



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**BOARD OF DIRECTORS  
SPECIAL MEETING/RETREAT  
January 20, 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 AVAILABLE AT**

**[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)**

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

**<https://bayareametro.zoom.us/j/87321034628>**

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

**WEBINAR ID: 873 2103 4628**

- **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 SPECIAL MEETING/RETREAT AGENDA

WEDNESDAY  
JANUARY 20, 2021  
1:00 P.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](http://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 Board Chairperson Rod Sinks for his outstanding leadership as Chair of the Board of Directors in 2020, Directors Scott Haggerty, Liz Kniss, Jim Spering, and Shirlee Zane for their service, leadership, and dedication to protecting air quality in the Bay Area.*

**CONSENT CALENDAR (ITEMS 3-12)**

Staff/Phone (415) 749-

3. Minutes of the Board of Directors Special Meeting of January 13, 2021

Clerk of the Boards/5073

*The Board of Directors will consider approving the draft minutes of the Board of Directors Special Meeting of January 13, 2021.*

4. Board Communications Received from December 16, 2020 through January 19, 2021  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A copy of communications directed to the Board of Directors received by the Air District from December 16, 2020 through January 19, 2021, if any, will be distributed to the Board Members by way of email.*

5. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of November and December 2020  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto: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 months of November and December 2020.*

6. Air District Personnel on Out-of-State Business Travel  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto: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.*

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

8. Authorization to Extend Audit Services Contract with Simpson & Simpson, LLP  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to extend the term of the audit services contract with Simpson & Simpson, LLP, in an amount not to exceed \$151,350 annually for up to two additional years.*

9. Authorization to Amend Contracts with Fluxx Labs, Inc.  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to amend contracts with Fluxx Labs, Inc., to include an additional \$288,200 for annual subscription renewal fees and advanced services requests for Clean Cars for All, Charge!, and Volkswagen Environmental Mitigation Trust-funded programs.*

10. Authorization to Approve Recommended Projects and Contracts with Proposed Grant Awards Over \$100,000 **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to approve recommended projects with proposed grant awards over \$100,000 and enter into all necessary agreements with applicants for the recommended projects.*

11. Authorization to Participate in Year 23 of the Carl Moyer Program **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider adopting a resolution authorizing the Bay Area Air Quality Management District to accept up to \$13,000,000 in Carl Moyer Program funds, and allocating \$5 million in Mobile Source Incentive Funding as match funding.*

12. Notice of Proposed Amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees **J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider proposed amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees, Section 6.2: Standing Committees.*

## **BOARD OF DIRECTORS RETREAT**

13. **Opening Comments** **Chairperson, Cindy Chavez**

**A. Board Governance Structure** **Chairperson, Cindy Chavez**

14. **A. Air District Equity Program** **V. Eady/4646**  
[veady@baaqmd.gov](mailto:veady@baaqmd.gov)

*The Senior Deputy Executive Officer will provide an overview and update on the Equity Program.*

**B. Rulemaking Initiatives** **G. Nudd/4786**  
[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)

*The Deputy Air Pollution Control Officer will provide an overview of Air District rulemaking initiatives for 2021.*

**C. Legislative Initiatives** **A. Abbs/8437**  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Legislative Officer will provide a Legislative overview and update.*

## **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, February 3, 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](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://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 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](http://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](mailto: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

#### JANUARY 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting/Retreat	Wednesday	20	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee - CANCELLED	Thursday	21	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee - CANCELLED	Thursday	28	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Budget & Finance Committee - CANCELLED	Thursday	28	11:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee - CANCELLED	Thursday	28	1:30 p.m.	Webcast only pursuant to Executive Order N-29-20

#### FEBRUARY 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	3	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

AB – 1/13/2021 – 10:28 A.M.

G/Board/Executive Office/Moncal

**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: January 15, 2021

Re: Minutes of the Board of Directors Special Meeting/Board Orientation of January 13,  
2021

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RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Special Meeting/Board Orientation of January 13, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special Meeting/Board Orientation of January 13, 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 Special Meeting/Board Orientation of  
January 13, 2021



## AGENDA 3A– ATTACHMENT

Draft Minutes - Board of Directors Special Meeting/Board Orientation of January 13, 2021

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

Board of Directors Special Meeting/Board Orientation  
Wednesday, January 13, 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](http://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 committee participated by teleconference.**

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 9:30 a.m.

#### **Roll Call:**

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Teresa Barrett, David Canepa, Rich Constantine, Pauline Russo Cutter, John Gioia, Erin Hannigan, David Haubert, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Katie Rice, Mark Ross, Rod Sinks, Brad Wagenknecht, Shamann Walton, and Lori Wilson.

Absent: Directors Margaret Abe-Koga and Carole Groom.

### **CONSENT CALENDAR (ITEMS 2 – 4)**

2. Minutes of the Board of Directors Special Meeting of December 16, 2020
3. Minutes of the Board of Directors and Advisory Council Joint Meeting of December 16, 2020
4. Report of the Stationary Source Committee Meeting of December 17, 2020

#### **Public Comments**

No requests received.

#### **Board Comments**

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Cutter, to **approve** the Consent Calendar Items 2 through 4, inclusive; and the motion **carried** by the following vote of the Board:

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

**BOARD MEMBER ORIENTATION**

NOTED PRESENT: Directors Haubert and Miley were noted present at 9:36 a.m., and Director Jue was noted present at 9:45 a.m.

**5. Opening Comments and Board Structure**

Director Chavez gave the presentation *Opening Comments and Board Structure*, including: requested Board action; overview; consolidated the number of committees; consistent committee management; and transparency and accessibility for the public.

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area; Frances Keeler, California Council for Environmental and Economic Balance; Bob Brown, Western States Petroleum Association; Steve Nadel, Sunflower Alliance; and Jan Warren, Interfaith Climate Action Network of Contra Costa.

Board Comments

The Board and staff discussed the proposed change of appointing two co-chairs per Air District Board Committee, and how that would differ from the existing format of a committee chair and vice-chair; the proposed consolidation of the existing Stationary and Climate Protection Committees; the anticipated frequency of (consolidated) committee meetings; whether comments from members of the public should be heard before comments from Board/committee, after a presentation is given; the request to prioritize the improvement of indoor air quality, and which (consolidated) committee(s) would be most appropriate to discuss that issue; and whether Board/committee members will be allowed to ask “clarifying questions” after presentations are given, before the public provides their comments.

**A. Introduction of the Air District**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer (APCO), gave the staff presentation *Introduction to the Air District*, including: requested Board action; mission statement; Air District background; high-level air quality overview; air monitoring network; Air District overview; Air District organizational chart; Senior Deputy Executive Officers; Deputy APCOs; and accessing Board materials.

Public Comments

No requests received.

Board Comments

The Board and staff discussed challenges of implementing Air District regulations; challenges due to the Air District's lack of land use authority; and how the Air District weighs information, when science is unsettled on a matter it is deliberating on.

**B. Air District Financial Overview**

Dr. Jeff McKay, Chief Financial Officer, gave the staff presentation *Overview of Air District Finances*, including: requested Board action; outline; actual reserves and policy; staffing trend-filled positions; General Fund revenue and expenditure trends; medical retirement Other Post-Employment Benefits (OPEB); General Fund revenue sources and expenditures from Fiscal Year Ending 2021 Proposed Budget; Fiscal Year Ending 2021 adopted budget summary; actions taken during downturns; and cost recovery background.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the current amount in the Air District's General Fund reserves; the Air District's OPEB funding policy; and the preliminary outlook on Air District permit fees during the COVID pandemic.

**C. Air Quality Overview**

Dr. Ranyee Chiang, Director of Meteorology and Measurement, and Henry Hilken, Director of Planning and Climate Protection, gave the staff presentation *Air District and Air Quality Overview*, including: requested Board action; presentation outline; mission; air pollutants and their impacts; Bay Area greenhouse gas (GHG) emissions; air pollution terms; measurements throughout the Bay Area, navigating air quality information; emissions inventory: estimates of sources of air pollution; air quality modeling: understanding pollutant behavior, exposure, and health impacts; community engagement: collaborative relationships to support Air District mission; 2017 Clean Air Plan; Assembly Bill (AB) 617 – plans to go local; rule development; permits; Compliance and Enforcement; collaborating statewide and regionally; collaborating with cities and counties; Bay Area GHG emissions – examples; consumption-based GHG emissions; Climate Protection program; incentives: grants for clean air and climate solutions; incentives: innovative financing for innovative technologies; communications: promoting behavior change; and contact the Air District.

Public Comments

Public comments were given by Dr. Stephen Rosenblum, 350 Silicon Valley.

Board Comments

The Board and staff discussed how California’s Cap and Trade program interacts with Air District permitting; and whether vehicular emissions are being reduced, due to the COVID pandemic.

**D. Air District Legal Authorities 101**

Brian Bunger, District Counsel, introduced himself to the Board, as new Board members were present, and explained the Air District’s authority and the roles of the Board and staff. Mr. Bunger will give a full presentation on the Air District’s legal authorities at a future Board meeting.

Public Comments

No requests.

Board Comments

None.

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

Public comments were given by Tony Fisher, Coalition for Clean Air; and Ken Szutu, Vallejo Citizen Air Monitoring Network.

**BOARD MEMBERS’ COMMENTS**

**7. Board Members’ Comments**

None.

**OTHER BUSINESS**

**8. Report of the Executive Officer/Air Pollution Control Officer**

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, had nothing to report.

**9. Chairperson’s Report**

Chair Chavez thanked Rob Rennie for observing the meeting, as he will be a Board member, beginning February 2021. She also announced the following:

- The Cities Association of Santa Clara County appointed Mayor of Morgan Hill, Rich Constantine to the Air District’s Board on November 12, 2020. His two-year term expires January 1, 2023.
- The Solano County Board of Supervisors appointed Supervisor Erin Hannigan to the Air District’s Board on January 5, 2021. Her term is from January 5, 2021 to January 5, 2025.

- The Alameda County Board of Supervisors appointed Supervisor David Haubert to the Air District's Board on January 12, 2021. Director Haubert is filling the remainder of former Board member, Scott Haggerty's current Air District Board term, which ends on April 11, 2021.
- The Alameda County Board of Supervisors reappointed Director Miley to the Air District's Board on November 17, 2020. His new term is from January 14, 2021 to January 15, 2025.

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

Wednesday, January 20, 2021, at 1:00 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

**11. Adjournment**

The meeting adjourned at 11:53 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: January 15, 2021

Re: Board Communications Received from December 16, 2020 through January 19, 2021

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from December 16, 2020 through January 19, 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: January 15, 2021

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the months of  
November and December 2020

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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 months 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: Brian C. Bunger

Attachment 5A: Notices of Violations for the Month of November 2020

Attachment 5B: Notices of Violations for the Month of December 2020

AGENDA 5A - ATTACHMENT

**NOTICES OF VIOLATION ISSUED**

The following Notice(s) of Violation were issued in November 2020:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
AC Transit District - Central Maintenance Building	A2258	Oakland	A60379A	11/13/2020	2-1-307	P/C#18680 Submit source tests within 30 days of testing (2020 annual source tests).
Asbestos Management Group of California	J9290	Oakland	A59104A	11/19/2020	11-2-401.5	Failure to reuse start date.
China Town 76 Unocal #0752	C0698	Oakland	A60380A	11/17/2020	8-7-302.2	Incomplete hold-open latch on nozzles #7 #8 (Secondary latch mechanism not present).
MidPen Housing Corporation	Z8260	Oakland	A59103A	11/9/2020	11-2-405	Unpaid Asbestos Operation fees.
MidPen Housing Corporation	Z8260	Oakland	A59103B	11/9/2020	3-317	Unpaid Asbestos Operations fees.
Piedmont Shell	Z8270	Oakland	A60532A	11/20/2020	8-7-308	2.5" of gasoline in N87 spill bucket.
Piedmont Shell	Z8270	Oakland	A60531A	11/17/2020	8-7-302.3	R8-7-302.3 ST#20115 Failed TP 201.3, TP 201.1B and Exhibit 11.
Piedmont Shell	Z8270	Oakland	A60531B	11/17/2020	8-7-302.5	R8-7-302.5 ST#20111 Failed TP 201.3, TP 201.1B and Exhibit 11.
Piedmont Shell	Z8270	Oakland	A60531C	11/17/2020	8-7-301.5	R8-7-301.5 ST#20109 Failed TP 201.3, TP 201.1B and Exhibit 11.
Tesla, Inc.	A1438	Fremont	A58773A	11/24/2020	2-1-301	Operating TO A-30170 (formerly A-30167) without an A/C or P/C.



Tesla, Inc.	A1438	Fremont	A58773B	11/24/2020	2-1-302	Operating TO A-30170 (formerly A-30167) without an A/C or P/C.
Wave 92	Z8241	Hayward	A59397A	11/19/2020	2-1-307	PC ID's # 10037 / 10050 - No required Annual and 3-year SJ's submitted.
Wong's Valero (7238)	Z8259	Oakland	A60504A	11/17/2020	2-1-301	Unpermitted change to Phase II system.
Xtra Oil Company	U0581	Alameda	A60529A	11/10/2020	2-1-307	Failed to conduct torque and drop tube tests within 36 months.

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Carmax Pleasant Hill	Z8262	Pleasant Hill	A60506A	11/30/2020	2-1-307	Failure to conduct start-up source testing per the A/C.
Chevron Products Co.	P4764	San Ramon	A59276A	11/3/2020	8/7-301.5	87-2 product adaptor failed torque 360 rotation.
Geno's Chevron	Z8413	Byron	A60381A	11/18/2020	8-7-301.5	Dust cap for vapor adaptor missing for 87S tank, broken chain in drain valve in 87S product tank.
Gold Coast Pipelines Inc.	Z8253	Pittsburg	A60378A	11/9/2020	2-1-302	No permit to operate.
KB Homes	X9406	San Ramon	A55720A	11/19/2020	93105	Air monitoring triggered reporting not submitted per ADMP.
KB Homes	X9406	San Ramon	A55719A	11/19/2020	93105	Screen obstructing airflow to monitor P102. No air monitors during stockpiling on hill.
Qualawash Holdings LLC	B1869	Richmond	A59541A	11/9/2020	2-1-301	No permit for new boiler peerless.

