1 Tub grinder powered by a motor with a maximum output rating less than 10 horsepower;
 - 2.2 Hogger, shredder or similar source powered by a motor with a maximum output rating less than 25 horsepower;
 - 2.3 Other biomass processing/handling sources at a facility with a total throughput less than 500 tons per year.

(Amended 6/7/95; 5/17/00)

2-1-116 Exemption, Furnaces, Ovens and Kilns: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 116.1 Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens.
- 116.2 Crucible furnaces, pot furnaces, induction furnaces, cupolas, electric arc furnaces, reverberatories, or blast furnaces with a capacity of 1000 lbs or less each.
- 116.3 Crucible furnaces, pot furnaces, or induction furnaces for sweating or distilling that process 100 tons per year of all metals or less.
- 116.4 Drying or heat-treating ovens with less than 10 million BTU per hour capacity provided that a) the oven does not emit pollutants other than combustion products and b) the oven is fired exclusively with natural gas (including compressed natural gas), liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures), or any combination thereof.
- 116.5 Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold, or for the softening and annealing of plastics.
- 116.6 Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.
- 116.7 Ovens used exclusively for curing potting materials or castings made with epoxy resins.
- 116.8 Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.
- 116.9 Parts cleaning, bake-off, and similar ovens that meet both of the following:
 - 9.1 Oven is equipped with a secondary combustion chamber or abated by a fume incinerator; and
 - 9.2 Internal oven volume is 1 cubic yard or less.
- 116.10 Electric ovens used exclusively for curing or heat-treating where no significant off-gassing or evaporation of any air contaminants occurs.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)

2-1-117 Exemption, Food and Agricultural Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 117.1 Smokehouses or barbecue units in which the maximum horizontal inside cross sectional area does not exceed 20 square feet.
- 117.2 Equipment at facilities other than restaurants, cafeterias or other retail operations, which is used to dry, cook, fry, bake, or grill less than 1000 tons per year of food products.
- 117.3 Any oven with a total production of yeast leavened bakery products of less than 10,000 pounds per operating day, averaged over any period of seven consecutive days, and which is heated either electrically or exclusively by natural gas firing with a maximum capacity of less than 10 million BTU per hour.
- 117.4 Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, or coffee.
- 117.5 Equipment used to dry, mill, grind, blend, or package less than 1000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.
- 117.6 Equipment used to convey, transfer, clean, or separate less than 1000 tons per year of dry food products or waste from food production operations.
- 117.7 Storage equipment or facilities containing dry food products; which are not vented to the outside atmosphere, or which handle less than 1000 tons per year.
- 117.8 Coffee, cocoa and nut roasters with a roasting capacity of less than 15 pounds of beans or nuts per hour; and any stoners or coolers operated in conjunction with these roasters.
- 117.9 Containers, reservoirs, tanks, or loading equipment used exclusively for the storage or loading of beer, wine or other alcoholic beverages.
- 117.10 Fermentation tanks for beer or wine. Fermentation tanks used for the commercial production of yeast for sale are not exempt.
- 117.11 Brewing operations at facilities producing less than 3 million gallons per year of beer.
- 117.12 Fruit sulfuring operations at facilities producing less than 10 tons per year of sulfured fruits and vegetables.

(Adopted 10/19/83; Amended 4/16/86; 7/1791; 6/7/95; 5/17/00)

2-1-118 Exemption, Surface Preparation and Cleaning Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 118.1 Permanent abrasive blasting source, as defined by Regulation 12, Rule 4, that has a confined volume less than 100 cubic feet (ft³) and is abated by a particulate filter.
- 118.2 Blast cleaning equipment using a suspension of abrasive in water.
- 118.3 Portable abrasive blasting equipment used on a temporary basis within the District.
- 118.4 Equipment, including solvent cold cleaners using an unheated solvent mixture for surface preparation, cleaning, wipe cleaning, fluxing or stripping by use of solutions with a VOC content less than or equal to 50 grams per liter (0.42 lb/gal).
- 118.5 Equipment using a heated solvent mixture for steam cleaning, surface preparation, fluxing, stripping, wipe cleaning, washing or drying products, provided that a) only solutions containing less than 2.5 percent VOC (wt) are used; and b) any combustion sources used in the process are exempt under Section 2-1-114.

- 118.6 Equipment or operations which use unheated solvent and which contain less than 1 gallon of solvent or have a liquid surface area of less than 1 ft². This exemption does not apply to solvent stations at semiconductor manufacturing operation fabrication areas or aerospace stripping operations.
- 118.7 Deleted December 21, 2004
- 118.8 Batch solvent recycling equipment where all of the following apply:
 - 8.1 Recovered solvent is used primarily on site (more than 50% by volume); and
 - 8.2 Maximum heat input (HHV) is less than 1 million BTU per hour; and
 - 8.3 Batch capacity is less than 150 gallons.
- 118.9 Wipe cleaning at a facility that meets one of the following:
 - 9.1 net cleanup solvent usage less than 20 gallons per year from all wipe cleaning operations; or
 - 9.2 emission to the atmosphere of less than 150 pounds per year of uncontrolled VOC from all wipe cleaning operations.

At a facility with total wipe cleaning emissions greater than 150 lb/yr, wipe cleaning operations may be grouped per Section 2-1-401.4.
- 118.10 Any solvent cleaning or surface preparation source which employs only non-refillable hand held aerosol cans.
- 118.11 Spray gun cleaning performed in compliance with Regulation 8, provided the cleaning is associated with a source, such as a spray booth, subject to the requirements of Section 2-1-301 and 302.

(Adopted 10/19/83; Amended 4/16/86; 8/2/89; 7/17/91; 6/7/95; 5/17/00; 12/21/04)

2-1-119 Exemption, Surface Coating and Printing Equipment: The following equipment and operations are exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 119.1 Any powder coating operation, or radiation cured coating operation where ultraviolet or electron beam energy is used to initiate a reaction to form a polymer network.
- 119.2 Any coating, adhesive, dipping, laminating, screening, masking, electrodeposition, resist application, or similar source or operation at any facility that is not operated or conducted as part of a graphic arts operation, which:
 - 2.1 Consumes a total of less than 30 gallons of coating, adhesive, laminate or resist per year on a facility wide basis, or emits less than 150 pounds per year of uncontrolled VOC on a facility wide basis, resulting from the application of these materials; or
 - 2.2 Uses exclusively materials that contain less than one percent VOC (wt).

At a facility with emissions from these sources or operations of greater than 150 lb/yr, these sources or operations may be grouped per Section 2-1-401.3.
- 119.3 Any coating source which employs only non-refillable hand held aerosol cans.
- 119.4 An oven associated with an exempt coating source, provided that the oven is electrically heated, or the oven is fired exclusively with natural gas, liquefied petroleum gas (e.g. propane, butane, isobutane, propylene, butylenes, and their mixtures) and the maximum firing rate is less than 10 million BTU per hour.
- 119.5 Any graphic arts operation that emits less than 400 pounds of uncontrolled VOC emissions per month on a facility-wide basis.

(Adopted 10/19/83; Amended 4/16/86; 7/17/91; 6/7/95; 5/17/00; 12/21/04; 11/19/08)

2-1-120 Exemption, Dry Cleaning Equipment: Any dry cleaning facility which uses (gross consumption) less than 200 gallons of petroleum solvent or any other non-halogenated solvent in any single year is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319; the facility is in compliance with the registration requirement in Regulation 8, Rule 17, Section 404; and the equipment does not use solvent that contains perchloroethylene or more than 1% by weight of any other halogenated compound.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00; 3/4/09)

2-1-121 Exemption, Material Working and Handling Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 121.1 Equipment used for buffing, carving, cutting, drilling, grinding, machining, planing, routing, sanding, sawing, shredding, stamping or turning of wood, ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon or graphite, provided that organic emissions from the use of coolant, lubricant, or cutting oil are 5 ton/yr or less.
- 121.2 Equipment used for pressing or storing sawdust, wood chips or wood shavings.
- 121.3 Equipment used exclusively to mill or grind coatings and molding compounds in a paste form provided the solution contains less than one percent VOC (wt).
- 121.4 Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- 121.5 Batch mixers with a rated working capacity of 55 gallons or less.
- 121.6 Mixing equipment provided no material in powder form is added and mixture contains less than one percent VOC (wt).
- 121.7 Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.
- 121.8 Equipment used exclusively for the mixing and packaging of lubricants or greases.
- 121.9 Presses used exclusively for extruding metals, minerals, plastics or wood.
- 121.10 Presses used for the curing of rubber products and plastic products. The use of mold release products or lubricants is not exempt unless the VOC content of these materials is less than or equal to 1 percent, by weight, or unless the total facility-wide uncontrolled VOC emissions from the use of these materials are less than 150 lb/yr.
- 121.11 Platen presses used for laminating.
- 121.12 Roll mills or calendars for rubber or plastics.
- 121.13 Equipment used exclusively for forging, pressing, rolling, stamping or drawing metals or for heating metals immediately prior to forging, pressing, rolling, stamping or drawing, provided that: (1) maximum fuel use rate is less than 10 million BTU/hr; (2) no lubricant with an initial boiling point less than 400°F is used; and (3) organic emissions are 5 ton/yr or less.
- 121.14 Atmosphere generators used in connection with metal heat treating processes.
- 121.15 Equipment used exclusively for the sintering of glass or metals.
- 121.16 Equipment used exclusively for the melting or applying of wax containing less than one percent VOC (wt).

- 121.17 Equipment used exclusively for conveying and storing plastic pellets.
- 121.18 Solid waste transfer stations that receive or load out a total of all material less than 50 tons/day.
- 121.19 Inactive solid waste disposal sites which do not have an operating landfill gas collection system.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)

2-1-122 Exemption, Casting and Molding Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 122.1 Molds used for the casting of metals.
- 122.2 Foundry sand mold forming equipment to which no heat is applied, except processes utilizing organic binders yielding in excess of 0.25% free phenol by weight of sand.
- 122.3 Shell core and shell-mold manufacturing machines.
- 122.4 Equipment used for extrusion, compression molding and injection molding of plastics. The use of mold release products or lubricants is not exempt unless the VOC content of these materials is less than or equal to 1 percent, by weight, or unless the total facility-wide uncontrolled VOC emissions from the use of these materials are less than 150 lb/yr.
- 122.5 Die casting machines.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)

2-1-123 Exemption, Liquid Storage and Loading Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 123.1 Storage tanks and storage vessels having a capacity of less than 260 gallons.
- 123.2 Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of any aqueous solution which contains less than 1 percent (wt) organic compounds. Tanks and vessels storing the following materials are not exempt.
 - 2.1 Sulfuric acid with an acid strength of more than 99.0% by weight.
 - 2.2 Phosphoric acid with an acid strength of more than 99.0% by weight.
 - 2.3 Nitric acid with an acid strength of more than 70.0% by weight.
 - 2.4 Hydrochloric acid with an acid strength of more than 30.0% by weight.
 - 2.5 Hydrofluoric acid with an acid strength of more than 30.0% by weight.
 - 2.6 More than one liquid phase, where the top phase contains more than one percent VOC (wt).
- 123.3 Containers, reservoirs, tanks or loading equipment used exclusively for:
 - 3.1 Storage or loading of liquefied gases.
 - 3.2 Storage or loading of organic liquids or mixtures containing organic liquids; where the initial boiling point of the organics is greater than 302°F and exceeds the actual storage temperature by at least 180°F. This exemption does not apply to the storage or loading of asphalt or asphalt emulsion with a sulfur content equal to or greater than 0.5 wt%.
 - 3.3 The storage or loading of petroleum oils with an ASTM D-93 (PMCC) flash point of 130°F or higher, when stored or loaded at a temperature at least 36°F below the flash point.
 - 3.4 The storage or loading of lubricating oils.
 - 3.5 The storage of fuel oils with a gravity of 40 API or lower and having a capacity of 10,000 gallons or less.

- 3.6 The storage or loading of liquid soaps, liquid detergents, tallow, or vegetable oils, waxes or wax emulsions.
 - 3.7 The storage of asphalt or asphalt emulsion with a sulfur content of less than 0.5 wt%. This does not include the storage of asphalt cutback with hydrocarbons having an initial boiling point of less than 302°F.
 - 3.8 The storage of wine, beer or other alcoholic beverages.
 - 3.9 The storage of organic salts or solids in an aqueous solution or suspension, provided that no liquid hydrocarbon layer forms on top of the aqueous phase.
 - 3.10 The storage or loading of fuel oils with a gravity of 25 API or lower.
 - 3.11 The storage and/or transfer of an asphalt-water emulsion heated to 150°F or less.
- 123.4 Tank seal replacement. For any tank subject to Regulation 8, Rule 5, any new seal must comply with the applicable provisions of Regulation 8, Rule 5, and the District must receive written notification of the tank source number and seal type at least three days prior to the installation.

(Adopted 10/19/83; Amended 7/11/84; 7/17/91; 6/7/95; 5/17/00)

2-1-124 Exemption, Semiconductor Manufacturing: Semiconductor fabrication area(s) at a facility which complies with all of the following are exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 124.1 Net solvent usage is less than 20 gallons of VOC per year on a facility wide basis; or uncontrolled VOC emissions to the atmosphere resulting from the usage of solvent are less than 150 pounds per year of VOC on a facility wide basis, and
- 124.2 Maskant and/or coating usage is less than 30 gallons per year, on a facility wide basis; or uncontrolled VOC emissions from the application of maskant and coatings are less than 150 pounds per year on a facility wide basis.

(Adopted 10/19/83; Amended 1/9/85; 4/16/86; 7/17/91; 6/7/95; 10/20/99; 5/17/00)

2-1-125 Exemption, Printed Circuit Board Manufacturing Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 125.1 Equipment used exclusively for:
 - 1.1 Plating of printed circuit boards.
 - 1.2 Buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of printed circuit boards.
 - 1.3 Soldering. This section does not exempt fluxing and finger cleaning (see Section 2-1-118.4).

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)

2-1-126 Exemption, Testing Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 126.1 Equipment used for hydraulic or hydrostatic testing.
- 126.2 Bench scale laboratory equipment or processes used exclusively for chemical or physical analyses or experimentation, quality assurance and quality control testing, research and development, or similar bench scale equipment, excluding pilot plants.
- 126.3 Equipment used for inspection of metal products.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)

2-1-127 Exemption, Chemical Processing Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 127.1 Equipment used exclusively for the dyeing or stripping (bleaching) of textiles provided that only solutions containing less than one percent VOC (wt) are used.
- 127.2 Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
- 127.3 Containers, reservoirs, or tanks used exclusively for electrolytic plating with, or electrolytic polishing of, or electrolytic stripping of the following metals: aluminum, brass, bronze, cadmium, copper, iron, nickel, tin, zinc and precious metals.
- 127.4 Containers, reservoirs, or tanks used exclusively for etching (not chemical milling), except where ammonia or ammonium-based etchants are used.

(Adopted 10/19/83; Amended 7/17/91; 6/7/95; 5/17/00)

2-1-128 Exemption, Miscellaneous Equipment: The following equipment is exempt from the requirements of Sections 2-1-301 and 302, provided that the source does not require permitting pursuant to Section 2-1-319.

- 128.1 Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units of equipment.
- 128.2 Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
- 128.3 Vacuum producing devices in laboratory operations which are used exclusively in connection with other equipment which is exempted by this Rule, and vacuum producing devices which do not remove or convey air contaminants from another source.
- 128.4 Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers.
- 128.5 Natural draft hoods, natural draft stacks or natural draft ventilators.
- 128.6 Vacuum cleaning system used exclusively for industrial commercial or residential housekeeping purposes.
- 128.7 Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.
- 128.8 Equipment used exclusively to compress or hold dry natural gas, excluding drivers.
- 128.9 Equipment used exclusively for bonding lining to brake shoes.
- 128.10 Equipment used exclusively for the manufacture of water emulsions of waxes, greases or oils.
- 128.11 Brazing, soldering or welding equipment.
- 128.12 Pharmaceutical manufacturing equipment with annual VOC emissions less than 150 pounds per source. Material working and handling equipment such as mills, grinders, blenders, granulators, tablet presses, capsule fillers, packagers, and conveyors are only exempt if the source also processes less than 100 tons per year of pharmaceutical products.
- 128.13 Equipment used exclusively to blend or package cosmetics.
- 128.14 Any wastewater (oil-water) separator, as defined in Regulation 8, Rule 8, which processes less than 200 gallons per day of waste water containing organic liquids.

- 128.15 Exploratory drilling activities for methane recovery at waste disposal sites, for natural gas or for oil. Production wells for the above operations are not exempt.
- 128.16 Passive aeration of soil, only if:
 - 16.1 The duration of the passive aeration operation will not exceed three months, and
 - 16.2 The soil is not being used as a cover material at a landfill.
- 128.17 Ozone generators which produce less than 1 pound per day of ozone.
- 128.18 Any source or operation which exclusively uses consumer products regulated by the California Air Resources Board (California Code of Regulations Title 17, Article 2, Sections 94507-94517).
- 128.19 Any source or operation deemed by the APCO to be equivalent to a source or operation which is expressly exempted by Sections 2-1-113 through 128.
- 128.20 Wastewater pumping stations where no treatment is performed, excluding any drivers.
- 128.21 Modification, replacement, or addition of components that have only fugitive emissions during routine operation (e.g. valves, flanges, pumps, compressors, relief valves, process drains) at existing permitted equipment at petroleum refineries, chemical plants, bulk terminals or bulk plants, provided that:
 - 21.1 the modification, replacement or addition of the components will not result in any increase in emissions of any source at the facility (other than the fugitive emissions from the components being modified, replaced or added) in such a manner as to result in a modification of such source as defined in Section 2-1-234 (e.g., through debottlenecking of a source);
 - 21.2 the total allowable fugitive emissions from all additional components installed pursuant to this exemption at a given process unit during any consecutive twelve month period do not exceed 10 lb/day (or, for components that are not associated with a process unit, the total allowable fugitive emissions from all additional components installed at the facility that are not associated with a process unit during any twelve-month period do not exceed 10 lb/day), based on the maximum fugitive emissions rate allowed under District regulations;
 - 21.3 the components installed satisfy the "typical control technology" listed in the BACT/TBACT Workbook;
 - 21.4 the components meet applicable requirements of Regulation 8 rules; and
 - 21.5 fugitive emissions from the components are included when calculating emissions from the equipment on which the components are installed for purposes of applying District regulations to that equipment (e.g., BACT and offsets requirements).
- 128.22 Fuel cells that use phosphoric acid, molten carbonate, proton exchange membrane, solid oxide or equivalent technologies.
- 128.23 Structure demolition that does not involve asbestos or asbestos containing materials.

(Adopted 10/19/83; Amended 7/16/86; 7/17/91; 6/7/95; 5/17/00; 11/15/00; 12/21/04)

2-1-129 Major Facility Review: Notwithstanding the exemptions listed in this section, every source exempted by this Rule shall be included in any application for a synthetic minor or major facility review permit required by Regulation 2, Rule 6.

(Adopted 12/3/93; Amended 2/1/95; 5/17/00)

2-1-130 Effect of Explanatory Notes: The explanatory notes that are included in italics following certain provisions in Regulation 2 are intended to help readers better understand the regulatory context of these provisions. They are not intended to be binding as regulatory requirements. Where such notes are provided, it is the text of the regulatory provision itself, and not the text of the notes, that establishes the binding legal requirements of the provision.

2-1-200 DEFINITIONS

2-1-201 [Deleted December 19, 2012]

2-1-202 Complete Application: An application that contains all of the information required under Regulation 2-1-402.

(Amended 7/17/91; 11/20/91; 5/17/00; 12/21/04)

2-1-203 Fugitive Emissions: Fugitive emissions are all emissions from unintended openings in process equipment, emissions occurring from miscellaneous activities relating to the operation of a facility, and those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

(Adopted October 19, 1983)

2-1-204 [Deleted December 19, 2012]

2-1-205 [Deleted December 19, 2012]

2-1-206 [Deleted December 19, 2012]

2-1-207 Organic Compound, Non-Precursor (NPOC): The following are considered non-precursor organic compounds:

methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; acetone; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OC₂H₅); methyl acetate, 1,1,1,2,2,3,3-

heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), methyl formate (HCOOCH₃), (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); propylene carbonate; dimethyl carbonate; and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

In addition, any compound designated as having a negligible contribution to photochemical reactivity by the U.S. Environmental Protection Agency as published in the Federal Register shall be considered a Non-Precursor Organic Compound.

(Amended 7/17/91; 6/15/94)

2-1-208 Organic Compound, Precursor (POC): Any organic compound as defined in Regulation 1-233, excepting the non-precursor organic compounds as defined in Section 2-1-207.

(Adopted 3/17/82; Amended 7/17/91)

2-1-209 [Deleted December 19, 2012]

2-1-210 Start-Up Period: The period of time between initial operation and the issuance or denial of a permit to operate of a source or facility.

(Adopted October 19, 1983)

2-1-211 CEQA: The California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*

(Adopted July 17, 1991)

2-1-212 EIR: Environmental Impact Report, as defined in Public Resources Code Section 21061.

(Adopted 7/17/91; Amended 5/17/00)

2-1-213 Facility: Any source, building, structure or installation that emits or may emit any air pollutant; or any aggregation of such sources, buildings, structures or installations that are (i) located on one or more contiguous or adjacent properties; (ii) are under common ownership or control; and (iii) are considered to be in the same major industrial grouping (identified by the first two digits of the applicable code in *The Standard Industrial Classification Manual*). For purposes of this definition:

213.1 A Support Facility as defined in Section 2-1-242 is considered to be in the same major industrial grouping as the facility it supports, regardless of what code may nominally apply under *The Standard Industrial Classification Manual*.

213.2 A source is considered to be under control of the owner or operator of a facility if it is owned, operated or maintained by an agent or contractor acting on behalf of the facility owner or operator, unless it remains at the facility for less than 12 consecutive months (or, in the case of multiple temporary sources that are used in succession at the facility to serve the same function at the same facility source, the total time period that all such temporary sources remain at the facility is less than 12 consecutive months).

(Adopted 11/3/93; Amended 12/21/04; 12/06/17)

- 2-1-214 Federally Enforceable:** All limitations and conditions that are enforceable by the Administrator of the U. S. EPA, including but not limited to (i) requirements developed pursuant to 40 CFR Parts 60 (NSPS), 61 (NESHAPS), 63 (HAP), 70 (State Operating Permit Programs) and 72 (Permits Regulation, Acid Rain); (ii) requirements contained in the State Implementation Plan (SIP) that are applicable to the District; (iii) District regulations approved pursuant to 40 CFR Part 51, Subpart I (NSR); (iv) requirements in any operating permit issued under an EPA-approved program that is a part of the SIP and expressly requires adherence to any permit issued under such program, including requirements of any District permit condition (excluding conditions that are not enforceable by the Administrator of the U.S. EPA); and (v) requirements in federal consent decrees that are enforceable by the Administrator of the U.S. EPA.
(Adopted November 3, 1993)
- 2-1-215 Hazardous Air Pollutant (HAP):** Any pollutant that is listed pursuant to Section 112(b) of the federal Clean Air Act.
(Adopted 11/3/93; Amended 5/17/00)
- 2-1-216** [Deleted December 19, 2012]
- 2-1-217 Potential to Emit:** The maximum capacity of a source or facility to emit a pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the source or facility to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as a part of its design only if the limitation, or the effect it would have on emissions, is enforceable by the District or EPA (or both). A source or facility that exceeds an enforceable limitation is considered to have a potential to emit that is unconstrained by any such exceeded limit.
(Adopted 11/3/93; Amended 5/17/00)
- 2-1-218 Regulated Air Pollutant:** Except for purposes of major facility review in connection with Regulation 2, Rule 6, for which the definition in Section 2-6-222 applies, a regulated air pollutant is any air pollutant that is subject to a regulation.
(Adopted 11/3/93; Amended 5/17/00)
- 2-1-219** [Deleted December 19, 2012]
- 2-1-220** [Deleted December 19, 2012]
- 2-1-221 Source:** Any article, machine, equipment, operation, contrivance or related groupings of such which may produce and/or emit air pollutants.
(Adopted June 7, 1995)
- 2-1-222 Toxic Air Contaminant (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 6/7/95; Amended 5/17/00; 6/15/05)
- 2-1-223 Year, Month and Day:** Unless otherwise specified by regulation or by permit condition, a year shall be any rolling 12-month period, a month shall be a calendar month, and a day shall be a calendar day.
(Adopted June 7, 1995)
- 2-1-224 Responsible Laboratory Management Practices:** For the purposes of meeting the laboratory exemption of Section 2-1-113.2.12, Responsible Laboratory Management Practices include all of the following measures for minimizing the emissions of toxic air contaminants:
- 224.1 Open container procedures involving materials that contain volatile toxic air contaminants (TACs) shall be avoided where feasible.

