



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS / RETREAT
MEETING
January 19, 2022**

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY
ASSEMBLY BILL 361**

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY
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- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING
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TO DATE**

BOARD OF DIRECTORS / RETREAT MEETING AGENDA

WEDNESDAY, JANUARY 19, 2022

9:00 AM

Chairperson, Karen Mitchoff

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

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

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

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

CONSENT CALENDAR (Items 4 - 17)

4. Continuation of Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

The Board of Directors will consider approving a resolution reauthorizing Air District Board and Committee meetings remote teleconferencing through March 6, 2022.

5. Approval of the Minutes of the Board of Directors Special Meeting of December 15, 2021

The Board of Directors will consider approving the draft minutes of the Board of Directors Special Meeting of December 15, 2021.

6. Board Communication Received from December 15, 2021, through January 18, 2022

A copy of communications directed to the Board of Directors received by the Air District from December 15, 2021, through January 18, 2022, if any, will be distributed to the Board Members by way of email.

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

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.

8. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of November 2021

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 2021.

9. Projects and Contracts With Proposed Grant Awards Over \$100,000

The Board of Directors will consider approving the award of state and local grant funding to projects with proposed awards in excess of \$100,000; and authorize the Executive Officer/APCO to execute grant agreements for the recommended projects.

10. Authorization to Amend Environmental Consultant Contract

Recommend Board of Directors authorize the Executive Officer/APCO to increase funding available to the California Environmental Quality Act (CEQA) consultant, Ascent Environmental, in an amount not to exceed \$600,000.

11. Authorization to Accept Clean Cars For All Funding

The Board of Directors will consider adopting a resolution authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$6.7 million from the California Air Resources Board for the Bay Area Clean Cars for All Program; and authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

12. Notice of Proposed Amendments to the Air District's Administrative Code, Division 1: Operating Policies and Procedures, Section 6: Board of Directors, Committees

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.

13. Report of the Legislative Committee Meeting of December 9, 2021

The Board of Directors will receive a report of the Legislative Committee meeting of December 9, 2021, Co-Chairs M. Abe-Koga and P. Cutter.

14. Report of the Advisory Council Meeting of December 13, 2021

The Board of Directors will receive a report of the Advisory Council meeting of December 13, 2021, Board Liaison D. Haubert.

15. Report of the Path to Clean Air Community Emissions Reduction Plan Steering Committee Meeting of December 13, 2021

The Board of Directors will receive a report of the Path to Clean Air Community Emissions Reduction Plan Steering Committee meeting of December 13, 2021, Co-Chairs A. Angulo and Y. Burrell.

16. Report of the Stationary Source and Climate Impacts Committee Meeting of December 20, 2021

The Board of Directors will receive a report of the Stationary Source and Climate Impacts Committee meeting of December 20, 2021, Co-Chairs J. Bauters and K. Mitchoff.

17. Consider Authorizing a Contract to Support Air District Grant Program Data Management Systems

The Board of Directors will consider recommending authorizing the Executive Officer/APCO to execute a contract with IT Dependz, Inc., in an amount not to exceed \$297,000, for support of Air District grant program data management systems.

BOARD OF DIRECTORS' RETREAT

18. Opening Comments and Board Structure

19. Administrative Overview of the Air District

The Executive Officer/APCO will provide an overview of the Air District which will include its Mission Statement, financial update, legal update, and an administrative overview.

20. Air Quality Overview

Staff will provide the Board of Directors with an overview of air quality in the Bay Area.

21. Review of Key Stationary Source Issues

Staff will provide the Board of Directors with an overview on Bay Area stationary sources.

22. Community Equity and Environmental Justice Overview

Staff will provide the Board of Directors with an overview on the Community Equity and Environmental Justice programs.

23. Regulatory Agenda Overview

Staff will provide the Board of Directors with an overview of the regulatory agenda.

24. Legislative Overview

Staff will provide the Board of Directors with an overview of legislative activities for 2022.

25. Board Development and Committee Assignments for 2022

The Board Chair will discuss Board development and Committee assignments for 2022.

OTHER BUSINESS

26. Public Comment on Non-Agenda Matters

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.

27. Board Member Comments

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

28. Report of the Executive Officer/APCO

29. Chairperson's Report

30. Time and Place of Next Meeting

Wednesday, February 2, 2022 at 9:30 a.m, via webcast, pursuant to procedures authorized by Assembly Bill 361.

31. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

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

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

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

Accessibility and Non-Discrimination Policy

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

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

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

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

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at spesapati@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 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Community Advisory Council Meeting	Thursday	13	6:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee - Cancelled	Monday	17	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Special Meeting/Retreat	Wednesday	19	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee – Cancelled	Wednesday	19	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee - Cancelled	Wednesday	19	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	24	6:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - Cancelled	Thursday	27	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

MV 1/13/2022 – 9:53 A.M.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Continuation of Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

RECOMMENDED ACTION

The Board of Directors will consider approving a resolution reauthorizing Air District Board and Committee meetings remote teleconferencing through March 6, 2022.

BACKGROUND

AB 361 (R. Rivas) – Open meetings: state and local agencies: teleconferences.

Allows until January 1, 2024, a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act, when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided. The law requires a resolution every 30 days to provide this flexibility.

DISCUSSION

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act’s public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed several executive orders to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic. The Governor’s executive orders allowed public agencies to meet remotely and did not require physical public access to those meeting locations. Those executive orders expired on September 30, 2021. The State of Emergency Declaration of March 4, 2020, continues to remain in effect.

AB 361 provides additional flexibility for local agencies looking to meet remotely during a proclaimed state of emergency, however, the legislative body is required to consider and vote on this flexibility on a monthly basis. Excerpts of the bill amending Section 54593 of the

Government Code provide the following guidance:

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The following guidance on exercising this flexibility is also contained in the amended Section 54593 of the Government Code:

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

ATTACHMENTS:

1. Assembly Bill (AB) 361 Remote Teleconferencing Draft Resolution March 6, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2021-

A Resolution of The Board of Directors of the Bay Area Air Quality Management District Proclaiming a Local Emergency Persists, Re-Ratifying the Proclamation of a State of Emergency by Governor Newsom on March 4, 2020, and Re-Authorizing Remote Teleconference Meetings of the Legislative Bodies of the Air District for the Period February 6, 2022 to March 6, 2022 Pursuant to Brown Act Provisions.

WHEREAS, the Bay Area Air Quality Management District (District) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution on October 6, 2021, finding that the requisite conditions exist for the legislative bodies of District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the Covid-19 state of emergency remains active and the Governor’s Covid-19 Emergency Proclamation of March 4, 2020 remains in effect; and

WHEREAS, social distancing has been ordered by state and local public health authorities due to the imminent health and safety risks of in person contacts and meetings during the COVID-19 emergency; and

WHEREAS, the Board of Directors recognizes the social distancing orders of state and local public health authorities, and hereby finds that the state of emergency related to Covid-19, and the risk of contagion of Covid-19 for attendees at in-person meetings has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District; and

WHEREAS, the Board of Directors desires to affirm a local emergency exists, re-ratify the proclamation of state of emergency by the Governor of March 4, 2020, and re-ratify the state and local orders of public health authorities for social distancing; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the District is publicizing in its meeting agendas zoom links for members of the public to participate remotely in meetings of the District’s legislative bodies.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency related to Covid-19 in the District, proclaims that a local emergency persists throughout the District, recognizes that social distancing orders have been issued by state and local public health authorities, and finds that in person meetings would present imminent risks to the health and safety of attendees.

Section 3. Re-ratification of Governor’s Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California’s Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Staff and legislative bodies of District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) March 6, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was duly 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 _____, seconded by _____, on the 19TH day of JANUARY 2022, by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Mitchoff
Chair of the Board of Directors

ATTEST:

Davina Hurt
Secretary of the Board of Directors

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Approval of the Minutes of the Board of Directors Special Meeting of December 15,
2021

RECOMMENDED ACTION

Approve the attached draft minutes of Board of Directors Special Meeting of December 15,
2021.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special
Meeting of December 15, 2021.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of December 15, 2021

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

Board of Directors Special Meeting
Wednesday, December 15, 2021

DRAFT MINUTES

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

This meeting was conducted under procedures in accordance with Assembly Bill 361. Members of the Board of Directors participated by teleconference.

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, Cindy Chavez, called the meeting to order at 8:33 a.m.

Roll Call:

Present: Chairperson Cindy Chavez; Vice Chairperson Karen Mitchoff; Secretary John Bauters; and Directors Teresa Barrett, Pauline Russo Cutter, John Gioia, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Davina Hurt, Tyrone Jue, Nate Miley, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, and Shamann Walton.

Absent: Directors Margaret Abe-Koga, David Canepa, Rich Constantine, Carole Groom, Myrna Melgar, and Lori Wilson.

CLOSED SESSION (8:37 a.m.)

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

Title: Chief Executive Officer/Air Pollution Control Officer

REPORTABLE ACTION: Acting District Counsel, Adan Schwartz, said that there was nothing to report.

3. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957 (b)(1)**

Title: Acting District Counsel

REPORTABLE ACTION: Mr. Schwartz said that there was nothing to report.

OPEN SESSION (10:05 a.m.)

NOTED PRESENT: Director Rennie was noted present 10:06 a.m.

CONSENT CALENDAR (ITEMS 4 – 15)

4. Continuation of Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
5. Minutes of the Board of Directors Special Meeting of December 1, 2021
6. Board Communications Received from December 1, 2021, through December 14, 2021
7. District Personnel on Out-of-State Business Travel
8. Consider Adopting Proposed Amendments to the Air District’s Administrative Code, Division II: Fiscal Policies & Procedures, Section 5 Allowable Expenses, 5.1 Director Travel Expenses
9. Consider Amending the Air District’s Classification Plan to Combine the Air Quality Inspector and Air Quality Instrument Specialist Classification Series with the Air Quality Specialist Classification Series and Approve a New Assistant Air Quality Specialist I/II Classification
10. Consider Approval of Hiring Recommendation at Step E of Salary Range 128 for the Air Quality Inspector II Positions
11. Authorization to Amend Air Monitoring Operations Budget with Schedule X Fees
12. Management Audit Vendor Qualification Recommendation
13. Administration Committee Meeting
- 13.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of December 1, 2021
- 13.2 Report of the Administration Committee Meeting of December 1, 2021

The Committee presented to the Board the following as informational:

Formation of an Executive Support Standing Committee:

- 1) The current Ad Hoc Executive Support Committee is tasked with developing the final composition of the future oversight standing Committee that includes minimally the Board Chair, Vice Chair and past or recent past Chair.
- 2) Set at a minimum quarterly meeting with the Committee and the Executive Officer to review current and planned actions and activities and discuss how they connect to the Board’s goals.
- 3) Set at a minimum quarterly meeting with the Committee and the District Counsel to review current and upcoming legal actions and any other relevant information.