Qualawash Holdings LLC	B1869	Richmond	A59541B	11/9/2020	2-1-302	No permit for new boiler peerless.
West Contra Costa County Landfill	A1840	Richmond	A59540A	11/9/2020	2-6-307	Failure to meet permit condition.
West Contra Costa County Landfill	A1840	Richmond	A59540B	11/9/2020	8-34-301.1	09/24/20 - Power outage event.
West Contra Costa County Landfill	A1840	Richmond	A59537A	11/9/2020	2-6-307	Failure to meet permit condition.
West Contra Costa County Landfill	A1840	Richmond	A59537B	11/9/2020	8-34-301.1	10/27/19 - Power outage event.
West Contra Costa County Landfill	A1840	Richmond	A59539A	11/9/2020	2-6-307	Failure to meet permit condition.
West Contra Costa County Landfill	A1840	Richmond	A59539B	11/9/2020	8-34-301.1	04/06/20 - Power outage event.
West Contra Costa County Landfill	A1840	Richmond	A59538A	11/9/2020	2-6-307	Failure to meet permit condition.
West Contra Costa County Landfill	A1840	Richmond	A59538B	11/9/2020	8-34-301.1	12/16/19 - Power outage event.

<b>Napa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Peter A. & Vernice H. Gasser Foundation	X1720	Napa	A60553A	11/23/2020	11-2-401.5	ASB114664 Failure to update start date.

<b>San Mateo</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Burlingame Carwash Gas Station	Z8417	Burlingame	A60530A	11/12/2020	8-7-302.3	All Phase II vapor recovery equipment shall be maintained to be properly operating as specified.
Dept of Transportation Redwood City	Z8256	Redwood City	A60184A	11/23/2020	2-1-307	Failure to conduct, pass, submit annual source test.
Premium Auto Tech Inc.	Z8264	South San Francisco	A60533A	11/24/2020	8-7-302.3	Non-reattachable breakaways. Re-attached on #1, 5, 6, and 8.
State of California - CALTRANS	V7403	Foster City	A60183A	11/23/2020	2-1-307	Failure to conduct, pass, or submit annual source test.

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Alliance Environmental Group	Z6632	San Jose	A59147A	11/20/2020	11-2-405	Nonpayment Asbestos Operation fee.
Alliance Environmental Group	Z6632	San Jose	A59147B	11/20/2020	3-317	Nonpayment Asbestos Operation fee.
Aron Developers	Z8367	Los Altos	A59146A	11/12/2020	11-2-405	Operation fee not paid.
Aron Developers	Z8367	Los Altos	A59146B	11/12/2020	3-317	Nonpayment of Asbestos Operation fee.
City Gas	Y8342	San Jose	A59395A	11/16/2020	8-7-301.6	FER #21012: Failed DTDVA leak rate ST per ST #21012.
City Gas	Y8342	San Jose	A59395B	11/16/2020	8-7-302.5	FER #21013: Failed 2" SP ST per ST #21013.
City of Los Altos	B7660	Los Altos	A60181A	11/9/2020	8-7-301.1	Uncertified product adaptor installed on AST.

Craig A. Rogers	G3567	San Jose	A59177A	11/5/2020	11-2-405	Unpaid Asbestos Operation fees.
Craig A. Rogers	G3567	San Jose	A59177B	11/5/2020	3-317	Unpaid Asbestos Operation fees.
Recology Pacheco Pass	A6370	Gilroy	A58772A	11/6/2020	8-34-301.1	RCA #07V56 and #07V76. GCCS not operated continuously; min. flare temp not met per PC #9923; late RCA reporting.
Recology Pacheco Pass	A6370	Gilroy	A58772B	11/6/2020	1-523.3	RCA #07V56 & #07V76. GCCS not operated continuously; min. flare temp not met per PC #9923; late RCA reporting.
Silicon Valley Valero	D0405	Mountain View	A60182A	11/4/2020	2-1-307	Failure to conduct, pass, submit source test in 36-month period and submit results within 30 days.

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Valero Refining Company	B5574	Benicia	A59612A	11/10/2020	8-5-322.5	Gap > 0.06 in between tank shell and secondary seal VLO#1123.
Valero Refining Company - California	B2626	Benicia	A59615A	11/18/2020	8-5-306.2	Requirements for Approved Emission Control Systems.
Valero Refining Company - California	B2626	Benicia	A59613A	11/17/2020	8-2-301	POC emission standards 15 lbs./day and 300 ppmvd exceeded (os-7708 through 7709 NST 5892).

Valero Refining Company - California	B2626	Benicia	A59613B	11/17/2020	2-1-307	POC emission standards 15 lbs./day & 300 ppmvd exceeded (os-7708 through 7709 NST 5892).
Valero Refining Company - California	B2626	Benicia	A59614A	11/17/2020	1-523.1	Inoperative monitor not reported by next working day.

<b>Sonoma</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
CVE NB Contracting Group Inc.	Z5329	Rohnert Park	A59492A	11/12/2020	11-2-303.6	ASB116724. No negative airflow and breach of containment.
Petaluma Creamery	B8712	Petaluma	A59856A	11/2/2020	2-1-307	Permit Condition 27152.6.
Petaluma Creamery	B8712	Petaluma	A59855A	11/2/2020	2-1-307	Permit Condition 27152.24.

<b>District Wide</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Grupe Homes	Z8414	Stockton	A58782A	11/16/2020	CCR	Violated CCR Title 17, Section 93105(e)(2)(A)(2) (CARB's NOA ATCM).

**SETTLEMENTS FOR \$10,000 OR MORE REACHED**

There was 1 settlement for \$10,000 or more completed in November 2020.

- 1) On November 23, 2020, the Air District reached a settlement with Kaiser Permanente Medical Center for \$14,000, regarding the allegations contained in the following two Notices of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A56994A	8/9/2017	12/1/2015	9-7-301.2	Failure to meet NOx emission.
A56997A	8/11/2017	1/1/2014	9-7-403	No initial demonstration of compliance. S#9 - No startup and periodic testing; S#10 - No startup.
A56997B	8/11/2017	1/1/2014	9-7-506	No periodic testing. S#9 - No startup and periodic testing; S#10 - No startup.

AGENDA 5B - ATTACHMENT

**NOTICES OF VIOLATION ISSUED**

The following Notices of Violation were issued in December 2020:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Au Energy, LLC	Z1937	Fremont	A60534A	12/9/2020	8-7-301.5	91 Vapor Adapter failed torque test.
Bayview Shell #136019	C8867	San Leandro	A60510A	12/8/2020	8-7-308	> 1" of gas in tank #1, Product spill bucket.
Berkeley Asphalt Co.	A0123	Berkeley	A58839A	12/23/2020	1-301	Public Nuisance: Multiple confirmed odor complaints.
Berkeley Asphalt Co.	A0123	Berkeley	A58840A	12/22/2020	1-301	Public Nuisance: Multiple confirmed odor complaints.
City of Oakland	Z3985	Oakland	A60513A	12/22/2020	8-7-302.5	Failed pressure test, failure to maintain phase 2 system in operating condition.
Craig Schwab	Z8436	Pleasanton	A60514A	12/23/2020	2-1-307	(Overdue Source Test) Failure to conduct 12-month testing requirement stated on permit.
Kash Petroleum, Inc.	Z8354	San Leandro	A60512A	12/11/2020	8-7-301.3	Submerged fill measurement exceeds 6" - 8" limit.
Marina Food Market	C8315	San Leandro	A60515A	12/23/2020	2-1-307	Failure to conduct 12-month testing requirement as stated on the PO (Overdue/Missing Source Test results in 108, 2019, and 2020).
National Petroleum	Z8333	San Leandro	A60511A	12/7/2020	2-1-307	Overdue annual source test (due on 02/21/20).
P. W. Stephens Environmental, Inc.	L6230	Fremont	A59148A	12/23/2020	11-2-303.6	J#ASB 117307 No view ports.
Restoration Management Company	R2288	Hayward	A59105A	12/7/2020	11-2-401.5	Failure to revise start date.

Synergy Enterprises	L3268	Hayward	A60559A	12/29/2020	11-2-401.3	Improper Notification.
Xtra Oil Company	C6766	San Leandro	A60509A	12/7/2020	8-7-301.5	Phase 1, tank #2; vapor poppet/adaptor found to be inoperable or defective.
Zoetis, Inc.	B9013	Union City	A60479A	12/16/2020	2-1-307	Operation of generator for reliability and maintenance in excess of limit per PC 22804.1.

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Bailey Road Shell	C9837	Pittsburg	A60384A	12/10/2020	8-7-302.5	Failure to maintain Phase II equipment to be both leak-free and vapor tight.
Bailey Road Shell	C9837	Pittsburg	A60386A	12/29/2020	2-1-307	Failure to conduct periodic source testing as required by permit conditions #20666, #23223.
Blake Benjamin Simpson/Tackett Nancy S	Z8466	Martinez	A60363A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Chevron Products Company	A0010	Richmond	A59542A	12/14/2020	2-6-307	P/C #24136 part 83 and 88; RCAs 07R86, 07R86 & 07S06.
Chevron Products Company	A0010	Richmond	A59543A	12/14/2020	2-6-307	P/C #24136 part 81; RCAs 07R83 and 07S05.
Chevron Products Company	A0010	Richmond	A59544A	12/14/2020	2-6-307	P/C #24136 part 83 and 88; RCA 07R84.
Chevron Products Company	A0010	Richmond	A59545A	12/14/2020	2-6-307	P/C #18656 part 4 and 12; RCA 07R89.
Chevron Products Company	A0010	Richmond	A60508A	12/1/2020	8-7-301.5	Failed Static Torque test on Product/Vapor Adaptors (NTC not satisfied #A48180).



Henry Teresa Jane/Ryan Timothy D	Z8435	Martinez	A60362A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alter - Mandatory Burn Ban.
Joe William Hoyle	Z8341	San Pablo	A60353A	12/8/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Petromart Retail Group	Z8439	Lafayette	A60535A	12/17/2020	8-7-302.3	Non re-attachable breakaway re-used on dispenser #1.
Reamy Ralph D & Barbara	Z8433	Walnut Creek	A60361A	12/21/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Southern Counties Oil Company, LLC	C8985	Concord	A60382A	12/7/2020	2-1-301	No Authority to Construct for Phase 2 alteration to balance.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A59340A	12/29/2020	2-6-307	Two hydrocarbon leaks found in #3 crude unit (burners #3 and #6).
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A59340B	12/29/2020	8-18-301	Two hydrocarbon leaks found in #3 crude unit (burners #3 and #6).
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A59341A	12/29/2020	1-522.6	Failure to maintain CEM within 20% of BAAQMD reference field accuracy test value CEM 022-20.
TransMontaigne Operating LP	A7034	Martinez	A60403A	12/22/2020	2-6-502	Late submission of semi-annual report.
TransMontaigne Operating LP	A7034	Martinez	A60404A	12/22/2020	2-6-307	Tank throughput limit exceedance. >105 million gallons. PC#20060, subpart 1.
TransMontaigne Operating LP	A7034	Martinez	A60406A	12/22/2020	2-6-307	Failure to test benzene conc. every 6 months per PC# 20060.3 and failure to report.

<b>Marin</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Bastien Daniel L TR Bastien Janet TR	Z8447	San Rafael	A59281A	12/21/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
De La Montanya 2012 Family Trust	Z8454	Novato	A59282A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Khiev Saun Kem Thoeun	Z8347	Novato	A60357A	12/5/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Michael E. Gallup	Z8455	Novato	A59283A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

<b>Napa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Clover Flat Resource & Recovery Park	B1247	Calistoga	A60456A	12/16/2020	2-1-307	Source test MTV-2361 MST-5577 Fail TRS > 100 ppm P/C #253009.
Clover Flat Resource & Recovery Park	B1247	Calistoga	A60457A	12/16/2020	8-34-415	Failure to expand gas collection system 120 DMS after excess first discovered.
Clover Flat Resource & Recovery Park	B1247	Calistoga	A60457B	12/16/2020	10	Failure to expand gas collection system 120 DMS after excess first discovered.
McGarvey Steven A/McGarvey Deborah E	Z8403	Napa	A60354A	12/5/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

Phyllis Krueger TR	Z8465	Napa	A59288A	12/21/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Recipient	Z8404	Napa	A60355A	12/5/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

<b>San Francisco</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Ace Drilling & Excavation	Z5468	San Francisco	A60556A	12/9/2020	11-2-401.5	Failure to update start date.
Ace Drilling & Excavation	Z5468	San Francisco	A60557A	12/9/2020	11-2-401.5	Failure to update start date.
Eastwood Development	Z8342	San Francisco	A60555A	12/9/2020	11-2-401.5	Failure to update start date.
Rank Quickserve	Z8380	San Francisco	A60537A	12/16/2020	2-1-307	Torque test not performed within 36 months of 2016 tests.
United Airlines, Inc	A0051	San Francisco	A59010A	12/16/2020	2-6-307	PC 21946 pressure out of range.

<b>San Mateo</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
City of Menlo Park	A3499	Menlo Park	A60428A	12/21/2020	8-34-301.2	Excess of 1,050 ppm leak at component wells 9 and 33.
Dutto Frederick J TR Dutto Catherine M TR Vesting: Trustee	Z8456	Pacifica	A59284A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Kevin R Pringle	Z8457	Montara	A59285A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

KN Properties	L4516	Half Moon Bay	A60186A	12/31/2020	8-7-301.6	Failure to maintain Phase 1 system in proper operating condition drop tube/drain valve assembly 91g.
Recipient	Z8453	Half Moon Bay	A59280A	12/21/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Recipient	Z8461	Montara	A59286A	12/21/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Sharon Heights Golf and Country Club	X5624	Menlo Park	A60185A	12/29/2020	8-7-408	Failure to conduct, pass, submit ST-Occurrence: 1/16/19.