- 224.2 Open container storage of volatile hazardous chemical wastes shall be avoided.
- 224.3 Training for laboratory employees handling hazardous materials shall include information about minimizing the emissions of volatile TACs. These employees shall be directed to avoid open container procedures involving volatile TACs where feasible, and to avoid open container storage of hazardous chemical waste.
- 224.4 Fume hoods shall be posted with notices reminding employees to avoid open container procedures using volatile TACs where feasible. Laboratories shall be inspected periodically, but not less than annually, to confirm that these notices are present.
- 224.5 Laboratory fume hoods shall be monitored periodically to assure proper face velocity.
- 224.6 Evaporation of any hazardous chemical waste containing TACs as a means of disposal shall be expressly forbidden.

(Adopted June 7, 1995)

2-1-225 [Deleted December 19, 2012]

2-1-226 **Statewide Portable Equipment Registration Program:** A uniform system for statewide registration and regulation of portable internal combustion and associated equipment, implemented by the Air Resources Board pursuant to Section 41750 et seq. of the Health and Safety Code.

(Adopted October 7, 1998)

2-1-227 **Substantial Use:** Substantial use of an Authority to Construct consists of one or more of the following: purchase or acquisition of the equipment that constitutes the source; ongoing construction activities other than grading or installation of utilities or foundations; a contract or commitment to complete construction of the source within two years.

(Adopted October 7, 1998)

2-1-228 **Particulate Matter (PM):** Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 microns.

(Adopted October 7, 1998)

2-1-229 **PM₁₀:** Particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns. PM₁₀ emissions shall include gaseous emissions from a source or activity that condense to form particulate matter at ambient temperatures.

(Adopted October 7, 1998)

2-1-230 **Functionally Equivalent:** Performing the same, or equivalent, function as the object of comparison. A functionally equivalent replacement source performs the same function for the process as the source being replaced, although emissions and other characteristics may differ. A replacement that performs additional functions is not considered to be functionally equivalent.

(Adopted October 7, 1998)

2-1-231 **Semiconductor Fabrication Area:** A physically identifiable area in a semiconductor manufacturing facility where one or more specific operations in the fabrication of semiconductors or related solid state devices occurs and the equipment used to perform those operations. The semiconductor fabrication area shall not include crystal growth, circuit separation, or encapsulation. All semiconductor fabrication equipment may be grouped into a single fabrication area, or multiple fabrication areas may be established to correspond to product lines or clean room environments.

(Adopted October 20, 1999)

- 2-1-232 New Source:** Any source that has not been in existence before, including any source that meets at least one of the following criteria (except sources that lose a permit exemption or exclusion in accordance with Regulation 2-1-424):
- 232.1 Any source constructed or proposed to be constructed after March 7, 1979, but which never had a valid District authority to construct or permit to operate.
 - 232.2 Any source which was not in operation for a period of one year or more and did not hold a valid District permit to operate during this period of non-operation, occurring after March 7, 1979.
 - 232.3 Any relocation of an existing source to a non-contiguous property, unless such relocation is authorized under a permit to operate at multiple locations pursuant to Section 2-1-413.
 - 232.4 Any replacement of a source, including an identical replacement of a source, occurring after March 7, 1979, regardless of when the original source was constructed.
 - 232.5 Any replacement of an identifiable source within a group of sources permitted together under a single source number for the purpose of District permitting convenience.
 - 232.6 "Rebricking" of a glass furnace where changes to the furnace design result in a change in heat generation or absorption.

(Adopted May 17, 2000; Amended 12/06/17)

- 2-1-233 Alter:** To make any physical change, change in the method of operation, or other similar change at an existing source that may affect air pollutant emissions and that does not qualify as a modification under the criteria set forth in Section 2-1-234. The APCO may impose permit conditions in an authority to construct or permit to operate for an alteration to ensure that the change authorized by the authority to construct or permit to operate will not result in a modification under Section 2-1-234. Other forms of the word alter, including altered and alteration, shall be defined based on the meaning of the root word "alter".

(Adopted 5/17/00; Amended 11/15/00)

- 2-1-234 Modify:** To make any physical change, change in method of operation, change in throughput or production, or other similar change at an existing source, that results in an increase in emissions that is either of the following:

- 234.1 Increase in Potential To Emit: An increase in the source's daily or annual potential to emit, determined according to the definition in Section 2-1-217 and the following requirements.

- 1.1 Any legally enforceable limitation on a source's operations that has the effect of limiting emissions may be taken into account in determining a source's potential to emit, as provided for in Section 2-2-217. Such limits may include direct limitations on the source's emissions and surrogate limits on operating conditions such as production rate or capacity that have the effect of limiting emissions. An hourly emissions limit may be multiplied by 24 to determine daily potential to emit and a daily emissions limit may be multiplied by 365 to determine annual potential to emit, unless the source cannot operate at its full permitted limit for 24 hours per day or 365 days per year or there is some other reason why short-term permit limits do not accurately represent longer-term potential to emit. A permit limit that applies to combined emissions from multiple sources does not establish an individual source's potential to emit, unless the limit

imposes an effective, legally enforceable limitation specifically on the emissions from the individual source.

- 1.2 For sources whose emissions are not limited by any legally enforceable limitation (or that cannot physically operate to the full extent of such limitation), the source's potential to emit shall be determined by the source's actual physical ability to emit air pollution. A source's potential to emit shall be determined by the most relevant and reliable technical information available regarding the source's operation, which may include design information, engineering specifications, or other information. A source's potential to emit shall take into account any limitation on the effective capacity of the source as a result of the capacity of any upstream or downstream process that acts as a "bottleneck" (i.e., a limit on the ability of the source to operate at maximum capacity).
- 1.3 For emissions toxic air contaminants and hazardous air pollutants, a change is not a modification unless the increase in the source's potential to emit results in an increase in cancer risk (as defined in Regulation 2-5-206) greater than 1.0 in a million (10^{-6}) or an increase in chronic hazard index (as defined in Regulation 2-5-208) greater than 0.20. An increase in emissions of less than the trigger levels specified in Table 2-5-1 in Regulation 2, Rule 5 shall be presumed not to cause an increase in cancer risk of greater than 1.0 in a million or an increase in chronic hazard index of greater than 0.20.

234.2 Increase Over Actual Emissions Baseline: An increase that is a "major modification" under either of the following definitions:

- 2.1 Non-Attainment NSR Pollutants: For NO_x, VOC, PM_{2.5}, and SO₂, a "major modification" as defined in 40 C.F.R. section 51.165(a)(1)(v);
- 2.2 Other Federal NSR Pollutants: For other pollutants, a "major modification" as defined in 40 C.F.R. section 52.21(b)(2)(i).

The following provisions shall apply for purposes of implementing and applying this Subsection 234.2:

- 2.3 For purposes of determining whether an increase in emissions constitutes a "major modification" under Subsections 234.2.1 and/or 234.2.2, the definitions in 40 C.F.R. sections 51.165(a)(1)(i)-(xlvi) and 52.21(b)(1)-(52), and the applicability provisions in 40 C.F.R. sections 51.165(a)(2)(ii)(A)-(F) and 52.21(a)(2)(ii)-(iv), are incorporated by reference and shall be used in implementing and applying this Subsection 234.2. The term "Administrator" as used in these provisions shall be interpreted to mean the Administrator of the U.S. Environmental Protection Agency in 40 C.F.R. sections 52.21(b)(3), (b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), and (b)(49)-(51), and in all referenced provisions in 40 C.F.R. section 51.165; and it shall be interpreted to mean the APCO in all other provisions.
- 2.4 For any project at a "major stationary source" as defined in 40 C.F.R. sections 51.165(a)(1)(iv) or 52.21(b)(1) that (i) does not result in an increase in potential to emit as specified in subsections 234.1.1 through 234.1.3, and (ii) does not constitute a "major modification" under the definitions in subsections 234.2.1 and 234.2.2 above based on the calculation methods specified in 40 C.F.R. sections 51.165(a)(1)(xxviii)(B)(1)-(3) and 52.21(b)(41)(ii)(a)-(c), the

owner/operator of such project shall comply with the documentation, monitoring, recordkeeping, and reporting requirements set forth in 40 C.F.R. sections 51.165(a)(6)(i)-(vi) and 52.21(r)(6)(i)-(vi) for each pollutant for which there is a reasonable possibility that the project may result in a significant emissions increase within the meaning of 40 C.F.R. sections 51.165(a)(6)(vi) and 52.21(r)(6)(vi).

2.5 The owner/operator of any project that is required to maintain any documentation pursuant to Subsection 234.2.4 above shall make such documentation available for review upon request by the APCO, EPA, or any member of the public on the same terms as applicable under the requirements contained in 40 C.F.R. section 70.4(b)(3)(viii).

Other forms of the word modify, including modified and modification, shall be defined based on the meaning of the root word "modify".

(Adopted 5/17/00; Amended 11/15/00; 6/15/05; 12/06/17)

2-1-235 [Deleted, December 19, 2012]

2-1-236 [Deleted, December 19, 2012]

2-1-237 **BACT/TBACT Workbook:** District guidelines setting forth emission limitations and/or control technologies constituting BACT and TBACT for a number of source types or categories.

(Adopted June 15, 2005)

2-1-238 **Clean Air Act:** The federal Clean Air Act, as amended in 1990, including the implementing regulations.

(Adopted June 15, 2005)

2-1-239 **Agricultural Source:** A source of air pollution, or group of such sources located on the same property or on contiguous properties under common ownership or control, used in the production of crops or the raising of fowl or animals; but excluding any source or group of sources at a facility that maintains domesticated animals in corrals, pens, or other restricted areas for commercial purposes, and feeds them by means other than grazing, in numbers equal to or exceeding any of the following thresholds on any day: 1,000 milk-producing dairy cows; 3,500 beef cattle; 7,500 calves, heifers, or other cattle; 100,000 turkeys; 650,000 chickens other than laying hens; 650,000 laying hens; 3,000 swine; 15,000 sheep, lambs, or goats; 2,500 horses; 650,000 ducks; or 30,000 rabbits or other animals.

(Adopted July 19, 2006; Amended 12/06/17)

2-1-240 **Graphic Arts Operation:** Any gravure, flexographic printing, digital printing, screen printing, letterpress, and lithographic printing operation; any associated coating laminating, and adhesive operation to produce a printed product; and the use of solvents for any surface preparation and cleanup for any operation stated above.

(Adopted November 19, 2008)

2-1-241 **PM_{2.5}:** Particulate matter with aerodynamic diameter smaller than or equal to a nominal 2.5 microns. PM_{2.5} emissions shall include gaseous emissions from a source or activity that condense to form particulate matter at ambient temperatures.

2-1-242 **Support Facility:** A facility that conveys, stores, or otherwise significantly assists in the production of the principal product of another facility. Per Section 2-1-213, a support facility is considered part of the principal facility that it supports for permitting purposes under Regulation 2.

2-1-300 **STANDARDS**

2-1-301 Authority to Construct: Any person who, after July, 1972, puts in place, builds, erects, installs, modifies, modernizes, alters or replaces any article, machine, equipment or other contrivance, the use of which may cause, reduce or control the emission of air contaminants, shall first secure written authorization from the APCO in the form of an authority to construct. Routine repairs, maintenance, or cyclic maintenance that includes replacement of components with identical components is not considered to be an alteration, modification or replacement for the purpose of this Section unless the APCO determines the changes to be non-routine. The use or operation of the source shall initiate the start-up period in accordance with Section 2-1-411.

(Amended 3/17/82; 10/19/83; 7/17/91; 5/17/00)

2-1-302 Permit to Operate: Before any person, as described in Section 2-1-401, uses or operates any article, machine, equipment or other contrivance, the use of which may cause, reduce or control the emission of air contaminants, such person shall first secure written authorization from the APCO in the form of a permit to operate.

302.1 Permit to Operate, MFR: Any facility subject to the requirements of Regulation 2, Rule 6, Major Facility Review, shall comply with the permitting requirements included in that Rule in addition to securing a permit to operate under this Rule.

302.2 Permit to Operate, Accelerated Permitting Program: Unless subject to any of the provisions of Sections 2-1-316 through 319, a temporary permit to operate may be obtained to authorize operation of a new source or a modification or alteration of an existing source under this Section pending full review for the following categories of operation:

2.1 A new source or a modification of an existing source if the following conditions are satisfied:

1.1 The source will not have the potential to emit POC, NPOC, NO_x, SO₂, PM_{2.5}, PM₁₀, or CO in an amount of 10 pounds or more on any day, determined without taking into account the effect of any abatement device or equipment; or the source has been pre-certified under Section 2-1-415; and

1.2 The source will not have the potential to emit toxic air contaminants in an amount that exceeds any of the trigger levels set forth in Table 2-5-1 of Regulation 2, Rule 5, determined without taking into account the effect of any abatement device or equipment; and

1.3 The source is not subject to the public notice requirements of Section 2-1-412.

2.2 An abatement device that is a replacement for an existing abatement device, provided that the replacement will not increase the potential to emit any regulated air pollutant from the abatement device and the source(s) whose emissions it abates.

2.3 An alteration of an existing source, as defined in Section 2-1-233.

An applicant seeking a permit for a new, modified or altered source that is in any of the preceding categories may apply for a temporary permit to operate under the Accelerated Permitting Program by submitting (i) a permit application form and source data form(s) properly filled out with all required information; (ii) payment of applicable fees (the minimum permit fee required to install and operate each source); (iii) a statement explaining which of the categories in subsections 2.1 through 2.3 above the source is in; (iv) a

certification that the source meets all of the requirements of that category; (v) a certification that the source is not subject to Sections 2-1-316 through 2-1-319; and (vi) a certification that the applicant has reviewed all applicable New Source Performance Standards and has determined that the application will comply. The APCO shall issue a temporary Permit to Operate promptly upon determining that the application contains all of the elements required by (i)-(vi) of the preceding sentence. The owner or operator of the source may begin construction or operation of the source, or of the modification or alteration of the source, immediately upon receipt of the temporary Permit to Operate. The APCO shall complete a full review of the application and take final action in accordance with Section 2-1-408 within the time period provided for in that section. Any applicable offset requirements under Regulation 2, Rule 2, Sections 302 and 303 shall be satisfied before final permit issuance. The temporary Permit to Operate shall cease to be effective upon final action by the APCO under Section 2-1-408 (or if the permit application is canceled or withdrawn prior to such final action). During periods that the source is operating under the temporary Permit to Operate, the operator shall keep records sufficient to demonstrate that emissions do not exceed applicable qualifying levels for the Accelerated Permitting Program as set forth in subsections 2.1 through 2.3 above.

- 302.3 Permit to Operate, Temporary Operation: A temporary permit may be obtained to allow an operator to test equipment, processes, or new formulations. A temporary permit may also be obtained for a temporary source which replaces critical equipment during scheduled maintenance. The APCO may issue a non-renewable temporary Permit to Operate a temporary operation at any source, subject to the following:
- 3.1 The proposed operation will comply with all requirements of Regulation 1 and Regulations 5 through 12.
 - 3.2 The permit shall expire 3 months after issuance.
 - 3.3 The operator shall provide offsets, at a ratio of 1.15 to 1, for all increased emissions of NO_x, POC, SO₂, PM_{2.5}, and PM₁₀ resulting from the use of the temporary permit.
 - 3.4 The operator shall certify that the temporary operation is for one of the following purposes:
 - 4.1 Equipment testing
 - 4.2 Process testing, including new formulations
 - 4.3 Temporary replacement of an existing permitted source with an identical or functionally equivalent source
 - 3.5 The operator shall comply with the provisions of Regulation 2-2-301, except that the cost-effectiveness analysis shall consider the short duration of the operation.

(Amended 11/3/93; 6/7/95; 10/7/98; 11/15/00)

2-1-303 Fees: Persons subject to this Regulation shall pay the fees required, as set forth in Regulation 3.

2-1-304 Denial, Failure to Comply With Applicable Requirements: The APCO shall deny an authority to construct or a permit to operate if the APCO finds that the subject of the application would not or does not comply with any emission limitations or other regulations of the District (including but not limited to the BACT and offsets requirements in Regulations 2-2-301 through 2-2-303), or with applicable permit conditions or federal or California laws or regulations, or if any required fees have not

been paid. Such denial shall not be based solely on the type of construction or design of equipment.

(Amended March 17, 1982)

2-1-305 Conformance with Authority to Construct: A person shall not put in place, build, erect, install, modify, modernize, alter or replace any article, machine, equipment, or other contrivance for which an authority to construct has been issued except in a manner substantially in conformance with the authority to construct. If the APCO finds, prior to the issuance of a permit to operate, that the subject of the application was not built substantially in conformance with the authority to construct, the APCO shall deny the permit to operate.

(Amended December 21, 2004)

2-1-306 Mandated Reductions Not Applicable: Emission reductions resulting from requirements of federal, state or District laws, rules or regulations shall not be banked or allowed as emission offsets or emission reduction credits unless a complete application for such banking or emission reduction credits was filed with the District at least 90 days prior to the adoption date of such laws, rules or regulations. Only emission reduction credits exceeding the emission reductions required by measures described in the Air Quality Management Plan or required by permits or orders; and reductions achieved by measures not specified in the Air Quality Management Plan shall be banked or allowed as emission offsets or emission reduction credits.

(Amended 10/7/81; 7/17/91; 6/15/94)

2-1-307 Failure to Meet Permit Conditions: A person shall not operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate has been issued, in violation of any permit condition imposed pursuant to Section 2-1-403.

(Adopted 3/17/82; Amended 7/17/91)

2-1-308 Fugitive Emissions: Fugitive emissions shall be included as emissions from a source or facility except as required under this Regulation.

(Adopted 10/19/83; Amended 7/17/91)

2-1-309 Canceled Application: The APCO may cancel an application for an authority to construct and a permit to operate if, within 90 days after the application was deemed incomplete, the applicant fails to furnish the requested information or pay all appropriate fees. The 90 day period may be extended for an additional 90 days upon receipt of a written request from the applicant and written approval thereof by the APCO. The APCO shall notify the applicant in writing of a cancellation, and the reasons therefore. A cancellation shall become effective 10 days after the applicant has been notified. The cancellation shall be without prejudice to any future applications.

(Adopted April 6, 1988)

2-1-310 Applicability of CEQA: Except for permit applications which will be reviewed as ministerial projects under Section 2-1-311 or which are exempt from CEQA pursuant to Section 2-1-312, all proposed new and modified sources for which an authority to construct must be obtained from the District shall be reviewed in accordance with the requirements of CEQA.

310.1 For those District permit applications which must be reviewed in accordance with the requirements of CEQA, the District will not normally be a Lead Agency under CEQA. Rather, pursuant to CEQA, the Lead Agency will normally be an agency with general governmental powers, such as a city or county, rather than a special purpose agency such as the District.

310.2 The issuance of an authority to construct and of a permit to operate for the same new or modified source or stationary source are considered to be parts of the same project for the purposes of CEQA.

310.3 The APCO shall not authorize, on an interim basis or otherwise, the installation or operation of any proposed new or modified source, the permitting of which is subject to the requirements of CEQA, until all of the requirements of CEQA have been satisfied.

(Adopted 7/17/91; Amended 10/21/92)

2-1-311 Ministerial Projects: An application for a proposed new or modified source or stationary source will be classified as ministerial and will accordingly be exempt from the CEQA requirement of Section 2-1-310 if the District's engineering evaluation and basis for approval or denial of the permit application for the project is limited to the criteria set forth in Section 2-1-428 of this rule and to the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and BACT/TBACT Workbook. The method for determining whether a given permit application will be classified as ministerial is set forth in Section 2-1-427.

(Adopted 7/17/91; Amended 10/7/98)

2-1-312 Other Categories of Exempt Projects: In addition to ministerial projects, the following categories of projects subject to permit review by the District will be exempt from the CEQA review, either because the category is exempted by the express terms of CEQA (subsections 2-1-312.1 through 312.9) or because the project has no potential for causing a significant adverse environmental impact (subsections 2-1-312.10 and 312.11). Any permit applicant wishing to qualify under any of the specific exemptions set forth in this Section 2-1-312 must include in its permit application CEQA-related information in accordance with subsection 2-1-426.1. In addition, the CEQA-related information submitted by any permit applicant wishing to qualify under subsection 2-1-312.11 must demonstrate to the satisfaction of the APCO that the proposed project has no potential for resulting in a significant environmental effect in connection with any of the environmental media or resources listed in Section II of Appendix I of the State CEQA Guidelines.

312.1 Applications to modify permit conditions for existing or permitted sources or facilities that do not involve any increases in emissions or physical modifications.

312.2 Permit applications to install air pollution control or abatement equipment.

312.3 Permit applications for projects undertaken for the sole purpose of bringing an existing facility into compliance with newly adopted regulatory requirements of the District or of any other local, state or federal agency.

312.4 Permit applications submitted by existing sources or facilities pursuant to a loss of a previously valid exemption from the District's permitting requirements.

312.5 Permit applications submitted pursuant to the requirements of an order for abatement issued by the District's Hearing Board or of a judicial enforcement order.

312.6 Permit applications relating exclusively to the repair, maintenance or minor alteration of existing facilities, equipment or sources involving negligible or no expansion of use beyond that previously existing.

312.7 Permit applications for the replacement or reconstruction of existing sources or facilities where the new source or facility will be located on the same site as the source or facility replaced and will have substantially the same purpose and capacity as the source or facility replaced.

- 312.8 Permit applications for cogeneration facilities which meet the criteria of Section 15329 of the State CEQA Guidelines.
- 312.9 Any other project which is exempt from CEQA review pursuant to the State CEQA Guidelines.
- 312.10 Applications to deposit emission reductions in the emissions bank pursuant to Regulation 2, Rule 4 or Regulation 2, Rule 9.
- 312.11 Permit applications for a proposed new or modified source or sources or for process changes which will satisfy the "No Net Emission Increase" provisions of District Regulation 2, Rule 2, and for which there is no possibility that the project may have any significant environmental effect in connection with any environmental media or resources other than air quality. Examples of such projects include, but are not necessarily limited to, the following:
 - 11.1 Projects at an existing stationary source for which there will be no net increase in the emissions of air contaminants from the stationary source and for which there will be no other significant environmental effect;
 - 11.2 A proposed new source or stationary source for which full offsets are provided in accordance with Regulation 2, Rule 2, and for which there will be no other significant environmental effect;
 - 11.3 A proposed new source or stationary source at a small facility for which full offsets are provided from a small facility bank established by the APCO pursuant to Regulation 2-4-414, and for which there will be no other significant environmental effect;
 - 11.4 Projects satisfying the "no net emission increase" provisions of District Regulation 2, Rule 2 for which there will be some increase in the emissions of any toxic air contaminant, but for which the District staff's health risk screening analysis shows that the project will not result in a cancer risk (as defined in Regulation 2-5-206) greater than 1.0 in a million (10^{-6}) and will not result in a chronic hazard index (as defined in Regulation 2-5-208) greater than 0.20, and for which there will be no other significant environmental effect.