- 4) Perform an employee 360* or other innovative evaluation of the Executive Officer every 3 years to gain clarity about how District employees perceive the direction of the agency under the leadership of the Executive Officer. Evaluation reports should be written with an emphasis on confidentiality.
- 5) Perform an employee 360* or other innovative evaluation of the District Counsel every 3 years to gain clarity about District employees' opinion of the current legal direction of the agency. Evaluation reports should be written with an emphasis on confidentiality.
- 6) Retain outside counsel to assess the current annual evaluation process.
- 7) Work with outside counsel to create a standardized annual evaluation process, including performance measures and a standardized set of evaluation questions.
- 8) Create an annual practice of providing each board member with a list of the annual evaluation questions, past years' materials, and previous evaluations at the beginning of the year to help inform their future assessment.

14. Community Equity, Health and Justice Committee Meeting

14.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of December 2, 2021

14.2 Report of the Community Equity, Health and Justice Committee Meeting of December 2, 2021

The Board of Directors approved the following:

ACTION REQUESTED: Discussion on Process for Filling Vacant Seats for Path to Clean Air Community Emissions Reduction Plan (CERP) Community Steering Committee:

- 1) Approve the recommended slate of four candidates to fill the current vacancies in the Path to Clean Air Steering Committee with the following applicants: Simren Sandhu, Marisol Cantó, Daniella Zacky, and Michelle Gomez Garcia. In addition, request staff to develop and propose a new procedure for filling future vacancies and reserves list that the Committee may review and provide input to then be implemented to fill a future reserves list.

15. Mobile Source and Climate Impacts Committee Meeting

15.1 **ACTION REQUESTED:** Receive Committee Chair Summary Report of December 6, 2021

15.2 Report of the Mobile Source and Climate Impacts Committee Meeting of December 6, 2021

The Board of Directors approved the following:

- A) **ACTION REQUESTED:** Projects and Contracts with Proposed Grant Awards Over \$100,000
- 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.

Public Comments

No requests received.

Board Comments

None.

Board Action

Secretary Bauters made a motion, seconded by Director Cutter, to **approve** the Consent Calendar Items 4 through 15, inclusive; and the motion **carried** by the following vote of the Board:

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

PUBLIC HEARING

16. **Public Hearing to Consider Adoption of Proposed Amendments to Regulation 2, Rule 1: General Requirements (Rule 2-1) and Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants (Rule 2-5) and Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act (CEQA)**

Greg Nudd, Deputy Air Pollution Control Officer of Policy, introduced Mark Tang, Senior Air Quality Specialist, who gave the staff presentation *Public Hearing on Proposed Amendments to Rules 2-1 and 2-5*, including: outcome; outline; requested action; background (exposure and vulnerability); rule development process and engagement; proposed amendments to Rules 2-1 and 2-5; costs and socioeconomic impacts; environmental impacts; statutory findings; Air District impacts; comment themes and responses; and feedback requested/prompt.

Chair Chavez opened the required public hearing to consider the adoption of proposed amendments to Regulation 2, Rule 1: General Requirements and Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants and adoption of a Negative Declaration pursuant to CEQA.

Public Comments

Public comments were given by Christine Wolfe, California Council for Environmental and Economic Balance; Ms. Margaret Gordon, West Oakland Environmental Indicators Project; Lorien Fono, Bay Area Clean Water Agencies; Rita Cheng, Central Contra Costa Sanitary District; Amit Mutsuddy, San Jose Santa Clara Regional Wastewater Facility; Tyler Earl, Communities for a Better Environment (CBE); Susann Bradford, Golden Gate University; LaDonna Williams, All Positive Possible; and Richard Gray, Sunflower Alliance.

Chair Chavez closed the public hearing.

Board Comments

The Board and staff discussed the need to prioritize overburdened communities; cancer risk versus asthma risk; whether wastewater treatment facilities should be exempt from this regulation, and whether public wastewater treatment facilities will be treated differently from private ones; the exemption for new emergency services (police, fire, hospitals); whether the Air District has ever provided a definition for the term “overburdened community” within a proposed regulation prior to these proposed amendments; the request for enhanced notification for permitting activity and projects within overburdened communities (to the Board via the Stationary Source & Climate Impacts Committee); and how to expand communication strategies regarding differences in regions relative to emissions.

Board Action

Director Cutter made a motion, seconded by Vice Chair Mitchoff, to **adopt** the proposed amendments to Regulation 2, Rule 1: General Requirements and Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants and a Negative Declaration pursuant to the California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

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

COMMENDATION/PROCLAMATION/AWARDS

17. The Board of Directors recognized outgoing Board Chairperson Cindy Chavez for her outstanding leadership as Chair of the Board of Directors in 2021, and dedication to protecting air quality in the Bay Area.

Public Comments

Public comments were given by LaDonna Williams, All Positives Possible; Richard Gray, Sunflower Alliance; and Lonnie Mason, First Generation.

PUBLIC COMMENT ON NON-AGENDA MATTERS

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

Public comments were given by Jan Warren, Interfaith Climate Action Network of Contra Costa County; Tyler Earl, CBE; and Richard Gray, Sunflower Alliance.

BOARD MEMBERS' COMMENTS

19. Board Members' Comments

None.

OTHER BUSINESS

20. Report of the Executive Officer/APCO

Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, gave an update on the Air District's efforts regarding the California Public Utilities Commission's (CPUC) plan to expand broadband internet service throughout California. (As the Air District's Flex Your Commute program encourages employers to incentivize their employees' remote work, equitable and reliable internet access is of interest to the Air District.) Mr. Broadbent reported that after the Board authorized him to transfer \$250,000 to the Flex Your Commute program for program development and file a motion for party status with the CPUC to expand broadband internet access throughout the Bay Area on September 15, 2020, the CPUC approved the Air District as a party. The Air District will be providing support to the fiscal sponsor to support this effort moving forward.

21. Chairperson's Report

Chair Chavez announced that the Board's annual retreat will take place on January 19, 2022, at 9:30 a.m., both in in person in Pleasant Hill, and via teleconference. Chair Chavez also acknowledged the 75th birthday of Ms. Margaret Gordon, on Dec 31, 2021.

22. Time and Place of Next Meeting

At the end of the meeting, it was announced that the next Board meeting would be held on Wednesday, January 19, 2022, at 9:30 a.m., at the Pleasant Hill Community Center, 320 Civic Drive (Pavilion Room), Pleasant Hill, CA 94523 and, via webcast, pursuant to procedures in accordance with Assembly Bill 361. After the meeting adjourned, the meeting was changed to via webcast only, due to the Covid pandemic, and the time was changed to 9:00 a.m. (date remained the same.)

23. **Adjournment**

The meeting adjourned at 1:14 p.m. in memory of Steve Nadel, a founder of the Sunflower Alliance.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Board Communication Received from December 15, 2021, through January 18, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from December 15, 2021, through January 18, 2022, if any, will be distributed to the Board Members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

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

DISCUSSION

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Jeff McKay

ATTACHMENTS:

None.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

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

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Adan Schwartz

ATTACHMENTS:

1. Notices of Violations for the Month of November 2021

NOTICES OF VIOLATIONS ISSUED

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

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
AC Transit District - Central Maintenance Building	A2258	Oakland	A61359A	11/17/2021	2-1-307	Violation of Permit Requirement/Condition
Benjamin Ge	Z9884	Union City	A60079A	11/8/2021	11-2-401.3	Violation of Asbestos Notification
City of Berkeley/Engr Div/Public Works	A3590	Berkeley	A58784A	11/22/2021	2-1-307	Violation of Permit Requirement/Condition
City of Berkeley/Engr Div/Public Works	A3590	Berkeley	A58784B	11/22/2021	8-34-304	Violation of Permit Requirement/Condition
Electro-Coatings of California Inc	A4449	Berkeley	A58852A	11/8/2021	2-1-307	Violation of Permit Requirement/Condition
Engineer's Associate Inc.	FA045	Newark	A61361A	11/18/2021	8-7-301.5	Gasoline Dispensing Facility violation
Engineer's Associate Inc.	FA045	Newark	A61361B	11/18/2021	8-7-301.6	Gasoline Dispensing Facility violation
Engineer's Associate Inc.	FA045	Newark	A61361C	11/18/2021	8-7-302.5	Gasoline Dispensing Facility violation
Engineer's Associate Inc.	FA045	Newark	A61362A	11/18/2021	8-7-302.3	Gasoline Dispensing Facility violation
JL Petroleum Inc.	FA076	San Leandro	A59739A	11/4/2021	8-7-302.1	Gasoline Dispensing Facility violation
Salkhi Petroleum Inc.	Z8126	San Leandro	A60240A	11/18/2021	2-1-302	No Permit to Operate
Salkhi Petroleum Inc.	Z8126	San Leandro	A60240B	11/18/2021	2-1-307	Violation of Permit Requirement/Condition

Sterling Incorporated	Z5113	Oakland	A60080A	11/10/2021	11-2-401.5	Violation of Asbestos Notification
Tesla, Inc	A1438	Fremont	A60219A	11/8/2021	2-6-307	Violation of Title V Requirement/Permit Condition
Tesla, Inc	A1438	Fremont	A60220A	11/8/2021	2-6-307	Violation of Title V Requirement/Permit Condition
Tesla, Inc	A1438	Fremont	A60222A	11/30/2021	2-6-307	Violation of Title V Requirement/Permit Condition
Western Digital Corporation	A8391	Fremont	A60221A	11/10/2021	2-1-307	Violation of Permit Requirement/Condition

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Blackhawk Country Club	Q3988	Danville	A59740A	11/30/2021	8-7-301.5	Gasoline Dispensing Facility violation
Byron Corner	Z8732	Byron	A61277A	11/1/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A59552A	11/9/2021	9-1-307	SO2 emissions exceedance
Chevron Products Company	A0010	Richmond	A59588A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A59591A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A59955A	11/10/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A60629A	11/9/2021	9-1-307	SO2 emissions exceedance
Chevron Products Company	A0010	Richmond	A60630A	11/9/2021	9-1-307	SO2 emissions exceedance
Chevron Products Company	A0010	Richmond	A61032A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition