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Alliance Environmental Group	Z6632	San Jose	A60558A	12/16/2020	11-2-401.3	Failure to submit work plan for planned renovation.
International Disposal Corp of CA	A9013	Milpitas	A58092A	12/16/2020	2-6-307	Exceed four quarter integrated average limit of total reduced sulfur per PC#10423.10.
International Disposal Corp of CA	A9013	Milpitas	A58092B	12/16/2020	2-6-307	Exceed four quarter integrated average limit of total reduced sulfur per PC#10423.10.
Recipient	Z8452	San Jose	A60360A	12/21/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Southern Counties Oil Co., LP dba S C Fuels	A0115	San Jose	A60505A	12/1/2020	8-7-301.6	Failed District Source Test (FER) for V/L (ST#21026), Drop Tube (ST#21022), and Flow Meter Operability.

Southern Counties Oil Co., LP dba S C Fuels	A0115	San Jose	A60505B	12/1/2020	8-7-302.3	Failed District Source Test (FER) for V/L (ST#21026), Drop Tube (ST#21022), and Flow Meter Operability.
Western Digital Corporation	A0085	San Jose	A57373A	12/10/2020	2-1-301	Boiler installed without an A/C or P/O.
Western Digital Corporation	A0085	San Jose	A57373B	12/10/2020	2-1-302	Boiler installed without an A/C or P/O.

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Brock Timothy A Brock Dana J	Z8348	Benicia	A60358A	12/5/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Central Gas	Z6658	Vallejo	A58647A	12/15/2020	8-7-301.5	Broken/Missing drain valve handle continued violation.
Foux James H/Foux Ida L	Z8464	Fairfield	A59287A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
John M and Tammy Foottit	Z8346	Benicia	A60356A	12/5/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Peters Charles P/Peters Julie Ann	Z8444	Fairfield	A60367A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.
Trotter Morgan J/Schwartz Justin M	Z8438	Vallejo	A60364A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

Valero Refining Company - California	B2626	Benicia	A59609A	12/1/2020	8-28-406	19 atmospheric PRDs not reported on original 8-28 list.
Valero Refining Company - California	B2626	Benicia	A59616A	12/1/2020	12-11-503	Loss of flare pilot indication on Acid Gas Flare (S-16) and South Flare (S-18) during electrical maintenance work.
Valero Refining Company - California	B2626	Benicia	A59617A	12/3/2020	8-5-306.2	TK-1741 - Pressure vacuum valve exceeded the 500 ppm leak standard.
Valero Refining Company - California	B2626	Benicia	A59618A	12/10/2020	2-6-307	40 CFR 60.102a(2).
Valero Refining Company - California	B2626	Benicia	A59618B	12/10/2020	6-1-302	Operating Parametric Limit, liquid to gas ratio, fell below the minimum limit of 63 gallons/1000 Square cubic feet, which equates to being equal to greater than 20% opacity specified in 6-1-302.
Weber Edward L/Weber Carol B	Z8443	Vallejo	A60365A	12/22/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

<b>Sonoma</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Caltrans-Petaluma Maint Station	C7985	Petaluma	A60383A	12/8/2020	2-1-307	p/c #16516, missing 2019 annual source test.
Leisure Lake Village	Z8281	Petaluma	A60053A	12/1/2020	11-2-401.3	No notification submitted for demo of home #231.
Wagner Larry TR & Oleary Mary	Z8349	Petaluma	A60359A	12/5/2020	6-3-301	District staff observed the burning of solid fuel during a Spare the Air Alert - Mandatory Burn Ban.

<b>District Wide</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
1-888-4- Abatement Inc.	Y9530	Rancho Cordova	A59493A	12/16/2020	11-2-303.6	303.6 (Breach of Containment).
1-888-4- Abatement Inc.	Y9530	Rancho Cordova	A59493B	12/16/2020	11-2-304.1	304.1 (Improper Disposal).
Riverbank Interiors	J1131	Riverbank	A59106A	12/16/2020	11-2-405	Unpaid Asbestos operating fees.
Riverbank Interiors	J1131	Riverbank	A59106B	12/16/2020	3-317	Unpaid Asbestos operating fees.
Southern Counties Oil Co.	Z8377	Rancho Cordova	A60507A	12/1/2020	2-1-301	Changed the permitted phase system w/ no A/C.
Tesoro Refining & Marketing	Z8371	San Antonio	A60536A	12/16/2020	8-7-301.5	Center 87 dust cap missing gasket.

**SETTLEMENTS FOR \$10,000 OR MORE REACHED**

There were two settlements for \$10,000 or more completed in December 2020.

- 1) On December 8, 2020, the Air District reached settlement with Alameda Health System dba Alameda Hospital for \$10,000, regarding the allegations contained in the following two Notices of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A56995A	8/10/2017	1/1/2013	9-7-403	S-4 and S-5 no testing.
A56995B	8/10/2017	1/1/2013	9-7-506	S-4 and S-5 no testing.
A56996A	8/10/2017	6/6/2017	9-7-307	S-4 and S-5 not meeting emissions limit.

- 2) On December 23, 2020, the Air District reached settlement with Chevron Products Company for \$147,000, regarding the allegations contained in the following 29 Notices of Violation:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A57157A	6/7/2017	12/28/2016	9-2-301	H2S >0.06 (3-min) and 0.03ppm (60-min) at GG GLM Dev 4744, RCA 07B53, >than 5 complaints for H2S odor.
A57157B	6/7/2017	12/28/2016	1-301	H2S >0.06 (3-min) and 0.03ppm (60-min) at GG GLM Dev 4744, RCA 07B53, >than 5 complaints for H2S odor.
A57158A	6/7/2017	12/28/2016	9-2-301	H2S >0.06 (3-min) and 0.03ppm (60-min) @ GG GLM Dev 4745, RCA 07B54, >5 complaints for H2S odor.
A57158B	6/7/2017	12/28/2016	1-301	H2S >0.06 (3-min) and 0.03ppm (60-min) @ GG GLM Dev 4745, RCA 07B54, >5 complaints for H2S odor.
A58139A	10/2/2018	9/7/2017	10	RCA 07E52; combustion of fuel gas with H2S >230 ms/lsem.
A58613A	6/27/2019	4/9/2018	1-522.4	Late reporting inop E07G69 Dev#5123.
A58614A	6/27/2019	12/28/2016	8-5-404	Dev#5109 Late inspection reports, late reporting.
A58614B	6/27/2019		2-6-307	Dev#5109 Late inspection reports, late reporting.



A58615A	6/27/2019	3/31/2017	10	Rule 40CFR60 Appendix F 5-1-1 Dev#5131 Missed Rata, late reporting.
A58622A	6/27/2019	3/7/2019	1-301	Richmond Odors.
A58623A	7/23/2019	7/17/2018	2-6-307	PC J part 3 Deviation 5204.
A58624A	7/23/2019	1/14/2019	12-11-506.1	Deviation 5342 / Late inoperative reporting
A58625A	8/6/2019	12/7/2017	2-6-307	PO#26569 Failed source test 05-7254 NST4743.
A58928A	11/26/2018	7/14/2017	2-6-307	Failure to meet permit conditions. F-1410 exceeded daily flaring rate of 600; pc 469e; dev 4905.
A58934A	4/10/2019	8/9/2017	10	Flaring unscrubbed vent gas; H2S>230 ms/dscm; Dev 4930.
A58935A	4/10/2019	12/20/2017	9-1-307	SO2 emissions > 250ppm 1-hr avg; 527 ppm / RCA# 07F76; Dev 5067.
A58936A	4/10/2019	7/13/2018	2-6-307	Operated ESP outside of permitted limits; P/C 11066 Sec 36; RCA# 07H80, DEV# 5203.
A58937A	4/10/2019	9/7/2012	8-18-402.1	Failure to identify all components. Valve was untagged and not monitored in LDAR / Dev 5315.
A58937B	4/10/2019	9/7/2012	10	Valve was untagged and not monitored in LDAR/Dev 5315.
A58938A	4/10/2019	2/10/2017	2-6-307	Failure to meet permit condition. Failed to provide find component count and offsets.
A58941A	4/29/2019	9/1/2017	10	Flaring of unstable vent gas H2S 723 odor dev 4962.
A58942A	4/29/2019	9/10/2017	2-6-307	Exceeded daily flaring rate limit; PC16686.
A59404A	9/16/2019	6/20/2018	10	40 CFR 60.104(a)(1) Flaring deviation # 5196.
A59405A	9/16/2019	8/6/2018	10	40 CFR 60.104(a)(1) Flaring Deviation #5215.
A59406A	9/16/2019	8/7/2018	10	40 CFR 60.104(a)(1) Flaring Deviation #5216.
A59407A	9/16/2019	11/13/2018	10	40 CFR 60.104(a)(1) Flaring Deviation #5301.
A59408A	9/16/2019	11/14/2018	10	40 CFR 60.104(a)(1) Flaring Deviation #5302.

A59409A	9/16/2019	10/8/2018	10	40 CFR 60.104(a)(1) Flaring Deviation #5258.
A59410A	9/16/2019	5/24/2018	10	40 CFR 60.104(a)(1) Flaring Deviation #5153.
A59411A	9/16/2019	7/13/2018	2-6-307	Failure to Meet Permit Condition.
A59411B	9/16/2019	7/13/2018	6-1-302	PC# 10663C opacity exceeds E07H81.
A59413A	11/4/2019		2-6-307	07L28 PC#11066 TRsets.
A59414A	11/4/2019	3/7/2019	9-1-307	Episode# 07L55SO2 > 250 ppm / 1 hr avg.
A59415A	11/4/2019	3/7/2019	9-1-307	Episode# 07L56 SO2 > 250 ppm / 1 hr avg.

**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: January 15, 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 District personnel who have traveled on out-of-state business.

The report covers the out-of-state business travel for the month of December 2020. 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 December 2020.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Stephanie Osaze

Reviewed by: Jeff McKay

**TO:** Members of the Board of Directors

**FROM:** Supervisor John Gioia  
Board Member

**DATE:** December 16, 2020

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

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The list below summarizes my activities as a California Air Resources Board member from July 1, 2020, through September 30, 2020:

**July Activities**

17<sup>th</sup> CARB/CTC/HCD Joint Board Meeting  
21<sup>st</sup> July Staff Briefing  
23<sup>rd</sup> July Board Meeting

**August Activities**

5<sup>th</sup> Meeting with CR&R re: Low NOx Omnibus  
10<sup>th</sup> Meeting with Earth Justice re: At Berth and Low NOx Omnibus  
19<sup>th</sup> August Staff Briefing  
26<sup>th</sup> Meeting with CA Transit Assoc. re: Low NOx Omnibus  
27<sup>th</sup> August Board Meeting  
31<sup>st</sup> AB 617 CERP Staff Briefing

**September Activities**

10<sup>th</sup> AB 617 CERP Meeting  
21<sup>st</sup> Meeting with PG&E re: SF6 Reg.  
21<sup>st</sup> September Staff Briefing  
23<sup>rd</sup> Meeting with WPTF re: SF6 reg.  
24<sup>th</sup> September Board Meeting

**Attachments:** Public Agendas



**ADVANCE COPY**

## PUBLIC MEETING AGENDA

**Thursday,  
July 23, 2020**

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 July 23, 2020, 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 that plan to comment at the hearing.

Alternatively, on each morning of 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: 850 7242 6934

To watch the webinar only and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by CARB during normal Board Meetings. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.

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

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

Spanish translation will be provided at the July 23, 2020 Board Meeting

**Thursday  
July 23, 2020  
9:00 a.m.**

### **DISCUSSION ITEMS:**

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

**Agenda Item #**

**20-7-1:Public Meeting to Consider Eastern Kern Ozone Conformity Budget Update**

*The California Air Resources Board (CARB or Board) will consider adoption of the East Kern Ozone Conformity Budget Update, developed by CARB staff at the request of the United States Environmental Protection Agency (U.S. EPA). If adopted, the budgets will be submitted to U.S. EPA for approval as a revision to the California state implementation plan.*

[More Information](#)    [Board Item Materials](#)    [Written Comments](#)

**20-7-4: Public Meeting to Consider Research Contract with the University of California, Davis, Titled “Measuring, Analyzing, and Identifying Small-Area Vehicle Miles Traveled Reduction”**

*The Board will consider approval of the research proposal that was developed in response to the Board-approved research projects for fiscal year 2020-2021. This item requires Board approval due to the contract amount and also to comply with Government Code section 1091 because one Board Member is affiliated with the University of California at Davis.*

[More Information](#)    [Board Item Materials](#)    [Written Comments](#)

**20-7-5: Public Meeting to Consider Research Contract with the University of California, San Francisco, Titled “Impact of Air Pollution on COVID-19 Case and Death Risk in California”**

*The Board will consider approval of the research proposal. This item requires Board approval due to the contract amount and also to comply with Government Code section 1091 because one Board Member is affiliated with the University of California at San Francisco.*

[More Information](#)    [Board Item Materials](#)    [Written Comments](#)

**20-7-6: Public Meeting to Consider Research Contract with the University of California, Los Angeles, Titled “Ambient Air Pollution and COVID-19 Disease Severity or Death among Confirmed Cases in Southern California”**

*The Board will consider approval of the research proposal. This item requires Board approval due to the contract amount and also to comply with Government Code section 1091 because one Board Member is affiliated with the University of California at Berkeley where one of the researchers is also affiliated.*

[More Information](#)    [Board Item Materials](#)    [Written Comments](#)

**20-7-2: Public Hearing to Consider Proposed Procedures for the Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines**

*The Board will consider for adoption the proposed Procedures for the Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines. The updated aftermarket part procedures incorporate language reflecting current vehicle and engine emissions related technologies and standards. It also clarifies the requirements to improve review, testing, and approval timing to get products to market sooner.*

[More Information](#)    [Staff Presentation](#)    [Board Item Materials](#)    [Written Comments](#)

**20-7-3: Public Meeting to Hear an Informational Update on CARB's California-Mexico Border Activities**

*The Board will hear an informational update on CARB's efforts at the California-Mexico Border to improve air quality, including cross-programmatic, collaborative, and community-focused actions.*

[More Information](#)

[Staff Presentation](#)

[Board Item Materials](#)

[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.