(Adopted 7/17/91; Amended 5/17/00; 12/21/04; 6/15/05)

2-1-313 Projects Not Exempt From CEQA Review: Notwithstanding the exemptions from CEQA review set forth in Section 2-1-312, such exemptions shall not apply to any project covered by the categories set forth in subsections 2-1-312.1 through 312.9 where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, or due to cumulative impacts of successive projects of the same type in the same place over time. Such projects shall be reviewed in accordance with the requirements of CEQA.

(Adopted 7/17/91; Amended 6/15/05)

2-1-314 Case-by-Case CEQA Determinations: Notwithstanding the requirement of Section 2-1-311, the District shall, for any permit applications which were deemed complete by the District on or before July 17, 1991, review said permit applications on a case-by-case basis in order to determine whether the District's evaluation of the permit application will involve any element of discretion. If as a result of this case-by-case-review, the District determines that the evaluation of the permit application will not involve any element of discretion on its part, then the application may be treated as a ministerial project so long as all of the following conditions are met:

- 314.1 The District makes a specific written finding to this effect as part of its determination that the permit application is complete;

- 314.2 The District will merely apply the law to the facts as presented in the permit application; and
- 314.3 The District's evaluation of the permit application and its decision regarding whether to issue the permit will be limited to the criteria set forth in Section 2-1-428.

(Adopted July 17, 1991)

2-1-315 Denial, Failure to Mitigate Significant Adverse Environmental Impacts: For any application for which the District is a Lead Agency under CEQA, where significant adverse environmental impacts have been identified in the District's review of, or in the course of the public comment period on, said application, the APCO shall deny an authority to construct to such new or modified stationary source, as proposed, unless:

- 315.1 The applicant agrees to implement or carry out such available alternatives or mitigation measures which would, to the extent feasible, avoid or substantially lessen any such significant adverse environmental impacts as a condition for issuance of an authority to construct; or
- 315.2 The APCO finds that any such available, feasible alternatives or mitigation measures are within the responsibility and jurisdiction of another public agency, and such measures have been adopted by such other agency, or can and should be adopted by such other agency; or
- 315.3 The APCO finds that there are no feasible alternatives or measures to substantially mitigate the unavoidable adverse environmental effects associated with the project, but that the benefits of the project outweigh such unavoidable adverse environmental effects, and the APCO states in writing the reasons and overriding considerations to support the issuance of the authority to construct based on the Final EIR and other information in the record notwithstanding the unavoidable adverse environmental effects associated with the project.

(Adopted November 20, 1991)

2-1-316 New or Modified Sources of Toxic Air Contaminants or Hazardous Air Pollutants: Notwithstanding any exemption contained in Section 2-1-103 or Section 114 through 128, any new or modified source meeting any of the following criteria shall be subject to the requirements of Regulation 2, Rule 1, Section 301 and/or 302.

- 316.1 If a new or modified source emits one or more toxic air contaminants in quantities that exceed the trigger levels listed in Table 2-5-1 of Regulation 2-5 and the source did not have a valid exemption from Regulation 2-1-302 when the source was constructed or modified, then the source shall be subject to the requirements of Sections 2-1-301 and 302, unless the owner or operator of the source can demonstrate to the satisfaction of the APCO that the source:
 - 1.1 Will comply with the TBACT requirement of Regulation 2-5-301 (if applicable); and
 - 1.2 Will comply with the project risk limits of Regulation 2-5-302 (if applicable).
- 316.2 If a new or modified source, or group of related sources in a proposed construction or modification will emit 2.5 or more tons per year of any single hazardous air pollutant or 6.25 or more tons per year of any combination of hazardous air pollutants, then the source or group of sources shall be subject to the requirements of Sections 2-1-301 and 302.

(Adopted 4/16/86; Amended 7/17/91; Renumbered and Amended 6/7/95; Amended 5/17/00; 6/15/05)

2-1-317 Public Nuisance Sources: Notwithstanding any exemption contained in Section 2-1-103 or Section 114 through 128, any new or modified source meeting any of the following criteria shall be subject to the requirements of Regulation 2, Rule 1, Section 301 and/or 302. If any exempt source receives two or more public nuisance violations, under Regulation 1, Section 301 or Section 41700 of the California Health & Safety Code, within any consecutive 180-day period, then the source shall be subject to the requirements of Section 2-1-301 and 302. Such a source will be treated as loss of exemption source under Section 2-1-414, and will be subject to the annual permit to operate fee specified in Regulation 3. This section does not apply to a source that is exempt per section 2-1-113.

(Adopted 6/7/95; Amended 5/17/00)

2-1-318 Hazardous Substances: Notwithstanding any exemption contained in Section 2-1-103 or Section 114 through 128, any new or modified source meeting any of the following criteria shall be subject to the requirements of Regulation 2, Rule 1, Section 301 and/or 302. If a new or modified source at a facility in one of the 28 categories listed in Section 169(1) of the Clean Air Act that emits 100 tons per year of any PSD Pollutant as defined in Section 2-2-223, or at a facility not listed in any such category that emits 250 tons per year or more of any PSD Pollutant as defined in Section 2-2-223, emits any of the following air contaminants in excess of the quantities listed below, then it is subject to the requirements of Sections 2-1-301 and 302.

318.1 0.6 ton per year of lead,

318.2 0.007 ton per year of asbestos (excepting demolition, renovation, and waste disposal),

318.3 0.0004 ton per year of beryllium,

318.4 0.1 ton per year of mercury,

318.5 1 ton per year of vinyl chloride,

318.6 3 tons per year of fluorides,

318.7 7 tons per year of sulfuric acid mist, and

318.8 10 tons per year of reduced sulfur compounds (including hydrogen sulfide).

(Adopted 10/19/83; Renumbered and Amended 6/7/95; Amended 5/17/00)

2-1-319 Source Expressly Subject to Permitting Requirements: Notwithstanding any exemption contained in Section 2-1-103 or Sections 2-1-114 through 2-1-128, any source meeting any of the following criteria shall be subject to the requirements of Section 2-1-302:

319.1 The emission rate of any regulated air pollutant (except greenhouse gases) from the source is greater than 5 tons per year, after abatement.

319.2 The source is subject to the requirements of Section 2-1-316, 317, or 318.

(Adopted May 17, 2000)

2-1-320 Compliance With Material Representations Made In Connection With Permit Applications: In addition to the explicit conditions contained in an authority to construct and/or permit to operate, the owner and operator of a source of air pollutant emissions shall construct and operate the source in conformance with any representations made or information submitted to the APCO in connection with the application for such authority to construct and/or permit to operate, provided such representations or information were material to the APCO's decision to issue the authority to construct and/or permit to operate. Construction or operation of the source not in conformance with such material representations or information shall be a violation of this Regulation.

2-1-321 Compliance With Provisions of State Implementation Plan and Other Requirements of Local, California and Federal Law: Issuance of an authority to

construct and/or permit to operate for a facility under this Rule shall not relieve the owner and operator of the facility from the responsibility to comply fully with all applicable provisions of the state implementation plan for California and all other requirements under local, California and federal law.

2-1-400 ADMINISTRATIVE REQUIREMENTS

2-1-401 Persons Affected: Any person who has been granted or requires an authority to construct shall secure a permit to operate. Any person who is not required to obtain an authority to construct and who is required to obtain a permit to operate shall secure a permit to operate. In addition, the following shall apply for a permit to operate for any source which is not subject to an exemption per Sections 2-1-103, 105, or 113 through 2-1-129:

- 401.1 On or before July 1, 1980, persons who operate a facility causing emissions of 2.5 tons per year or more of a regulated air pollutant.
- 401.2 On or before July 1, 1980, persons who operate gasoline terminals, bulk plants and facilities that dispense gasoline for sale or dispense more than 60,000 gallons of gasoline per year.
- 401.3 Persons who operate coating, adhesive, dipping, laminating, printing, screening, masking, electrodeposition, resist application, or similar source or equipment at any facility whose coating, adhesive, dipping, laminating, printing, screening, masking, electrodeposition, resist application, or similar source or equipment consume greater than 30 gallons of coating and emit 150 pounds of VOC per year or more on a facility wide basis, resulting from the applications of coatings. Upon request of the applicant, the APCO may group coating operations which individually emit less than 150 lb/yr into a single facility-wide source, or other convenient grouping.
- 401.4 Persons who operate surface preparation and cleaning equipment or operations which use unheated solvent solutions containing more than 10 percent VOC and which contain more than 1 gallon of solvent or have a liquid surface area of more than 1 ft.², including wipe cleaning operations with a net solvent usage greater than 20 gallons per year, and that emit 150 pounds of VOC per year or more, on a facility-wide basis. Upon request of the applicant, the APCO may group wipe cleaning operations into a single facility-wide source, or other convenient groupings.
- 401.5 Persons who plan to modify an existing source or install a new source which qualifies for the Accelerated Permitting Program in Section 2-1-106 shall first submit a complete permit application, in accordance with Section 2-1-302.2.
- 401.6 Persons who operate a source that is subject to either loss of exemption or exclusion per section 2-1-414 or 2-1-424.
- 401.7 Persons who operate a source constructed after July 1, 1972.
- 401.8 On or before July 1, 2005, any person who operates a crematorium for the cremation of human remains.

(Amended 4/16/86; 1/7/87; 7/17/91; 6/7/95; 10/7/98; 5/17/00; 12/21/04)

2-1-402 Applications: Every application for an authority to construct or a permit to operate shall be submitted to the APCO on the forms specified, and shall contain all of the following information:

- 402.1 Sufficient information for the APCO to determine the emissions from the sources that are the subject of the application, and to quantify emissions from

the sources of any emission reduction credits that will be relied upon as part of the application.

- 402.2 Any information requested by the APCO in order to determine the air quality impact from sources that are the subject of the application.
- 402.3 All applicable fees, as described in Regulation 3.
- 402.4 If the application is subject to the New Source Review requirements of Regulation 2, Rule 2, all information required under Section 2-2-401.
- 402.5 CEQA-related information that satisfies the requirements of Section 2-1-426.
- 402.6 A certification stating whether the source triggers the requirements of Section 2-1-412.
- 402.7 A specific designation of any information contained in the application that the applicant asserts is trade secret pursuant to Section 6254.7 of the Government Code. The applicant shall submit two copies of each page containing trade secret information. One copy shall be clearly labeled "Trade Secret," and each trade secret item shall be clearly marked. The second copy shall be clearly labeled "Public Copy," and each trade secret item shall be redacted. The applicant shall include, for each item which it asserts to be a trade secret, a statement signed by a responsible representative of the applicant identifying that portion of Government Code Section 6254.7(d) upon which the assertion is based and a brief statement setting forth the basis for this assertion.
- 402.8 Any other information requested by the APCO as necessary to determine whether the new, modified or altered source will comply with applicable regulatory requirements.

The application must contain sufficient information to enable the APCO to make a decision or a preliminary decision on the application and/or on any exemptions authorized by this Regulation. The APCO may consult with appropriate local and regional agencies to determine whether the application conforms with adopted plans and with local permit requirements.

2-1-403 Permit Conditions: Except as to permit applications reviewed in accordance with Section 2-1-311, the APCO may impose any permit condition that he deems reasonably necessary to insure compliance with federal or California law or District regulations. For any permit application which was reviewed as a ministerial project in accordance with Section 2-1-311, the APCO shall only impose permit conditions as set forth in the District's Permit Handbook for the type of source being permitted. The APCO may require the installation of devices for measurement or analysis of source emissions or ground-level concentrations of air contaminants.

(Amended 7/17/91; 10/7/98)

2-1-404 Changes in Throughput and Hours of Operation: After a permit to operate has been issued, in accordance with subsections 2-1-401.1 through 401.4, changes in hours of operation, fuels, process materials or throughput are allowed only if emissions resulting from such changes are not of such quantity as would cause denial of an authority to construct after an air quality permit analysis made pursuant to the provisions of Rule 2 of this Regulation. "Change" is the use of a process or fuel not used in the prior 12 months, or a throughput level higher than the highest level in the prior 12 months or total monthly operating hours higher than any month in the prior 12 months.

- 404.1 The holder of a permit to operate shall advise the APCO not more than 30 days after any changes in hours of operation, fuels, process materials or throughput which might increase emissions.

404.2 The APCO shall act to revoke the permit to operate of any person who fails to comply with the requirements of this Section.

(Amended July 17, 1991)

2-1-405 Posting of Permit to Operate: A copy of the permit to operate, including all relevant permit conditions, shall be accessible to personnel who operate the equipment for which the permit has been issued. These documents shall be included on site in the operator's manual, or shall be accessible to the operators electronically.

(Amended 5/17/00; 11/15/00)

2-1-406 Transfer: An authority to construct or a permit to operate shall not be transferable from one facility to another. An authority to construct or a permit to operate shall not be transferable from one person to another without obtaining written permission of the APCO.

2-1-407 Authority to Construct Expiration: An authority to construct shall expire two years after the date of issuance, unless the authority to construct has been renewed. Upon receipt of a written request and any required fees prior to the expiration of the authority to construct, the APCO shall renew the authority to construct in writing if the APCO determines that the renewal complies with this section and that the holder of the authority to construct is not violating any provision or condition of the authority. If the APCO does not act on such a request prior to expiration of the authority to construct, the authority shall remain in effect until the APCO has acted to approve or deny the renewal request (up to a maximum of an additional 12 months).

407.1 The following requirements shall apply to renewals:

- 1.1 Except as provided in Sections 2-1-407.2 and 407.3, an authority to construct may be renewed one time for an additional two years.
- 1.2 Except for renewals pursuant to Section 2-1-407.3, renewal is contingent upon meeting the current BACT and offset requirements of Regulation 2-2-301, 302 and 303.
- 1.3 Except as provided in Sections 2-1-407.2 and 407.3, an authority to construct that has been renewed shall expire four years after the date of original issuance.

407.2 If the authority to construct was issued pursuant to an environmental impact report (EIR) that explicitly covered a construction period longer than four years, the authority to construct shall, upon request by the applicant, be renewed for additional two-year terms throughout the construction period covered by the EIR.

407.3 If substantial use of the authority to construct has begun, either during the initial term or during a renewal term, the authority to construct shall, upon request by the applicant, be renewed for additional two-year terms until the permit to operate is issued, or, if a term of less than two years is requested, for such term as is requested.

(Amended 7/17/91; Amended 10/7/98; 6/1/05)

2-1-408 Action on Applications: Except for applications subject to Section 2-1-412, the publication and public notice requirements of Section 2-2-404 or Section 2-10-402, or to the provisions of Rule 6 of this Regulation, the APCO shall notify the applicant in writing of approval, approval with conditions, or denial of the application within 35 working days of receipt of a completed application, unless the time is extended with the written consent of the applicant.

408.1 Notwithstanding this 35-working-day limit, the APCO shall not take final action for any project for which an Environmental Impact Report or a Negative Declaration has been prepared until a Final EIR for that project has been

certified or a Negative Declaration for that project has been approved, and the APCO has considered the information in that Final EIR or Negative Declaration. For cases in which the 35 working-day time period has elapsed, the APCO shall take final action on the application within 30 days after the certification of the Final EIR or approval of the Negative Declaration, or after final resolution of any appeals from such certification or approval. This subsection shall not apply to any project that is exempt from the District's CEQA requirements pursuant to Section 2-1-311 or 2-1-312. Any substantive change to an application which occurs after the evaluation period has begun shall allow the APCO to start a new completeness review period, and to reset the 35 working-day limit after the application has been deemed complete.

(Amended 11/1/89; 7/17/91; 11/20/91; 11/3/93; 6/7/95; 10/7/98; 12/21/04; 7/19/06)

2-1-409 Regulations in Force Govern: The decision as to whether an authority to construct shall be granted or denied shall be based on federal, state and District BACT, offset, TBACT, and project risk regulations or standards in force on the date the application is declared by the APCO to be complete.

(Amended June 15, 2005)

2-1-410 Appeal: The following actions of the APCO may be appealed:

410.1 In accordance with Section 42302 of the Health and Safety Code an applicant for an authority to construct which has been denied may request, within 30 days after receipt of the written notice to deny, the Hearing Board of the District to hold a hearing on whether or not the authority to construct was properly denied.

410.2 In accordance with Section 42302.1 of the Health and Safety Code, within 30 days of any decision of the APCO, pertaining to the issuance of an authority to construct, any aggrieved person who, in person or through a representative, appeared, submitted written testimony, or otherwise participated in the action before the District may request the Hearing Board of the District to hold a public hearing to determine whether the authority to construct was properly issued or for an order modifying or reversing that decision. Such appeals shall be filed in writing and contain a summary of the issues to be raised. The Hearing Board shall consider the appeal at a public hearing within 30 days of the filing of the appeal. The Hearing Board may reverse or modify the decision of the APCO if it determines that the decision was erroneous.

410.3 In accordance with Section 40724.6(g) of the Health and Safety Code, a permit holder of a large confined animal facility may appeal any District determination or decision made under Regulation 2, Rule 10, in accordance with Section 2-1-410.2.

(Amended 7/17/91; 11/20/91; 5/17/00; 7/19/06)

2-1-411 Permit to Operate, Final Action: The APCO shall take final action to approve, approve with conditions, or disapprove a permit to operate a source subject to this rule within 90 days after the initial date of the start-up period of the new or modified source, unless such time period is extended with the written concurrence of the APCO and the applicant. An authority to construct authorizes operation of the source during the start-up period. All conditions, specific or implied, of the authority to construct are in effect during the entire start-up period.

411.1 Notwithstanding the above, final action taken on permits issued pursuant to Rule 6 of this Regulation shall be in accordance with the provisions of Section 2-6-410.

- 411.2 A permit approved under this section must be signed by the permit holder or by a person authorized to sign on behalf of the permit holder.

(Adopted 10/19/83; Amended 7/17/91; 11/3/93; 10/7/98; 12/21/04)

2-1-412 Public Notice, Schools: Prior to approving an application for an authority to construct or permit to operate for a new or modified source located within 1000 feet of the outer boundary of a K-12 schoolsite and which results in the increase in emissions of any substance into the ambient air which has been identified by the California Air Resources Board or the APCO as a toxic air contaminant or a hazardous air contaminant or which is on the list required to be prepared pursuant to subdivision (a) of Section 25532 or Section 44321 subsections (a) to (f) inclusive of the Health and Safety Code, the APCO shall:

- 412.1 Prepare a public notice in which the proposed new or modified source, and the proposed emissions, are fully described.
- 412.2 Distribute the notice, prepared in accordance with subsection 2-1-412.1 at the expense of the applicant, to the parents or guardians of children enrolled in any school within one-quarter mile of the source and to each address within a radius of 1000 feet of the source. This notice shall be distributed at least 30 days prior to the date final action on the application is to be taken by the APCO. The APCO shall review and consider all comments received during the 30 days after the notice is distributed, and shall include written responses to the comments in the permit application file prior to taking final action on the application.
- 412.3 Failure of any person to receive the notice shall not affect the validity of the authority to construct or permit to operate issued by the APCO, if the APCO or applicant responsible for giving the notice has made a good faith effort to follow the procedures for giving the notice prescribed by law.

(Adopted 11/1/89; Amended 10/7/98; 5/17/00)

2-1-413 Permits for Operation of Equipment at Multiple Locations Within the District: Any person required to obtain an authority to construct and/or permit to operate under Sections 2-1-301 and/or 302 for a source that may be operated at multiple locations within the District can apply for a single multiple-location permit that will allow the source to operate at more than one location in the District. The APCO shall issue the permit, upon payment of standard filing, initial and permit to operate fees as set forth in Regulation 3, if the source satisfies all of the following requirements:

- 413.1 The source will not emit more than 10 tons per year of any regulated air pollutant, including POC, CO, NO_x, PM_{2.5}, PM₁₀, NPOC or SO₂, but excluding greenhouse gases. For PM_{2.5} and PM₁₀, fugitive particulate emissions from haul road traffic shall not be counted toward the annual limit.
- 413.2 The source will comply with all applicable provisions of Regulation 2, Rule 5.
- 413.3 The source will not be operated within 1000 feet of the outer boundary of any K-12 school site, unless the applicable notice requirements of Health and Safety Code Section 42301.6 have been met.
- 413.4 Operation of the source will not cause a public nuisance per Regulation 1-301.
- 413.5 The operation must be exempt from CEQA, or must be covered by a chapter in the District's Permit Handbook.
- 413.6 The equipment will not cause a Synthetic Minor Facility to exceed a federally enforceable emission limit.

413.7 The source will not remain at the same facility for more than 12 consecutive months following initial operation (or, in the case a source that is used in seasonal operations that last less than 12 months, for more than the full length of a normal operating season). If multiple temporary sources are used in succession at the facility to serve the same function at the same facility source, the total time period that all such temporary sources remain at the facility is counted towards the 12-month (or operating season) limit.

If the source no longer satisfies any of these requirements, it shall be subject to the requirements of Regulation 2, Rules 1, 2, and 5, as if it were a new source.

(Adopted June 7, 1995; Amended 12/06/17)

2-1-414 Loss of Exemption, Public Nuisance: Any source subject to Section 2-1-317 shall be subject to permit conditions deemed necessary by the District to minimize the potential for future violations. If the owner/operator can demonstrate that the source has neither received a public nuisance violation nor received a confirmed complaint for a two year period after the permit was issued, then the owner/operator may submit a written petition to the APCO to remove the permit requirement. Such a petition is subject to APCO approval.

(Adopted June 7, 1995)

2-1-415 Source Pre-Certification Procedure: Any person may submit a written request to pre-certify a source as complying with applicable BACT requirements, for the purposes of qualifying the source for the Accelerated Permitting Program under Section 2-1-302.2.1.1. Such a request will be evaluated within 60 days of receipt of the information listed below. The APCO may also independently pre-certify a source. The APCO shall maintain a list of pre-certified equipment, and shall make this list available to industry through the Public Information & Education Division. A pre-certification request shall include all of the following:

415.1 A complete description of the source, including make, model number, rated capacity and emission calculations at maximum operating rate;

415.2 Applicable BACT requirements;

415.3 Proposed permit conditions governing operation of the source; and

415.4 Applicable fees, as described in Regulation 3, Section 323.

(Adopted June 7, 1995)

2-1-416 Temporary Amnesty for Unpermitted Sources: The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the penalty fees, including late fees and retroactive permit fees, for sources that are currently operating without valid Permits to Operate.

(Adopted 6/7/95; 12/21/04)

2-1-420 Suspension: The APCO may suspend a permit if, within a reasonable time, the holder of the permit willfully fails or refuses to furnish requested information, analyses, plans or specifications relating to emissions from the source for which the permit was issued. The APCO shall serve notice in writing of a suspension, and the reasons therefor, on the holder of the permit. A suspension shall become effective 5 days after notice has been served.

2-1-421 Appeal from Suspension: Within 10 days after the receipt of the notice of suspension, the permit holder may request the Hearing Board to hold a hearing to determine whether or not the permit was properly suspended.

2-1-422 Revocation: The APCO may request the Hearing Board to hold a hearing to determine whether an authority to construct and/or permit to operate should be revoked if it is found that the holder of an authority to construct or permit to operate is

violating any applicable order, rule or regulation of the District, or is violating any provision or condition of the authority to construct or permit to operate.

(Amended May 17, 2000)

2-1-423 Hearings: Within 30 days after receipt of requests submitted pursuant to Sections 2-1-421 and 422, the Hearing Board shall hold a hearing as provided by Section 42308 of the California Health and Safety Code and may take action as authorized by Section 42309 of the California Health and Safety Code.