Chevron Products Company	A0010	Richmond	A61033A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A61034A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A61035A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A61036A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A60631A	11/9/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A60632A	11/9/2021	9-1-307	SO2 emissions exceedance
Chevron Products Company	A0010	Richmond	A61028A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A61029A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A61030A	11/5/2021	2-1-307	Violation of Permit Requirement/Condition
Chevron Products Company	A0010	Richmond	A61031A	11/18/2021	2-1-307	Violation of Permit Requirement/Condition
Golden Gate Service Station	V6295	Pittsburg	A61430A	11/18/2021	2-1-302	No Permit to Operate
Grand Petroleum Inc.	Z4381	Concord	A61360A	11/17/2021	8-7-302.2	Gasoline Dispensing Facility violation
KB Homes	X9406	San Ramon	A60497A	11/24/2021	10	Naturally Occurring Asbestos Violation
Martinez Refining Company LLC	A0011	Martinez	A59351A	11/1/2021	6-1-302	Excess Visible Emissions
Martinez Refining Company LLC	A0011	Martinez	A59351B	11/1/2021	10	Excess Visible Emissions

Martinez Refining Company LLC	A0011	Martinez	A60754A	11/18/2021	9-1-307	SO2 emissions exceedance
Martinez Refining Company LLC	A0011	Martinez	A60755A	11/18/2021	6-1-302	Excess Visible Emissions
Martinez Refining Company LLC	A0011	Martinez	A60755B	11/18/2021	10	Hazardous Air Pollutant (HAP) emissions exceedance
Martinez Refining Company LLC	A0011	Martinez	A60756A	11/18/2021	6-1-302	Excess Visible Emissions
Martinez Refining Company LLC	A0011	Martinez	A60756B	11/18/2021	10	Hazardous Air Pollutant (HAP) emissions exceedance
Martinez Refining Company LLC	A0011	Martinez	A60757A	11/18/2021	6-1-302	Excess Visible Emissions
Martinez Refining Company LLC	A0011	Martinez	A60757B	11/18/2021	10	Hazardous Air Pollutant (HAP) emissions exceedance
Martinez Refining Company LLC	A0011	Martinez	A60758A	11/18/2021	10	Hydrogen Sulfide emissions exceedance
Town of Danville	FA043	Danville	A59741A	11/30/2021	8-7-301.1	Gasoline Dispensing Facility violation

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Hillstone Restaurant Group	Z9920	Yountville	A61433A	11/16/2021	8-7-308	Gasoline Facility Dispensing violation

San Francisco						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Bauman Construction	FA036	San Francisco	A59016A	11/22/2021	2-1-302	No Permit to Operate
Bauman Construction	FA036	San Francisco	A59016B	11/22/2021	2-1-301	No Authority to Construct
San Francisco Public Utilities Commission	A4116	San Francisco	A59015A	11/4/2021	2-1-307	Violation of Permit Requirement/Condition

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
CEMEX Construction Materials Pacific, LLC	B2652	Redwood City	A59186A	11/1/2021	2-1-307	Violation of Permit Requirement/Condition
Montara Sanitary District	B4548	Montara	A59719A	11/22/2021	2-1-307	Violation of Permit Requirement/Condition
Montara Sanitary District	B4548	Montara	A59720A	11/22/2021	2-1-301	No Authority to Construct
Montara Sanitary District	B4548	Montara	A59720B	11/22/2021	2-1-302	No Permit to Operate
Sewer Authority Mid-Coastside	FA021	Half Moon Bay	A59718A	11/22/2021	2-1-307	Violation of Permit Requirement/Condition
South San	Z9911	South San	A61358A	11/16/2021	2-1-307	Violation of Permit

Francisco Fire Department		Francisco				Requirement/Condition
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Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Chevron Products Company	A0049	San Jose	A59753A	11/1/2021	10	Violation of Federal Requirements
Chevron Products Company	A0049	San Jose	A59754A	11/1/2021	10	Violation of Federal Requirements
Leigh Ave 76	Z9939	San Jose	A59836A	11/23/2021	8-7-302.3	Gasoline Dispensing Facility violation

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Potrero Hills Landfill, Inc	A2039	Suisun City	A56052A	11/18/2021	2-6-307	Violation of Title V Requirement/Permit Condition
Potrero Hills Landfill, Inc	A2039	Suisun City	A56052B	11/18/2021	1-523.3	Violation of Title V Requirement/Permit Condition
Travis Air Force Base	Z9895	Fairfield	A61428A	11/12/2021	2-1-307	Violation of Permit Requirement/Condition

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 2 settlement(s) for \$10,000 or more completed in November 2021.

1) On November 4, 2021, the District reached settlement with USS-
UPI, LLC for \$17,500, regarding the allegations contained in the
following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A58269A	11/14/2019	1/10/2019	2-6-307	Violation of Title V Requirement/Permit Condition

2) On November 16, 2021, the District reached settlement with Valero
Refining Company for \$191,500, regarding the allegations contained in
the following 14 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A56458A	3/13/2017	3/31/2012	8-33-309	Weekly pressure vacuum checks conducted incorrectly
A56474A	5/31/2017	1/26/2017	8-5-304	Liquid leak
A56475A	6/7/2017	3/3/2017	8-5-321.3.2	Primary seal damaged
A56475B	6/7/2017	3/3/2017	8-5-322.5	Secondary seal damaged
A56476A	6/7/2017	9/22/2011	8-33-309.8	Failure to conduct/record daily vapor recovery equipment inspections
A56435A	3/13/2017		6-1-301	Visible emissions violation
A56436A	5/31/2017		8-5-304	Liquid leak
A56437A	11/28/2017	7/13/2017	8-5-320.3	Vacuum breaker gap > 1/8".
A56442A	11/27/2017	8/16/2017	8-5-306.2	Pressure vacuum valve not leak tight
A56459A	4/10/2017	4/4/2017	8-18-301	Equipment leak violation
A56461A	4/24/2017	3/8/2017	2-6-307	Violation of Title V Requirement/Permit Condition
A56461B	4/24/2017		6-1-302	Visible emissions violation
A57329A	8/3/2017	3/13/2017	8-18-309	Equipment leak violation

A57331A	10/24/2017	3/9/2017	2-6-307	Violation of Title V Requirement/Permit Condition
A57332A	10/24/2017		2-6-307	Violation of Title V Requirement/Permit Condition
A57333A	10/24/2017	4/4/2017	8-18-309	Equipment leak violation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Projects and Contracts With Proposed Grant Awards Over \$100,000

RECOMMENDED ACTION

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 industrial, construction, and agricultural equipment, marine vessels, locomotives, and stationary agricultural pump engines. Since 2018, this funding may also be awarded to offset a portion of the cost of installing new refueling or recharging infrastructure that supports the deployment of new zero-emissions vehicles and equipment.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor vehicle registration surcharges by up to \$2 additional per vehicle. The AB 923 revenue is 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 guidelines.

On January 20, 2021, the Board of Directors (Board) authorized the Air District's participation in

Year 23 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 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. The AB 617 initiative calls for 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 reducing air pollution and public health impacts from mobile and stationary sources. Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection Program (CAPP). CAPP funds are primarily distributed through the Air District's Community Health Protection (CHP) Grant Program and may be used to fund projects eligible under the CMP and optionally on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program.

In May 2020, the Governor 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. Staff has also begun working with CARB to expand eligibility to include stationary source projects and projects that have been identified and prioritized by communities with a Community Emissions Reduction Program, pursuant to HSC Section 44391.2.

In February 2018, CARB developed the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Guidelines that outline requirements for eligible equipment, i.e., 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 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 passed through to the designated County Program Manager in each of the nine counties within the Air District's jurisdiction that in turn award TFCA funds to

eligible projects within their communities.

On April 7, 2021, the Board authorized funding allocations for use of the sixty percent of the TFCA revenue in FYE 2022, cost-effectiveness limits for Air District-sponsored FYE 2022 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 16, 2021, the Board adopted policies and evaluation criteria for the FYE 2022 Regional Fund program.

Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by CARB, the Board, and other funding sources. At least quarterly, staff provides updates to the Mobile Source and Climate Impacts Committee on the status of incentive funding for the current fiscal year, including total funding awarded, incentive fund balance available for award, funds allocated by county and by equipment category type, and percentage of funding benefitting impacted communities and low-income residents. The reported award allocations and emissions reduction benefits to counties and impacted communities are based on information provided by each applicant, and may not include "regional" projects, where all communities receive the benefit, or projects where the location of the benefit has not yet been determined.

DISCUSSION

Carl Moyer Program and Community Air Protection Program:

For the FYE 2022, the Air District had approximately \$46.3 million available in CMP, MSIF, CAPP, and FARMER funds for eligible projects, including prior year funds. This total may change as additional revenues are awarded to the Air District. The Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

As of December 15, 2021, the Air District has awarded or evaluated 58 project applications. Of the new applications that were evaluated between November 5, 2021 and December 15, 2021, seven eligible projects have proposed grant awards over \$100,000. Four marine projects will replace eight diesel engines with cleaner diesel engines on four charter fishing vessels. Three off-road projects will replace seven pieces of Tier 0, 1, or 2 diesel agricultural equipment with Tier 4 diesel equipment. These projects will reduce over 3.7 tons of NOx, ROG, and PM per year. Staff recommends the allocation of \$1,290,200 for these projects from a combination of CMP, FARMER, CAPP, 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, 2021, and December 15, 2021, and includes information about equipment category, award amounts, estimated emissions reductions, county location, and whether the project benefits Air District designated Community Air Risk Evaluation (CARE) areas or disadvantaged (Senate Bill (SB) 535) and/or low-income (AB 1550) communities. To date, approximately 82% of the funds have been awarded or allocated to low-income residents or to projects that reduce emissions CARE areas, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. This percentage will change over time as the remaining funds are awarded later in

the fiscal year and as more complete information about the location of projects and program participants becomes available.

Transportation Fund for Clean Air Program:

For the FYE 2022, the Air District had approximately \$29.4 million in TFCA monies available for eligible projects and programs consisting of new and prior-year revenues. The Air District accepts project applications for certain project categories on a rolling basis and evaluates them on a first-come, first-served basis. There were no projects evaluated between November 5, 2021, and December 15, 2021, with a proposed grant award over \$100,000.