*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 Air Resources Board v. Key Disposal, Inc. and John Katangian*, Los Angeles Superior Court, Case No. BC650014.

*California Air Resources Board v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

*California Air Resources Board v. United States Environmental Protection Agency and National Highway Traffic and Safety Administration*, United States District Court, District of Columbia Case No. 1:19-cv-00965-CKK.

*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.

*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.

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

*John Mahan v. California Air Resources Board*, Sacramento County Superior Court, Case No. 34-2016-80002416.

*John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al.*, Fresno County Superior Court, Case No. 14-CECG01494; ARB's appeal, Court of Appeal, Fifth District, Case No. F074003.

*Sowinski v. California Air Resources Board, et al.*, United States District Court, 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, et al. v. David Bernhardt, et al.*, United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR.

*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.

*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.

*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.

*Valero Refining Co. California v. Hearing Board of the Bay Area Air Quality Management District et al.*, Court of Appeal, First Appellate District, Case No. A151004.

*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.

#### **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.

[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](mailto: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, 23<sup>rd</sup> Floor, Sacramento, California 95814  
[cotb@arb.ca.gov](mailto:cotb@arb.ca.gov) or (916) 322-5594  
CARB Homepage: [www.arb.ca.gov](http://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](mailto: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.

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 llame a la oficina del Consejo al (916) 322-5594 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.

# August 2020 Board Meeting Agenda

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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 August 27, 2020, Board Meeting will not have a physical location. 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 to comment.

## **Register for the Webinar** - for those that plan to comment at hearing

Alternatively, on the morning of the Board Meeting, members of the public can offer verbal comments by 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: 854 9882 4135

To watch the webinar only and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by CARB during normal Board Meetings. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.



## **Webcast** - for those that only plan to observe the hearing

How to Participate in the Remote Board Meeting

Como Participar en la Reunión del Consejo a Distancia

Spanish Translation will be provided at the August 27, 2020 Board Meeting

Thursday, August 27, 2020 @ 9:00 a.m.

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## Discussion Items

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

### 20-8-3: Recognition from the Northern Sonoma Air Pollution Control District

Air Pollution Control Officer Rob Bamford from Northern Sonoma County Air Pollution Control District would like to present a resolution from his Board in appreciation of CARB's Monitoring and Laboratory Division Incident Air Monitoring Section for their support during the 2019 Kincade Fire.

Presentation   Board Item Materials   Written Comments

### 20-8-1: Public Hearing to Consider Proposed Control Measure for Ocean-Going Vessels At Berth

The Board will consider adoption of the Control Measure for Ocean-Going Vessels At Berth (Control Measure). The Board will also consider certification of the Environmental Analysis prepared for the Control Measure. The Proposed Regulation will supersede the existing At-Berth Regulation, as specified, and is designed to achieve further reductions in emissions from vessels at berth to reduce adverse health impacts to communities surrounding ports and terminals throughout California. Emission reductions will be achieved through the inclusion of new vessel categories (such as vehicle carriers and tanker vessels), new ports, and independent marine terminals. This is the third hearing of three for this item.



More Information   Presentation   Board Item Materials   Written Comments

## 20-8-2: Public Hearing to Consider Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments

The Board will consider proposed amendments to the exhaust emission standards and test procedures for 2024 and subsequent model year heavy-duty engines, the heavy-duty in-use testing program, the emissions warranty and useful life period requirements, the heavy-duty durability demonstration program, the emissions warranty information and reporting requirements and corrective action procedures, the heavy-duty on-board diagnostic system requirements, the Phase 2 greenhouse gas regulation, and other requirements.

[More Information](#)   [Presentation](#)   [Board Item Materials](#)   [Written Comments](#)

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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.

*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 Air Resources Board v. Key Disposal, Inc. and John Katangian*, Los Angeles Superior Court, Case No. BC650014.

*California Air Resources Board v. United States Environmental Protection Agency, U.S.*  
Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

*California Air Resources Board v. United States Environmental Protection Agency and National Highway Traffic and Safety Administration*, United States District Court, District of Columbia Case No. 1:19-cv-00965-CKK.

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

*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.

*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.

*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. 14-CECG01494; ARB's appeal, Court of Appeal, Fifth District, Case No. F074003.

*Sowinski v. California Air Resources Board, et al.*, United States District Court, 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, et al., v. Chao, et al.*, United States District Court, District of Columbia Case No. 1:19-cv-02826.



*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.

*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.

*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.

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*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.

*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.

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## 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  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.

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## Other Information

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

[View Submitted Comments](#)

## Submitting a Presentation

No outside memory sticks or other external devices may be used at any time with the Board audio/visual system or any CARB computers. Therefore, PowerPoint presentations to be displayed at the Board meeting must be electronically submitted via email to the Clerks' Office no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, contact the Clerks' Office.  
1001 I Street, 23<sup>rd</sup> Floor, Sacramento, California 95814

If you experience technical difficulties on the day of the Board Meeting, please call our helpline at (805) 801-3676.



## 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.

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# Acomodación Especial

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- Un intérprete que esté disponible en la audiencia
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Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 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.

(800) 242-4450 | [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov)  
1001 I Street, Sacramento, CA 95814  
P.O. Box 2815, Sacramento, CA 95812





# September 24, 2020 Board Meeting Agenda

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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 September 24, 2020, Board Meeting will not have a physical location. 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 to comment.

**Register for the Webinar** - for those who wish to comment verbally at the hearing.

Alternatively, on the morning of the Board Meeting, members of the public can offer verbal comments by 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: 821 3422 9207

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**Webcast** - for those that only plan to observe the hearing

How to Participate in the Remote Board Meeting

Como Participar en la Reunión del Consejo a Distancia



Spanish Translation will be provided at the September 24, 2020 Board Meeting

Thursday, September 24, 2020 @ 12:00 p.m.

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## Discussion Items

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

### 20-9-5: Public Meeting to Consider Proposed Portola PM2.5 Plan Contingency Measure State Implementation Plan Submittal

The California Air Resources Board (CARB or Board) will consider a revision to the Portola PM2.5 Attainment Plan to include contingency measures for attaining air quality standards required under the Clean Air Act. This State Implementation Plan (SIP) revision specifies a new contingency measure the Northern Sierra Air Quality Management District and City of Portola must implement if the area fails to attain or meet reasonable further progress attaining particulate matter pollutant standards to reduce emissions while additional requirements are developed.

[More Information](#)   [Presentation](#)   [Board Item Materials](#)   [Written Comments](#)

### 20-9-2: Public Hearing to Consider Proposed Amendments to the Regulation for Reducing Sulfur Hexafluoride Emissions from Gas Insulated Switchgear

The Board adopted the SF6 Switchgear Regulation in 2010 due to the extremely high global warming potential of SF6. In response to the State's climate goals and the increasing availability of equipment that does not use SF6, staff proposes to amend the Regulation to cover other greenhouse gases, drive further emissions reductions, and accelerate the transition to equipment that does not use SF6.



[More Information](#)   [Presentation](#)   [Board Item Materials](#)   [Written Comments](#)

## 20-9-3: Public Meeting to Hear an Informational Update on California's Air Toxics Program

The Board will hear an informational update on California's Air Toxics Program, including the ongoing efforts to reduce community exposure to toxic air contaminants.

[More Information](#)   [Presentation](#)   [Board Item Materials](#)   [Written Comments](#)

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

## 20-9-4: Public Meeting to Hear an Informational Update on Assembly Bill 617 Community Emissions Reduction Program Implementation

The Board will hear an informational update on the status of implementation for Assembly Bill 617 community emissions reduction programs.

[More Information](#)   [Presentation](#)   [Board Item Materials](#)   [Written Comments](#)

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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*,  
United States Court of Appeals, District of Columbia Circuit, Case No. 19-1140.



*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 Air Resources Board v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

*California Air Resources Board v. United States Environmental Protection Agency and National Highway Traffic and Safety Administration*, United States District Court, District of Columbia Case No. 1:19-cv-00965-CKK.

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

*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.

*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.

*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. 14-CECG01494; ARB's appeal, Court of Appeal, Fifth District, Case No. F074003.

*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, et al., v. Chao, et al.*, United States District Court, District of Columbia, Case No. 1:19-cv-02826.

*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.

*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.



*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.

*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.

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## 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.

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Open Session to Provide an Opportunity for Members of the Public to Address the Board on Subject Matters within the Jurisdiction of the Board 

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

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## Other Information

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

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No outside memory sticks or other external devices may be used at any time with the Board audio/visual system or any CARB computers. Therefore, PowerPoint presentations to be displayed at the Board meeting must be electronically submitted via email to the Clerks' Office no later than noon on the business day prior to the scheduled Board meeting.

If you have any questions, contact the Clerks' Office.  
1001 I Street, 23<sup>rd</sup> Floor, Sacramento, California 95814

If you experience technical difficulties on the day of the Board Meeting, please call our helpline at (805) 801-3676.

## 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 (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 alternativo u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 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.

(800) 242-4450 | [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov)  
1001 I Street, Sacramento, CA 95814  
P.O. Box 2815, Sacramento, CA 95812



**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: January 15, 2021

Re: Authorization to Extend Audit Services Contract with Simpson & Simpson, LLP

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Executive Officer/APCO to extend the term of the audit services contract with Simpson & Simpson, LLP, in an amount not to exceed \$151,350 annually for up to two additional years at the Air District's discretion based on contractor's performance.

BACKGROUND

Government agencies are required by law to conduct an independent audit of their annual financial statements. In addition, the California Health and Safety Code Section 44242 requires the Bay Area Air Quality Management District (Air District) to perform an audit on each of the Transportation Fund for Clean Air (TFCA) programs and projects that are funded with motor vehicle registration fee surcharges collected under Section 44241 at least every two years.

On October 7, 2020, the Board of Directors approved an amendment to the Air District's Administrative Code, Division II: Fiscal Policies and Procedures, Section 4: Purchasing Procedures, Section 4.6 Contracts, Section 4.6(d): Bid Award to require that contracts for financial audit services be rebid every five years instead of every three. This frequency is consistent with the Government Finance Officers Association's best practices.

The Air District's auditors are selected through a competitive process, involving a review of responses to a Request for Proposals, reference checks, and interviews. Following this review, Staff brings a recommendation for award of the highest-ranked proposal to the Air District's Board of Directors for their consideration.



## DISCUSSION

On October 4, 2017, the Board of Directors approved the Executive Officer to enter a three-year contract with Simpson and Simpson, LLP for independent audit services in an amount not to exceed \$151,350 annually. The recent amendment to the Air District's Administrative Code allows for up to a five-year term with contractors who perform audit services. Staff is recommending an extension to the term of contract with Simpson and Simpson, LLP, for up to two additional years in an amount not to exceed \$151,350 annually. If this action is approved, the amendment to the term would be subject to the Air District's discretion based on contractor's performance. The annual cost is based on the cost originally authored through the competitive bid process, and allows Simpson and Simpson, LLP to perform the following work:

1. Conduct the Air District's Annual Financial Audit for Fiscal Year Ending (FYE) 2021 and FYE 2022; and
2. Conduct a Compliance Audit of TFCA projects and programs that close by June 30, 2020 and 2021.

## BUDGET CONSIDERATION/FINANCIAL IMPACT

The costs associated with the FYE 2021 auditing services are included in the Air District's FYE 2021 budget. Future auditing service costs for FYE 2022 will be budgeted appropriately in the ordinary course of the Air District's budget process. The financial audit and TFCA compliance audit are funded from the General Fund and TFCA Fund, respectively.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Stephanie Osaze and Karen Schkolnick

Reviewed by: Jeff McKay and Damian Breen

**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: January 15, 2021

Re: Authorization to Amend Contracts with Fluxx Labs, Inc.

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**RECOMMENDED ACTION**

Recommend Board of Directors authorize the Executive Officer/ APCO to amend the Air District contracts with Fluxx Labs, Inc. to include an additional \$288,200 for annual subscription renewal fees, support, and maintenance for the grant management system for the Clean Cars for All, *Charge!*, and Volkswagen (VW) Environmental Mitigation Trust-funded programs.

**BACKGROUND**

The Clean Cars For All (CCFA) program provides incentives to qualifying low-income households (up to 400 percent of the Federal Poverty Level) to retire older, high-polluting vehicles and replace them with a newer, cleaner vehicle and supporting charging infrastructure, or with mobility options (e.g. public transit and electric bicycles). This program reduces criteria pollutants and greenhouse gas emissions and supports the goal of equitable access to clean transportation alternatives, including electric vehicles. Since CCFA opened in March 2019, over 2,200 applications have been submitted, and 1,371 awards have been made (totaling nearly \$12 million). The CCFA program is currently funded through a combination of the state's California Climate Investments, VW Mitigation settlement fund, and the Air District's Transportation Funds for Clean Air (TFCA).

The *Charge!* program provides grant funding to offset the cost of purchasing and installing new publicly accessible chargers for light-duty electric vehicles at workplaces, destinations, transit parking locations, along transportation corridors, and at multi-unit dwelling facilities. A total of \$6 million in grant funding is available for organizations, including governments, businesses, and nonprofits in Fiscal Year Ending 2021. *Charge!* is funded by the TFCA and the Mobile Source Incentive Fund.