(Amended July 17, 1991)

2-1-424 Loss of Exemption or Exclusion: Any person who operates a source that does not require a District permit because of a regulatory exemption or exclusion, but which becomes subject to a District permit requirement because it loses its exemption or exclusion as a result of changes in federal, California or District laws or regulations, shall submit a complete permit application, as defined Section 2-1-202, for the subject source within 90 days of written notification by the APCO of the need for a permit. A person who holds a valid permit to operate for the subject source need not reapply.

(Adopted 4/16/86; Amended 6/7/95; 10/7/98; 7/19/06; 12/06/17)

2-1-425 Sources of Toxic Air Contaminants: Any person who does not hold a valid permit to operate in accordance with Section 2-1-401 and emits, in quantities determined to be appropriate by the APCO, any toxic air contaminant, shall within 90 days of written notice by the APCO of the need for a permit to operate, complete a permit application for the subject source, in accordance with the applicable requirements of Section 2-1-202 or Section 2-1-302.2.

(Amended June 7, 1995)

2-1-426 CEQA-Related Information Requirements: Unless a project for which an authority to construct is sought is exempt from the District's CEQA requirements pursuant to Section 2-1-311 or 2-1-312 of this Rule, applicants for authorities to construct shall provide, as part of a complete application, the following CEQA-related information:

426.1 A preliminary environmental study which shall describe the proposed project and discuss any potential significant adverse environmental impacts, alternatives to the project, and any necessary mitigation measures to minimize adverse impacts. The preliminary environmental study shall include all activities involved in the project and shall not be limited to those activities affecting air quality. In preparing the preliminary environmental study, the applicant may utilize the Environmental Information Form in Appendix H of the State CEQA Guidelines or an equivalent format specified by the APCO. (see also Appendix G, Significant Effects.) The preliminary environmental study shall list all other local, state and federal governmental agencies that require permits for the project and indicate any environmental documentation required by such agencies; or

426.2 When an agency other than the District is to be the Lead Agency under CEQA, either:

2.1 A Draft or Final Environmental Impact Report prepared by or under the supervision of the Lead Agency; or

2.2 A contract for the preparation of a Draft Environmental Impact Report executed by the Lead Agency together with the Initial Study prepared by the Lead Agency; or

2.3 A Negative Declaration prepared by the Lead Agency; or

2.4 A Notice of Preparation of a Draft EIR prepared by the Lead Agency;

2.5 A copy of the Initial Study prepared by the Lead Agency, or

- 2.6 A commitment in writing from another agency indicating that it has assumed the role of Lead Agency for the project in question.

(Adopted 11/20/91; Amended 10/7/98)

2-1-427 Procedure for Ministerial Evaluations: The District shall review each permit application prior to finding that it is complete in order to determine whether its evaluation of the permit application is covered by the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and BACT/TBACT Workbook. If the District determines that its evaluation of the permit application is covered by specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and BACT/TBACT Workbook, the District's evaluation of that permit application will be classified as ministerial and the engineering evaluation of the permit application by the District will be limited to the use of said specific procedures, fixed standards and objective measurements. For such projects, the District will merely apply the law to the facts as presented in the permit application, and the District's decision regarding whether to issue the permit will be based only on the criteria set forth in Section 2-1-428 and in the District's Permit Handbook and BACT/TBACT Workbook.

(Adopted 11/20/91; Amended 10/7/98)

2-1-428 Criteria for Approval of Ministerial Permit Applications: If the District classifies a permit application as ministerial pursuant to Section 2-1-427, and as a result of its evaluation of that permit application, the District determines that all of the following criteria are met, the issuance by the District of an Authority to Construct for the proposed new or modified source will be a mandatory ministerial duty.

- 428.1 The proposed new or modified source will comply with all applicable provisions of the District's Rules and Regulations and with all applicable provisions of state and federal law and regulations which the District has the duty to enforce;
- 428.2 The emissions from the proposed project can be calculated using standardized emission factors from published governmental sources, District source test results, established formulas from published engineering and scientific handbooks, material safety data sheets or other similar published literature, manufacturer's warranties or other fixed standards as set forth in the District's Permit Handbook and BACT/TBACT Workbook;
- 428.3 Where Best Available Control Technology is required, BACT for the proposed new or modified source can be determined based on the latest edition of the ARB's BACT/LAER Clearinghouse, on the District's own compilations of BACT levels for specific types of sources as set forth in the District's Permit Handbook and BACT/TBACT Workbook or on a more stringent BACT level proposed by the project proponent; and
- 428.4 If the proposed new or modified source involves the shutdown of an existing source, the Reasonably Available Control Technology applicable to the source to be shut down can be determined from existing provisions of the District's Rules and Regulations or from the District's own compilations of BACT levels for specific types of sources as set forth in District's Permit Handbook and BACT/TBACT Workbook.
- 428.5 For proposed new and modified sources that are subject to Regulation 2, Rule 5, the project meets the project risk requirement of Regulation 2-5-302.
- 428-6 Where Best Available Control Technology for Toxics (TBACT) is required pursuant to Regulation 2-5-301, TBACT for the proposed new or modified source can be determined based on TBACT determinations in the District's

BACT/TBACT Workbook, an EPA MACT standard, a CARB ATCM, or a more stringent TBACT level proposed by the applicant that is applicable to the specific source type or source category being evaluated.

In addition, when the District has issued an authority to construct for a proposed new or modified source as a ministerial project, the issuance of the permit to operate for that source will also be a mandatory ministerial duty if the source will meet all the conditions imposed in connection with the issuance of the authority to construct and all applicable laws, rules and regulations enforced by the District.

(Adopted 11/20/91; Amended 10/7/98; 6/15/05)

2-1-429 Federal Emissions Statement: The owner or operator of any facility that emits or may emit oxides of nitrogen or volatile organic compounds shall provide the APCO with a written statement, in such form as the APCO prescribes, showing actual emissions of oxides of nitrogen and volatile organic compounds from that facility. At a minimum the emission statement shall contain all of the information contained in the Air Resources Board's Emission Inventory Turn Around Document as described in Instructions for the Emission Data System Review and Update Report. The statement shall also contain a certification by a responsible official of the company or facility that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Effective November 1, 1994, the statement shall be submitted to the District each year with the annual permit renewal. The APCO may waive this requirement for any class or category of facilities that emit less than 25 tons per year of oxides of nitrogen and volatile organic compounds, each taken separately, if the District provides the Air Resources Board with emission inventories of facilities emitting greater than 10 tons per year of either oxides of nitrogen or volatile organic compounds based on the use of emission factors acceptable to the Air Resources Board and the U.S. Environmental Protection Agency (EPA). A current list of classes and categories of facilities for which this requirement has been waived by the APCO will be kept by the District and made available upon request. Also, for purposes of reporting emission data to the Air Resources Board and to the EPA, the District will provide calendar year and peak ambient ozone season data determined through weighted averaging of current and prior year (if available) company/facility reported certified information. This Section is required by the provisions of Section 182(a)(3)(B) of the Clean Air Act.

(Adopted 11/4/92; Amended 6/15/94; 6/7/95; 12/21/04)

2-1-430 Maintenance of the Permit Handbook and BACT/TBACT Workbook: The APCO shall publish and maintain the Permit Handbook and BACT/TBACT Workbook as needed to reflect the current procedure for review and issuance of permits, and the most recent determination of BACT/TBACT for a given source category.

(Adopted October 7, 1998)

2-1-431 Date of Completion: The APCO shall deem an application to be complete on the date that the information and fees required to complete the application were received by the District.

(Adopted May 17, 2000)

2-1-432 Determination of Complete Application: Except for an application which is subject to the publication and public comment requirements of Section 2-2-404, the APCO shall determine whether an application for an authority to construct is complete not later than 15 working days following receipt of the application, or after a longer time period agreed upon by both the applicant and the APCO. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the information that is required. Upon receipt of any resubmittal

of the application a new 15 working day period to determine completeness shall begin. For an application which is subject to the publication and public comment requirements of Section 2-2-404 or Section 2-10-402, the completeness review period(s) shall be 30 days. The application shall be deemed complete on the date of receipt of all information required for completeness. Upon determination that the application is complete, the APCO shall notify the applicant in writing. If applicable, such written notification shall include the District's determination that its evaluation of the application will be covered by the specific procedures, fixed standards and objective measurements set forth in the District's Permit Handbook and that the District's evaluation of that permit application will be classified as ministerial and will accordingly be exempt from CEQA review. Thereafter only information regarding offsets, or information to clarify, correct or otherwise supplement the information submitted in the application may be requested.

(Adopted 12/ 21/04; Amended 6/19/06)

2-1-500 MONITORING AND RECORDS

2-1-501 Monitors: Continuous emission monitors required pursuant to Section 2-1-403 shall comply with the provisions of Volume V of the Manual of Procedures.

(Adopted March 17, 1982)

2-1-502 Burden of Proof: Any person asserting that a source is exempt from the requirements of Regulation 2, Rule 1, Section 301 and/or 302, shall, upon the request of the APCO, provide substantial credible evidence proving to the APCO that the source meets all requirements necessary to qualify for the exemption.

(Adopted May 17, 2000)

2-1-600 MANUAL OF PROCEDURES

2-1-601 Engineering Permitting Procedures: The specific procedures for the engineering evaluation of particular types of sources as well as specific fixed standards and objective measurements upon which the District will rely in its evaluation of ministerial permit applications are set forth in the District's Permit Handbook and BACT/TBACT Workbook.

(Adopted 7/17/91; Amended 10/7/98)

2-1-602 CEQA Guidelines: The District's Guidelines for Environmental Processes under CEQA for those cases in which the District assumes the role of Lead Agency are set forth in Volume VII to the District's Manual of Procedures and in the Permit Handbook.

(Adopted 11/20/91; Amended 6/7/95)

2-1-603 Particulate Matter Measurements: PM_{2.5} and PM₁₀ shall be measured as prescribed in EPA Methods 201A and 202 (for measurements of emissions from specific sources) and in 40 C.F.R. Parts 50, 53 and 58 (for measurements of ambient concentrations). If such test methods cannot be used because the physical characteristics of the emissions being measured render such methods inappropriate (e.g., because of the emissions' high moisture content or high temperature), then another appropriate test method may be used upon prior written approval of the APCO and EPA.

(Adopted December 19, 2012)

2-1-604 Determining Compliance With Historical PM₁₀ and PM_{2.5} Emission Limits: For purposes of determining a source's compliance with any PM₁₀ or PM_{2.5} emission limit established as a permit condition pursuant to Regulation 2 prior to August 31, 2016,

the condensable portion of the source's PM₁₀ or PM_{2.5} emissions shall not be included, unless there is an affirmative indication that such condensable portion was intended to be included at the time the permit condition was adopted.

(Adopted December 19, 2012)

2-1-605 Finality of Historical PM₁₀ and PM_{2.5} Regulatory Determinations: Regulatory determinations regarding the applicability of or compliance with any of the requirements of Regulation 2 made before August 31, 2016, shall be final and shall not be invalid because they did not take into account the condensable portion of a source's PM_{2.5} or PM₁₀ emissions. Such historical determinations include (but are not limited to) prior determinations whether BACT and offsets requirements apply, prior determinations of the amount of a facility's cumulative increase, and prior determinations whether Title V permit requirements applied to a facility's operation. All such determinations made on or after August 31, 2016, shall include the condensable portion per the requirements of Sections 2-1-229 and 2-1-241, including (but not limited to) determinations regarding whether an existing facility's ongoing operations are subject to any applicable operating requirements such as Title V Major Facility Review requirements.

(Adopted December 19, 2012)

Regulation 2, Rule 1
Permit / Exemption Flow Chart

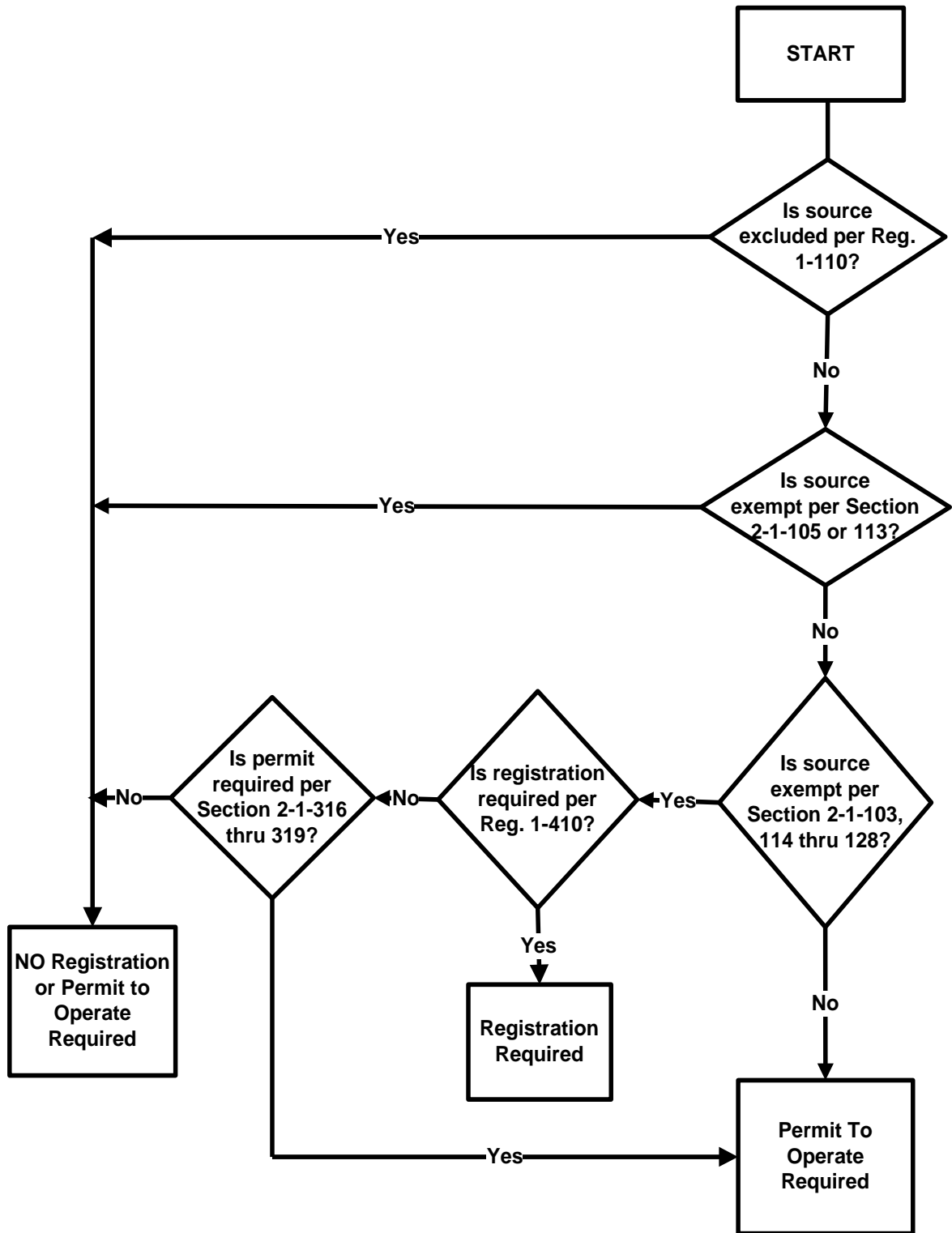


Figure 2-1-101

**REGULATION 2
PERMITS
RULE 2
NEW SOURCE REVIEW**

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- 2-2-607 Cumulative Increase Calculation Procedures
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REGULATION 2
PERMITS
RULE 2
NEW SOURCE REVIEW

(Adopted December 19, 2012)

2-2-100 GENERAL

2-2-101 Description: This Rule applies to all new and modified sources that are subject to the requirements of Section 2-1-301 and/or 2-1-302. The purpose of this Rule is to implement the New Source Review provisions of the federal and California Clean Air Acts (including the federal non-attainment New Source Review, Prevention of Significant Deterioration, and Minor New Source Review provisions) and the no-net-increase requirements of the California Health and Safety Code, among other requirements.

2-2-102 Exemption, Emissions From Operation of Abatement Devices And Techniques: The BACT requirements of Section 2-2-301 shall not apply to emissions of secondary pollutants that are the direct result of the use of an abatement device or emission reduction technique implemented to comply with the BACT or BARCT requirements for control of another pollutant. However, the APCO shall require the use of Reasonably Available Control Technology (RACT) for control of emissions of such pollutants.

2-2-103 Incorporation by Reference of Federal PSD Provisions: Where federal PSD provisions in 40 C.F.R. Section 52.21 are incorporated by reference in this Rule, all associated procedures, definitions, and other regulatory provisions in the Code of Federal Regulations applicable for implementing such provisions are also incorporated by reference and shall be followed and applied by the APCO in implementing such provisions, including but not limited to all of the implementing definitions set forth in 40 C.F.R. Section 52.21(b), which include the definitions in Sections 52.21(b)(13) (baseline concentration), 52.21(b)(14) (major source baseline date), 52.21(b)(15) (baseline area), 52.21(b)(18) (secondary emissions), and 52.21(b)(50) (subject to regulation). Where such regulatory provisions are incorporated by reference, the incorporation is to the version of that regulatory provision in effect upon December 19, 2012.

2-2-200 DEFINITIONS

2-2-201 Deleted December 6, 2017

2-2-202 Best Available Control Technology (BACT): An emission limitation, control device, or control technique applied at a source that is the most stringent of:

202.1 The most effective emission control device or technique that has been successfully utilized for the type of equipment comprising such a source; or

202.2 The most stringent emission limitation achieved by an emission control device or technique for the type of equipment comprising such a source; or

202.3 The most effective control device or technique or most stringent emission limitation that the APCO has determined to be technologically feasible for a

source, taking into consideration cost-effectiveness, any ancillary health and environmental impacts, and energy requirements; or

202.4 The most effective emission control limitation for the type of equipment comprising such a source that is contained in an approved implementation plan of any state, unless the applicant demonstrates to the satisfaction of the APCO that such limitation is not achievable.

Under no circumstances shall BACT be less stringent than any emission control required by any applicable provision of federal, state or District laws, rules or regulations.

2-2-203 Best Available Retrofit Control Technology (BARCT): An emission limitation that has been adopted or proposed to be adopted as part of the current Clean Air Plan approved by the District pursuant to the California Clean Air Act of 1988 as implementing the maximum degree of emissions reduction achievable by a class or category of source, taking into account environmental, energy and economic impacts.

2-2-204 California Coastal Waters: The area bounded by (i) the coast of the State of California and (ii) the line established by starting at the point on the California coast at the California-Oregon border, and proceeding:

- thence to 40.0°N, 125.5°W;
- thence to 39.0°N, 125.5°W;
- thence to 38.0°N, 124.0°W;
- thence to 37.0°N, 123.5°W;
- thence to 36.0°N, 122.5°W;
- thence to 35.0°N, 121.5°W;
- thence to 34.0°N, 120.5°W;
- thence to 33.0°N, 119.5°W;
- thence to 32.5°N, 118.5°W;

and thence to an ending point on the California coast at the California-Mexico border.

2-2-205 Class I Area: Point Reyes National Seashore and any other area designated as a Class I Area under Part C of the Clean Air Act. All other areas in the District are Class II Areas.

2-2-206 Contemporaneous: Occurring (i) within a five year period of time immediately prior to the date of a complete application for an authority to construct or permit to operate for a source; or (ii) on or after the date of a complete application for an authority to construct or permit to operate but prior to initial operation of the source (or for a source that is a replacement unit, as defined in 40 C.F.R. Section 51.165(a)(1)(xxi), that will replace an existing source in whole or in part, with respect to emission reduction credits being generated by the shutdown of the existing source being replaced, 90 days after initial operation of the replacement unit).

2-2-207 Creditable: For purposes of determining the net emissions increase associated with a new or modified source (or group of sources) under Section 2-2-220, an emission increase or decrease is creditable if it has not been relied on by a permitting agency in issuing a PSD permit, including a federal PSD permit or an authority to construct applying the PSD provisions of Sections 2-2-304 through 2-2-307, which permit is still in effect at the time of initial operation of the source(s).

2-2-208 Cumulative Increase: The increase in the potential to emit a pollutant authorized by an authority to construct or permit to operate measured against prior actual or potential emissions, less any contemporaneous onsite emission reduction credits credited to the authority to construct or permit to operate, calculated in accordance with the procedures set forth in Section 2-2-607.

- 2-2-209 Cumulative Increase Baseline Date:** April 5, 1991, for all pollutants except PM_{2.5}; and August 31, 2016, for PM_{2.5}.
- 2-2-210 District BACT Pollutant:** Precursor organic compounds (POC), non-precursor organic compounds (NPOC), oxides of nitrogen (NO_x), sulfur dioxide (SO₂), PM₁₀, PM_{2.5}, and carbon monoxide (CO).
- 2-2-211 Emission Reduction Credit:** Emission reductions associated with a physical change, change in method of operation, change in throughput or production, or other similar change at a source that are in excess of the reductions required by applicable regulatory requirements, and that are real, permanent, quantifiable, and enforceable, as calculated in accordance with Section 2-2-605.
- 2-2-212 Federal Land Manager:** With respect to any lands in the United States, the Secretary of the department with authority over such lands, or a subordinate acting under the authority of such Secretary.
- 2-2-213** Deleted December 6, 2017
- 2-2-214 Greenhouse Gases (GHGs):** The air pollutant that is defined in 40 C.F.R. Section 86.1818-12(a), which is a single air pollutant made up of a combination of the following six constituents: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. GHG emissions shall be measured as CO₂ equivalent emissions (CO₂e) according to the methodology set forth in 40 C.F.R. Section 52.21(b)(49)(ii) for determining whether the emissions constitute a PSD pollutant as defined in Section 2-2-223, are a regulated NSR pollutant as defined in 40 C.F.R. Section 52.21(b)(50), or constitute significant emissions as defined in Section 2-2-227.1.
- 2-2-215 Hazardous Air Pollutant (HAP):** Any pollutant that is listed pursuant to Section 112(b) of the federal Clean Air Act.
- 2-2-216 Indian Governing Body:** The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- 2-2-217 Major Facility:** For purposes of the New Source Review requirements of Regulation 2, Rule 2, a major facility is a facility that has the potential to emit 100 tons per year or more of POC, NO_x, SO₂, PM₁₀, PM_{2.5}, and/or CO. Fugitive emissions shall be included in calculating the facility's potential to emit under this Section as provided in Section 2-2-611. A physical change at a facility that does not otherwise qualify as a major facility is a new major facility if the change would constitute a major facility by itself.
- 2-2-218 Major Modification*:** A new source as defined in Section 2-1-232, or a modified source as defined in Section 2-1-234, or any combination of such new and modified sources at a facility that are part of a single common project, that (i) are or will be located at an existing major facility and (ii) will cause an increase in emissions of a pollutant for which the facility is a major facility, calculated according to Section 2-2-604, of the following amounts or more:
- | | |
|---------------------|-------------------|
| POC: | 40 tons per year |
| NO _x : | 40 tons per year |
| SO ₂ : | 40 tons per year |
| PM ₁₀ : | 15 tons per year |
| PM _{2.5} : | 10 tons per year |
| CO: | 100 tons per year |

**Note that the term "Major Modification" is not used in Regulation 2, Rule 2 for purposes of applying the Rule's PSD requirements. The term "PSD Project" is used instead to define new facilities and modifications to existing facilities that are subject to the Rule's PSD requirements. See Section 2-2-224.*

- 2-2-219 Net Air Quality Benefit:** A net improvement of air quality as determined by the APCO resulting from emission reduction credits impacting the same general area affected by the new or modified source and which will be consistent with reasonable further progress towards the attainment of the applicable air quality standard.
- 2-2-220 Net Emissions Increase:** For purposes of applying the PSD provisions and NAAQS Protection requirements of this Rule, a net emissions increase from a new source or modified source (or group of such sources) is the sum of the new emissions from the new source(s) and/or the increase in emissions from the modified source(s), plus any other creditable contemporaneous emissions increases at the facility calculated according to Section 2-2-604, less any other creditable contemporaneous emissions decreases at the facility calculated according to Section 2-2-604.
- 2-2-221 Offsets:** Offsets are any of the following:
- 221.1 banked emission reduction credits approved in accordance with District Regulation 2, Rule 4; or
 - 221.2 banked emission reduction credits from adjacent Districts if the applicant demonstrates that the requirements of Clean Air Act Section 173(c)(1) (42 U.S.C. Section 7503(c)(1)) and Health and Safety Code Section 40709.6 have been met or do not apply;
- that are provided to compensate for cumulative increases in emissions pursuant to Section 2-2-302 or 2-2-303.
- 2-2-222 Pollutant-Specific Basis:** A term used to describe a regulatory requirement governing multiple pollutants. If a regulatory requirement applies on a pollutant-specific basis, the requirement applies only for the individual pollutant(s) for which a source or facility meets the relevant applicability criteria, and does not apply for pollutant(s) for which the source or facility does not meet the relevant applicability criteria.
- 2-2-223 PSD Pollutant:** Any Regulated NSR Pollutant as defined in EPA's PSD Regulations at 40 C.F.R. Section 52.21(b)(50), except pollutants for which the San Francisco Bay Area has been designated as non-attainment of a California or National Ambient Air Quality Standard. If a pollutant is subject to both federal and California ambient air quality standards, the pollutant shall be treated as a PSD Pollutant for (and only for) the ambient air quality standard(s) for which the San Francisco Bay Area has not been designated as non-attainment.
- 2-2-224 PSD Project:** A new source as defined in Section 2-1-232, or a modified source as defined in Section 2-1-234, or a combination of such new or modified sources that are part of a single common project, that meets all of the following criteria:
- 224.1 Major PSD Facility: The source(s) are or will be located at a facility that has the potential to emit 100 tons or more per year of any Regulated NSR Pollutant as defined in 40 C.F.R. Section 52.21(b)(50)* (including fugitive emissions) if it is in one of the 28 categories listed in Section 169(1) of the Clean Air Act, or 250 tons or more per year of any Regulated NSR Pollutant as defined in 40 C.F.R. Section 52.21(b)(50)* (with fugitive emissions included only as specified in Section 2-2-611) if it is not in a listed category; and
 - 224.2 Significant Increase in Emissions of PSD Pollutant: The new emissions from the new source(s) and/or the increase in emissions from the modified

source(s) calculated according to Section 2-2-604 constitute significant emissions of any PSD pollutant as defined in Section 2-2-227.1; and

224.3 **Significant Net Increase in Emissions of PSD Pollutant:** The net emissions increase associated with the new or modified source(s), as defined in Section 2-2-220, constitute significant emissions of any PSD pollutant as defined in Section 2-2-227.1.