Attachment 3, Table 1, lists all eligible TFCA projects that have been evaluated and awarded between July 1, 2021, and December 15, 2021, including information about the project category, award amount, estimated emissions reduction, county location, and whether the project benefits Air District designated CARE areas or disadvantaged SB 535 and/or low-income AB 1550 communities. To date, approximately 85% of the funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage of projects in these communities will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The Air District distributes the CMP, MSIF, CAPP Program, FARMER, 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: Linda Hui, Chad White, Alona Davis

Reviewed by: Karen Schkolnick, Chengfeng Wang

ATTACHMENTS:

1. Projects with grant awards greater than \$100,000 (evaluated 11/5/21 to 12/15/21)
2. CMP-MSIF, FARMER and CAPP projects (awarded and allocated 7/1/21 to 12/15/21)
3. TFCA projects (awarded and allocated projects between 7/1/21 and 12/15/21)
4. Summary of funding (awarded and allocated between 7/1/21 and 12/15/21)

ATTACHMENT 1

Table 1 - Carl Moyer Program, Mobile Source Incentive Fund, FARMER, Community Air Protection Program, and Transportation Fund for Clean Air projects with grant awards greater than \$100k (Evaluated between 11/5/21 and 12/15/21)

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emission Reductions (tons per year)			County
						NO _x	ROG	PM	
22MOY215	Reel Screamer Charters LLC	Marine	Replace two Tier 2 engines with Tier 3 engines in a charter fishing vessel	\$ 187,000	\$ 235,357	0.371	0.003	0.019	San Mateo, San Francisco, Marin
22MOY224	Duane Winter	Marine	Replace two Tier 2 engines with Tier 3 engines in a charter fishing vessel	\$ 133,000	\$ 166,260	0.349	0.002	0.018	San Mateo, San Francisco
22MOY241	C-Gull II Sportfishing Inc.	Marine	Replace two Tier 2 engines with Tier 3 engines in a charter fishing vessel	\$ 258,000	\$ 323,213	0.934	0.000	0.050	Alameda, San Francisco, Contra Costa, Marin
22MOY245	C-Gull II Sportfishing Inc.	Marine	Replace two Tier 2 engines with Tier 3 engines in a charter fishing vessel	\$ 301,400	\$ 376,829	0.550	0.002	0.029	Alameda, San Francisco, Contra Costa, Marin
22MOY157	Walsh Vineyards Management Inc.	Off-road/Ag	Replace three Tier 0 diesel-powered tractors with three Tier 4 diesel-powered tractors	\$ 133,400	\$ 166,820	0.657	0.105	0.067	Napa
22MOY208	Jack Neal and Son Inc	Off-road/Ag	Replace one Tier 0 diesel-powered loader/backhoe with one Tier 4 diesel-powered loader/backhoe	\$ 117,100	\$ 146,475	0.210	0.028	0.019	Napa
22MOY220	Atlas Vineyard Management, Inc.	Off-road/Ag	Replace one Tier 1 tractor with one Tier 4 tractor/crawler, one Tier 1 tractor with one Tier 4 tractor, and one Tier 2 tractor with one Tier 4 tractor/crawler	\$ 160,300	\$ 220,087	0.301	0.046	0.036	Napa/Sonoma
7 Projects				\$ 1,290,200	\$ 1,635,041	3.372	0.185	0.238	

ATTACHMENT 2

*CMP/MSIF, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/21 and 12/15/21)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	CARE Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22SBP71***	School Bus	Equipment replacement + Infrastructure	12	\$ 3,775,186	Petaluma City Schools	0.932	0.071	0.005	7/7/21	No	Yes	Sonoma
22MOY138	Ag/ off-road	Equipment replacement	3	\$ 525,300	Dave Soiland	2.035	0.165	0.097	7/7/21	No	No	Sonoma
22SBP84***	School Bus	Equipment replacement + Infrastructure	4	\$ 803,786	Rincon Valley Union School District	0.228	0.015	0.003	7/7/21	No	Yes	Sonoma
22MOY149	Ag/ off-road	Equipment replacement	1	\$ 170,500	Renati Dairy	0.522	0.068	0.048	7/7/21	No	No	Sonoma
22MOY127	Ag/ off-road	Equipment replacement	2	\$ 107,100	Napa Select Vineyard Services, Inc.	0.187	0.012	0.011	7/7/21	No	No	Napa
22MOY142	Ag/ off-road	Equipment replacement	2	\$ 51,750	Cobb Creek Holdings, LLC DBA CCH Ag Services	0.205	0.034	0.021	7/7/21	No	No	Napa
22MOY135	Marine	Engine replacement	1	\$ 154,000	William E. Smith	1.831	0.018	0.069	7/7/21	No	No	San Mateo
22SBP105	School Bus	Equipment replacement + Infrastructure	4	\$ 1,731,969	Fremont Unified School District	0.414	0.036	0.018	7/7/21	No	Yes	Alameda
22MOY169	Ag/ off-road	Equipment replacement	2	\$ 132,260	Kenzo Estate, Inc.	0.223	0.020	0.015	7/7/21	No	No	Napa
22SBP40***	School Bus	Equipment replacement + Infrastructure	5	\$ 889,832	Franklin-McKinley School District	0.250	0.015	0.003	7/7/21	Yes	Yes	Santa Clara
22MOY158	Marine	Engine replacement	1	\$ 174,000	Laurence J Collins	0.790	0.018	0.028	7/7/21	No	No	San Francisco
2102-16395	LD Infrastructure	Charge!	--	\$ 21,000	The Millennium Tower Association	0.007	0.004	0.000	7/7/21	Yes	No	San Francisco
2103-17230	LD Infrastructure	Charge!	--	\$ 64,000	REEF Energy CA Operations LLC	0.098	0.058	0.002	7/7/21	Yes	Yes	San Francisco
2103-17359	LD Infrastructure	Charge!	--	\$ 48,000	The Shores at Marina Bay Community Association	0.005	0.003	0.000	7/7/21	Yes	Yes	Contra Costa
2103-17527	LD Infrastructure	Charge!	--	\$ 24,000	EVmatch, Inc.	0.003	0.002	0.000	7/7/21	Yes	Yes	Alameda
2103-17603	LD Infrastructure	Charge!	--	\$ 32,000	Bollinger Crest Apartment Investors, LP	0.011	0.006	0.000	7/7/21	No	No	Alameda
2103-17638	LD Infrastructure	Charge!	--	\$ 48,000	Intertie, Incorporated	0.017	0.010	0.000	7/7/21	Yes	Yes	San Francisco
22MOY130	On-road	Equipment replacement	1	\$ 25,000	Min Jian Huang (jianhuang)	0.841	0.070	0.000	APCO	Yes	Yes	Alameda
22MOY151	Ag/ off-road	Equipment replacement	2	\$ 86,000	Hardin Vineyard Management LLC	0.257	0.055	0.023	APCO	No	No	Napa
22MOY124	On-road	Equipment replacement	1	\$ 25,000	Kulwant Khara (kskhera)	0.773	0.065	0.000	APCO	Yes	Yes	Alameda
22MOY78	Ag/ off-road	Equipment replacement	1	\$ 31,642	Cortina Vineyard Management	0.047	0.011	0.008	APCO	Yes	Yes	Napa
22MOY131	On-road	Equipment replacement	1	\$ 25,000	Karanbir Singh (karanbirsg)	0.820	0.690	0.000	APCO	No	No	Contra Costa
22MOY166	Ag/ off-road	Equipment replacement	2	\$ 96,400	Stone Bridge Cellars Inc.	0.166	0.009	0.009	APCO	No	No	Napa
22MOY174	On-road	Equipment replacement	1	\$ 25,000	Can Yuan Chen (canchen)	1.008	0.085	0.000	APCO	Yes	Yes	Alameda

ATTACHMENT 2

*CMP/MSIF, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/21 and 12/15/21)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	CARE Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY92	Ag/ off-road	Equipment replacement	1	\$ 29,550	Paul P. Bianchi, Inc	0.025	0.023	0.007	APCO	No	No	Sonoma
22SBP52	School Bus	Equipment replacement	3	\$ 435,306	Pittsburg Unified School District	0.290	0.022	0.000	10/6/21	Yes	Yes	Contra Costa
22MOY185	Ag/ off-road	Equipment replacement	1	\$ 67,100	Domenico J. Carinalli, Jr.	0.156	0.010	0.009	APCO	No	No	Sonoma
22MOY99	Ag/ off-road	Equipment replacement	1	\$ 41,100	Daylight Vineyard Management, Inc.	0.062	0.005	0.007	APCO	No	No	Sonoma
22MOY179	Marine	Engine replacement	1	\$ 72,000	Kyle Dyer dba Diamond Sportfishing	0.705	0.009	0.028	APCO	Yes	No	Alameda/Contra Costa/San Francisco
22MOY183	Marine	Engine Replacement	2	\$ 172,500	Joseph Mantua	0.661	0.028	0.028	10/6/21	No	No	Marin/San Maeto/San Francisco/Sonoma
22MOY140	Marine	Engine Replacement	1	\$ 72,000	Mike Carpenter	0.249	0.008	0.010	APCO	No	No	Marin/San Francisco/Sonoma
22MOY22	Ag/ off-road	Equipment replacement	2	\$ 57,100	Joseph Pinheiro	0.047	0.018	0.010	APCO	No	No	Sonoma
22MOY160	Marine	Engine replacement	4	\$ 3,529,000	Baydelta Navigation LTD	30.665	2.726	1.021	10/6/21	Yes	Yes	San Francisco, Alameda, Contra Costa, Marin, Solano
21SBP98*	School Bus	Equipment replacement + Infrastructure	--	\$ 242,828	Palo Alto Unified School District	--	--	--	10/6/21	Yes	Yes	Santa Clara
22SBP14**	School Bus	Equipment replacement + Infrastructure	--	\$ 95,327	Milpitas Unified School District	--	--	--	10/6/21	Yes	Yes	Santa Clara
22MOY128	On-road	Equipment replacement	1	\$ 15,000	Aman Khan	0.420	0.035	0.000	APCO	Yes	Yes	Alameda
22MOY187	Ag/ off-road	Equipment replacement	1	\$ 30,100	Dierke's Enterprises	0.017	0.015	0.004	APCO	No	No	Sonoma
22MOY190	Ag/ off-road	Equipment replacement	2	\$ 91,170	Anderson's Conn Valley Winery, Inc.	0.108	0.034	0.015	APCO	No	No	Napa
22MOY170	Off-road	Equipment replacement	1	\$ 106,000	Argent Materials INC	0.814	0.041	0.021	11/17/2021	Yes	Yes	Alameda
22MOY209	Ag/ off-road	Equipment replacement	1	\$ 192,600	Global Mushrooms LLC.	0.362	0.049	0.030	11/17/2021	No	Yes	Santa Clara
22MOY167	Ag/ off-road	Equipment replacement	2	\$ 285,700	Ielmorini Moody Dairy	0.871	0.107	0.052	11/17/2021	No	Yes	Sonoma
22MOY196	Marine	Engine replacement	2	\$ 256,000	A.C. Fishing Charters Inc., dba Tigerfish Sportfishing	0.576	0.000	0.031	11/17/2021	Yes	No	Alameda/Contra Costa/Marin/San Francisco
TBD	LD Infrastructure	Charge!s	--	\$ 2,000,000	BAAQMD	TBD*	TBD*	TBD*	11/17/2021	TBD*	TBD*	Regional
22MOY211	Ag/ off-road	Equipment Replacement	1	\$ 88,900	Pomponio Farms LLC	0.412	0.054	0.031	APCO	No	Yes	San Mateo
22SBP216***	School Bus	Equipment replacement + Infrastructure	3	\$ 887,025	Campbell Union High School District	0.192	0.011	0.001	12/15/21	Yes	Yes	Santa Clara County
22MOY217	Marine	Engine replacement	2	\$ 380,000	Happy Hooker Sportfishing, LLC	1.340	-0.036	0.056	12/15/21	Yes	Yes	Alameda, San Francisco, Contra Costa
22MOY206	Ag/ off-road	Equipment Replacement	1	\$ 64,000	Wente Bros. dba. Wente Vineyards	0.214	0.035	0.026	APCO	Yes	No	Alameda
22MOY157	Ag/ off-road	Equipment replacement	3	\$ 133,400	Walsh Vineyards Management Inc.	0.657	0.105	0.067	TBD	No	No	Napa
22MOY220	Ag/ off-road	Equipment replacement	3	\$ 160,300	Atlas Vineyard Management, Inc.	0.301	0.046	0.036	TBD	No	No	Napa/Sonoma
22MOY208	Ag/ off-road	Equipment replacement	1	\$ 146,475	Jack Neal and Son Inc	0.210	0.028	0.019	TBD	No	No	Napa
22MOY215	Marine	Engine Replacement	2	\$ 187,000	Reel Screamer Charters LLC	0.371	0.003	0.019	TBD	No	No	San Mateo, San Francisco, Marin