The VW Environmental Mitigation Trust is a nationwide program that provides \$423 million for California to fully mitigate the excess nitrogen oxide (NOx) emissions caused by VW's use of illegal emissions testing defeat devices in VW diesel vehicles. California's funding will support advanced technology vehicle and equipment deployments and accelerate the zero-emission transformation of the heavy-duty fleet. The Air District is the administrator for two state-wide programs, the Zero-Emission Freight and Marine and the Light Duty Electric Vehicle Infrastructure Programs.

*Charge!*, CCFA, and VW-funded programs use a cloud-based grant management system from Fluxx Labs, Inc. (Fluxx) to administer the programs. Fluxx’s grant management system has proven to be a valuable tool for the Air District’s grant programs and participants, especially during the COVID-19 pandemic.

DISCUSSION

On June 20, 2018, the Air District released a Request for Proposals (RFP) seeking a secure and configurable software-as-a-service grant management system to use for Air District grant programs. The RFP closed on August 8, 2018, and nine submitted proposals were reviewed and evaluated. Through this competitive process, Fluxx, a San Francisco-based company, was selected. Fluxx’s system provides a highly configurable, mobile and cloud-based management system that allows real-time access to applications and data.

Fluxx’s system is currently used for the CCFA, VW, and *Charge!* programs. Contracts with Fluxx were executed on November 16, 2018 and April 16, 2019 totaling \$226,463 to cover costs related to initial development work, annual subscription fees, and post-development maintenance and support services. In order for these services to continue over the next two years, Staff is recommending that the contract amount be increased by \$288,200 to provide funding for both annual subscription renewal fees and advanced services requests for *Charge!*, CCFA, VW and other future grant programs that use Fluxx as shown in the table below.

	Est. Annual Cost	Over 5-Yr period (plus Consumer Price Index)
Annual Subscription Fee	\$ 61,000.00	\$ 134,200.00
Support and Maintenance	\$ 70,000.00	\$ 154,000.00
Total		\$ 288,200.00

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Funding for this contract is provided by the California Air Resources Board, VW Environmental Mitigation Trust, TFCA, and the California Department of Transportation.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tin Le and Chengfeng Wang  
Reviewed by: Anthony Fournier

**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: January 15, 2021

Re: Authorization to Approve Recommended Projects and Contracts with Proposed Grant Awards Over \$100,000

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**RECOMMENDED ACTIONS**

Recommend Board of Directors:

1. Approve recommended projects with proposed grant awards over \$100,000, as shown in Attachment 1; and
2. Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

**BACKGROUND**

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

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

On March 4, 2020, the Board of Directors (Board) authorized Air District participation in Year 22 of the CMP and authorized the Executive Officer/APCO to execute grant agreements and amendments for projects funded with CMP funds or MSIF revenues with individual grant award amounts up to \$100,000.

In 2017, AB 617 directed the CARB, in conjunction with local air districts to establish the Community Air Protection Program (CAPP). AB 617 provides a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. AB 617 includes a variety of strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for both mobile and stationary sources. Funding for incentives to support the AB 617 effort was approved by the California Legislature beginning in Fiscal Year Ending (FYE) 2018. Funding for the CAPP comes from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases.

In May 2020, Governor Newsom issued a revised budget that authorized up to \$200 million for a third cycle of CAPP incentive funding. On June 17, 2020, the Board authorized the Air District to accept, obligate, and expend up to \$40 million in year-3 CAPP funding. These funds are primarily distributed through the Air District's Community Health Protection Grant Program to implement projects eligible under the CMP and optionally on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Staff has also begun working with CARB to expand eligibility to include stationary source projects and projects that are identified as priorities by communities with a State-approved Community Emissions Reduction Program, pursuant to HSC Section 44391.2.

CARB developed the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Guidelines in February 2018 that outlines requirements for eligible equipment, e.g., agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations. On October 21, 2019, CARB's Executive Officer approved an update to the FARMER Program Guidelines to include eligibility criteria for demonstration projects. The 2020 California State Budget appropriated \$65 million in Fiscal Year 2019-20 GGRF funds to the CARB for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector through the FARMER Program. On November 20, 2019, the Board authorized the Air District's participation in the current cycle of the FARMER program.

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in the HSC Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. The remaining forty percent of TFCA funds are pass-through funds that are awarded to the designated County Program Manager in each of the nine counties within the Air District's jurisdiction.

On April 15, 2020 and July 15, 2020, the Board authorized funding allocations for use of the sixty percent of the TFCA revenue in FYE 2021, cost-effectiveness limits for Air District-sponsored FYE 2021 programs, and the Executive Officer/APCO to execute grant agreements and amendments for projects with individual grant award amounts up to \$100,000. On June 3, 2020, the Board adopted policies and evaluation criteria for the FYE 2021 Regional Fund program.

Projects with grant award amounts over \$100,000 are brought to the Mobile Source Committee for consideration at least on a quarterly basis. Staff reviews and evaluates grant applications based upon the respective governing policies and guidelines established by the CARB, the Board, and other funding agencies.

## DISCUSSION

### **Carl Moyer Program and Community Health Protection Grant Program:**

For the FYE 2021, the Air District had approximately \$45.9 million available in new CMP, MSIF, Community Health Protection Grant Program, and FARMER funds for eligible projects, including approximately \$3.4 million from prior year funds. The Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

As of December 28, 2020, the Air District had received or evaluated 75 project applications. Of the applications that were evaluated between November 2, 2020 and December 28, 2020, eight eligible projects have proposed grant awards over \$100,000. Three marine projects will replace nine diesel engines to cleaner engines on marine vessels. Five off-road projects will replace twelve pieces of mobile, diesel-powered agricultural equipment. These projects will reduce over 22.4 tons of NOx, ROG and PM per year. Staff recommends the allocation of \$4,912,750 for these projects from a combination of CMP, FARMER, Community Health Protection, and MSIF revenues. Attachment 1, Table 1, provides additional information on these projects.

Attachment 2 lists all of the eligible projects that have been awarded by the Air District between July 1, 2020 and December 28, 2020, and includes information about equipment category, award amounts, estimated emissions reductions, and county location. To date, approximately 54 percent of the funds have been awarded to projects that reduce emissions in Air District designated Community Air Risk Evaluation, or CARE areas, and approximately 60 percent have been awarded to projects benefitting disadvantaged (Senate Bill [SB] 535) and low-income (AB 1550) communities.

### **Transportation Fund for Clean Air Program:**

For the FYE 2021, the Air District had approximately \$31.44 million in TFCA monies available for eligible projects and programs. The Air District accepts project applications for certain project categories on a rolling basis and evaluates them on a first-come, first-served basis.

As of December 28, 2020, the Air District had received six project applications. There were no projects evaluated between November 3, 2020 and December 28, 2020, with proposed grant awards over \$100,000.

Attachment 3, Table 1, lists all eligible TFCA projects that have been evaluated and awarded between July 1, 2020 and December 28, 2020, including information about the project category, award amount, estimated emissions reduction, and county location. To date, approximately 31 percent of the funds have been awarded to projects that reduce emissions in Air District-designated CARE areas, and approximately 40 percent have been awarded to projects benefitting disadvantaged (SB 535) and low-income (AB 1550) communities.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The Air District distributes the CMP, MSIF, Community Health Protection Grant Program, and TFCA funding to project sponsors on a reimbursement basis. Funding for administrative costs is provided by each funding source.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alona Davis and Linda Hui  
Reviewed by: Karen Schkolnick and Chengfeng Wang

Attachment 10A: Projects with grant awards greater than \$100,000  
Attachment 10B: CMP/MSIF, FARMER and Community Health Protection Grant Program  
projects awarded and allocated between 7/1/20 and 12/28/20  
Attachment 10C: TFCA projects awarded and allocated between 7/1/20 and 12/28/20  
Attachment 10D: Summary of funding awarded and allocated between 7/1/20 and 12/28/20



Table 1 - Carl Moyer Program/ Mobile Source Incentive Fund, FARMER, and Community Health Protection Grant Program projects with grant awards greater than \$100k (Evaluated between 11/3/20 and 12/28/20)

Project #	Applicant name	Project Category	Project Description	Proposed contract award	Total project cost	Emission Reductions (Tons per year)			County
						NO <sub>x</sub>	ROG	PM	
22MOY18	Willotta Ranch	Ag/Off-Road	Replacement of one diesel excavator with a Tier 4 final excavator, and one tracked agricultural tractor with loader/blade attachment with a Tier 4 Final Compact Tracked Loader	\$ 259,100	\$ 324,016	1.073	0.130	0.073	Solano
22MOY33	Cornerstone Certified Vineyard	Ag/Off-Road	Replacement of three diesel ag tractors with three Tier 4 final diesel ag tractors	\$ 161,850	\$ 202,368	0.395	0.068	0.050	Sonoma
22MOY43	Atlas Vineyard Management, Inc.	Ag/Off-Road	Replacement of two diesel ag tractors and one ag diesel tractor/crawler with three Tier 4 final diesel ag tractors	\$ 115,800	\$ 144,846	0.176	0.036	0.026	Napa
22MOY17	Robledo Inc.	Ag/Off-Road	Replacement of one Tier-0 ag tractor with a Tier 4 final tractor, and one Tier-0 backhoe with a Tier 4 final backhoe	\$ 103,100	\$ 128,991.00	0.313	0.048	0.028	Solano
22MOY19	San Francisco Water Emergency Transportation Authority	Marine	Replacement of six diesel marine main engines on three ferries servicing three counties. Existing engines are transitioning from Tier 2 to Tier 4	\$ 3,715,000	\$ 3,913,366	16.822	1.500	0.562	Alameda
22MOY30	A.C. Fishing Charters Inc., dba Tigerfish Sportfishing	Marine	Replacement of two diesel Tier 2 marine engines with two diesel Tier 3 engines on a charter fishing vessel	\$ 298,000	\$ 372,540	0.515	0.002	0.027	Alameda
22MOY21	Jerry Harold Pemberton	Marine	Replacement of one Tier 0 marine engine with one Tier 3 engine on a commercial fishing vessel	\$ 120,000.00	\$ 155,826	0.244	0.003	0.009	San Mateo
22MOY24	Stanley J Poncia	Ag/Off-Road	Replacement of one Tier 1 skip loader with one Tier 4 final skip loader, and one Tier 1 ag tractor with one Tier 4 final ag tractor	\$ 139,900	\$ 155,545	0.256	0.047	0.036	Sonoma
<b>8 Projects</b>				<b>\$ 4,912,750</b>	<b>\$ 5,397,498</b>	<b>19.795</b>	<b>1.833</b>	<b>0.811</b>	

AGENDA 10B - ATTACHMENT

*CMP/MSIF, FARMER and Community Health Protection Grant Program projects awarded and allocated  
(between 7/1/20 and 12/28/20)*

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	CARE Area	AB1550/ SB535 Area	County
						NOx	ROG	PM				
21MOY203	Ag/ off-road	Equipment replacement	1	\$ 60,000.00	Rider Vineyards dba Joseph Rider	0.104	0.005	0.006	APCO	No	No	Napa
21MOY198	On-road	Equipment replacement	1	\$ 10,000.00	EPP Transport, LLC	0.181	0.015	0.000	APCO	Yes	Yes	Alameda
21MOY206	Ag/ off-road	Equipment replacement	2	\$ 90,840.00	Hudson Vineyards LLC	0.162	0.005	0.009	APCO	No	No	Napa
21MOY210	On-road	Equipment replacement	1	\$ 20,000.00	Samuel's Trucking	0.466	0.039	0.003	APCO	Yes	Yes	Alameda
21MOY217	On-road	Equipment replacement	1	\$ 25,000.00	Daxin Trucking, LLC.	0.566	0.048	0.000	APCO	Yes	Yes	Alameda
21MOY208	Ag/ off-road	Equipment replacement	2	\$ 76,300.00	M. German & Son Partnership	0.345	0.055	0.028	APCO	No	No	Solano
21MOY209	Ag/ off-road	Equipment replacement	1	\$ 48,800.00	Lum Family Farms Inc	0.145	0.026	0.018	APCO	No	No	Solano
21MOY214	Ag/ off-road	Equipment replacement	5	\$ 255,400.00	Robledo Vineyard Mgmt LLC	0.563	0.092	0.061	10/7/2020	No	No	Sonoma/ Napa
21MOY212	On-road	Equipment replacement	1	\$ 40,000.00	Ram Harak & Son Trucking	0.352	0.030	0.002	APCO	Yes	Yes	Alameda
21MOY235	Ag/ off-road	Equipment replacement	1	\$ 82,580.00	Mertens Dairy	0.213	0.038	0.028	APCO	No	No	Sonoma
21MOY228	Ag/ off-road	Equipment replacement	3	\$ 130,200.00	Turnbull Wine Cellars	0.191	0.037	0.026	10/7/2020	No	No	Napa
21MOY239	Ag/ off-road	Equipment replacement	4	\$ 170,100.00	Michael Wolf Vineyard Services Inc.	0.206	0.016	0.021	10/7/2020	No	Yes	Napa
21MOY121	On-road	Equipment replacement	1	\$ 15,000.00	Prabhjit	0.321	0.027	0.000	APCO	No	Yes	San Joaquin
21MOY218	Ag/ off-road	Equipment replacement	2	\$ 76,100.00	Richard A. Zimmerman	0.194	0.030	0.017	APCO	No	No	Solano
21MOY240	On-road	Equipment replacement	1	\$ 20,000.00	Sunny Trucking	0.301	0.025	0.000	APCO	No	Yes	San Joaquin
21MOY227	On-road	Equipment replacement	1	\$ 40,000.00	Streamline Trans Inc., dba DM Trucking	0.836	0.071	0.006	APCO	Yes	Yes	Alameda
21MOY246	On-road	Equipment replacement	1	\$ 30,000.00	Ali Transportation	0.375	0.032	0.000	APCO	Yes	No	Alameda
21MOY241	Ag/ off-road	Equipment replacement	1	\$ 62,950.00	Wight Vineyard Management, Inc.	0.126	0.008	0.008	APCO	No	Yes	Napa
21MOY102	Off-Road	Equipment replacement	1	\$ 62,830.00	San Mateo Union High School District	0.184	0.041	0.033	APCO	No	Yes	San Mateo
21MOY166	Ag/ off-road	2-for-1 Equipment Replacment	1	\$ 39,400.00	Beckstoffer Vineyards Napa Valley	0.250	0.037	0.025	APCO	No	No	Napa
21MOY223	On-road	Equipment replacement	1	\$ 30,000.00	Oakland Container Trucking	0.525	0.038	0.000	APCO	Yes	Yes	Alameda