Any physical change or change in method of operation that takes place at a facility that does not meet the Major PSD Facility criteria specified in subsection 224.1, but which change would constitute a Major PSD Facility under the criteria in subsection 224.1 by itself, is a PSD Project.

**Note that GHG emissions are not included for purposes of applying the 100/250 ton-per-year major PSD facility threshold in Section 2-2-224.1. GHGs are not a Regulated NSR Pollutant under 40 C.F.R. § 52.21(b)(50) unless they are emitted from a facility that exceeds the 100/250 ton-per-year major PSD threshold for some other pollutant besides GHGs.*

2-2-225 Reasonably Available Control Technology (RACT): For sources that are to continue operating, RACT is the lowest emission limit that can be achieved by the specific source by the application of control technology taking into account technological feasibility and cost-effectiveness, and the specific design features or extent of necessary modifications to the source. For sources which are or will be shut-down, RACT is the lowest emission limit that can be achieved by the application of control technology to similar, but not necessarily identical categories of sources, taking into account technological feasibility and cost-effectiveness of the application of the control technology to the category of sources only and not to the shut-down source.

2-2-226 Related Sources: Two or more sources where the operation of one is dependent upon, supports or affects the operation of the other(s).

2-2-227 Significant: The term “significant” has the following meanings when used in the following contexts:

227.1 For determining whether an increase in emissions of a PSD pollutant is “significant” for purposes of the PSD provisions of this Rule, the increase is significant:

- 1.1 if it exceeds the values specified in the following table, or for a PSD pollutant that is not listed in the following table, if it is greater than zero; or
- 1.2 if it is from a source that is or would be located within 10 kilometers of a Class I area, and it would have an impact in such Class I area equal to or greater than 1 µg/m³ (24-hour average).

227.2 For determining whether an increase in emissions is “significant” for purposes of the NAAQS Protection Requirement in Section 2-2-308 and the public notice requirement in Section 2-2-404, the increase is significant if it exceeds the values specified in the following table.

Pollutant	Significant Emissions Rate	
	kg/yr	(ton/yr)
Carbon monoxide	90,500	(100)
Nitrogen oxides	36,200	(40)
Sulfur dioxide	36,200	(40)
Total particulate matter	22,680	(25)

PM ₁₀	13,575	(15)
PM _{2.5} *	9050	(10)
VOC*	36,200	(40)
GHGs**	67,875,000**	(75,000**)
Lead	530	(0.6)
Fluorides	2720	(3)
Sulfuric Acid Mist	6350	(7)
Hydrogen Sulfide	9050	(10)
Total Reduced Sulfur	9050	(10)
Reduced Sulfur Compounds	9050	(10)
Municipal waste combustor organics	3.2 x 10 ⁻³	(3.5 x 10 ⁻⁶)
Municipal waste combustor metals	13,575	(15)
Municipal waste combustor acid gases	36,200	(40)
Municipal solid waste landfill emissions	45,250	(50)

**Pollutants for which the Bay Area is designated as non-attainment of a NAAQS are not subject to the PSD requirements in Sections 2-2-304 through 2-2-307 by operation of 40 C.F.R. Section 52.21(i)(2). PM_{2.5} and VOC (as an ozone precursor) are therefore not subject to these PSD requirements as long as the Bay Area remains non-attainment for any PM_{2.5} or ozone NAAQS, respectively.*

***Per Section 2-2-214, emissions of GHGs are measured as CO₂e for purposes of determining whether an emissions increase exceeds this significance threshold. Per Section 2-2-223 and 40 C.F.R. Sections 52.21(b)(50)(iv) and 52.21(b)(49)(iv), increases in GHG emissions of less than 75,000 tons per year CO₂e are excluded from the definition of PSD pollutant and are not subject to the PSD requirements of Regulation 2, Rule 2.*

2-2-228 Federal Major NSR Source: A new major stationary source as defined in 40 C.F.R. section 51.165(a)(1)(iv), or a major modification as defined in 40 C.F.R. section 51.165(a)(1)(v).

2-2-229 Federal Offsets Baseline Shortfall: For purposes of the offsets equivalence demonstration provisions in Sections 2-2-412 and 2-2-415, the difference between:

229.1 The amount of offsets required for the Authority to Construct and/or Permit to Operate using the District's baseline calculation procedures under District Regulation 2, Rule 2; and

229.2 The amount of offsets that would be required under the federal baseline calculation procedures applicable under 40 C.F.R. section 51.165, including (but not limited to) the actual emissions baseline provision in 40 C.F.R. section 51.165(a)(3)(ii)(J).

A Federal Offsets Baseline Shortfall shall apply only in cases where (i) the amount of offsets required for the Authority to Construct and/or Permit to Operate is calculated using the baseline provision in Section 2-2-606.2 for modified sources for which offsets have previously been provided, and (ii) all of the previously-provided offsets were provided more than five years before the completeness date of the application for the Authority to Construct and/or Permit to Operate.

- 2-2-230 Federal Surplus-at-Time-of-Use Shortfall:** For purposes of the offsets equivalence demonstration provisions in Sections 2-2-412 and 2-2-415, the difference between:
- 230.1 The amount of emission reduction credit provided in banking certificates surrendered in connection with an Authority to Construct and/or Permit to Operate in order to satisfy offsets requirements under Sections 2-2-302 and/or 2-2-303; and
 - 230.2 The amount of emission reduction credit that would be associated with the emission reductions for which the banking certificates were issued if the emission reduction credit calculation for each emission reduction under Sections 2-2-605 and 2-2-603 is performed using an adjusted baseline emissions rate pursuant to subsection 2-2-603.6 that is based on the most stringent of any of the following regulations that is in effect at the time the banking certificate is surrendered for use as an offset: (i) any District regulation required for purposes of federal attainment demonstration requirements, (ii) any District regulation, or state regulation applicable to sources within the District, approved into the California State Implementation Plan, or (iii) any federal New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants.

2-2-231 Equivalence Credit: For purposes of making the offsets equivalence demonstration pursuant to Section 2-2-412, emission reductions generated after November 15, 1990, that are any of the following:

- 231.1 Offsets: Emission reductions reflected in banking certificates from the District's emissions bank (or from an adjacent air district's bank pursuant to Section 2-2-221.2 or an earlier version of that provision governing the use of banked credits from an adjacent district) that were provided as offsets in connection with an Authority to Construct and/or Permit to Operate issued for a new source or modification that was not a Federal Major NSR Source.
- 231.2 Onsite Contemporaneous Emission Reduction Credits: Onsite contemporaneous emission reduction credits that were credited pursuant to Section 2-2-607.2 (or an earlier version of that provision governing the use of onsite contemporaneous emission reduction credits) in calculating the amount of offsets required in connection with an Authority to Construct and/or Permit to Operate issued for a new source or modification that was not a Federal Major NSR Source, provided that the emission reductions have not been used to net out of major NSR applicability under Section 2-1-234.2.1.
- 231.3 Orphan PM_{2.5} Emission Reductions: For PM_{2.5}, emission reductions that (i) occurred more than 5 years before the date of the equivalence demonstration, (ii) satisfy the requirements to be real, permanent, quantifiable, and enforceable sufficient to constitute Emission Reduction Credits under the definition set forth in Section 2-2-211, and (iii) have not been the subject of a request to bank the reductions in a banking application submitted under Regulation 2, Rule 4, or a request to use the reductions as a contemporaneous onsite emission reduction credits in connection with a New Source Review permit application under Regulation 2, Rule 2.

An emission reduction can qualify as an Equivalence Credit only if sufficient records exist to verify that the reduction meets the definition of an Equivalence Credit.

2-2-300 STANDARDS

2-2-301 Best Available Control Technology Requirement: An authority to construct and/or permit to operate for a new or modified source shall require BACT to control emissions of District BACT pollutants under the following conditions:

301.1 **New Source:** An authority to construct and/or permit to operate for a new source shall require BACT to control emissions of a District BACT pollutant if the source will have the potential to emit that pollutant in an amount of 10.0 or more pounds on any day as defined in Regulation 2-1-217;

301.2 **Modified Source:** An authority to construct and/or permit to operate for a modified source shall require BACT to control emissions of each District BACT pollutant for which the source is “modified” as defined in Section 2-1-234 for which:

2.1 the source, after the modification, will have the potential to emit that pollutant in an amount of 10.0 or more pounds on any day as defined in Regulation 2-1-217; and

2.2 the modification will result in an increase in emissions of that pollutant above baseline levels calculated pursuant to Section 2-2-604.

The BACT requirements in this Section shall apply on a pollutant-specific basis.

2-2-302 Offset Requirements, Precursor Organic Compounds and Nitrogen Oxides: Before the APCO may issue an authority to construct or permit to operate for a new or modified source at any facility that will have the potential to emit more than 10 tons per year of NO_x or POC after the new or modified source is constructed (including emissions from cargo carriers per Section 2-2-610), offsets must be provided according to the following requirements:

302.1 If the facility will have the potential to emit more than 10 tons per year but less than 35 tons per year of NO_x or POC after the new or modified source is constructed, offsets must be provided at a 1:1 ratio for any un-offset cumulative increase in emissions at the facility and any related sources since the baseline date determined in accordance with Section 2-2-608.

1.1 The APCO shall provide any required offsets from the Small Facility Banking Account in the District’s Emissions Bank in accordance with Section 2-4-414, unless the Small Facility Banking Account is exhausted or the applicant (or any entity controlling, controlled by, or under common control with the applicant) owns or controls offsets.

1.2 If the Small Facility Banking Account is exhausted, or if the applicant owns or controls offsets, the applicant shall provide any required offsets.

1.3 A permit limit for which offsets have been provided from the Small Facility Banking account may not be higher than the source’s maximum physical/design capacity to emit air pollutants, and may not be higher than is reasonably necessary to satisfy the applicant’s operational requirements (including sufficient flexibility to allow for future changes in operational requirements).

302.2 If the facility will have the potential to emit 35 tons per year or more of NO_x or POC after the new or modified source is constructed, the applicant shall:

2.1 Reimburse the Small Facility Banking Account for any cumulative increase for which offsets were previously provided from the Small Facility Banking Account; and

2.2 Provide federally-enforceable offsets at a 1.15:1 ratio for any un-offset cumulative increase in emissions at the facility and any related sources since the baseline date determined in accordance with Section 2-2-608.

302.3 An applicant may reimburse the Small Facility Banking Account under subsection 302.2.1 by reducing the cumulative increase associated with the permitting action(s) for which the District provided the Small Facility Banking Account credits. To do so, the applicant must request a lower emissions limit in a permit for which the Small Facility Banking Account credits were provided. Upon approval by the APCO, the amount by which the applicant must reimburse the Small Facility Banking Account shall be reduced by the difference between the old permit limit and the new permit limit.

302.4 The offset requirements in this Section shall be applied on a pollutant-specific basis.

2-2-303 Offset Requirements, PM_{2.5}, PM₁₀ and Sulfur Dioxide: Before the APCO may issue an authority to construct or permit to operate for a new or modified source at a facility that will have the potential to emit 100 tons per year or more of PM_{2.5}, PM₁₀ or sulfur dioxide after the new or modified source is constructed (including emissions from cargo carriers per Section 2-2-610), the applicant shall provide offsets according to the following requirements:

303.1 If the un-offset cumulative increase in emissions of PM_{2.5}, PM₁₀ or sulfur dioxide at the facility and any related sources since the baseline date determined in accordance with Section 2-2-608 exceeds 1 ton per year, the applicant shall provide offsets at a 1:1 ratio for the un-offset cumulative increase since the baseline date.

303.2 NO_x and/or sulfur dioxide offsets may be provided in place of PM₁₀ offsets required under subsection 303.1 at offset ratios determined by the APCO to result in a net air quality benefit. Any approval of the use of NO_x and/or sulfur dioxide offsets under this subsection shall be based on an analysis specific to the individual facility for which the determination is made, which shall include adequate modeling; and any such approval shall be granted only after public notice and an opportunity for public comment and with EPA concurrence.

303.3 Any NO_x and/or sulfur dioxide offsets provided in place of PM₁₀ offsets must be provided in addition to any NO_x and/or sulfur dioxide offsets required independently as a result of the source's NO_x and/or sulfur dioxide emissions.

303.4 The offset requirements in this Section shall be applied on a pollutant-specific basis.

2-2-304 PSD BACT Requirement: An authority to construct for a PSD Project shall require federal PSD Best Available Control Technology as defined in Section 169(3) of the federal Clean Air Act ("federal PSD BACT") for each PSD pollutant for which the net increase in emissions from the PSD Project will be significant as defined in Section 2-2-227.1. If federal PSD BACT is required for a pollutant under this Section, the authority to construct shall require federal PSD BACT for each new or modified source for which there will be an increase in emissions of that pollutant by any amount, calculated in accordance with Section 2-2-604. The APCO shall impose federal PSD BACT in an authority to construct subject to this Section according to and in satisfaction of all of the requirements applicable to federal PSD BACT under

40 C.F.R. Section 52.21(j), including any applicable exemptions from that Section's requirements under 40 C.F.R. Section 52.21(i).

2-2-305

PSD Source Impact Analysis Requirement: The APCO shall not issue an authority to construct for a PSD Project unless the APCO determines, for each PSD pollutant for which the net increase in emissions from the PSD Project will be significant as defined in Section 2-2-227.1, that the net increase in emissions from the PSD Project will not cause or contribute to a violation of (i) any applicable ambient air quality standard for such pollutant or (ii) any applicable PSD increment for such pollutant, as set forth in 40 C.F.R. Section 52.21(c). The APCO shall make such determination in accordance with the following procedures:

- 305.1 Pre-application Air Quality Analysis: The applicant shall prepare and submit an analysis of ambient air quality in the area that the PSD Project would affect for each PSD pollutant for which the net increase in emissions allowed by the authority to construct will be significant. The applicant's analysis shall be prepared according to and shall satisfy all of the requirements applicable to air quality analyses for federal PSD permitting under 40 C.F.R. Section 52.21(m)(1), including any applicable exemptions from that Section's requirements under 40 C.F.R. Section 52.21(i).
- 305.2 PSD Source Impact Analysis: The applicant shall demonstrate, for each PSD pollutant for which the net increase in emissions allowed by the authority to construct will be significant, that the net increase in emissions of such pollutant will not cause or contribute to a violation of (i) any applicable California or National Ambient Air Quality Standard for such pollutant or (ii) any applicable PSD increment for such pollutant, as set forth in 40 C.F.R. Section 52.21(c). The applicant's analysis and demonstration shall be prepared according to and shall satisfy all of the requirements applicable to PSD source impact analyses for federal PSD permitting under 40 C.F.R. Section 52.21(k), including any applicable exemptions from that Section's requirements under 40 C.F.R. Section 52.21(i).
- 305.3 Air Quality Models: All estimates of ambient concentrations required under this Section shall be based on applicable air quality models, databases, and other requirements specified in Appendix W of Part 51 of Title 40 of the Code of Federal Regulations (Guideline on Air Quality Models). Where an air quality model specified in Appendix W is inappropriate, the model may be modified or another model substituted upon written approval by EPA and written approval by the APCO after public notice and opportunity for public comment under the procedures set forth in Section 2-2-404. Where modeling is conducted solely to evaluate compliance with a California air quality standard, any APCO-approved model may be used.
- 305.4 APCO Determination: The APCO shall determine, based on the applicant's submissions and any other relevant information, whether any net emissions increases of PSD pollutants that the authority to construct will authorize in significant amounts would cause or contribute to a violation of (i) any applicable California or National Ambient Air Quality Standard for such pollutant or (ii) any applicable PSD increment for such pollutant, as set forth in 40 C.F.R. Section 52.21(c), for any PSD pollutant. In making this determination, the APCO shall use the same procedures and be subject to the same requirements as are applicable to the Administrator for issuing federal PSD permitting under 40 C.F.R. Section 52.21(k), including any

applicable exemptions that Section's requirements under 40 C.F.R. Section 52.21(i).

2-2-306 PSD Additional Impacts Analysis Requirements: Before issuing an authority to construct for a PSD Project, the APCO shall conduct the following additional impact analyses:

- 306.1 Visibility, Soils & Vegetation Impact Analysis: The applicant shall prepare and submit an analysis of the impairment to visibility, soils and vegetation that would occur as a result of the PSD Project and any commercial, residential, industrial, and other growth associated with the PSD Project. The applicant's analysis shall be prepared according to and shall satisfy all of the requirements applicable to air quality analyses for federal PSD permitting under 40 C.F.R. Section 52.21(o)(1), including any applicable exemptions that Section's requirements under 40 C.F.R. Section 52.21(i). The analysis need not address impacts on vegetation having no significant commercial or recreational value.
- 306.2 Associated Growth Analysis: The applicant shall prepare and submit an analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the PSD Project. The applicant's analysis shall be prepared according to and shall satisfy all of the requirements applicable to air quality analyses for federal PSD permitting under 40 C.F.R. Section 52.21(o)(2), including any applicable exemptions that Section's requirements under 40 C.F.R. Section 52.21(i).
- 306.3 APCO Review: The APCO shall review the applicant's additional impact analyses to ensure that they are complete and accurately reflect the circumstances associated with the PSD Project.

2-2-307 Consideration of Class I Area Impacts: If, within 30 days after receiving notice under Section 2-2-404 of a preliminary decision to issue an authority to construct for (i) a new major facility or a major modification of a major facility for NO_x, VOC, SO₂ or PM_{2.5} or (ii) a PSD Project, the Federal Land Manager with responsibility for administering any Class I Area provides the APCO with a demonstration that emissions from the project would have an adverse impact on the air quality-related values of the Class I Area (including visibility), the APCO shall promptly review and consider such demonstration. If the APCO concurs with such demonstration, or if the APCO concludes based on an independent review of the analysis submitted under Section 401.4 that the project will have such adverse impact, the APCO shall, after consultation with the Federal Land Manager and the applicant, deny the application for an authority to construct. If the APCO finds that such demonstration does not establish to the APCO's satisfaction that the project would have such adverse impact, the APCO shall explain its decision (or give notice of where such explanation can be obtained) in any subsequent notice of a public hearing held under Section 2-2-404.7.

2-2-308 NAAQS Protection Requirement: The APCO shall not issue an authority to construct for a new or modified source that will result in a significant net increase in emissions of any pollutant for which a National Ambient Air Quality Standard has been established unless the APCO determines, based upon a demonstration submitted by the applicant, that such increase will not cause or contribute to an exceedance of any National Ambient Air Quality Standard for that pollutant. Such demonstration shall be made using the procedures for PSD Air Quality Impact Analyses set forth in subsections 2-2-305.1 through 2-2-305.4. Such demonstration shall not be required for ozone. A PSD Air Quality Impact Analysis and determination

for a new or modified source that satisfies the requirements of Section 2-2-305 shall satisfy the requirements of this Section for all pollutants included in such analysis.

2-2-309 Compliance Certification: The APCO shall not issue an authority to construct for a new major facility or a major modification of an existing major facility unless the applicant provides a list, certified under penalty of perjury, of all major facilities within the state of California owned or operated by the applicant or by any entity controlling, controlled by, or under common control with the applicant and demonstrates by certifying under penalty of perjury that they are either in compliance, or on a schedule of compliance, with all applicable state and federal emission limitations and standards. The APCO may request the applicant to provide any technical information used by the applicant to certify compliance.

2-2-310 Denial, Failure to Meet Permit Conditions: The APCO shall deny a permit to operate for a source if, after providing written notification to the applicant and an opportunity to remedy any violation, the source is operating in violation of any condition specified in the authority to construct, or if any other source used to provide emission reduction credits for the source that is owned or operated by the applicant is operating in violation of any permit condition limiting emissions such that the required emission reduction credits are not actually being provided.

2-2-400 ADMINISTRATIVE REQUIREMENTS

2-2-401 Application: An application for an authority to construct under this Rule shall conform to the requirements of District Regulation 2-1-402, and shall include the following:

- 401.1 A detailed description of the proposed new source(s) or modification(s) for which the authority to construct is sought, including at a minimum (i) a description of the nature, location, design capacity, and typical operating schedule of the source(s) or modification(s), including specifications and drawings showing its design and plant layout, and (ii) a detailed schedule for construction of the source(s) or modification(s).
- 401.2 All information necessary for the APCO to determine whether the application satisfies the requirements of this Rule, including but not limited to (i) a demonstration of how the application satisfies applicable BACT standards under Sections 2-2-301 and 2-2-304, and (ii) the PSD analyses and demonstrations required under Sections 2-2-305 and 2-2-306, if applicable.
- 401.3 CEQA-related information required under Section 2-1-426; and for a new major facility, and for a modification to a major facility that will increase emissions by more than 100 tons per year of carbon monoxide, 40 tons per year of precursor organic compounds, nitrogen oxides, or sulfur dioxide, or 10 tons per year of PM_{2.5}, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source that demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.
- 401.4 If the application is for (i) a new major facility or a major modification of major facility for NO_x, VOC, SO₂ or PM_{2.5} or (ii) a PSD Project, and the project may have an impact on air quality related values (including visibility) within any Class I area(s), the application shall include an analysis of potential impacts to air quality related values (including visibility) in such Class I area(s) for review and consideration by the Federal Land Manager of such Class I

area(s). The determination of whether a project may have an impact on air quality related values (including visibility) within a Class I Area shall be made according to the guidelines adopted by the Federal Land Managers' Air Quality Related Values Work Group in its Phase I Report—Revised (2010), Natural Resource Report NPS/NRPC/NRR—2010/232.