ATTACHMENT 2

*CMP/MSIF, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/21 and 12/15/21)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	CARE Area	AB1550/ SB535 Area	County
						NOx	ROG	PM				
22MOY241	Marine	Engine replacement	2	\$ 258,000	C-Gull II Sportfishing Inc.	0.934	0.000	0.050	TBD	Yes	No	Alameda, San Francisco, Contra Costa, Marin
22MOY245	Marine	Engine replacement	2	\$ 301,400	C-Gull II Sportfishing Inc.	0.550	0.002	0.029	TBD	Yes	No	Alameda, San Francisco, Contra Costa, Marin
22MOY224	Marine	Engine Replacement	2	\$ 133,000	Duane Winter	0.349	0.002	0.018	TBD	No	No	San Mateo, San Francisco
22MOY195	Ag/ off-road	Equipment replacement	1	\$ 59,500	Isley Brothers Farming, LLC	0.099	0.006	0.006	APCO	No	No	Napa
22MOY180	Ag/ off-road	Equipment replacement	1	\$ 32,400	Frog's Leap Winery	0.041	0.003	0.004	APCO	No	No	Napa
22MOY235	Ag/ off-road	Equipment replacement	1	\$ 50,300	Comerstone Certified Vineyard	0.074	0.007	0.008	APCO	No	No	Sonoma
22MOY223	Ag/ off-road	Equipment replacement	1	\$ 24,700	Ingenious Solutions Incorporated	0.013	0.011	0.003	APCO	No	No	Napa
58 Projects			98	\$ 19,763,506		53.5	4.9	2.0				

*This project award reflects an approved increase of \$242,828 in CMP/MSIF/CAPP funds to allow for DC fast-charging infrastructure to be included as part of this project. This project was previously awarded \$513,500.00 of TFCA funds and \$323,778.00 of CMP/MSIF/CAPP funds on 3/4/20.

**The project award reflects an approved increase of \$95,327 in CMP/MSIF/CAPP funds to allow for DC fast-charging infrastructure to be included as part of this project. This project was previously awarded \$204,598.00 of TFCA funds and \$622,556.00 of CMP/MSIF/CAPP funds on 4/7/21.

*** This project is co-funded with TFCA funds as shown on Attachment 3.

§ Award Amount may come from either the Mobile Source Incentive Fund (MSIF) or the Transportation Fund for Clean Air (TFCA).

† Funds have been allocated to these programs and project results will be determined at the end of project period.

ATTACHMENT 3

Table 1 - TFCA projects awarded and allocated (between 7/1/21 and 12/15/21)

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (tons per year)			Board/ APCO Approval Date	CARE Area	AB1550/SB535 Area	County
					NO _x	ROG	PM				
2101-15735	LD Infrastructure	Install and operate 38 DC Fast chargers at 6 transportation corridor facilities in San Francisco, South San Francisco, Millbrae, Menlo Park, and San Jose.	\$ 950,000	EVgo Services LLC	0.350	0.207	0.008	7/7/21	Yes	No	Multi-County
2103-17065	LD Infrastructure	Install and operate 5 Level 2 (high) dual port chargers at 1 transit parking facility in Napa.	\$ 20,000	Napa Valley Transportation Authority	0.014	0.008	0.000	7/7/21	No	No	Napa
2103-17315	LD Infrastructure	Install and operate 135 Level 2 (high) single port chargers and 123 DC fast chargers at 40 destination, transportation corridor, and transit parking facilities in Vallejo, San Jose, Kenwood, Fairfield, Vacaville, Mountain View, and Santa Clara.	\$ 2,999,000	EV Charging Solutions, Inc.	1.446	0.853	0.035	7/7/21	Yes	Yes	Multi-County
2103-17345	LD Infrastructure	Install and operate 2 DC Fast and 2 dual port Level 2 (high) chargers at 2 destination facilities in San Ramon.	\$ 44,000	City of San Ramon	0.024	0.014	0.001	7/7/21	Yes	No	Alameda
2103-17497	LD Infrastructure	Install and operate 17 DC Fast chargers at 1 transportation corridor facility in Oakland.	\$ 425,000	East Bay Community Energy Authority	0.157	0.093	0.004	7/7/21	Yes	Yes	Alameda
2103-17499	LD Infrastructure	Install and operate 8 Level 2 (high) dual port chargers at 1 multi-unit dwelling facility in Alameda.	\$ 64,000	Alameda Multifamily Owner LLC	0.023	0.013	0.001	7/7/21	Yes	No	Alameda
2103-17520	LD Infrastructure	Install and operate 5 Level 2 (high) dual port and 2 Level 2 (high) single port chargers at 2 destination facilities in Dublin.	\$ 26,000	City of Dublin	0.019	0.011	0.000	7/7/21	No	No	Alameda
2103-17524	LD Infrastructure	Install and operate 110 Level 2 (high) single port chargers with solar and 24 Level 2 (high) single port chargers at 3 workplace and 1 destination facilities in Solano.	\$ 406,000	County of Solano	0.309	0.182	0.007	7/7/21	Yes	Yes	Solano
2103-17554	LD Infrastructure	Install and operate 2 Level 2 (high) dual port chargers with solar at 1 workplace facility in Richmond.	\$ 12,000	West County Wastewater District	0.006	0.003	0.000	7/7/21	Yes	Yes	Contra Costa
2103-17625	LD Infrastructure	Install and operate 11 Level 2 (high) dual port chargers at 1 multi-unit dwelling facility in Brentwood.	\$ 44,000	Silvergate Brentwood, LLC	0.037	0.022	0.001	7/7/21	No	No	Contra Costa
21R05	LD Infrastructure	FYE 21 Charge! Program	\$ 10,000	BAAQMD	TBD*	TBD*	TBD*	7/7/21	TBD*	TBD*	Regional
22R02	LD Vehicles	Vehicle Buy Back Program	\$ 200,000	BAAQMD	N/A**	N/A**	N/A**	6/16/21	N/A	N/A	Regional
21RSB03	School Bus	Match funding for Project #22SBP71 for the replacement of 12 diesel school buses with 12 electric school buses.	\$ 1,153,346	BAAQMD	N/A**	N/A**	N/A**	7/7/21	No	Yes	Sonoma
21RSB04	School Bus	Match funding for Project #22SBP84 for the replacement of 3 diesel school buses & 1 CNG school bus with 4 electric school buses.	\$ 892,045	BAAQMD	N/A**	N/A**	N/A**	7/7/21	No	Yes	Sonoma
21RSB05	School Bus	Match funding for Project #22SBP40 for the replacement of 5 diesel special needs school buses with 5 electric special needs school buses.	\$ 1,232,175	BAAQMD	N/A**	N/A**	N/A**	7/7/21	Yes	Yes	Santa Clara
22SBP216	School Bus	Match funding for the replacement of 3 diesel school buses with electric school buses	\$ 623,591	Campbell Union High School District	N/A**	N/A**	N/A**	12/15/21	Yes	Yes	Santa Clara
21R12	Trip Reduction	Pleasanton Connector Shuttles	\$ 80,000	San Joaquin Regional Rail Commission	N/A ‡	N/A ‡	N/A ‡	6/22/21	No	No	Alameda
22R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	\$ 150,000	BAAQMD	TBD*	TBD*	TBD*	6/16/21	N/A	N/A	Regional
22R03	Trip Reduction	Spare The Air/Intermittent Control/Flex Your Commute Programs	\$ 2,290,000	BAAQMD	TBD*	TBD*	TBD*	6/16/21	N/A	N/A	Regional
Total			19 Projects	\$11,621,157	2.384	1.408	0.057				

* Funds have been allocated to these programs and projects and results will be determined at the end of project period.

** Emission reductions are fully reported under the Carl Moyer Program to prevent double counting.

‡ Emission reductions will be reported as part of the Spare the Air program (Project #21R03).

ATTACHMENT 4

Summary of funding awarded and allocated from the following revenue sources between 7/1/21 and 12/15/21

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

Figure 1. Status of FYE 2022 funding by source

includes funds awarded, recommended for award, and available

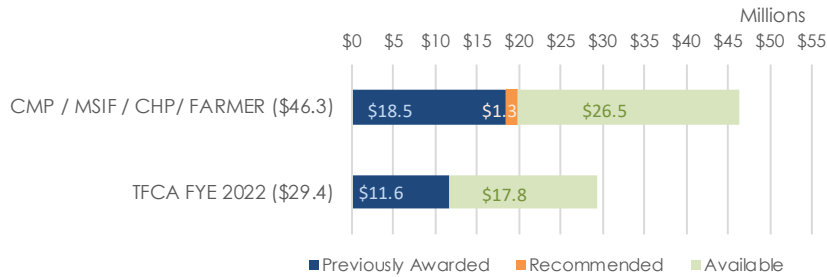


Figure 2. Funding awarded and allocated in FYE 2022 by county

includes funds awarded & recommended for award

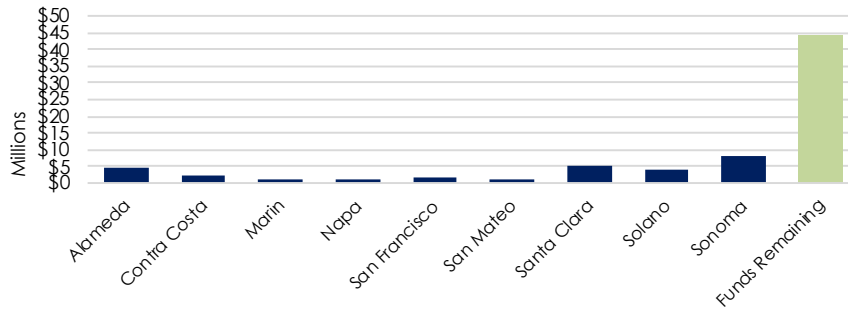
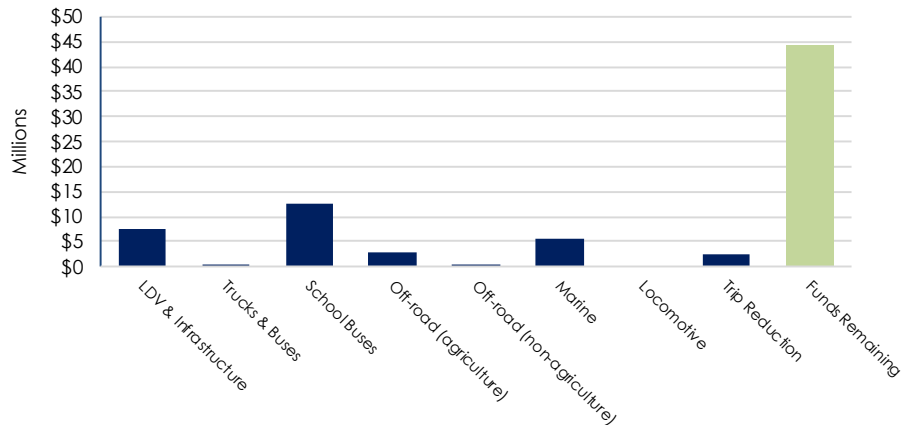