*CMP/MSIF, FARMER and Community Health Protection Grant Program projects awarded and allocated  
(between 7/1/20 and 11/2/20)*

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	CARE Area	AB1550/ SB535 Area	County
						NOx	ROG	PM				
21MOY265	Ag/ off-road	Equipment replacement	1	\$ 182,700.00	Paul P. Bianchi, Inc	1.251	0.138	0.079	11/18/2020	No	No	Sonoma
21MOY245	Ag/ off-road	Equipment replacement	4	\$ 143,400.00	Ilseley Brothers Farming, LLC	0.209	0.078	0.035	11/18/2020	No	No	Napa
21MOY236	Ag/ off-road	Equipment replacement	1	\$ 604,150.00	Morrison Cazares Boyer Construction inc.	1.060	0.098	0.056	11/18/2020	No	No	Napa
21MOY232	Off-Road	Equipment replacement	1	\$ 125,000.00	L.H. Voss Materials	0.725	0.036	0.018	11/18/2020	Yes	Yes	Alameda/ Contra Costa
21SBP196	School Bus	Equipment replacement	2	\$ 260,707.00	Fairfield-Suisun Unified School District	0.113	0.001	0.000	11/18/2020	No	Yes	Solano
21MOY264	On-road	Equipment replacement	2	\$ 120,000.00	McKim Corp	2.260	0.160	0.014	APCO	Yes	Yes	Santa Clara
21MOY249	On-road	Equipment replacement	1	\$ 25,000.00	Jeevan Trucking Inc	0.478	0.040	0.000	APCO	Yes	Yes	Alameda
21MOY221	Ag/ off-road	Equipment replacement	2	\$ 91,650.00	Robert J Camozzi II	0.211	0.024	0.021	APCO	No	No	Sonoma
21MOY257	On-road	Equipment replacement	1	\$ 25,000.00	Harpinderpal Singh	0.466	0.035	0.000	APCO	Yes	Yes	Alameda
21MOY238	Ag/ off-road	Equipment replacement	1	\$ 64,700.00	Foley Family Farms, LLC	0.141	0.018	0.012	APCO	No	No	Sonoma
21MOY281	Ag/ off-road	Equipment replacement	1	\$ 42,200.00	Palm Drive Vineyards LLC	0.044	0.005	0.006	APCO	No	No	Sonoma
21MOY233	Ag/ off-road	Equipment replacement	1	\$ 62,000.00	RR Farms	0.071	0.011	0.008	APCO	No	No	Sonoma
21MOY272	Ag/ off-road	Equipment replacement	1	\$ 58,000.00	StoneMar Properties, LLC	0.100	0.005	0.006	APCO	No	No	Contra Costa
21MOY280	Ag/ off-road	Equipment replacement	1	\$ 64,400.00	Barbour Vineyards Management LLC	0.113	0.007	0.007	APCO	No	No	Napa
21MOY274	Ag/ off-road	Equipment replacement	3	\$ 120,500.00	Green Valley Cattle Co.	0.205	0.035	0.021	12/16/2020	No	No	Solano
21MOY251	Ag/ off-road	Equipment replacement	1	\$ 50,300.00	Wild Oak Vineyards LLC	0.086	0.019	0.015	APCO	No	No	Solano
22MOY2	On-road	Equipment replacement	1	\$ 35,000.00	Mandeep Singh	0.337	0.029	0.000	APCO	Yes	Yes	Alameda
22MOY4	Marine	Engine Replacement	1	\$ 128,000.00	Happy Hooker Sportfishing	0.307	-0.008	0.019	12/16/2020	Yes	Yes	Alameda
21MOY234	On-road	Engine Replacement	1	\$ 35,000.00	Jianye Trucking Inc.	0.674	0.057	0.000	APCO	Yes	Yes	Alameda
21MOY242	On-road	Engine Replacement	1	\$ 30,000.00	OJM Trucking Inc.	0.620	0.053	0.000	APCO	Yes	Yes	Alameda
22MOY3	Marine	Engine Replacement	2	\$ 1,166,000.00	San Francisco Water Emergency Transportation Authority	5.570	0.500	0.190	12/16/2020	Yes	Yes	Alameda/ Contra Costa/ San Francisco
21MOY172	Ag/ off-road	Engine Replacement	2	\$ 512,750.00	George Chiala Farms, Inc.	1.656	0.154	0.089	12/16/2020	No	No	Santa Clara

*CMP/MSIF, FARMER and Community Health Protection Grant Program projects awarded and allocated  
(between 7/1/20 and 11/2/20)*

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	CARE Area	AB1550/ SB535 Area	County
						NOx	ROG	PM				
22MOY6	Ag/ off-road	Engine Replacement	1	\$ 185,400.00	Mazzetta Dairy	1.155	0.106	0.066	12/16/2020	No	No	Sonoma
21MOY226	Off-Road	Engine Replacement	2	\$ 141,000.00	Columbia Electric, Inc.	0.532	0.038	0.035	12/16/2020	Yes	Yes	Alameda/ Contra Costa/ Santa Clara
21MOY277	Off-Road	Engine Replacement	5	\$ 345,500.00	R.J.S. & Associates, Inc.	1.815	0.171	0.107	12/16/2020	Yes	Yes	Santa Clara/ Alameda
22MOY13	Marine	Engine Replacement	1	\$ 135,000.00	Lion Fisheries, LLC.	0.898	-0.013	0.036	12/16/2020	No	No	San Mateo
21MOY237	Ag/ off-road	Engine Replacement	2	\$ 85,300.00	Dirt Farmer & Company, A California Corporation	0.272	0.054	0.037	APCO	No	No	Sonoma
21MOY225	On-road	Engine Replacement	1	\$ 35,000.00	Longs Mach	0.453	0.034	0.000	APCO	Yes	Yes	Alameda
21MOY264	On-road	Equipment replacement	1	\$ 60,000.00	McKim Corp	2.260	0.160	0.014	APCO	No	Yes	Santa Clara
21MOY261	On-road	Equipment replacement	1	\$ 20,000.00	Dhillon Trucking	0.654	0.097	0.029	APCO	Yes	No	Alameda
22MOY15	On-road	Equipment replacement	1	\$ 35,000.00	NCH Trucking	0.635	0.054	0.005	APCO	Yes	No	Alameda
22MOY16	On-road	Equipment replacement	1	\$ 30,000.00	Sahara Logistics INC DBA Ibrahim Trucking	0.410	0.035	0.000	APCO	Yes	No	Alameda
21MOY243	On-road	Equipment replacement	1	\$ 40,000.00	Gill Freightliner	0.684	0.058	0.000	APCO	Yes	Yes	Alameda
22MOY17	Off-Road	Equipment replacement	2	\$ 103,100.00	Robledo Inc.	0.313	0.048	0.028	TBD	No	No	Solano
22MOY34	On-road	Equipment replacement	1	\$ 55,000.00	26 Pawar Corporation	1.117	0.084	0.007	APCO	Yes	Yes	Santa Clara
22MOY1	Ag/ off-road	Equipment replacement	1	\$ 33,000.00	Gerald & Kristy Spaletta	0.046	0.044	0.011	APCO	No	No	Sonoma
21MOY275	Off-Road	Equipment replacement + Infrastructure	2	\$ 90,100.00	Pine Cone Lumber Co., Inc.	0.068	0.011	0.004	APCO	No	No	Santa Clara
21MOY271	On-road	Equipment Replacement	1	\$ 30,000.00	Sarbjit Singh Deol	0.325	0.028	0.000	APCO	Yes	Yes	Alameda
22MOY10	On-road	Equipment Replacement	1	\$ 10,000.00	Lam Le	0.153	0.012	0.000	APCO	Yes	Yes	Alameda
21MOY278	On-road	Equipment Replacement	1	\$ 40,000.00	Gurtej Atwal	0.764	0.052	0.006	APCO	No	No	Alameda
22MOY8	On-road	Equipment Replacement	1	\$ 25,000.00	MP Trucking	0.364	0.031	0.000	APCO	No	No	San Joaquin
22MOY35	On-road	Equipment Replacement	1	\$ 35,000.00	Sahara Logistics INC DBA Ibrahim Trucking	0.391	0.033	0.000	APCO	Yes	No	Alameda
21MOY285	On-road	Equipment Replacement	1	\$ 40,000.00	G S Trucking	0.658	0.056	0.004	APCO	Yes	Yes	Alameda
22MOY38	On-road	Equipment Replacement	1	\$ 20,000.00	Primo Express Transport, Inc	0.394	0.033	0.003	APCO	Yes	Yes	Contra Costa

*CMP/MSIF, FARMER and Community Health Protection Grant Program projects awarded and allocated  
(between 7/1/20 and 11/2/20)*

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	CARE Area	AB1550/ SB535 Area	County
						NOx	ROG	PM				
21MOY283	On-road	Equipment Replacement	1	\$ 40,000.00	Sall Trucking	0.943	0.156	0.008	APCO	Yes	Yes	Alameda
22MOY25	On-road	Equipment Replacement	1	\$ 35,000.00	Sarbjit S Bains	0.687	0.058	0.005	APCO	No	Yes	Santa Clara
22MOY26	On-road	Equipment Replacement	1	\$ 25,000.00	Dharmender Singh Barn	0.530	0.045	0.000	APCO	Yes	No	Alameda
22MOY33	Off-Road	Equipment Replacement	3	\$ 161,850.00	Cornerstone Certified Vineyard	0.396	0.068	0.051	TBD	No	No	Sonoma
22MOY43	Off-Road	Equipment Replacement	3	\$ 115,800.00	Atlas Vineyard Management, Inc.	0.176	0.036	0.026	TBD	No	No	Napa
22MOY18	Off-Road	Equipment Replacement	2	\$ 259,100.00	Willotta Ranch	1.073	0.130	0.073	TBD	No	No	Solano
22MOY39	Off-Road	Equipment Replacement	1	\$ 53,200.00	Romero Vineyard Management LLC	0.066	0.016	0.012	APCO	No	No	Napa
22MOY19	Marine	Engine Replacement	6	\$ 3,715,000.00	San Francisco Water Emergency Transportation Authority	16.822	1.500	0.562	TBD	Yes	Yes	Alameda
22MOY30	Marine	Engine Replacement	2	\$ 298,000.00	A.C. Fishing Charters Inc., dba Tigerfish Sportfishing	0.515	0.002	0.027	TBD	No	No	Alameda
22MOY21	Marine	Engine Replacement	1	\$ 120,000.00	Jerry Harold Pemberton	0.244	0.003	0.009	TBD	No	No	San Mateo
22MOY24	Ag/ off-road	Engine Replacement	1	\$ 139,900.00	Stanley J Poncia	0.256	0.047	0.036	TBD	No	Yes	Sonoma
<b>76 Projects</b>			<b>117</b>	<b>\$ 11,888,207.00</b>		<b>59.375</b>	<b>5.495</b>	<b>2.087</b>				

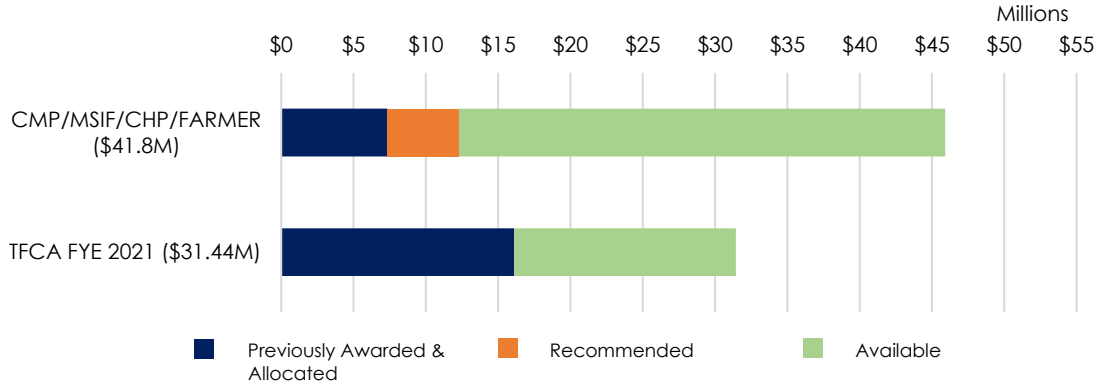


**Figures 1-3 Summary of funding awarded and allocated between 7/1/20 and 12/28/20 from the following revenue sources:**

- Carl Moyer Program (CMP)
- Community Health Protection Program (CHP)
- Funding Agricultural Replacement Measures for Emission Reductions (FARMER)
- Mobile Source Incentive Fund (MSIF)
- Transportation Fund for Clean Air (TFCA)