401.5 Any other information requested by the APCO.

- 2-2-402 Notice to EPA and Federal Land Manager of Receipt of Permit Applications:** When the APCO receives a complete application for an Authority to Construct for a PSD Project, the APCO shall transmit a copy of the complete application to EPA Region IX. If the APCO receives a complete application for a project that requires an analysis of any Class I area impacts under Section 2-2-401.4, the APCO shall transmit a copy of the complete application to the Federal Land Manager(s) with responsibility for the Class I Area(s) involved within 30 days of receipt and at least 60 days prior to holding any public hearing on such application, and shall include the applicant's analysis of the anticipated impacts on air quality related values (including visibility) in such Class I area(s). In addition, the APCO shall also notify such Federal Land Manager(s) if the APCO receives any advance notification of any such application.
- 2-2-403 Authority to Construct, Preliminary Decision:** If an application for an Authority to Construct is subject to the public notice and comment requirements of Section 2-2-404, the APCO shall make a preliminary decision as to whether an authority to construct shall be approved, or denied. The APCO shall make such preliminary decision within 90 days following the acceptance of the application as complete, provided that any fees required in accordance with Regulation 3 are paid; or within a longer time period if necessary to complete any PSD impact analyses required under Sections 2-2-305 and 2-2-306, if necessary to complete any CEQA analyses if the District is the CEQA Lead Agency, or if consented to by the applicant.
- 2-2-404 Publication of Notice and Opportunity for Public Comment:** If the application is for (i) a new major facility or a major modification of an existing major facility, (ii) any new facility, or a modification of any existing facility, that will involve an increase in emissions of CO, NO_x, SO₂, PM₁₀, PM_{2.5}, VOC, or lead, calculated in accordance with Section 2-2-604, in an amount that is significant as defined in Section 2-2-227.2, or (iii) a PSD Project, the APCO shall provide notice of the preliminary decision made under Section 2-2-403 according to the following procedures:
- 404.1 The APCO shall publish a notice stating the preliminary decision of the APCO and inviting written public comment on it. The notice shall state the location of the information available pursuant to Section 2-2-405, the procedures and deadlines for submitting written public comments, and the opportunity for requesting a public hearing pursuant to subsection 404.7.
 - 404.2 If the application is for a PSD Project, the notice shall also state the degree of PSD increment consumed if a PSD increment consumption analysis has been conducted.
 - 404.3 The APCO shall publish the notice prominently on the District's internet website in a manner that will provide the public with routine and ready access; and if the application is for a new major facility or a major modification of an existing major facility, or for a PSD Project, the APCO shall also publish the notice prominently in at least one newspaper of general circulation within the District.

- 404.4. The APCO shall transmit a copy of the notice to ARB; EPA Region IX; adjacent air districts; the chief executive(s) of the city and county where the facility is located; the California State Lands Commission; any Indian Governing Body whose lands may be affected by the new or modified source(s) that is the subject of the notice; any person who requests such specific notification in writing; and, if the application is for a project that requires an analysis of any Class I area impacts under Section 2-2-401.4, the Federal Land Manager(s) with responsibility for the Class I Area(s) involved.
- 404.5 If the District is the CEQA Lead Agency with respect to the application, the APCO shall also ensure that the applicable CEQA notice and comment requirements are followed with respect to any CEQA document.
- 404.6 The APCO shall provide a period of at least 30 days following publication of the notice required under this Section for members of the public to submit written comments, and may extend the public comment period for good cause.
- 404.7 The APCO may elect to hold a public meeting to receive written and verbal comments from the public during the public comment period if the APCO finds that a public meeting is warranted and would substantially enhance public participation in the decision-making process. If the APCO elects to hold a public meeting, the APCO shall provide at least 30 days public notice of such meeting in the same manner as is required for the notice of preliminary decision, and the public comment period under Section 2-2-404.6 shall be extended, at a minimum, until the end of the public meeting.

2-2-405 Public Inspection: If an application for an Authority to Construct is subject to the public notice and comment requirements of Section 2-2-404, the APCO shall make available for public inspection, at District headquarters, the information submitted by the applicant, the APCO's preliminary decision to grant or deny the authority to construct including any proposed conditions and the reasons therefore, and any other relevant information on which the APCO's preliminary decision is based. Any such information shall also be transmitted, upon request, to ARB and EPA Region IX. In making information available for public inspection, the APCO shall consider any claims by the applicant regarding the confidentiality of trade secrets, as designated by the applicant prior to submission, in accordance with Section 6254.7 of the California Government Code.

2-2-406 Authority to Construct, Final Action: If an application for an Authority to Construct is subject to the public notice and comment requirements of Section 2-2-404, the APCO shall consider all public comments received and shall take final action on the application: (i) within 60 days after the close of the public comment period, or within 30 days after final approval of a CEQA Negative Declaration or Environmental Impact Report for the project (if applicable), whichever is later; and (ii) if the application is for a PSD Project, no later than one year after receipt of the complete application (unless a longer period is necessary and is consented to by the applicant). At the time of such final action, the APCO shall:

- 406.1 Prepare and make publicly available a written response to any public comments received explaining how the APCO has considered such comments in making a final decision; and
- 406.2 Provide written notice of the final decision to the applicant, ARB, EPA Region IX, any person who submitted comments during the public comment period or requested written notice of the final action, and, if the District is a Lead

Agency under CEQA, in accordance with all applicable CEQA public notice and comment requirements.

2-2-407 Issuance, Permit to Operate: Before issuing a permit to operate for a source subject to the requirements of this Rule, the APCO shall ensure that the following requirements have been met:

407.1 The APCO shall ensure that all conditions specified in the authority to construct have been and are being complied with, or in the case of conditions with a future compliance date, that such conditions are reasonably expected to be complied with by the applicable compliance date.

407.2 If the permit is for a source for which the applicant complied with the offset provisions of Sections 2-2-302 or 2-2-303 with emission reduction credits generated after the application date:

2.1 The APCO shall ensure that such emission reduction credits took effect or will take effect no later than initial operation of the source (or, for a source that is a replacement unit, as defined in 40 C.F.R. Section 51.165(a)(1)(xxi), that will replace an existing source in whole or in part, with respect to emission reduction credits being generated by the shutdown of the existing source being replaced, no later than 90 days after initial operation of the replacement unit); and

2.2 The APCO shall ensure that such emission reduction credits shall be maintained throughout the operation of the source.

2-2-408 Permit to Operate, Final Action: The APCO shall take final action to approve, approve with conditions, or disapprove a permit to operate a source subject to this Rule within 90 days after start-up of the new or modified source, unless such time period is extended with the written concurrence of the applicant.

2-2-409 Source Obligation, Relaxation of Enforceable Conditions: At such time as the applicability of any requirement of this Rule would be triggered by an existing source or facility, solely by virtue of a relaxation of any enforceable limitation on the capacity of the source or facility to emit a pollutant, then the requirements of this Rule shall apply to the source or facility in the same way as they would apply to a new or modified source or facility otherwise subject to this Rule.

2-2-410 Permit Conditions: The APCO may include any permit condition in an authority to construct or permit to operate that the APCO determines is necessary to ensure compliance with this Rule, including but not limited to conditions controlling the operation of the source, of its abatement equipment, or of sources used to generate emission reduction credits to comply with Sections 2-2-302 or 2-2-303. Such conditions may have a future effective date and may be made conditional on the results of source tests, ground level monitors or public complaints.

2-2-411 Offset Refunds: The APCO may refund offsets provided for an authority to construct or permit to operate, and waive any associated banking fees, under the following circumstances:

411.1 Where an applicant has provided offsets in excess of those required for an authority to construct or permit to operate, the APCO shall upon request of the applicant refund the difference between the amount of offsets provided and the amount of offsets required, as long as such request is made within 2 years of issuance of the authority to construct or within 6 months of issuance of the permit to operate.

411.2 Whenever a source for which the owner or operator has provided offsets is not constructed (or is constructed but never operated), and the authority to

construct for the source has expired or has been surrendered by the applicant, the APCO shall upon request of the applicant refund the offsets provided in connection with the authority to construct, as long as such request is made within 2 years of issuance or renewal of the authority to construct.

2-2-412 Demonstration of NO_x, POC and PM_{2.5} Offset Program Equivalence: By March 1 of each year, or by a later date approved by EPA, the APCO shall prepare and submit to EPA, and publish prominently on the District's website, an analysis demonstrating that the District's New Source Review program has obtained at least as many NO_x, POC and PM_{2.5} offsets in total as would have been required under the federal offsets provisions set forth in 40 C.F.R. section 51.165 for the Federal Major NSR Sources (as defined in Section 2-2-228) permitted by the District during the previous calendar year. The demonstration shall be based on the following information:

412.1 Calculation of Offsets Shortfall for Each Federal Major NSR Source: The APCO shall calculate the offsets shortfall for each Federal Major NSR Source permitted during the previous calendar year, which shall be the sum of the Federal Offsets Baseline Shortfall as defined in Section 2-2-229 (if any) and the Federal Surplus-at-Time-of-Use Shortfall as defined in Section 2-2-230 (if any).

412.2 Calculation of Total Offsets Shortfall for All Federal Major NSR Sources: The APCO shall sum the offsets shortfalls calculated pursuant to subsection 412.1 (if any) for all for all Federal Major NSR Sources permitted during the previous calendar year to obtain the total offsets shortfall for the year.

412.3 Identification of Equivalence Credits Sufficient to Cover Total Offsets Shortfall: The APCO shall identify Equivalence Credits sufficient to equal or exceed the amount of the total offsets shortfall calculated pursuant to subsection 412.2 (if any), subject to the following requirements.

3.1 The APCO shall not include any Equivalence Credits that were relied on in a prior equivalence demonstration for an earlier year.

3.2 All Equivalence Credits used in the equivalence demonstration must be adjusted to reflect any (i) District regulation required for purposes of federal attainment demonstration requirements, (ii) District requirement, or a state requirement applicable to sources within the District, approved into the California State Implementation Plan, or (iii) federal New Source Performance Standard or Maximum Achievable Control Technology Standard, that is adopted or promulgated between the date the Equivalence Credit was generated and the date it is used for purposes of the equivalence demonstration. The APCO shall make such adjustments in accordance with an EPA-approved surplus-at-time-of-use adjustment methodology.

2-2-413 No Net Increase Status Report: The APCO shall publish, in conjunction with the triennial update of the Clean Air Plan (CAP), a report demonstrating that the District's permitting program complies with the no-net-increase requirements of Section 40919(b) of the Health and Safety Code. This report shall demonstrate that sufficient offsets have been provided, as required by Section 2-2-302, for all permits issued during the previous three year CAP period. This report shall be forwarded to the California Air Resources Board, Stationary Source Division, for approval.

- 2-2-414 BACT Workbook:** The APCO shall publish and periodically update a BACT Workbook specifying the BACT requirements for commonly permitted sources. BACT will be determined for a source on a case-by-case basis, using the workbook as a guidance document, as the most effective control device or technique or most stringent emission limitation that meets the requirements of Section 2-2-202.
- 2-2-415 Additional Offset Requirements Where District Has Not Demonstrated NO_x, POC or PM_{2.5} Offset Program Equivalence:** If the APCO has not submitted the equivalence demonstration required by Section 2-2-412 by March 1 (or other EPA-approved date), the APCO shall require additional offsets for any subsequent Authority to Construct and/or Permit to Operate for a Federal Major NSR Source sufficient to make up for (i) any Federal Offsets Baseline Shortfall calculated pursuant to Section 2-2-229 and (ii) any Federal Surplus-at-Time-of-Use Shortfall calculated pursuant to Section 2-2-230. The APCO shall not issue an Authority to Construct or Permit to Operate for any Federal Major NSR Source unless the applicant has provided sufficient additional offset credits to make up for the shortfalls identified in the preceding sentence for that particular Authority to Construct or Permit to Operate. The APCO shall continue to require additional offsets sufficient to make up for such shortfalls for all Authorities to Construct and Permits to Operate for Federal Major NSR Sources issued after March 1 (or other EPA-approved date) until such time as the District has made the required equivalence demonstration for every year since 2017. The requirement to provide additional offsets under this Section shall apply on a pollutant-specific basis for each pollutant for which the APCO has not made the required equivalence demonstration.
- 2-2-500 MONITORING AND RECORDS**
- 2-2-501 Post-Construction Monitoring:** The APCO may require as a condition in an authority to construct that the owner or operator of a facility for which the authority to construct is issued must conduct such ambient air quality monitoring as the APCO determines is necessary to determine the effect that emissions from the facility may have, or are having, on air quality in the area.
- 2-2-600 MANUAL OF PROCEDURES**
- 2-2-601 Ambient Air Quality Monitoring:** Ambient air quality monitoring required pursuant to this Rule shall be conducted in accordance with the methods prescribed in the Manual of Procedures, Volume VI., and 40 C.F.R. Part 58, Appendix B.
- 2-2-602 Good Engineering Practice (GEP) Stack Height:** Stack heights beyond what is consistent with good engineering practices shall not be allowed for purposes of air quality modeling undertaken as part of any air quality analysis prepared in connection with an application for an authority to construct as required by Sections 2-2-305 through 2-2-308. This requirement does not limit the actual height of a stack, as long as good engineering practice stack heights are used in any such modeling analyses. Good engineering practice stack height shall be determined according to 40 C.F.R. Section 52.100(ii) and EPA's *Guideline for Determining Good Engineering Practice Stack Height*, EPA Publication No. EPA-450/4-80-023R (June 1985).
- 2-2-603 Baseline Emissions Calculation Procedures:** The following methodology shall be used to determine a source's baseline emissions for purposes of calculating an

emissions increase or decrease from a source under Sections 2-2-604.2, 2-2-605.2, and 2-2-606.3:

603.1 Determine Baseline Period Ending Date: The date on which the baseline period ends is determined as follows:

- 1.1 For determining the amount of an emissions increase from a new or modified source, the baseline period ends on the date on which the application for authority to construct/permit to operate the new or modified source is determined to be complete.
- 1.2 For determining the amount of a contemporaneous emissions increase under Section 2-2-220 for a physical change or change in the method of operation of a source that was not a modification of the source, the baseline period ends on the date the change was first implemented at the source.
- 1.3 For determining the amount of a contemporaneous onsite emission reduction credit or a contemporaneous emissions decrease under Section 2-2-220, the baseline period ends on the date on which the emission reduction becomes enforceable.
- 1.4 For determining the amount of an emission reduction credit for which a banking certificate is sought under Regulation 2, Rule 4, the baseline period ends the date on which the banking application is determined to be complete.

603.2 Determine Baseline Period: The baseline period is determined as follows:

- 2.1 For all pollutants other than greenhouse gases, the baseline period is the three-year period immediately preceding the baseline period ending date established under subsection 603.1.
- 2.2. For greenhouse gases, the baseline period is determined as follows:
 - 2.2.1 For a new source, the baseline period is a period with zero throughput and emissions. For such sources, baseline emissions and adjusted baseline emissions are zero for all purposes under Section 2-2-603.
 - 2.2.2 For an existing source that first operated less than 24 months before the date on which the application for authority to construct/permit to operate is determined to be complete, the baseline period is a period with maximum potential throughput and emissions. For such sources, baseline emissions and adjusted baseline emissions are the source's pre-existing potential to emit for all purposes under Section 2-2-603.
 - 2.2.3 For a modification to an existing electric utility steam generating unit as defined in 40 C.F.R. Section 51.166(b)(30) that has operated for 24 months or more prior to the date of application, the baseline period is any period of 24 consecutive months selected by the applicant within the 5-year period immediately preceding the baseline period ending date established under subsection 603.1, or other such time period that the APCO determines is more representative of normal source operation. For evaluating emissions from multiple sources, the same 24-month baseline period shall be used for all sources.

2.2.4 For a modification to any existing source other than an electric utility steam generating unit as defined in 40 C.F.R. Section 51.166(b)(30) that has operated for 24 months or more prior to the date of application, the baseline period is any period of 24 consecutive months selected by the applicant within the 10-year period immediately preceding baseline period ending date established under subsection 603.1. For evaluating emissions from multiple sources, the same 24-month baseline period shall be used for all sources.

603.3 Determine Baseline Throughput: Baseline throughput is the lesser of: (i) the actual average annual throughput during the baseline period; or (ii) the average permitted annual throughput during the baseline period, if limited by permit condition. If the applicant does not have sufficient verifiable records of the source's operation to substantiate its throughput during any portion(s) of the baseline period, the applicant is not entitled to credit for throughput during any such portion(s). Throughput shall be based on the source's operational parameter that correlates most closely to the source's emissions.

603.4 Determine Baseline Emissions: Baseline emissions are the actual average annual emissions during the baseline period (excluding any emissions that exceed any regulatory or permit limits). If the applicant does not have sufficient verifiable records of the source's operation to substantiate the emission rate during any portion(s) of the baseline period, the applicant is not entitled to credit for emissions during any such portion(s).

603.5 Determine Baseline Emissions Rate: The baseline emission rate is the emission rate per unit of throughput during the baseline period, calculated by dividing the source's baseline emissions by its baseline throughput.

603.6 Determine Adjusted Baseline Emissions Rate: The adjusted baseline emission rate shall be determined by adjusting the baseline emission rate downward, if necessary, to reflect the most stringent of RACT, BARCT, and applicable federal and District rules and regulations in effect or contained in the most recently adopted Clean Air Plan; except that for purposes of determining whether a source or group of sources constitutes a PSD Project under Section 2-2-224, the adjusted baseline emission rate shall not be adjusted downward to a greater extent than required under the provisions of 40 C.F.R. Sections 51.166(b)(47)(i)(b) and 51.166(b)(47)(ii)(b) & (c).

603.7 Determine Adjusted Baseline Emissions: The adjusted baseline emissions is the adjusted baseline emissions rate multiplied by the baseline throughput (except where otherwise specified under sections 2-2-603.2.2.1 or 2-2-603.2.2.2).

2-2-604 Emission Increase/Decrease Calculation Procedures, New Sources and Changes at Existing Sources: The amount of any emissions increase (or decrease) associated with a new source, or with a physical change, change in the method of operation, change in throughput or production, or other similar change at an existing source, shall be calculated according to the following procedures:

604.1 New Source: The emissions increase associated with a new source is the source's potential to emit.

604.2 Change to Existing Source: The emissions increase (or decrease) associated with a physical change, change in the method of operation, change in throughput or production, or other similar change at an existing source

(including a permanent shutdown of the source) shall be calculated as the difference between: (i) the source's potential to emit after the change; and (ii) the source's adjusted baseline emissions before the change, calculated in accordance with Section 2-2-603.

2-2-605 Emission Reduction Credit Calculation Procedures: The amount of emission reduction credits associated with a physical change, change in method of operation, change in throughput or production, or other similar change at a source shall be calculated according to the following procedures:

605.1 Eligibility for Credit: To qualify as emission reduction credits, the emission reductions associated with any such change: (i) must be enforceable through permit conditions; through relinquishment of the source's permit; through physical removal of the source such that reinstallation would require a new permit under Regulation 2; or in the case of source shutdown where no permit is required for the source being shut down, through an alternative legally-enforceable mechanism; and (ii) must be real, permanent, quantifiable, and in excess of any reductions required by applicable regulatory requirements. Emissions that were offset with credits from the Small Facility Banking Account cannot be used to generate emission reduction credits.

605.2 Calculating Amount of Credit: The amount of emission reduction credit associated with such a change shall be calculated as the difference between: (i) the source's adjusted baseline emissions before the change calculated pursuant to Section 2-2-603; and (ii) the source's potential to emit after the change.

2-2-606 Potential-to-Emit (PTE) Increase Calculation Procedures for Purposes of Determining Cumulative Increase: For purposes of calculating cumulative increase under Section 2-2-607, the increase in a source's potential to emit associated with an authority to construct and/or permit to operate for the source shall be calculated according to the following procedures:

606.1 New Source: For a new source, the increase in potential to emit is the source's full potential to emit.

606.2 Modified Source – Offsets Previously Provided: For a modified source, if offsets have previously been provided for the source's emissions, then the increase in potential to emit associated with the modification is the difference between:

- 2.1 the source's potential to emit after the modification; and
- 2.2 the source's potential to emit before the modification, adjusted downward, if necessary, to reflect the most stringent of RACT, BARCT, and applicable federal and District rules and regulations in effect or contained in the most recently adopted Clean Air Plan

606.3 Modified Source – Offsets Not Yet Provided: For a modified source, if offsets have not previously been provided for the source's emissions, then the increase in potential to emit associated with the modification is the difference between:

- 3.1 the source's potential to emit after the modification; and
- 3.2 the source's adjusted baseline emissions before the modification calculated in accordance with Section 2-2-603.

For purposes of calculating the cumulative increase associated with a source, the source's emissions shall include emissions from cargo carriers (other than motor vehicles) associated with the source as specified in Section 2-2-610.

2-2-607 Cumulative Increase Calculation Procedures: The cumulative increase in emissions associated with an authority to construct and/or permit to operate for a source shall be calculated as:

607.1 Project Emissions Increase: the increase in potential to emit associated with the authority to construct/permit to operate determined in accordance with Section 2-2-606; minus

607.2 Contemporaneous Onsite Emission Reduction Credits: any contemporaneous onsite emission reduction credits at the facility calculated in accordance with Section 2-2-605 that are credited to the authority to construct/permit to operate.

The cumulative increase associated with an authority to construct/permit to operate issued in the past shall be determined using the increase in potential to emit and contemporaneous onsite emissions reductions credits calculated at the time of issuance of the authority to construct/permit to operate. Emission reduction credits may not be double-counted (e.g., an emission reduction credit may not be applied to the cumulative increase calculation for more than one authority to construct/permit to operate).

2-2-608 Facility Un-Offset Cumulative Increase Calculation Procedures: For purposes of applying the emission offset provisions of Sections 2-2-302 and 2-2-303, a facility's un-offset cumulative increase in emissions since the baseline date shall be calculated using the following procedures:

608.1 Project Cumulative Increase: The cumulative increase from the project being permitted shall be determined in accordance with Section 2-2-607.

608.2 Prior Un-Offset Cumulative Increase: For each previous authority to construct/permit to operate issued for the facility, and for any related source as defined in Section 2-2-226, after the cumulative increase baseline date as specified in Section 2-2-209 (but excluding any authority to construct/permit to operate issued because a source lost its permit exemption per Section 2-1-424 and any authority to construct/permit to operate for a source that has been permanently removed from service), the un-offset cumulative increase shall be determined by:

2.1 Calculating the cumulative increase associated with each previous authority to construct/permit to operate issued for the facility, and for any related source as defined in Section 2-2-226, determined in accordance with Sections 2-2-607; and

2.2 Subtracting any offsets provided in connection with the authority to construct/permit to operate (including any offsets provided from the District's Small Facility Banking Account).