Figure 3. Funding awarded and allocated in FYE 2022 by project category

includes funds awarded & recommended for award



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Authorization to Amend Environmental Consultant Contract

RECOMMENDED ACTION

Recommend Board of Directors:

- Authorize the Executive Officer/APCO to increase funding available to the California Environmental Quality Act (CEQA) consultant, Ascent Environmental, in an amount not to exceed \$600,000, with a term extension to December 31, 2023.

BACKGROUND

In carrying out our mission to improve air quality and protect public health in the San Francisco Bay Area, the Bay Area Air Quality Management District (Air District) develops new rules and amends existing rules to further reduce the emissions of air pollutants. In the development of these new rules and amendments, CEQA requires the Air District to conduct analysis of the anticipated environmental impacts of the proposed rulemaking. To assist staff in analyzing these environmental impacts, the Air District entered into a master service contract with an environmental consultant, Ascent Environmental on August 10, 2018, for services not to exceed \$100,000 in cost—Contract No. 2018.165. On June 17, 2021, this contract was amended to increase the not to exceed amount to \$300,000.

DISCUSSION

During the contract period, the Rule Development Section intends to task Ascent Environmental with preparing environmental analyses for a significant rule making efforts: Building Appliances— proposed amendments to two rules: Rule 9-4: Nitrogen Oxides from Fan Type Residential Central Furnaces and Rule 9-6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters. Staff has estimated that the cost associated with preparing an environmental analysis would exceed the value of the current contract. As a result, additional funds are needed to cover cost of the CEQA environmental analyses that are required by statute.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Funds are in the approved budget for this fiscal year.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Victor Douglas

Reviewed by: Elizabeth Yura

ATTACHMENTS:

1. Executed Task Order No. 1 - 2018.165
2. Executed Task Order No. 2 - 2018.165
3. Draft Amendment Contract No. 3 - 2018.165

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
MASTER SERVICES CONTRACT
ASCENT ENVIRONMENTAL, INC.
CONTRACT NO. 2018.165
Task Order No. 1**

Work Plan:

Task 1: Develop Screening Tables

CONTRACTOR shall develop project-level screening tables for criteria air pollutants and precursors, greenhouse gases (GHGs), and hazard and risk levels for the update of the California Environmental Quality Act (CEQA) Thresholds and Guidelines 2020.

Subtask 1.1: Identify Screening Levels for Criteria Pollutants

CONTRACTOR will review the previous Thresholds Options Report conducted for the DISTRICT to determine if the criteria used can be streamlined prior to emissions modeling. CONTRACTOR will use the latest version of California Emissions Estimator Model (CalEEMod) to identify appropriate screening levels for criteria air pollutants and precursors, including reactive organic gases (ROG), oxides of nitrogen (NO_x), and respirable and fine particulate matter (PM₁₀ and PM_{2.5}, respectively). Screening levels will be based upon predetermined land use types in coordination with DISTRICT staff. CONTRACTOR will include the screening levels identified under this subtask in the screening tables developed under Subtask 1.5.

Subtask 1.2: Communicate Screening Approach for Risk/Hazard Impacts

CONTRACTOR will work with DISTRICT staff to develop a method to communicate more clearly how to screen projects for risks and hazards based on information provided by the DISTRICT regarding current screening level health risk assessment (HRA) data and tools. This will include easily understood graphics that depict project types and potential hazards. CONTRACTOR will include the screening approach in Technical Memorandum #1.

Subtask 1.3: Provide Input on GHG Screening Levels

CONTRACTOR will identify ways to avoid small projects from exceeding a net-zero GHG threshold. Identification will rely on the use of CalEEMod emissions estimates. CONTRACTOR will present the GHG screening levels in Technical Memorandum #1.

Subtask 1.4: Consider Operational Versus Construction Screening Levels

CONTRACTOR will evaluate the need for separate operational and construction-related screening tables, given that the proposed DISTRICT thresholds are for construction plus operation. CONTRACTOR will include this evaluation in Technical Memorandum #1.

Subtask 1.5: Develop Screening Tables

CONTRACTOR will create a unified, conservative screening table for projects based on land use type and size that is simple and user-friendly. CONTRACTOR will present the screening approaches for regional criteria air pollutants and precursors, GHGs, and risks and hazards clearly to ensure that all projects evaluate all three potential impacts. CONTRACTOR will include the final set of screening tables in Technical Memorandum #1.

Task 1 Deliverables (due by October 31, 2020):

1. Draft and final Technical Memorandum #1 with appendix (electronic)
2. One set of draft screening tables (electronic)

Task 2: Review and Support for Proposed CEQA Thresholds of Significance

CONTRACTOR will provide technical support and assistance to DISTRICT on developing the rationale for the proposed CEQA thresholds of significance.

Subtask 2.1: Test Proposed Project-Level Thresholds

CONTRACTOR will develop criteria for various project types to include in the analysis. CONTRACTOR will use the latest version of CalEEMod to evaluate a suite of different projects with and without mitigation. CONTRACTOR will present the results of the analysis in Technical Memorandum #2.

Subtask 2.2: Summarize Outcomes of Project-Level Analysis

Based on the results of Subtask 2.1, CONTRACTOR will identify the project types and parameters that consistently exceed the proposed thresholds, as well as the potential mitigation measures to reduce these impacts. CONTRACTOR will present the results in Technical Memorandum #2.

Subtask 2.3: Provide Review/Feedback for Plan-Level Thresholds

CONTRACTOR will provide technical support and assistance to the DISTRICT on the rationale for proposed plan-level CEQA thresholds of significance for criteria air pollutants and precursors and GHGs. CONTRACTOR will provide one set of comments on the DISTRICT's proposed thresholds.

Task 2 Deliverables (due by December 30, 2020):

1. Draft and final Technical Memorandum #2 with appendix (electronic)
2. One set of comments on draft plan-level thresholds (electronic)

Task 3: Review and Support for CEQA Air Quality Guidelines

CONTRACTOR will provide technical support and assistance to the DISTRICT on the development of a user-friendly updated CEQA Air Quality Guidelines document.

Subtask 3.1: Review Proposed Guidelines Outline

CONTRACTOR will review the DISTRICT's proposed outline for the updated CEQA Air Quality Guidelines and will provide input on how to strengthen and improve the document. Recommendations will include the new California Office of Environmental Health Hazard Assessment (OEHHA) standards and PM_{2.5} studies.

Subtask 3.2: Provide Input to DISTRICT on Technical Support and Assistance

CONTRACTOR will provide a brief outline to the DISTRICT that includes the types of support and assistance CONTRACTOR could provide in developing portions of the CEQA Air Quality Guidelines.

Task 3 Deliverables (due by April 1, 2021):

1. One set of comments on CEQA Air Quality Guidelines outline (electronic)
2. Outline for support on development of CEQA Air Quality Guidelines (electronic)

Task 4: Develop Definitions and Parameters for GHG Offsets

CONTRACTOR will develop definitions, parameters, and guidance for using GHG offsets from established offset programs. CONTRACTOR will present this work in Technical Memorandum #3.

Task 4 Deliverables (due by June 15, 2021):

1. Draft and final Technical Memorandum #3 (electronic)

Task Order Timeline: The period of performance for this Task Order shall be from June 1, 2020 through June 30, 2021.

Task Order Contact:

CONTRACTOR's contact person under this Task Order shall be Honey Walters at honey.walters@ascentenvironmental.com. DISTRICT's contact person under this Task Order shall be Yvette DiCarlo at ydicarlo@baaqmd.gov.

Task Order Cost:

DISTRICT will pay CONTRACTOR on a time-and-materials basis according to the hourly rates listed in Table 1 below, up to a maximum amount of \$54,895. Expenses will be billed to DISTRICT at the actual cost they are incurred. Payments shall not exceed the amount for each task as shown in Table 2 below. Payment will be made within thirty (30) calendar days after receipt and approval of CONTRACTOR's invoice.

Table 1: Hourly Rates

Staff Level	Hourly Rate
Principal-in-Charge	\$320
Air Quality & GHG Specialist / Project Manager	\$140
Air Quality Sustainability Planner	\$140
Air Quality Toxics Specialist	\$145
Air Quality Specialist	\$155
Planning Specialist	\$215
Graphic Designer	\$135
Document Production Specialist	\$125
Administrative Assistant/Accountant	\$115

Table 2: Task Costs Not to Exceed Amount

Task	Not to Exceed
Task 1: Develop Screening Tables	\$23,870
Task 2: Review and Support for Proposed CEQA Thresholds of Significance	\$15,900
Task 3: Review and Support Air Quality Guidelines	\$6,135
Task 4: Develop Definitions and Parameters for GHG Offsets	\$8,990
Total	\$54,895


Total Task Order Cost not to exceed: \$54,895.

IN WITNESS WHEREOF, the parties to this Task Order have caused this Task Order to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

ASCENT ENVIRONMENTAL, INC.