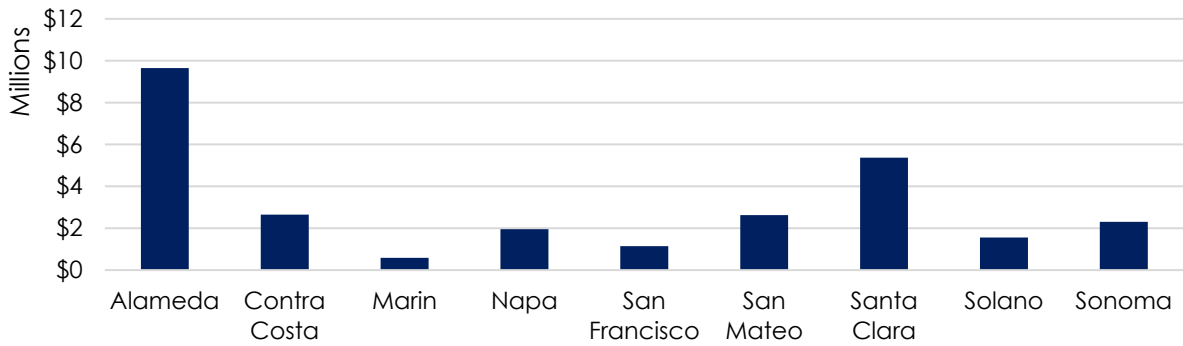
**Figure 1. Status of FYE 2021 funding by source**

includes funds awarded, recommended for award, and available



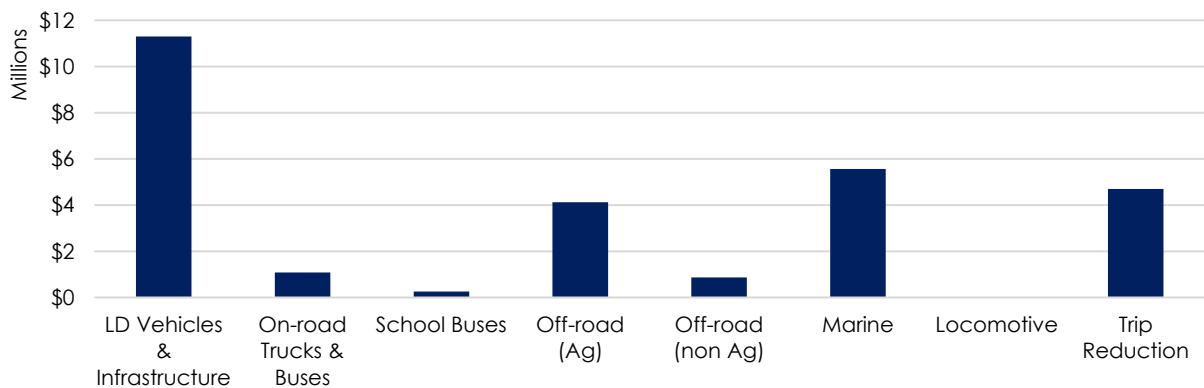
**Figure 2. Funding awarded and allocated in FYE 2021 by county:**

includes funds awarded & recommended for award



**Figure 3. Funding awarded and allocated in FYE 2021 by project category**

includes funds awarded & recommended for award



**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: January 15, 2021

Re: Authorization to Participate in Year 23 of the Carl Moyer Program

**RECOMMENDED ACTIONS**

Recommend Board of Directors:

1. Authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend up to \$13,000,000 in Carl Moyer Program (CMP) funds for fiscal year 2020-2021 (Program Year 23) from the California Air Resources Board (CARB);
2. Allocate \$5 million in Mobile Source Incentive Funding to provide the required match funding and additional monies for projects eligible for funding under the CMP guidelines;
3. Adopt a resolution authorizing the Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board (ARB) relating to the Air District's receipt of CMP funds for fiscal year 2020-2021; and
4. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend Carl Moyer Program and Mobile Source Incentive Funds, and execute grant agreements and amendments for projects with individual grant award amounts up to \$100,000.

**BACKGROUND**

The Bay Area Air Quality Management District (Air District) has participated in the CMP since the program began in Fiscal Year (FY) 1998-1999. Through the CMP, the Air District provides grants to public and private entities to reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include trucks and buses, mobile off-road equipment, marine vessels, locomotives, stationary agricultural pump engines, forklifts, and infrastructure to support zero-emission vehicles and equipment.



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

## DISCUSSION

In January 2021, the Air District submitted an application to CARB requesting \$13,000,000 for the implementation of the CMP Year 23 funding cycle (FY 2020-2021). Up to 6.25 percent of the total funds awarded to the Air District will be used to pay for administrative expenses related to the implementation of the CMP. As part of the application, the Air District has proposed a commitment of up to \$2,000,000 in matching funds for Year 23. Staff is therefore requesting the Board meet this required match and expand the program for additional eligible emissions reductions projects by allocating \$5 million in MSIF funds for the CMP Year 23 funding cycle.

Staff plans to begin accepting CMP Year 23 applications in mid-2021 and to evaluate applications on a first-come, first-served basis until all funds have been allocated. Staff is requesting a continuation of the Board's direction to grant the Executive Officer/APCO authorization to execute contracts and amendments for projects with individual grant awards up to \$100,000. Awards for projects seeking grant award amounts over \$100,000 will continue to be brought to the Mobile Source Committee on at least a quarterly basis.

The Air District will use the 2017 CARB CMP Guidelines and subsequent updates for the CMP Year 23 cycle. Year 23 funding will be obligated to eligible projects by June 30, 2022 and expended by June 30, 2023. In accordance with AB 1390, 50 percent of all CMP funding allocated by the Air District must be awarded to projects in impacted communities. The process that will be used for identifying and prioritizing CMP Year 23 projects with the most significant exposure will be similar to the process used for the previous CMP funding cycles with priority given to projects that reduce emissions in communities based on data from the Air District's Community Air Risk Evaluation (CARE) program.

## BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alona Davis  
Reviewed by: Karen Schkolnick

Attachment 11A: Draft Resolution to Participate in Year 23 of the Carl Moyer Program

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**RESOLUTION No. 2021 - 01**

**A Resolution Accepting Carl Moyer Program Funds  
From the California Air Resources Board**

WHEREAS, California Health and Safety Code Division 26, Part 5, Chapter 9, empowers the California Air Resources Board (ARB) to allocate Carl Moyer Program funds to local air quality districts to provide financial incentives to both the public and private sectors to implement eligible projects to reduce emissions from on-road, marine, locomotive, agricultural, and off-road engines;

WHEREAS, California Health and Safety Code section 44287, authorizes ARB to provide an air district with funds if that district provides matching funds in an amount established by ARB;

WHEREAS, the Bay Area Air Quality Management District (District) submitted an application to ARB requesting \$13,000,000 in Carl Moyer Program funds to implement the Carl Moyer Program within the District for the fiscal year (FY) 2020-2021 (Year 23) cycle;

WHEREAS, the District proposed to commit up to \$2,000,000 in matching funds as part of the Year 23 Carl Moyer Program cycle, in accordance with the requirements of California Health and Safety Code section 44287;

WHEREAS, ARB will authorize a grant to the District to implement the Carl Moyer Program Year 23, upon approval by the Board of Directors to accept such grant of funds;

WHEREAS, ARB will award a grant in the amount of as much as \$13,000,000, with the District-required match of up to \$2,000,000;

WHEREAS, the District may consider projects that qualify for grant funds under the requirements for the State Reserve portion of Carl Moyer Program funds.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's continued participation in the Carl Moyer Program, including the State Reserve portion thereof, and acceptance of the FY 2020-2021 Carl Moyer Program funds, to be awarded to eligible District projects in accordance with the ARB Carl Moyer Program guidelines.

BE IT FURTHER RESOLVED, the District will provide the required matching funds for District projects by allocating local motor vehicle surcharge revenues to eligible emission reduction projects that qualify for Carl Moyer Program matching purposes.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District grant agreements with ARB and all other necessary documents to implement and carry out the purposes of this resolution.

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:

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Cindy Chavez  
Chair of the Board of Directors

ATTEST:

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John Bauters  
Secretary of the Board of Directors

**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: January 15, 2021

Re: Notice of Proposed Amendments to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees

RECOMMENDED ACTION

The Board of Directors will receive notice that it will consider proposed amendments at its next meeting to the Air District's Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees.

BACKGROUND

In accordance with provisions of the Administrative Code governing amendments to the Code, notice is hereby given that Board of Directors will consider at its next regular meeting, amendments to the Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees.

These amendments will consolidate the roles and change the names of several existing standing committees, as well as bring the work of the existing Ad Hoc Committee on Equity, Access, and Inclusion within the Board of Directors' standing committees. These changes are intended to streamline the Board's standing committees in the interests of good governance and consistency in the procedures of the committees to promote transparency and accessibility for public participation. These proposed amendments, if adopted, will replace the entirety of the existing text in Administrative Code, Division I: Operating Policies and Procedures, Section 6: Board of Directors, Committees.

This noticing action begins the process of amending the Air District's Administrative Code to incorporate the proposed amendments.

All amendments are reflected in the attached underline/strikethrough version of the Administrative Code.

## DISCUSSION

Administrative Code Section 14.1, Amendments Mechanism, requires the noticing of proposed amendments at a preceding meeting of the Board of Directors before adoption can take place. The proposed amendments to the Administrative Code are attached for your review and consideration.

## BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian C. Bunger

Attachment 12A: Proposed Amended Administrative Code, Division I, Operating Policies and Procedures, Section 6 Board of Directors Committees

Attachment 12B: Proposed Amended Administrative Code, Division I, Operating Policies and Procedures, Section 6 Board of Directors Committees – Redline

**Proposed Amended Administrative Code, Division I, Operating Policies and Procedures, Section 6 Board of Directors Committees**

**SECTION 6 BOARD OF DIRECTORS, COMMITTEES**

**6.1 SPECIAL COMMITTEES.**

All special committees shall be appointed by the Chairperson, unless otherwise directed by the Board.

**6.2 STANDING COMMITTEES.**

Standing Committees of the Board of Directors shall be the following:

- (a) Administration Committee, consisting of the Chairperson of the Board, who shall be Chairperson of the Committee, the Vice-Chairperson of the Board, the Board Secretary, the last past Chairperson and up to seven (7) other Directors appointed by the Chairperson.
- (b) Legislative Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (c) Mobile Source and Climate Impacts Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (d) Community Equity, Health, and Justice Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (e) Stationary Source and Climate Impacts Committee, consisting of up to eleven (11) Directors appointed by the Chairperson.
- (f) The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- (g) Each Standing Committee shall have authority to make recommendations to the Board of Directors for action regarding matters within the scope of the Committee's jurisdiction. A standing committee may discuss but may not make recommendations to the Board of Directors regarding issues outside of its jurisdiction and shall refer such matters to the appropriate committee. Except as specified in this Division, or as otherwise specified by the Board of Directors, Standing Committees are not delegated decision-making authority.
- (h) In no event shall the number of members, including the Chairperson of the Board, appointed to a Committee, constitute a quorum of the Board of Directors.

### **6.3 ROTATION OF COMMITTEES.**

The membership on committees shall ordinarily be rotated among the Counties so as to secure participation in the work of the District by as broad a representation as may be possible.

### **6.4 ADMINISTRATION COMMITTEE.**

The Administration Committee will consider such matters of policy affecting the affairs of the District, as may arise from time to time when the Board of Directors is not in session. The Administration Committee shall consult with the officers of the District and, within the scope and limitations of resolutions or other policies adopted by the Board of Directors, shall implement and make more specific the policies and programs of the District and, within such limits determine policies for the officers of the District. The Administration Committee shall not have authority to authorize the expenditure of any moneys otherwise than is appropriated by the budget adopted by the Board of Directors or to alter, change, or reverse any policy established by the Board of Directors. (See Section I-6.7) The Administration Committee shall have the responsibility for overseeing and guiding staff activities relative to long range planning and for receiving short range and long range plan proposals submitted by the District staff, as well as goals and objectives of the District; and for endorsing each year a long-range plan to be submitted to the Board for its approval, and for its use in reviewing the Budget. The Administration Committee should review the goals and objectives, short- and long-range plans of the California Air Resources Board to the extent that they are known. The Administration Committee may receive and consider staff reports, presentations by staff members or other persons, and any other matter not requiring action by the Board. The Administration Committee shall subsequently report on such matters to the Board at a regular meeting of the Board.

The Administration Committee will also assist in the preparation of the annual budget for the District and to present the annual budget with recommendations to the District Board of Directors. The Administration Committee also is responsible for approving administrative policy proposed by the APCO in the area of finance, procurement, insurance, and related matters. At Budget review time each year, the Committee shall evaluate District goals and objectives and recommend to the Board of Directors any changes, deletions, and additions, which it determines to be appropriate.

The Administration Committee will also consider and recommend policies of the District relating to procurement of officers and employees, employment of officers and employees, discharge of officers and employees, salaries and working conditions, and the retaining of consultants. The Administration Committee shall keep itself informed as to the work of the Advisory Council and Hearing Board, to be informed about persons in the community who may be qualified to serve on the Advisory Council and Hearing Board, and to recommend to the Board of Directors selection of such persons whenever vacancies may, from time to time, occur in the Advisory Council and Hearing Board.



## **6.5 LEGISLATIVE COMMITTEE.**

The Legislative Committee will consider and recommend legislative proposals for the District and consider and recommend a District position on all proposed legislation affecting the District. The Legislative Committee, in conjunction with District staff and the District Legislative Advocate, will keep itself informed on pending legislative matters and will meet and/or confer with appropriate legislators as necessary.

## **6.6 NOMINATING COMMITTEE. (Revised 10/4/95)**

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past Chairperson of the Board is no longer serving on the Board, four (4) appointees of the Chairperson of the Board. The Nominating Committee shall be appointed no later than the second Board Meeting in November of each year and shall serve until the appointment of a new Committee. It is the function of the Nominating Committee to recommend to the Board the officers for each calendar year. In making its recommendation, the Committee shall not be bound by a recommendation of a previous Nominating Committee. The Committee need not follow a strict rule of rotation between supervisor and city members but may take into account their proportionate membership on the Board of Directors. Additionally, the Committee shall take into account the provisions of Section I-2.7.