608.3 Facility Un-Offset Cumulative Increase: The facility's un-offset cumulative increase shall be determined by adding (i) the project cumulative increase calculated according to Section 2-2-608.1 and (ii) the un-offset cumulative increase from each previous authority to construct/permit to operate issued for the facility, and for any related source as defined in Section 2-2-226, after the cumulative increase baseline date as specified in Section 2-2-209 (but excluding any authority to construct/permit to operate issued because a source lost its permit exemption per Section 2-1-424 and any authority to construct/permit to operate for a source that has been permanently removed from service) calculated according to Section 2-2-608.2. Offsets shall be

provided for the facility's un-offset cumulative increase multiplied by the applicable offset ratio specified in Section 2-2-302 and 2-2-303.

- 2-2-609 Official Record of Cumulative Increases and Offsets:** The APCO may establish and maintain a database or other accounting document to record the cumulative increase (including project cumulative increase and associated emission reduction credits) and offsets associated with each authority to construct/permit to operate issued for a facility. In calculating the un-offset cumulative increase associated with a previous authority to construct/permit to operate under Section 2-2-608.2, the APCO may rely on the data specified in such document as conclusive, unless the APCO has information that indicates that some other data is more accurate. Records of cumulative increase and offsets shall be updated as necessary to ensure that they are current and accurate.
- 2-2-610 Facility Emissions Calculation Procedures, Cargo Carriers:** For purposes of applying the offset requirements of Sections 2-2-302 and 2-2-303, a facility's potential to emit and cumulative increase shall be calculated including emissions from cargo carriers (other than motor vehicles) associated with the sources at the facility. When applying these offset requirements, facilities that include cargo loading or unloading from cargo carriers other than motor vehicles shall include the cargo carriers as part of the source that receives or loads the cargo. Accordingly, all emissions from such cargo carriers while operating in the District, or within California Coastal Waters up to 11 nautical miles (12.66 statute miles) from the Golden Gate Bridge (and any additional areas of California Coastal Waters adjacent to the District if cargo carrier emissions in such areas would have a substantial impact on air quality within the District), shall be included as part of the source's emissions. Emissions from cargo carriers shall not be included for purposes of applying any other provisions of this Regulation, including the BACT and PSD requirements.
- 2-2-611 Emission Calculation Procedures, Fugitive Emissions:** Any fugitive emissions from a source shall be included in calculating the source's emissions for all purposes under this Rule; except that for purposes of determining whether a facility's emissions exceed the 100/250 ton per year thresholds in Section 2-2-217 (for a "Major Facility") and Section 2-2-224.1 (the first element in the definition of "PSD Project"), fugitive emissions shall be included only if the facility is in one of the 28 categories listed in Section 169(1) of the Clean Air Act or is in any other stationary source category that was being regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980.

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**REGULATION 2
PERMITS
RULE 4
EMISSIONS BANKING**

(Adopted March 7, 1984)

2-4-100 GENERAL

2-4-101 Banking: The banking of emission reduction credits is intended to provide a mechanism for sources to obtain offsets under the New Source Review regulations contained in Regulation 2, Rule 2 of the District and is not intended to recognize any pre-existing vested right to emit air pollutants.

(Amended June 15, 1994)

2-4-200 DEFINITIONS

2-4-201 Emission Reduction Credit: As defined in Section 2-2-211.

(Amended 7/17/91; 6/15/94; 10/7/98; 12/19/12)

2-4-202 Deleted May 17, 2000

2-4-203 Bankable Pollutants: Emission reduction credits of the following pollutants may be deposited in the emissions bank: precursor organic compounds, non-precursor organic compounds, particulate matter, PM₁₀, PM_{2.5}, sulfur dioxide, nitrogen oxides, and carbon monoxide.

(Amended 7/17/91; 6/15/94; 12/19/12)

2-4-204 Reasonably Available Control Technology: As defined in Regulation 2-1-209.

(Amended July 17, 1991)

2-4-300 STANDARDS

2-4-301 Bankable Reductions: An applicant may bank emission reductions if and only if the APCO determines (i) that the reductions satisfy all of the criteria necessary to constitute Emission Reduction Credits as defined in Section 2-2-211, including but not limited to the requirements that the reductions are real, permanent, quantifiable, and enforceable, and are calculated in accordance with Section 2-2-605; and (ii) that banking the reductions is not prohibited by Section 2-4-303. The APCO may include a condition in an authority to construct involving reductions pursuant to subsections 2-4-301.1, 301.2, or 301.5, stating that the emission reduction shall be eligible for banking after being demonstrated by source test or other means acceptable to the APCO, including emission factors. Any regulatory change adopted 90 or more days after a complete application for an authority to construct shall not affect the potential for bank deposits resulting from reductions at sources covered by that authority to construct. The following are examples of bankable reductions:

- 301.1 Emission reduction credits resulting from the installation of a level of control greater than required by regulation are bankable, including installation of BACT where BACT is not required.
- 301.2 Emission reduction credits due to the installation of different processes or equipment which emit less than the previous process or equipment that performed the same function.
- 301.3 Emission reduction credits due to the effective operation and maintenance of abatement equipment if the applicant accepts a condition on the permit specifying a lower level of emissions than otherwise required by District regulations.
- 301.4 Emission reduction credits resulting from switching to a fuel which results in less emissions, provided the applicant agrees to a condition on the appropriate permit specifying the fuel to be used in the future.
- 301.5 Emission reduction credits of fugitive emissions if the reductions are quantified by source tests or other methods approved by the APCO.

- 301.6 Other emission reduction credits, such as 1) limitations on the type or quantity of fuel burned, 2) solvent recovery projects, and 3) limitations on throughput.

(Amended 7/17/91; 6/15/94; 12/19/12; 12/6/2017)

2-4-302 Bankable Reductions for Closures: Emission reduction credits not prohibited by Section 2-4-303 are bankable. The following restrictions apply:

- 302.1 Closure of sources, where the reduction is permanent at the source, but it is unclear whether the reduction will be replaced by an emissions increase elsewhere within the District, are bankable only if the applicant accepts a condition restricting use of the deposits to offsetting emission increases in the same or closely related industries. For example, the closure of public utility power generation facilities could be bankable if use is restricted to offsetting emission increases from other power generation facilities (including resource recovery and cogeneration facilities). Closure of petroleum or petroleum product storage tanks at refineries could be bankable if use is restricted to offsetting emission increases at other petroleum or petroleum products storage tanks, or to offset emission increases at the associated refinery.

- 302.2 Issuance of a Banking Certificate for emission reductions resulting from a closure cancels the permit to operate. The reduction shall be enforceable through a condition in the Banking Certificate and through enforcement of Regulation 2-1-302 pertaining to operating without a permit.

(Amended 7/17/91; 6/15/94; 5/17/00; 12/6/2017)

2-4-303 Limitations on Deposits: The following cannot be banked:

- 303.1 Emission reduction credits achieved during periods in which a moratorium on banking deposits is in effect pursuant to Section 2-4-410. After removal of the moratorium, they may subsequently be banked. The period of the moratorium shall not be considered "normal operation" for the purpose of determining the bankable emissions.

- 303.2 Emission reductions from closure of sources where the demand for the services or product would merely shift to other sources in the District, with little or no decrease in emissions basin-wide.

2.1 The APCO may, at his or her discretion, require submittal of data to document that reductions from the closure of such types of operations will not result in such a shift, and could therefore be banked.

2.2 Only the net reduction (if any) shall be banked for shutdowns of manufacturing operations where the operation is being transferred elsewhere within the same stationary source or to a different stationary source owned by the applicant within the District.

- 303.3 Emission reductions due to the shutdown or closure of sources or the installation of controls on sources excluded from District regulations pursuant to Regulation 1-110 or exempt from permit requirements pursuant to Regulation 2-1.

- 303.4 Transfer of ownership of an emission source if the source remains operable and within the District.

- 303.5 Emission reductions at facilities belonging to companies which have received unreimbursed offsets from the Small Facility Emissions Bank. Once these offsets have been reimbursed, the remaining emission reductions may be banked.

(Amended 7/17/91; 6/15/94; 10/7/98; 5/17/00)

2-4-304 Limitations on Use of Deposits: Emission reduction credits may not be used to:

- 304.1 Exempt a source from Best Available Control Technology (BACT) requirements contained in subsections 2-2-301.1 and 301.2 of Regulation 2.

- 304.2 Exempt a source from emission limitations established in Regulation 10 (New Source Performance Standards).

- 304.3 Exempt a source from any other air pollution control requirements whatsoever of Federal, State, or District laws, rules and regulations.

(Amended 7/17/91; 6/15/94)

2-4-305 Use of Withdrawals: Bank deposits may be withdrawn by the depositor or by any other person to whom they have been transferred by the depositor for use in meeting the requirements to obtain offsets specified in Rule 2 of this Regulation.

(Amended July 17, 1991)

2-4-400 ADMINISTRATIVE REQUIREMENTS

2-4-401 Banking Application: An application to deposit or re-evaluate an emission reduction in the emissions bank shall be submitted on forms specified by the APCO. No banking application shall be accepted from a stationary source for pollutants which are the subject of a variance, abatement order or other similar formal order, until compliance with the emission limitations which are the subject of the variance or order is achieved.

(Amended December 19, 2012)

2-4-402 Complete Banking Application: The APCO shall determine whether a banking application is complete not later than 30 calendar days following receipt of the application, or after a longer time period agreed upon in writing by both the applicant and the APCO. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the information that is required. The applicant shall have 90 days to submit the requested information. Upon receipt of all requested information, a new 30 day period to determine completeness shall be initiated. If, at the end of 90 days, no data is submitted or the application is still incomplete, the APCO may cancel the banking application with written notification to the applicant. Upon a determination that the application is complete, the APCO shall notify the applicant in writing. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application, may be requested. Withdrawal of a banking application by an applicant shall result in cancellation of the application; any re-submittal may be evaluated using a new application completion date.

(Amended 7/17/91; 6/15/94; 5/17/00)

2-4-403 Preliminary Decision: Within 60 days following the acceptance of a banking application as complete, which is not subject to the publication, public comment and inspection requirements of Section 2-4-405, or, with the consent of the applicant, such longer period as may be agreed upon, the APCO shall make a preliminary decision and notify the applicant in writing as to whether the APCO intends to approve, conditionally approve, or deny the application.

(Amended July 17, 1991)

2-4-404 Preliminary Decision, Major Deposits: Within 90 days following the acceptance of a banking application as complete, which is subject to the publication, public comment and inspection requirements of Section 2-4-405, or, with the consent of the applicant, such longer period as may be agreed upon, the APCO shall make a preliminary decision and notify the applicant in writing as to whether the APCO intends to approve, conditionally approve, or deny the application.

(Adopted July 17, 1991)

2-4-405 Publication, Public Comment and Inspection: Before approving the banking of any emission reduction in excess of 40 tons per year of any pollutant, the re-evaluation of PM₁₀ emission reduction credits under Section 2-4-416 resulting in an increase of more than 40 tons per year or before declaring a moratorium on further banking of emission reductions, the APCO shall cause to be published in at least one newspaper of general circulation within the District, and be sent to any individual submitting a written request to the APCO for notification, a notice stating the preliminary decision of the APCO to approve the banking of emission reductions or to declare a moratorium on further banking of emission reductions and inviting written public comment. The APCO shall make available for public inspection at District headquarters the information submitted by the applicant, the APCO's analysis, and the preliminary decision to grant or deny the banking application, including the reason therefore and any proposed conditions. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code. Such information shall also be transmitted to adjacent air pollution control districts, the California Air Resources Board, and the U.S. EPA.

(Renumbered, Amended 7/17/91; Amended 12/19/12)

2-4-406 Public Meeting: During the 30-day period following the date of publication, which may be extended by the APCO, the APCO may, based on the receipt of written comments, elect to hold a public meeting to receive oral and written comments from the public. After considering all such comments, the APCO shall, within 30 days of the close of the comment period, make a final decision concerning such banking.

(Renumbered July 17, 1991)

- 2-4-407 Banking Certificate:** The APCO shall issue a banking certificate within 30 days of the issuance of the preliminary decision for an approved deposit not subject to Section 2-4-405, or within 30 days of the close of the public comment period if the banking application is approved. The certificate shall identify the owner of the certificate, the quantity of the emission reduction credits of each pollutant for deposit in the emissions bank in tons per year, the location of the facility at which the reduction was created, any conditions on use of the emission reduction credits, and any other data deemed appropriate by the APCO.
- (Renumbered, Amended 7/17/91; Amended 6/15/94)*
- 2-4-408 Appeal to the Hearing Board, Banking:** Any person dissatisfied with the decision of the APCO regarding the approval or disapproval of an application for banking air contaminants may appeal that decision within 30 calendar days in accordance with the provisions of Regulation 2-1-410.
- (Renumbered, Amended 7/17/91; Amended 5/17/00)*
- 2-4-409 Protection and Duration of Deposits:** Deposits are permanent until used by the depositor or any party to whom the depositor has transferred the deposit. Changes in offset ratios shall not apply to emission reduction credits already used. After issuance of the Banking Certificate confirming the deposit, subsequent changes in regulations to require the type of reduction banked shall not reduce or eliminate the deposit.
- (Renumbered 7/17/91; Amended 6/15/94)*
- 2-4-410 Moratorium on Banked Emissions:** If the APCO determines that additional mandatory emission reductions will be necessary to attain an ambient air quality standard, the APCO may declare a full or partial moratorium on banking deposits of the applicable air contaminant, after opportunity for public comment as provided in Sections 2-4-405 and 406. Such a moratorium shall be lifted after the APCO determines that the Bay Area Air Quality Plan demonstrates attainment of such standards.
- (Renumbered, Amended July 17, 1991)*
- 2-4-411 Banking Register:** The District shall maintain a “banking register”, which shall consist of a record of all deposits, deposit applications, withdrawals, and transactions. A summary of the data in the banking register shall be available to the public upon request and the District emission inventory shall explicitly include all outstanding deposits appearing in the summary as current existing emissions.
- (Renumbered, Amended July 17, 1991)*
- 2-4-412 Withdrawal Procedures for Deposits:** The following are procedures to be used for the withdrawal of banked emission reduction credits:
- 412.1 Deposits shall be withdrawn in accordance with the offset ratios in effect at the time of withdrawal as specified in Regulations 2-2-302 and 303.
 - 412.2 The owner of record shown in the District's banking register shall surrender the Banking Certificate in order to withdraw the banked emission reduction credit. If the entire deposit is used, the District shall retain the Certificate; if the deposit is partially used, the District shall retain the old Certificate and issue a new Certificate identifying the remaining portion of the deposit.
 - 412.3 If the deposit is transferred for later use, the owner of record shall submit the old Certificate signed by the owner of record and by the new owner; the District shall retain the old Certificate, issue a new Certificate in the name of the new owner for the amount transferred, and issue a new Certificate to the existing owner for any portion not transferred.
 - 412.4 If the deposit is transferred for use in an application for an authority to construct which requires offsets, the owner of record shall submit the old Certificate signed by the owner of record and by the new owner; the District shall retain the old Certificate, issue a new Certificate to the owner of record for any portion of the deposit not transferred, and identify use of the deposit in the authority to construct issued to the user of the deposit. No Certificate shall be issued to the user.
 - 412.5 For any transferred deposit, the creator of the deposit shall continue to have enforceable conditions in the appropriate permits to operate to assure permanency of the emission reduction and shall be held liable for compliance with those conditions; the user of any transferred bank deposit shall not be held liable for any failure of the creator to comply with District requirements.

(Renumbered, Amended 7/17/91; Amended 6/15/94)

2-4-413 Annual Report, Banking: The APCO shall provide an annual report to the Board of Directors on all banking transactions which have occurred during the preceding year.

(Renumbered July 17, 1991)

2-4-414 Small Facility Banking Account: The APCO may establish a small facility banking account and grant offsets. The APCO may fund the Small Facility Banking Account by deposit of unclaimed emission reductions resulting from source or facility closures, and by a small facility growth allowance established in the Clean Air Plan adopted by the District. In no event, may the APCO grant offsets in an amount that exceeds the amount contained in the Small Facility Banking Account. Allocation of credits shall conform to the requirements of Section 40919(a)(2) of the Health and Safety Code. If an applicant holds banked emission reduction credits, those credits must be used as a source of offsets prior to the APCO approving offsets from the small facility banking account (this includes bankable emission reduction credits held by other District facilities owned by the applicant). For the purposes of determining the amount of offsets granted by the APCO, any banked emission reduction credits that have been sold during the three years preceding a complete permit application shall be considered to be held by the applicant. Allocations from the small facility banking account cannot be transferred or banked by the recipient.

(Adopted 7/17/91; Amended 6/15/94; 10/7/98; 5/17/00; 12/21/04)

2-4-415 Military Base Closure Banking Account: The APCO shall establish a banking account for each military facility or base subject to termination of military operations. The APCO shall, in accordance with the provisions of this rule, bank the emission reduction credits for each military facility or base. The designated base reuse commission shall be entitled to the use of the banked emission reduction credits for projects within the jurisdiction of the base reuse commission, provided that the emission reduction credits have not been banked by the military facility or base.

(Adopted June 15, 1994)

2-4-416 Re-evaluating PM₁₀ Emission Reduction Credits: The owner of PM₁₀ banked emission reduction credits (ERCs) that were approved but not used prior to December 19, 2012 may request the District to re-evaluate those banked ERCs for the purpose of: converting PM₁₀ to PM₁₀ and PM_{2.5}; and/or including the condensable portion of PM₁₀ that was not included in the original evaluation.

(Adopted December 19, 2012)

2-4-600 MANUAL OF PROCEDURES

2-4-601 Emission Calculation Procedures: The emission calculation procedures contained in Regulation 2-2-600 shall be applicable to this Rule.

(Amended July 17, 1991)

2-4-602 Calculation Procedure for Converting Filterable PM₁₀ to Filterable PM_{2.5}: Existing PM₁₀ emission reduction credits can be converted to PM_{2.5} by multiplying the amount of PM₁₀ by a District-approved conversion factor, based on the type of source that originally generated the PM₁₀ credits. Acceptable conversion factors may include, but are not necessarily limited to the following:

- 602.1 For common source categories, the District will maintain a list of PM₁₀ to PM_{2.5} conversion factors in the Permit Handbook;
- 602.2 A comparison of AP-42 or other generally accepted emission factors for PM₁₀ and PM_{2.5};
- 602.3 Source specific emission test data comparing PM₁₀ and PM_{2.5} emission rates;
- 602.4 Emission test data comparing PM₁₀ and PM_{2.5} emission rates from a similar source.

(Adopted December 19, 2012)

2-4-603 Calculation Procedure for Including Condensable PM₁₀ or PM_{2.5}: The adjustment to add condensable (back-half) particulate to an existing credit will be based on the following:

- 603.1 The applicant must demonstrate the original credits were based solely on filterable particulate;
- 603.2 The applicant must identify the ratio of filterable to condensable PM₁₀ and provide supporting documentation;

- 603.3 The amount of condensable PM₁₀ will be determined by multiplying the amount of original filterable PM₁₀ by the ratio from section 2-4-603.2;
- 603.4 The condensable portion of PM₁₀ will be reduced if necessary, based on data that indicates a lower filterable PM₁₀ emission rate than was used in the original evaluation.
- 603.5 The original amount of filterable PM₁₀ will not be adjusted.

(Adopted December 19, 2012)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2021-

**A Resolution of the Board of Directors of the
Bay Area Air Quality Management District
Certifying that the Air District's Nonattainment New Source Review Permitting Program
Meets Federal Requirements for the Implementation of the
2015 Ozone National Ambient Air Quality Standards**

WHEREAS, the Bay Area Air Quality Management District (Air District) is the regulatory entity designated under applicable laws to implement the requirements of the federal Clean Air Act (CAA) with respect to stationary sources of air pollution within the San Francisco Bay Area;

WHEREAS, under the CAA, the United States Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards for specified criteria air pollutants that must be met in all areas of the United States;

WHEREAS, EPA designates areas within the United States as being in "attainment" or "nonattainment" of each National Ambient Air Quality Standard;

WHEREAS, if EPA designates an area as being nonattainment for a particular standard, the relevant regulatory entity charged with implementing the CAA must implement certain requirements designed to bring the area into attainment;

WHEREAS, one of these requirements applicable in nonattainment areas is to adopt and implement a permitting program for new and modified major sources of nonattainment pollutants, which is known as the "Nonattainment New Source Review" permitting program;

WHEREAS, EPA has established National Ambient Air Quality Standards for ozone, which EPA updated most recently in 2015;

WHEREAS, EPA has designated the San Francisco Bay Area as being nonattainment for the 2015 ozone National Ambient Air Quality Standards;

WHEREAS, as a result of this this nonattainment designation, the Air District is required to have a Nonattainment New Source Review permitting program for major sources of ozone-forming precursor pollutants that meets the minimum standards specified by EPA under the federal CAA;

WHEREAS, the Air District is required to submit its Nonattainment New Source Review permitting program for inclusion within California's CAA State Implementation Plan no later than 36 months after the effective date of the San Francisco Bay Area's designation as nonattainment;

WHEREAS, the Air District already has a Nonattainment New Source Review permitting program for stationary sources that emit ozone precursors, which the Air District has adopted to meet requirements for other ozone air quality standards;

WHEREAS, the Air District's existing Nonattainment New Source Review permitting program is contained in three rules in Regulation 2: Regulation 2, Rule 1 (Permits–General Requirements); Regulation 2, Rule 2 (Permits–New Source Review); and Regulation 2, Rule 4 (Permits–Emissions Banking);

WHEREAS, this existing Non-Attainment New Source Review permitting program meets all of the requirements applicable under federal regulations with respect to the 2015 ozone National Ambient Air Quality Standards, so the Air District does not need to make any changes to its existing program as a result of being designated nonattainment for the 2015 ozone National Ambient Air Quality Standards;

WHEREAS, given that the Air District does not need to make any changes to its Non-Attainment New Source Review permitting, all the Air District needs to do is submit a certification to EPA that its existing program complies with all of the requirements applicable under federal regulations with respect to the 2015 ozone National Ambient Air Quality Standards;

WHEREAS, Air District staff have undertaken a comprehensive review and analysis of the Air District's existing Non-Attainment New Source Review permitting program to demonstrate how it complies with all of EPA's requirements, as set forth in detail in the attached "Certification that the Bay Area Air Quality Management District's Existing NNSR Program Addresses the 2015 Ozone NAAQS SIP Requirements Rule," which is attached hereto and incorporated herein by reference (hereinafter, "Certification");

WHEREAS, the Air District Board of Directors has reviewed the Certification and concurs with staff's analysis and conclusion that the Air District's existing Non-Attainment New Source Review permitting program meets all of the requirements applicable under federal regulations with respect to the 2015 ozone National Ambient Air Quality Standards;

WHEREAS, the Air District Board of Directors convened a public meeting on September 1, 2021, to consider adopting the Certification and certifying that the existing Non-Attainment New Source Review permitting program meets all requirements of all applicable under federal regulations with respect to the 2015 ozone National Ambient Air Quality Standards;

WHEREAS, the public hearing was properly noticed in accordance with all applicable provisions of law, with notice provided at least 30 days before the public hearing;

WHEREAS, the public notice included publication in three local newspapers of general circulation within the Bay Area, publication on the Air District's website, and emailing to a list of interested parties maintained by Air District staff to receive such notices;

WHEREAS, the public notice included information about the proposed certification, information on where and when the public hearing would take place and how to participate, and an invitation to submit comments on the proposed certification;

WHEREAS, based on the analysis of the Air District's existing Nonattainment New Source Review permitting program as set forth in the attached Certification, and upon consideration of any public comment received on the proposed Certification, the Board of Directors concurs with staff's determination that the existing Non-Attainment New Source Review permitting program

meets all requirements of all applicable under federal regulations with respect to the 2015 ozone National Ambient Air Quality Standards;

WHEREAS, the Board of Directors has authority to do acts necessary and proper to execute the powers and duties granted to, and imposed upon, the Air District pursuant to sections 40701 and 40702 of the California Health & Safety Code;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt, pursuant to the authority granted by law, the proposed Certification set forth in the Attachment hereto, and certifies that the Air District's existing Non-Attainment New Source Review permitting program meets all requirements of all applicable under federal regulations with respect to the 2015 ozone National Ambient Air Quality Standards.