By: _____
Jack P. Broadbent
Executive Officer/APCO

By:  _____
honey.walters (Jun 11, 2020 08:41 PDT)
Honey Walters
Principal

Date: _____

Date: 6/5/2020 _____

Approved as to form:
District Counsel

By: _____
Brian C. Bunger
District Counsel






Ascent Env 2018.165 Task Order 1

Final Audit Report

2020-06-11

Created:	2020-06-05
By:	Jessica Buehrle (jessica.buehrle@ascentenvironmental.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAowPyecal0g3up_x60CU4F5vVARSkIF6

"Ascent Env 2018.165 Task Order 1" History

-  Document created by Jessica Buehrle (jessica.buehrle@ascentenvironmental.com)
2020-06-05 - 6:02:12 PM GMT- IP address: 98.244.0.217
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-  Document e-signed by honey I walters (honey.walters@ascentenvironmental.com)
Signature Date: 2020-06-11 - 3:41:23 PM GMT - Time Source: server- IP address: 104.186.228.188
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AMENDMENT NO. 2 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2018.165

This amendment to the above-entitled contract ("Contract Amendment") is dated, for reference purposes only, April 29, 2021.

RECITALS:

1. The Bay Area Air Quality Management District ("DISTRICT") and **Ascent Environmental, Inc.** ("CONTRACTOR") (hereinafter referred to as the "PARTIES") entered into the above-entitled contract for the preparation of California Environmental Quality Act documents (the "Contract"), which Contract was executed on behalf of CONTRACTOR on June 28, 2018, and on behalf of DISTRICT on August 10, 2018.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated January 25, 2021, to amend the billing rates of the Contract and to update DISTRICT's contact information.
3. The PARTIES seek to amend the total maximum cost of the Contract because DISTRICT seeks to have CONTRACTOR continue to provide the services prescribed in the Contract, and CONTRACTOR desires to provide those services, up to the new total maximum cost.
4. In accordance with Section 29 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

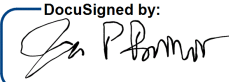
TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph C of Section 9, "Agreement to Provide Services," of the Contract to replace "\$100,000" with "\$300,000."
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Attachment A-1, General Description of Services, of the Contract to replace "Total cost of Contract not to exceed \$100,000" where it appears with "Total cost of Contract not to exceed \$300,000."
3. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.


IN WITNESS WHEREOF, the PARTIES have caused this Contract Amendment to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

ASCENT ENVIRONMENTAL, INC.

By: 

Jack P. Broadbent
Executive Officer/APCO

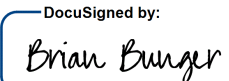
By: 

Honey Walters
Principal

Date: 6/17/2021

Date: May 7, 2021

Approved as to form:
District Counsel

By: 

Brian C. Bunger
District Counsel


BAAQMD - Ascent Env 2018.165 Amendment 2 - May 2021


Final Audit Report


2021-05-07


Created:	2021-05-07
By:	Tasha Hengl (Tasha.Hengl@ascentenvironmental.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADqIGiphpOEuFJqOs9DuVfDBk3_u7or42


"BAAQMD - Ascent Env 2018.165 Amendment 2 - May 2021" History

 Document created by Tasha Hengl (Tasha.Hengl@ascentenvironmental.com)
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Signature Date: 2021-05-07 - 3:41:01 PM GMT - Time Source: server- IP address: 104.186.228.188

 Agreement completed.
2021-05-07 - 3:41:01 PM GMT

AMENDMENT NO. 3 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2018.165

This amendment to the above-entitled contract ("Contract Amendment") is dated, for reference purposes only, December 1, 2021.

RECITALS:

1. The Bay Area Air Quality Management District ("DISTRICT") and **Ascent Environmental, Inc.** ("CONTRACTOR") (hereinafter referred to as the "PARTIES") entered into the above-entitled contract for the preparation of California Environmental Quality Act documents (the "Contract"), which Contract was executed on behalf of CONTRACTOR on June 28, 2018, and on behalf of DISTRICT on August 10, 2018.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated January 25, 2021, for reference purposes only, to amend the billing rates of the Contract and to update DISTRICT's contact information.
3. The PARTIES entered into Amendment No. 2 to the Contract, dated April 29, 2021, for reference purposes only, to amend the total maximum cost of the Contract.
4. The PARTIES seek to amend the term and total maximum cost of the Contract because DISTRICT seeks to have CONTRACTOR continue to provide the services prescribed in the Contract, and CONTRACTOR desires to provide those services.
5. The PARTIES also seek to update DISTRICT's contact information because DISTRICT's designated contact has changed.
6. In accordance with Section 29 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 5, "Term." The term of the Contract shall be extended so that the termination date of the Contract is December 31, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph C of Section 9, "Agreement to Provide Services," of the Contract to replace "\$300,000" with "\$600,000."

3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 13, "Notices," of the Contract to replace DISTRICT's point of contact "Yvette DiCarlo" with "Wendy Goodfriend"
4. By this Contract Amendment, DISTRICT and CONTRACTOR replace Attachment A-1, General Description of Services, with the attached "Attachment A-2, General Description of Services," and agree that all references in the Contract to Attachment A shall be deemed refer to Attachment A-2, General Description of Services.
5. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.

DRAFT

IN WITNESS WHEREOF, the PARTIES have caused this Contract Amendment to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

ASCENT ENVIRONMENTAL, INC.

By: _____
Jack P. Broadbent
Executive Officer/APCO

By: _____
Honey Walters
Principal

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Adan Schwartz
Acting District Counsel

DRAFT

**Attachment A-2
General Description of Services**

The DISTRICT anticipates preparing numerous California Environmental Quality Act (CEQA) documents for projects carried out by the Strategic Incentives Division, Office of Rules and Strategic Development and the Planning and Climate Protection Division. In close consultation with DISTRICT staff, CONTRACTOR will assist in preparing initial studies, negative declarations, environmental impact reports or other CEQA-related documents for projects specified by DISTRICT staff. CONTRACTOR may also be requested to attend internal staff meetings, Board Hearings and/or public workshops. All work authorized under this contract will be by Task Orders.

Hourly billing rate for CONTRACTOR staff time:

- Billing rates valid from July 1, 2019 through June 30, 2022.

Staff Level	Hourly Rate
Environmental Principal III/Principal-in-Charge	\$320.00
Environmental Principal II/Senior Project Director	\$240.00
Environmental Principal I/Project Director/Planning Specialist	\$210.00
Senior Project Manager IV	\$200.00
Senior Project Manager III	\$190.00
Senior Project Manager II	\$180.00
Senior Project Manager I	\$175.00
Project Manager III/Senior Environmental Planner III	\$170.00
Project Manager II/Senior Environmental Planner II	\$165.00
Air Quality Specialist/Air Quality Toxics Specialist/GHG Specialist/Project Manager I/Senior Environmental Planner I	\$160.00
Air Quality Sustainability Planner/Environmental Planner IV/Project Scientist II	\$150.00
Environmental Planner III	\$145.00
Environmental Planner II/Project Planner	\$140.00
Environmental Planner I/Graphic Designer/Technical Editor	\$135.00
Environmental Analyst III/GIS Specialist/Document Production Specialist	\$130.00
Environmental Analyst II	\$125.00
Environmental Analyst I/Planner I	\$120.00

Staff Analyst	\$115.00
Project Accountant/Administrative Assistant	\$115.00
Finance/Contract Specialist	\$110.00

- Billing rates valid from July 1, 2022 through December 31, 2023.

Staff Level	Hourly Rate
Environmental Principal III/Principal-in-Charge	\$325.00
Environmental Principal II/Senior Project Director	\$245.00
Environmental Principal I/Project Director/Planning Specialist	\$210.00
Senior Project Manager IV	\$200.00
Senior Project Manager III	\$190.00
Senior Project Manager II	\$180.00
Senior Project Manager I	\$175.00
Project Manager III/Senior Environmental Planner III	\$170.00
Project Manager II/Senior Environmental Planner II	\$165.00
Air Quality Specialist/Air Quality Toxics Specialist/GHG Specialist/Project Manager I/Senior Environmental Planner I	\$160.00
Air Quality Sustainability Planner/Environmental Planner IV/Project Scientist II	\$155.00
Environmental Planner III	\$150.00
Environmental Planner II/Project Planner	\$145.00
Environmental Planner I/Graphic Designer/Technical Editor	\$135.00
Environmental Analyst III/GIS Specialist/Document Production Specialist	\$130.00
Environmental Analyst II	\$125.00
Environmental Analyst I/Planner I	\$120.00
Staff Analyst	\$115.00
Project Accountant/Administrative Assistant	\$115.00
Finance/Contract Specialist	\$110.00

Direct Expenses:

Direct Expenses	Rates
Reproduction: 8 ½" by 11"	\$0.07/page (black and white); \$0.26/page

	(color)
Reproduction: 11" by 17"	\$0.14/page B&W; \$0.52/page color
Reproduction: Plotter	\$5/square foot
Reproduction: CDs	\$10/disc
Automobile mileage (IRS rate in effect)	\$0.545
Direct Expenses	Rates
Noise meter	\$100 / half day, \$150 / day, \$200 / day plus overnight, \$500 / week
GPS Unit	\$100 / half day, \$150 / day, \$200 / day plus overnight, \$500 / week
Lodging and/or Per Diem	Government rates or as negotiated
Other direct costs	As incurred
Subcontractors	As incurred + 10% overhead

Any travel expenses incurred by CONTRACTOR must follow the DISTRICT's travel policy, attached hereto as Attachment B.

Total cost of Contract not to exceed \$600,000.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Authorization to Accept Clean Cars For All Funding

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Adopt a resolution authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$6.7 million from the California Air Resources Board for the Bay Area Clean Cars For All Program; and,
2. Authorize the Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding.

BACKGROUND

Through the Clean Cars for All Program (Program or CCFA) the Air District provides incentives for low-income households (up to 400% of the Federal Poverty Level) to retire older, high-polluting vehicles and replace them with a newer, cleaner vehicle or with mobility options (e.g. public transit card or e-bikes). Participants may purchase or lease a new or used hybrid electric vehicle, plug-in electric vehicle (PHEV), battery electric vehicle (BEV) or fuel cell electric vehicle. A rebate to install a home charger or to purchase a portable charger is available for participants that purchase a PHEV or BEV through CCFA. The Program reduces criteria pollutants and greenhouse gas emissions throughout the Bay Area and supports the goal of equitable access to electric vehicles and clean transportation.

Since its inception in 2019, the Program has been supported by a total of \$35.33 million from a variety of state and local funds and continues to be a popular and beneficial program:

- In March 2019, the Program was launched from an initial \$5 million grant from the California Air Resources Board (CARB) from the California Climate Investments (CCI) initiative that puts Cap-and-Trade dollars to work on reducing greenhouse gas emissions.
- In February 2019, the Air District Board of Directors (Board) authorized the acceptance of \$5 million from the Volkswagen settlement fund.