## **6.7 MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE.**

The Mobile Source and Climate Impacts Committee will consider and recommend policies and positions of the District relating to transportation planning and funding, on-road and off-road mobile sources, and mobile source fuels. The Committee will keep itself informed on actions or proposed actions by local, regional, state, and federal agencies affecting air pollutant emissions from mobile sources.

The Committee will also consider and recommend to the Board of Directors policies and positions of the District relating to climate protection activities and funding relative to mobile sources. The Committee will keep itself informed on actions and proposed actions by local, regional, state, federal, and international agencies and organizations relating to climate protection relative to mobile sources.

## **6.8 COMMUNITY EQUITY HEALTH AND JUSTICE COMMITTEE.**

The Community Equity, Health, and Justice Committee will advise the Board of Directors regarding equitable and inclusive actions the Air District takes to create a healthy breathing environment for all people of the Bay Area, regardless of race, ethnicity, age, gender identity, national origin, immigration status, or sexual orientation. The Committee will oversee staff efforts in developing policies for both internal and external operations, which impact the Bay Area. Internal operations include applying an equity lens to programs, policies, practices, and procedures related to staffing, recruitment, promotions, inclusive practices in the workplace, contracting for capital projects and services, and continuous racial equity training. External operations include addressing disparities by applying an equity lens to Air District programs, policies, practices, and procedures. The Committee will prioritize traditionally marginalized and disinvested communities for investment opportunities to ensure communities highly impacted by air pollution receive program and policy prioritization.

The Committee will also recommend to the Board of Directors overall direction of the District's public engagement programs. In addition, the Committee hears proposals and makes recommendations to the Board of Directors regarding the selection of a contractor(s) to assist the District with aspects of the public engagement programs.

## **6.9 STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE.**

The Stationary Source and Climate Impacts Committee will consider and recommend policies to the Board of Directors relating to stationary sources. The Committee shall recommend positions to the Board of Directors on stationary source policy issues affecting the implementation of the State and Federal Air Quality Management Plans and key planning policy issues, such as federal and state Air Quality Management Plan development and air quality and economic modeling. The Committee shall review and make recommendations to the Board of Directors regarding major stationary source programs, including: permitting, compliance, small business assistance, toxics, source education, and rule development. The Committee shall recommend to the Board of Directors positions concerning federal and state regulations that affect stationary sources. The Committee shall recommend policies to the Board of Directors for disbursal of supplemental environmental project grants.

The Committee will also consider and recommend to the Board of Directors policies and positions of the District relating to climate protection activities and funding relative to stationary sources. The Committee will keep itself informed on actions and proposed actions by local, regional, state, federal, and international agencies and organizations relating to climate protection relative to stationary sources.

## **6.10 QUORUM FOR COMMITTEES. (Revised 12/6/06)**

There is no quorum requirement for a Committee meeting to be held, except that, for the purpose of making a Committee recommendation to the Board of Directors, there is established a quorum of five (5) Committee members.

**6.11 COMMITTEE PROCEDURE. (Revised 12/6/06)**

(a) Voting. Only members of the Committee shall be allowed to vote on Committee recommendations.

(b) Minority Report. Any Committee member can submit a Minority Report to accompany the Committee recommendation submitted to the Board of Directors, but may not use District staff to prepare such report.

**Proposed Amended Administrative Code, Division I, Operating Policies and Procedures, Section 6 Board of Directors Committees - Redline**

**SECTION 6 BOARD OF DIRECTORS, COMMITTEES**

**6.1 SPECIAL COMMITTEES.**

All special committees shall be appointed by the Chairperson, unless otherwise directed by the Board.

**6.2 STANDING COMMITTEES. ~~(Revised 3/6/2015)~~**

Standing Committees of the Board of Directors shall be the following:

- (a) ~~Executive Administration~~ Executive Administration Committee, consisting of the Chairperson of the Board, who shall be Chairperson of the Committee, the Vice-Chairperson of the Board, the Board Secretary, the last past Chairperson and ~~five (5) up to seven (7)~~ five (5) up to seven (7) other Directors appointed by the Chairperson.
- (b) ~~Budget and Finance~~ Budget and Finance ~~Legislative~~ Committee, consisting of ~~nine (9) up to eleven (11)~~ nine (9) up to eleven (11) Directors appointed by the Chairperson.
- (c) ~~Personnel~~ Mobile Source and Climate Impacts Committee, consisting of ~~nine (9) up to eleven (11)~~ nine (9) up to eleven (11) Directors appointed by the Chairperson.
- (d) ~~Legislative~~ Community Equity Health and Justice Committee, consisting of ~~nine (9) up to eleven (11)~~ nine (9) up to eleven (11) Directors appointed by the Chairperson.
- (e) ~~Mobile~~ Stationary ~~Source and Climate Impacts~~ Source and Climate Impacts Committee, consisting of ~~nine (9) up to eleven (11)~~ nine (9) up to eleven (11) Directors appointed by the Chairperson.
- ~~(f) Public Engagement Committee, consisting of (9) Directors appointed by the Chairperson.~~
- ~~(g) Stationary Source Committee, consisting of nine (9) Directors appointed by the Chairperson. (f~~
- ~~(h) Climate Protection Committee, consisting of nine (9) Directors appointed by the Chairperson.~~
- (i) The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- (j) Each Standing Committee shall have authority to make recommendations to the Board of Directors for action regarding matters within the scope of the Committee's jurisdiction. A standing committee may discuss but may not make recommendations to the Board of Directors regarding issues outside of its jurisdiction and shall refer such matters to the appropriate committee. Except as specified in this Division or as otherwise specified by the Board of Directors, Standing Committees are not delegated decision-making authority.

(h) In no event shall the number of members, including the Chairperson of the Board, appointed to a Committee, constitute a quorum of the Board of Directors.

**6.3 ROTATION OF COMMITTEES.**

The membership on committees shall ordinarily be rotated among the Counties so as to secure participation in the work of the District by as broad a representation as may be possible.

**6.4 ~~DUTIES OF EXECUTIVE ADMINISTRATION~~ ADMINISTRATION COMMITTEE.**

~~It is the function of the Executive~~ The Administration Committee ~~to will~~ consider such matters of policy affecting the affairs of the District as may arise from time to time when the Board of Directors is not in session. The ~~Executive Administration~~ Administration Committee shall consult with the officers of the

District and, within the scope and limitations of resolutions or other policies adopted by the Board of Directors, shall implement and make more specific the policies and programs of the District and, within such limits determine policies for the officers of the District. The ~~Executive Administration~~ Committee shall not have authority to authorize the expenditure of any moneys otherwise than is appropriated by the budget adopted by the Board of Directors or to alter, change or reverse any policy established by the Board of Directors. (See Section I-6.7) The ~~Executive Administration~~ Committee ~~shall have~~ shall have the responsibility for overseeing and guiding staff activities relative to long range planning and for receiving short range and long range plan proposals submitted by the District staff, as well as goals and objectives of the District; and for endorsing each year a long range plan to be submitted to the Board for its approval, and ~~to the Budget and Finance Committee~~ for its use in reviewing the Budget. The ~~Executive Administration~~ Committee should review the goals and objectives, short- and long-range plans of the California Air Resources Board to the extent that they are known. The ~~Executive Administration~~ Committee may receive and consider staff reports, presentations by staff members or other persons, and any other matter not requiring action by the Board. The ~~Executive Administration~~ Committee shall subsequently report on such matters to the Board at a regular meeting of the Board.

#### ~~6.5 BUDGET AND FINANCE COMMITTEE. (Revised 5/3/00)~~

~~It is the function of the Budget and Finance~~ The Administration Committee ~~to will also~~ assist in the preparation of the annual budget for the District and to present the annual budget with recommendations to the District Board of Directors. The ~~Budget and Finance Administration~~ Committee also is responsible for approving administrative policy proposed by the APCO in the area of finance, procurement, insurance and related matters. At Budget review time each year the Committee shall evaluate District goals and objectives and recommend to the Board of Directors any changes, deletions and additions which it determines to be appropriate.

#### ~~6.6 PERSONNEL COMMITTEE.~~

~~It is the function of the Personnel~~ The Administration Committee ~~to will also~~ consider and recommend policies of the District relating to procurement of officers and employees, employment of officers and employees, discharge of officers and employees, salaries and working conditions, and the retaining of consultants. The ~~Personnel Administration~~ Committee shall keep itself informed as to the work of the Advisory Council and Hearing Board, to be informed about persons in the community who may be qualified to serve on the Advisory Council and Hearing Board, and to recommend to the Board of Directors selection of such persons whenever vacancies may from time to time occur in the Advisory Council and Hearing Board.

#### ~~6.7~~ 5 LEGISLATIVE COMMITTEE.

~~It is the function of the~~ The Legislative Committee ~~to will~~ consider and recommend legislative proposals for the District and ~~to~~ consider and recommend a District position on all proposed legislation affecting the District. The Legislative Committee, in conjunction with District staff and the District Legislative Advocate, will keep itself informed on pending legislative matters and will meet and/or confer with appropriate legislators as necessary.

#### ~~6.8~~ 6 NOMINATING COMMITTEE. (Revised 10/4/95)

The Nominating Committee will consist of the Chairperson of the Board, the past Chairperson of the Board and three (3) appointees of the Chairperson of the Board, or in the event the past

Chairperson of the Board is no longer serving on the Board, four (4) appointees of the Chairperson of the Board. The Nominating Committee shall be appointed no later than the second Board Meeting in November of each year and shall serve until the appointment of a new Committee. It is the function of the Nominating Committee to recommend to the Board the officers for each calendar year. In making its recommendation, the Committee shall not be bound by a recommendation of a previous Nominating Committee. The Committee need not follow a strict rule of rotation between supervisor and city members but may take into account their proportionate membership on the Board of Directors. Additionally, the Committee shall take into account the provisions of Section I-2.7.

#### **6.97 MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE.** ~~(Revised 3/18/98)~~

~~It is the function of the~~ The Mobile Source and Climate Impacts Committee ~~to~~ will consider and recommend policies and positions of the District relating to transportation planning and funding, on-road and off-road mobile sources, and mobile source fuels. ~~The Mobile Source~~ Committee will keep itself informed on actions or proposed actions by local, regional, state and federal agencies affecting air pollutant emissions from mobile sources.

#### ~~6.10 PUBLIC ENGAGEMENT COMMITTEE~~ ~~(Revised 3/6/2015)~~

~~It is the function of the~~ The Committee will also consider and recommend to give the Board of Directors policies and positions of the District relating to climate protection activities and funding relative to mobile sources. The Committee will keep itself informed on actions and proposed actions by local, regional, state, federal, and international agencies and organizations relating to climate protection relative to mobile sources.

#### **6.8 COMMUNITY EQUITY HEALTH AND JUSTICE COMMITTEE**

The Community Equity Health and Justice Committee will advise the Board of Directors regarding equitable and inclusive actions the Air District takes to create a healthy breathing environment for all people of the Bay Area, regardless of race, ethnicity, age, gender identity, national origin, immigration status, or sexual orientation. The Committee will oversee staff efforts in developing policies for both internal and external operations, which impact the Bay Area. Internal operations include applying an equity lens to programs, policies, practices and procedures related to staffing, recruitment, promotions, inclusive practices in the workplace, contracting for capital projects and services, and continuous racial equity training. External operations include addressing disparities by applying an equity lens to Air District programs, policies, practices, and procedures. The Committee will prioritize traditionally marginalized and disinvested communities for investment opportunities to ensure communities highly impacted by air pollution receive program and policy prioritization.

The Committee will also recommend to the Board of Directors overall direction ~~to~~ of the District's public engagement programs. In addition, the Committee hears proposals and makes recommendations to the Board of Directors regarding the selection of a contractor(s) to assist the District with aspects of the public engagement programs. ~~The Committee consists of Board members who vote on issues that come before the Committee.~~

#### **6.119 STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE.** ~~(Revised 2/19/03)~~

~~It is the function of the~~The Stationary Source and Climate Impacts Committee ~~to~~will consider and recommend policies to the Board of Directors relating to stationary sources. The Committee shall recommend positions to the Board of Directors on stationary source policy issues affecting the implementation of the State and Federal Air Quality Management Plans and key planning policy issues such as federal and State Air Quality Management Plan development and air quality and economic modeling. The ~~Stationary Source~~ Committee shall review and make recommendations to the Board of Directors regarding major stationary source programs including: permitting, compliance, small business assistance, toxics, source education, and rule development. The ~~Stationary Source~~ Committee shall recommend to the Board of Directors positions concerning federal and state regulations that affect stationary sources. The ~~Stationary Source~~ Committee shall recommend policies to the Board of Directors for disbursement of supplemental environmental project grants.

#### ~~6.12 CLIMATE PROTECTION COMMITTEE.~~

~~It is the function of the Climate Protection~~The Committee ~~to~~will also consider and recommend to the Board of Directors policies and positions of the District relating to climate protection activities and funding. ~~The Climate Protection~~ relative to stationary sources. The Committee will keep itself informed on actions and proposed actions by local, regional, state, federal, and international agencies and organizations relating to climate protection. ~~relative to stationary sources.~~

#### **6.1310 QUORUM FOR COMMITTEES. (Revised 12/6/06)**

There is no quorum requirement for a Committee meeting to be held, except that, for the purpose of making a Committee recommendation to the Board of Directors, there is established a quorum of five (5) Committee members.

#### **6.1411 COMMITTEE PROCEDURE. (Revised 12/6/06)**

(a) Voting. Only members of the Committee shall be allowed to vote on Committee recommendations.

(b) Minority Report. Any Committee member can submit a Minority Report to accompany the Committee recommendation submitted to the Board of Directors, but may not use District staff to prepare such report.