BE IT FURTHER RESOLVED that the Board of Directors directs staff to submit this Certification to the California Air Resources Board (CARB) with a request that CARB formally submit the Certification to EPA for inclusion in the California State Implementation Plan.

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 _____, 2021 by the following vote of the Board:

AYES:

NOES:

ABSENT:

Cindy Chavez
Chairperson of the Board of Directors

ATTEST:

John J. Bauters
Secretary of the Board of Directors

ATTACHMENT

**Certification that the Bay Area Air Quality Management District's Existing NNSR
Program Addresses the 2015 Ozone NAAQS SIP Requirements Rule**

DRAFT

**COMMITTEE SUMMARY REPORT OF THE RICHMOND AREA COMMUNITY EMISSIONS
REDUCTION PLAN STEERING COMMITTEE**

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, August 16, 2021, and approved the minutes of July 19, 2021. This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the Committee participated by teleconference.

The Committee then received the staff presentation *Plan Process Review, and Community Vision and Principles Review and Adoption*. Air District staff presented work completed by the newly formed Ad Hoc Committee on Vision and Principles in between the July and August Steering Committee meetings. The Ad Hoc Committee summarized and organized principles and vision input collected at the July Steering Committee meeting and drafted recommended principles and a vision for the Steering Committee's consideration. The Steering Committee discussed the recommended language and approved it with minor amendments.

The Committee then continued developing its charter. Since the July Steering Committee meeting, the Committee members were asked to submit suggested revisions to the draft charter language, so as not to use meeting time to review the language. Including the "Statement of Purpose", there were eleven sections to be reviewed. The Committee made additional revisions to the draft charter during the meeting, and Air District staff will bring it back to the September meeting for final consideration. During this item, five Steering Committee members volunteered to

[OVER]

serve on the newly formed Charter Ad Hoc Committee, which exists to consider and make recommendations on proposed changes to the Steering Committee's charter.

Finally, the Committee received the staff presentation *Path to Clean Air Community Organizing Grants & Community Mapping Project*. The presentation first featured Community Organizing Micro-Grants awarded to six nonprofit organizations in the Richmond, North Richmond, and San Pablo area. Their objective is to engage with their communities to provide input that will inform the Steering Committee's development of strategies to reduce air pollution and protect public health, especially in vulnerable communities and those that have been historically excluded or underrepresented. The presentation then featured an interactive mapping platform that will allow local community members to share their input and stories on a publicly available online map. Users will be able to identify local sources of air pollution, places where people gather – especially seniors, young people or community members with increased health risks, and community assets and strengths. Members of the Steering Committee mapped their experiences during a live demonstration.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, September 20, 2021, at 5:30 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom. This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan Steering Committee for meeting of August 16, 2021.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting of August 16, 2021

RECOMMENDED ACTIONS

The Richmond Area Community Emissions Reduction Plan Steering Committee (Committee) recommends Board of Directors (Board) approval of the following:

- A) Plan Process Review and Community Vision and Principles Review and Adoption;
 - 1) The Committee discussed the recommended language and approved it with minor amendments.
- B) Charter Development and Adoption Process; and
 - 1) The Committee made additional revisions to the draft charter during the meeting, and Air District staff will bring it back to the September meeting.
- C) Path to Clean Air Community Organizing Grants and Community Mapping Project.
 - 1) None; receive and file.

BACKGROUND

The Committee met on Monday, August 16, 2021, and received the following reports:

- A) Plan Process Review and Community Vision and Principles Review and Adoption;
- B) Charter Development and Adoption Process; and
- C) Path to Clean Air Community Organizing Grants and Community Mapping Project.

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marjorie Villanueva
Reviewed by: Vanessa Johnson

- Attachment 13.2A: 08/16/2021 – Richmond Area Community Emissions Reduction Plan Steering Committee Meeting Agenda #3
- Attachment 13.2B: 08/16/2021 – Richmond Area Community Emissions Reduction Plan Steering Committee Meeting Agenda #4
- Attachment 13.2C: 08/16/2021 – Richmond Area Community Emissions Reduction Plan Steering Committee Meeting Agenda #5

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: August 16, 2021

Re: Plan Process Review and Community Vision and Principles Review and Adoption

RECOMMENDED ACTION

The Committee will vote to adopt the Steering Committee Vision and Principles.

BACKGROUND

The Committee will review and provide feedback on the Plan Process graphic. Air District staff will present work done by the Ad Hoc Committee on Vision and Principles in between the July and August Committee meetings, to summarize and organize Principles and Vision input from the Committee, and to draft Principles and a Vision for Committee consideration at the August meeting.

DISCUSSION

The Committee will review and discuss the Plan Process graphic and will provide any feedback. The Steering Committee will discuss and vote on the draft Principles and Mission presented.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Kelly Malinowski
Reviewed by: Veronica Eady

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: August 16, 2021

Re: Charter Development and Adoption Process

RECOMMENDED ACTION

The Committee will vote to adopt the final Path to Clean Air Charter.

BACKGROUND

The Charter is a document that will help the Community Steering Committee deliver and uphold effective and consistent governance. The California Air Resources Board Community Air Protection Blueprint recommends “the air district should work with the steering committee to establish a charter to clearly set out the committee process and structure.”

The Draft Path to Clean Air Community Steering Committee Charter (AGENDA: 4A – ATTACHMENT) is based on the Charter developed by the Community Design Team for the Community Air Monitoring Program, which was adopted in April 2019 and amended in May 2019. Committee members revised portions of the Charter at the July 19 Steering Committee meeting.

DISCUSSION

The Committee will continue to revise and adopt a charter to govern the Community Steering Committee through the development of the Community Emission Reduction Plan process.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Kevin Olp
Reviewed by: Veronica Eady

Attachment 4A: Path to Clean Air in the Richmond-North Richmond-San Pablo Area
Community Steering Committee Charter and Participation Agreement

RICHMOND AREA COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING COMMITTEE
MEETING OF 08/16/2021

**The Path to Clean Air in the Richmond-North Richmond-San Pablo Area
Community Steering Committee Charter and Participation Agreement**

Statement of Purpose

The ~~purpose~~ goal of The Path to Clean Air Community Steering Committee in the Richmond-San Pablo-North Richmond Area is to remedy persistent air pollution exposures and health risks and inequities associated with poor air quality for people ~~excessive local health risks~~ to people who live, work, and play in and around the Richmond-San Pablo-North Richmond study area. This goal objective will be accomplished by identifying community prioritized priorities and goals, and implementing strategies to reduce air pollution exposures in this study area.

Assembly Bill 617 (Garcia, C., Chapter 136, Statutes of 2017) is a State-mandated program that uses a community-based approach to reduce local air pollution in communities around the State that continue to experience disproportionate impacts from air pollution. The Richmond-North Richmond-San Pablo area's Path to Clean Air is the region's first effort under the AB 617 program to develop a Community Air Monitoring Plan (CAMP) to look for, identify, and understand areas of elevated air pollution exposure in Richmond, North Richmond, and San Pablo communities. The CAMP Community Steering Committee adopted the branding and name, "Path to Clean Air." With the completion of the Community Air Monitoring Plan the Path to Clean Air is beginning the next phase of the AB 617 Program, developing a Community Emissions and Exposure Reduction Plan (CERP). On March 3, 2021, the Air District Board of Directors voted to appoint a 31-community member Community Steering Committee to help guide the development of a Community Emissions Reduction Plan for the Richmond-North Richmond-San Pablo area.

1. Steering Committee Activities

Path to Clean Air Richmond-North Richmond-San Pablo Community Steering Committee members will participate in the development of the CERP and will act as liaisons for between the community and stakeholders they represent they represent, and policy makers by disseminating information, making decisions and providing input as appropriate. Steering Committee members will also receive regular updates on the implementation of the Community Air Monitoring Plan. The Richmond-North Richmond-San Pablo area CERP will need to be completed by February 2022 with plan implementation beginning in 2022. The CSC will be subject to the California Brown Act (California Government Code sections 54950, et seq.) and in conducting its meetings and deliberations, the CSC shall follow Robert's Rules of Order as nearly as possible.

2. Steering Committee Objectives

The Path to Clean Air Richmond-North Richmond-San Pablo Community Steering Committee will serve as outlined in the Statement of Purpose. The Steering Committee will develop a Community Emissions and Exposure Reduction Plan that identifies and develops strategies to address areas of elevated air pollution exposure in the Richmond-North Richmond-San Pablo area. The Steering Committee will disseminate information and consider input from the broader community. The goal is for the implementation of the CERP to begin in 2022. After the CERP has been developed, the Steering Committee Co-chairs may elect to change the meeting schedule as needed to best support and provide guidance on implementation and develop progress reports, with the consent of a majority of the CERP Steering Committee.

3. Membership

Community Steering Committee (CSC) members will represent people who live in the Richmond-North Richmond-San Pablo area and other interested stakeholders affiliated with various sectors. These sectors can include community-based organizations, youth organizations, non-profits, faith leaders, education, government, health, and business representatives from the Richmond-North Richmond-San Pablo area. The CSC shall be comprised of an odd number of members between 27 and 31, with a minimum of 70% of members residing within the initial study area, and with two non-voting members representing local businesses and industrial companies (not business associations).

4. Roles and Responsibilities

Community Steering Committee Members: Steering Committee members will be responsible for assisting Air District and Co-chairs in developing the Richmond-North Richmond-San Pablo CERP, in accordance with the California Air Resources Board's Community Air Protection Blueprint¹. They will identify the scope of issues to be considered; inform technical analyses to understand these issues; co-develop with the Bay Area Air Quality Management District strategies to solve the issues identified; and ensure continued accountability for CERP implementation.

Co-chairs: The voting members of the Community Steering Committee shall select two Co-chairs from among the CSC members, and the voting members of the CSC shall select a Board Liaison from among the CSC members who shall provide informational reports to the Board of Directors. The Co-chair team will be responsible for developing meeting agendas, and for leading Steering Committee meetings.

5. Standard Steering Committee Meeting Procedures

Deliberation and Consensus: Decision-making will not proceed without a quorum of voting members. Steering Committee members are expected to attend a minimum of thirteen (13) of the possible eighteen (18) Steering Committee meetings (in their entirety) throughout the course of the CERP development and implementation. Community

summits and town hall meetings may also be scheduled through the development of the plan and implementation, which members should also attend.

Steering Committee members may choose to recuse themselves from decisions at any time. Members **must** recuse themselves from decisions where there is a conflict of interest. The Political Reform Act requires that, “No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest” (Government Code Section 87100 et seq). Steering Committee members who participate in this process are expected to sign the *Path to Clean Air in the Richmond-North Richmond-San Pablo Area Steering Committee Participation Agreement* (Page 6 of this Charter) which outlines the expected conduct of all Steering Committee members.

Open Meetings: The Community Steering Committee meetings must be open to the public, with materials publicly available in advance. Stakeholder input is welcome and encouraged.

Meeting Schedule and Agendas: Co-chairs and BAAQMD staff will develop meeting agenda. Individual Steering Committee members have the right to submit items for placement on the agenda.

Should the co-chairs or BAAQMD staff deny the member’s request, the denial and the reasons for the denial must be submitted in writing to the requesting member and the entire Steering Committee no later than 6 business days in advance of the meeting for which the item has been requested. Failure to do so will cause the request to be automatically on the agenda of the meeting requested.

Steering Committee agendas will be posted on the District's [website](#) at least 72 hours prior to the meeting. Meeting minutes will also be posted on the District’s website.

Ad-hoc Committees Members who wish to be further involved may choose to participate in ad-hoc committees.

6. Amendments

Amendments to this charter of the Steering Committee of the Path to Clean Air in the Richmond-San Pablo Area Partnership Agreement require approval by a quorum of voting members present.

7. Accessibility/Accommodation

The Steering Committee meetings and other outreach events associated with the committee must be held at transit accessible facilities that can accommodate members covered by the

Americans with Disabilities Act. Language interpretation services will be provided as needed with a minimum 6 business days in advance of the request.

8. Dissemination of Materials

All documents, materials, and correspondences, produced by or submitted to CERP, Steering Committee, Air District staff, or facilitators, will be considered public information records and subject to the California Public Records Act regulations and procedures for disclosure and transparency.

9. Website

BAAQMD website will be updated twice a month, in preparation for the next Steering Committee meeting (uploaded material for discussion) and after each Steering Committee meeting, to include meeting summaries, notes, and optimally meeting recordings.”

10. Participation Principles

The following are principles, goals, and expectations of conduct for Steering Committee members. Steering Committee members will work collectively and cooperatively with all stakeholders within the community—people who live in the study area, businesses and organizations, youth groups, schools, local, regional and State governments, health agencies and faith-based organizations—to ensure all represented parties are heard and can agree on an outcome that protects public health. This will include:

a. **Providing strategic guidance, vision, and oversight,** such as:

- Informing the development of the Richmond-North Richmond-San Pablo Area Community Emissions Reduction Plan
- Tracking progress of the work using agreed-upon indicators at Steering Committee and subcommittee levels.
- Using data to inform future development of emission and exposure reduction strategies.
- Identifying effective goals to bring about reduced health risk in the Richmond-North Richmond-San Pablo Area study area.

b. **Providing leadership and accountability** by:

- Identifying obstacles to achieving the goal and developing solutions to overcome them.
- Considering how my own organization or those in my network can align to the common goals and principles of the Steering Committee.
- Serving as a vocal champion of the collective impact effort in the community.

- Working towards consensus while recognizing that not everyone will agree on every issue and to resolve conflicts in a positive, swift and constructive manner.

c. **Play an active role by:**

- Participating according to the Charter. Provision will be made for members to participate electronically.
- Reviewing materials prior to meetings and coming prepared for engaged discussion, active listening, and respectful dialogue.
- Committing to scheduled Steering Committee meetings and a few hours of preparation in between. Attending occasional community town hall meetings to share the work of the Steering Committee.

RICHMOND AREA COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING COMMITTEE
MEETING OF 08/16/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: August 16, 2021

Re: Path to Clean Air Community Organizing Grants and Community Mapping Project

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The California Air Resources Board Community Air Protection Blueprint underlines, “Most importantly, underpinning AB 617 is the understanding that community members must be active partners in envisioning, developing, and implementing actions to clean up the air in their communities.” Towards this end, the Air District awarded \$72,848 to six nonprofit organizations in the Richmond, North Richmond, and San Pablo area to organize and engage with community members to provide input to inform the development of strategies with the Steering Committee, that will reduce air pollution and protect public health especially in vulnerable communities. These grants are explicitly targeted at outreach to underrepresented groups in the area, to ensure they have a voice, and their concerns are incorporated into the problem identification and development of strategies and solutions.

The Air District has also developed an interactive mapping platform that will allow local community members to share their input and stories on a publicly available online map. Users will be able to identify local sources of air pollution, places where people gather – especially seniors, young people or community members with increased health risks, and community assets and strengths.

DISCUSSION

The Committee will learn about the grantees and receive a demo on the community mapping platform.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

RICHMOND AREA COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING COMMITTEE
MEETING OF 08/16/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Cindy Chavez and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: August 26, 2021

Re: Update on Clean Air Filtration Program

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

California experienced some of the deadliest and most destructive wildfires in its history over the last several years. Studies show that climate change is not only causing higher temperatures and longer dry periods, but also lengthening the fire season and increasing the risk of wildfires throughout the state. Wildfires have the potential to destroy entire communities and burn everything in their path, producing a mixture of fine particulate matter and hazardous chemicals and compounds in the air we breathe. Wildfire smoke presents immediate impacts to local air quality and public health, and atmospheric conditions can quickly transport smoke to affect the air quality of an entire region and that of nearby states.

The Air District developed the Wildfire Air Quality Response Program, a multi-faceted program to ensure health protective measures and strategies are in place to prepare for, prevent and respond to future wildfires and smoke impacts in the Bay Area. The program continues to strengthen and evolve as Air District staff work together with local and state partners to improve air filtration in public buildings and community spaces and provide access to those who are most vulnerable to wildfire smoke. This program has recently been split in to two segments:

- 1. Wildfire Prevention and Information Program:** This program focuses on reducing the fuel load in order to prevent wildfires and provides monitoring, public education and media information during wildfire events.
- 2. Clean Air Filtration Program:** This program focuses on providing air filters to the Bay Area residents most vulnerable to the impacts of wildfires and those residents who seek shelter in emergency, public or congregate centers during wildfire events.

Each of these programs is described in greater detail below:

Wildfire Prevention and Information Program:

The Wildfire Prevention and Information Program has the following elements:

Prevention

- ***Chipping Pilot Program:*** To reduce fuel loads and wildfire risks. Properties can apply for free chipping services to dispose of material that otherwise would be allowed to be burned under Hazardous Material, Forest Management, or Wildland Vegetation Management fire types in accordance with Regulation 5, Open Burning. \$150,000 has been directed for this pilot program and there have been 6 applications since the program opened in February 2021.
- ***Fire Hazard Reduction Initiative: Regulation 5, Open Burning:*** Amendments were passed in 2019 to complement statewide efforts to increase prescribed burning and help reduce wildfire risks. The amendments exempt public agencies from incurring Open Burning Fees when conducting prescribed burns for the purpose of wildfire prevention.
- ***Controlled Burn Coordination:*** Staff has adopted the PFIRS Prescribed Fire Incident Reporting System, which helps land management agencies and air quality managers connect to coordinate prescribed burns while minimizing local impacts to air quality.
- ***Grants and Incentives:*** For Bay Area residents that lost their homes in the Napa and Sonoma fires, \$3 million in Air District funds were provided to rebuild energy efficient homes that reduce climate impacts and reduce future wildfire danger by eliminating open fire and gas combustion sources.

Information

The Air District also has developed numerous informational resources to help inform the public before and during wildfire events. These resources include:

- ***Meteorology and Measurement Program:*** Air District meteorologists use air monitoring data, meteorology data, satellite imagery, and smoke and weather models to forecast potential impacts from wildfire smoke in the Bay Area. This information is made available on our website, to news media, and through a public notification system. Air district monitoring data is also combined with other local monitoring data (such as low-cost sensors) to give near real time information on air quality in communities through the US EPA's AirNow Fire and Smoke Map <https://fire.airnow.gov/>.

- **Public Education, Information and Messaging:**

The Air District's Communications and Web groups partners with CAPCOA, USEPA, local health departments, local governments and others to develop consistent messaging around wildfire preparedness. It also acts as the conduit to social and network media for the information on expected smoke impacts in the region. Some examples of the educational materials developed can be found below:

- **Wildfire Smoke Preparedness Tips** are available to help people prepare their home and family for smoke events. <https://www.baaqmd.gov/~media/files/communications-and-outreach/wildfire-materials/wildfire-preparedness-tips-pdf.pdf?la=en>
- **Guide to Air Quality Data Websites** provides an overview of websites with air quality data, including information about the data sources, how the data can be used, and links to additional information. <https://www.baaqmd.gov/~media/files/ab617-community-health/richmond/quarterly-report-documents/guide-to-air-quality-data-websites-pdf.pdf?la=en>

Clean Air Filtration Program:

In an attempt to further protect the region's most vulnerable populations from wildfire smoke impacts, the Air District is enhancing the Wildfire Air Quality Response Program by adding the new Clean Air Filtration Program, which consists of the following key initiatives to better prepare and respond to catastrophic wildfires:

- **Home Air Filtration Program:** This pilot program is a partnership with the Regional Asthma Management and Prevention program (RAMP), a non-profit organization whose mission is health equity and reducing asthma burden. As part of the program, the Air District is providing \$250,000 towards the purchase of home air filtration units to seven Bay Area home visiting programs funded by the California Asthma Mitigation Project, a statewide project to provide in-home asthma care services. This program allows the Air District to reach the most vulnerable populations and ensures they have access to cleaner air in their homes. The home visiting programs will deliver portable air filtration units to Medi-Cal recipients diagnosed with poorly controlled asthma and enrolled in the Asthma Mitigation Project. The program opened in June 2021 to patients living in Alameda, Contra Costa, San Francisco, San Mateo, Sonoma, and Santa Clara counties.

In order to procure the air filtration units for distribution, the Air District issued a request for quotation (RFQ) to obtain bulk pricing for home air filters closed in May 2021. Minimum qualifications for the RFQ required applicant to offer units that:

- Use a true high-efficiency particulate air (HEPA) filter rated to remove 99.97% of particles measuring 0.3 micrometers or greater;
- Are certified by the California Air Resources Board (CARB) to ensure that ozone emissions are limited to no more than 0.050 parts per million (ppm);
- Are certified to be ENERGY STAR certified to ensure energy-efficient operation;
- Are Clean Air Delivery Rating (CADR) certified through the Association of Home Appliance Manufacturers (AHAM) Portable Electric Room Air Cleaner Certification Program; and
- Are AHAM-certified CADR value of at least 97 cubic feet per minute (cfm) for smoke (i.e., unit is sized to clean a room 150 square feet or larger).

On June 16, 2021, the Board of Directors authorized staff to enter into contracts with filter manufacturers - Hellen of Troy and Winix, Inc. - in amounts not to exceed \$250,000 in total to purchase home air filters for the Home Air Filtration Program.

- ***Cleaner Air Centers – Assembly Bill 836:*** *(Wildfire Smoke Clean Air Center Incentive Program for Vulnerable Populations)*. \$3 million has been allocated by the State towards air filtration improvements in the Bay Area. Public buildings (i.e., schools, libraries, and community centers) will be eligible for new HVAC system installations or retrofits, MERV 13+ air filters, or portable air filtration units. The program is estimated to open 4th quarter 2021 to counties with disadvantaged communities, including AB 617 and years 1-5 recommended communities. Funding will also be available to county emergency management and disaster response agencies to purchase air filtration units for evacuation centers and sheltering facilities.

The Air District executed a contract with the California Air Resources Board in July 2021 for this funding and is in the process of completing the transfer of funds.

- ***Wildfire Preparedness Program:*** At its July 7, 2021, the Board of Directors authorized the transfer of \$1 million reserved for “Woodsmoke” in the Fiscal Year Ending (FYE) 2022 Budget to the Wildfire Preparedness Program for the purpose of entering into contracts with each Bay Area County’s Office of Emergency Services to purchase large portable air filters for wildfire sheltering, evacuation facilities and congregate centers for the purposes of protecting public health during wildfire events. Marin County has a fully executed agreement with the Air District and there are 5 other counties (SF, San Mateo, Alameda, Sonoma and Santa Clara) that are currently in the process of reviewing or seeking approval from their Board of Supervisors to accept the air filters from this program.

- ***American Red Cross Partnership:*** The Air District signed a partnership agreement with the American Red Cross in May 2021 to deploy portable air filtration systems to evacuation centers and sheltering facilities in the Bay Area during catastrophic wildfires.

DISCUSSION

As part of this agenda item, staff will provide the Board of Directors with a brief overview of the Air District's Wildfire Air Quality Response Program and an informational update on the expansion of the Clean Air Filtration Program to the most vulnerable residents in all nine Bay Area counties, including shelters for the unhoused.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Additional funding for the Home Air Filtration Program is budgeted as part of the FYE 2021 and proposed FYE 2022 budgets.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Tracy Lee
Reviewed by: Damian Breen