- In December 2019, the Board authorized the acceptance of \$4 million in CARB CCI funds for the Program.
- In 2020, the Air District allocated \$10 million in Transportation Fund for Clean Air (TFCA) funds to continue support and operations for the Program as the state funds were quickly exhausted. The Air District allocates TFCA program funds under the statutory authority and requirements set forth in the California Health and Safety Code Sections 44241 and 44242.
- In May 2021, the Board authorized the acceptance of an additional \$3 million in CARB Air Quality Improvement Program funds.
- In July 2021, the Board authorized the acceptance of \$8.33 million in CCI funds for the Program.

CARB requirements focus CCI Program funding in disadvantaged communities (based on CalEnviroScreen 3.0) which limits program eligibility to 76 zip codes in the Bay Area. The demand for the CCFA incentives has steadily increased since the Program began. As of early January 2022, over 2,420 applications have been awarded in the Bay Area. The Program quickly allocates new funding to qualified low-income residents and is an important tool in achieving our air quality and climate goals.

DISCUSSION

In December 2021, CARB notified the Air District that up to \$6.7 million was available in CCI funds for the Air District’s Clean Cars for All Program. This funding is available as part of the Fiscal Year 2020-21 Funding Plan for Clean Transportation Incentives which has a total FY 2021-2022 statewide CCFA Program allocation of \$75 million. The Air District has already received \$8.33 million from CARB through an early allocation contingency provision for our program. To accept these additional monies, CARB requires the Air District Board to adopt a resolution to accept funds before it enters into a contract with the Air District for the Program funds.

This funding will allow the Air District to continue providing incentives to low-income residents in disadvantaged communities. Up to 15% of the funds may be used by the Air District to administer the Program, with 10% available to support Air District staff costs to manage applications and cases. The remaining 5% may be used to subcontract with third party entities to help increase participation from low-income consumers in disadvantaged communities. Staff will inform and consult the Mobile Source and Climate Impacts Committee and the Board regarding the funding disbursement and Program progress.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. These funds from CARB are considered “pass-through” funds, which are offered to grantees directly or to reduce the purchase or lease costs for vehicles. Funds from CARB also cover Air District staff and other program costs.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Anthony Fournier
Reviewed by: Jeff McKay

ATTACHMENTS:

1. Draft Board Resolution to Accept CARB Clean Cars For All Funding

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022-_____

**A Resolution Accepting Clean Cars for All Program funds
From the California Air Resources Board**

WHEREAS, the purpose of this Resolution is to authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend up to \$6.7 million in additional funding from the California Air Resources Board (CARB) to administer the Bay Area Clean Cars For All Program and to authorize the Executive Officer/Air Pollution Control Officer to execute all necessary agreements, required documents, and amendments required to expend this funding;

WHEREAS, the California Legislature added item 3900-101-3228 to Section 2.00 of the Budget Act of 2021 which directed at least \$75 million of the Low Carbon Transportation appropriation be allocated for the Clean Cars For All Program (previously named the EFMP and EFMP Plus-up Program), a vehicle retirement and replacement program;

WHEREAS, in December 2021, CARB staff notified the Air District that they will award up to \$6.7 million in Fiscal Year (FY) 2021-2022 Low Carbon Transportation Funds to the Air District's Bay Area Clean Cars For All Program;

WHEREAS, CARB will authorize a grant of up to \$6.7 million to the Air District to continue to implement the Bay Area Clean Cars For All program, upon approval by the Board of Directors to accept such grant of funds;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the Air District's acceptance of CARB funds and commits the Air District to comply with the CARB Clean Cars For All regulatory requirements.

BE IT FURTHER RESOLVED, the Executive Officer/Air Pollution Control Officer to accept, obligate, and execute all agreements, required documents, and any amendments thereto 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 _____, 2022 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

Karen Mitchoff
Chair of the Board of Directors

ATTEST:

Davina Hurt
Secretary of the Board of Directors

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Notice of Proposed Amendments to the Air District's Administrative Code, Division
1: 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 recreate the Budget and Finance Committee and transfer certain functions from the Administrative Committee to the Budget and Finance Committee. This amendment will further the interests of good governance and will 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: Adan Schwartz

ATTACHMENTS:

1. Proposed Amended Administrative Code, Division I, Operating Policies and Procedures, Section 6 Board of Directors Committees
2. 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) Budget and Finance Committee, consisting of up to eleven (11) Directors appointed by the Chairperson
- (g) The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- (h) 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.
- (i) 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 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 BUDGET AND FINANCE COMMITTEE.

The Budget and Finance 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 Budget and Finance 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 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.

6.7 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.

6.8 MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE. (Revised 7/7/21)

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, mobile source fuels and equity for impacted communities related to these

sectors. 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 climate equity for impacted communities 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.

6.9 COMMUNITY EQUITY HEALTH AND JUSTICE COMMITTEE. (Revised 7/7/21)

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, ability 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.

6.10 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 disbursement 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.

6.11 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.

6.12 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.

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.
- ~~(e)~~~~(f)~~ Budget and Finance Committee, consisting of up to eleven (11) Directors appointed by the Chairperson
- ~~(f)~~~~(g)~~ The Chairperson shall be an ex-officio member of all Standing Committees of the Board of Directors.
- ~~(g)~~~~(h)~~ 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)~~~~(i)~~ 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 BUDGET AND FINANCE COMMITTEE.

The ~~Administration~~Budget and Finance 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~~Budget and Finance 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.

6.65 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.

6.76 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.

6.87 MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE. (Revised 7/7/21)

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, mobile source fuels and equity for impacted communities related to these sectors. 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 climate equity for impacted communities 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.

6.9 COMMUNITY EQUITY HEALTH AND JUSTICE COMMITTEE. (Revised 7/7/21)

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, ability 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.

6.109 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 disbursement 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.

6.110 **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.

6.124 **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.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Report of the Legislative Committee Meeting of December 9, 2021

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Legislative Committee met on Thursday, December 9, 2021, and approved the minutes of October 6, 2021. This meeting was conducted under procedures in accordance with Government Code Section 54593. Members of the Committee participated by teleconference.

The Committee then received and discussed an oral presentation from Alan Abbs, Legislative Officer, regarding the anticipated timeline of the adoption of the State's Fiscal Year (FY) 2022-23 Budget. He also reported that the Air District submitted its annual letter to the Governor, various state agencies, and the Bay Area Legislative Caucus, expressing the Air District's desire for continued funding for Assembly Bill 617 implementation and incentive programs, low carbon transportation programs, wildfire smoke programs, lawn and garden equipment replacements, and commercial harbor craft engine regulation.

The Committee then received the staff presentation *2022 Legislative Platform*, listing elements of interest to the Air District from the State budget, California legislation, and federal legislation.

Finally, the Committee received the staff presentation *Federal Legislation Update*, continuing the update on federal legislation of interest to the Air District.

The next meeting of this Committee will be held at the Call of the incoming Committee Chair; an appointment which has not yet been determined. This concludes the Chair's Report of the Legislative Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Legislative Committee December 9, 2021 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 1, 2021

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Governor Newsom will release his initial Fiscal Year (FY) 2022-23 Budget by January 10, 2022.

The Legislature will reconvene January 3, 2022, and the Senate and Assembly will hold budget hearings that will continue for the next several months. Air District staff will participate and comment as appropriate. In May, the Governor will release a budget revision (the “May Revise”), and the remainder of May and most of June will be spent reconciling priorities and funding of the Administration, Senate, and Assembly. The budget must be signed by the Governor by July 1, 2022.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on activities related to the budget.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 3A: Air District Budget Letter to Governor – 11/29/2021
Attachment 3B: Air District Budget Letter to Bay Area Caucus – 11/29/2021

LEGISLATIVE COMMITTEE
MEETING OF 12/09/2021



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

November 29, 2021

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Re: 2022-23 State Budget Funding Priorities

Dear Governor Newsom:

The Bay Area Air Quality Management District (Bay Area AQMD) and other local air districts play a pivotal role in ensuring the State’s air quality goals are met. These goals include attaining the health-protective national and state ambient air quality standards, working closely with the California Air Resources Board (CARB) to implement the State’s climate change programs, and ensuring community health is protected from the effects of air pollution. Many of California’s disadvantaged communities are in areas impacted by localized air pollutants, making expedient emissions reductions a critical need if we are to protect human health in all communities. In addition, COVID-19 infection rates have correlated with areas of worse air pollution and in areas with greater disadvantaged populations, making many air district programs highly important in protecting public health during the COVID-19 pandemic.

Therefore, we respectfully request your support for funding in the 2022-23 State budget for the following programs:

AB 617 Community Air Protection Program Local Air District Implementation Funding

The Bay Area AQMD has played a central role in implementing this important program that will provide significant public health benefits by identifying and reducing air pollution’s impacts on communities disproportionately impacted by air pollution. AB 617 (C. Garcia; Chapter 136, Statutes of 2017) was signed into law with the Cap-and-Trade extension bill AB 398 (E. Garcia; Chapter 135, Statutes of 2017) to ensure our most burdened communities in the State received the health benefits promised by Cap-and-Trade. The Bay Area AQMD has been working aggressively to make the program a success in two communities, West Oakland and Richmond/San Pablo. In addition, we will be requesting that CARB add East Oakland as a new AB 617 community in 2023. Vallejo, San Francisco, San Jose, the Tri-Valley area, and Eastern Contra Costa are also high on our priority list, pending available resources.

AB 617 envisions a long-term focus on air pollution reductions and improved community health, all of which require dedicated equipment and staffing over many years. This is especially true as new communities are identified for

- ALAMEDA COUNTY**
John J. Bauters
(Secretary)
Pauline Russo Cutter
David Haubert
Nate Miley
- CONTRA COSTA COUNTY**
John Gioia
David Hudson
Karen Mitchoff
(Vice Chair)
Mark Ross
- MARIN COUNTY**
Katie Rice
- NAPA COUNTY**
Brad Wagenknecht
- SAN FRANCISCO COUNTY**
Tyrone Jue
(SF Mayor’s Appointee)
Myrna Melgar
Shamann Walton
- SAN MATEO COUNTY**
David J. Canepa
Carole Groom
Davina Hurt
- SANTA CLARA COUNTY**
Margaret Abe-Koga
Cindy Chavez
(Chair)
Rich Constantine
Rob Rennie
- SOLANO COUNTY**
Erin Hannigan
Lori Wilson
- SONOMA COUNTY**
Teresa Barrett
Lynda Hopkins

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



action alongside the existing 15 communities. If the Community Air Protection Program is to be successful as the Legislature intends, and perhaps serve as a model for a federal environmental justice program, then adequate, ongoing statewide funding supporting the Bay Area AQMD, and other air districts' efforts is essential. These communities have long suffered from government neglect and discriminatory policies. Establishing AB 617 and then failing to fund it would be a continuation of that pattern.

Recognizing the significant ongoing air district costs related to implementation of AB 617 mandates, the last four fiscal year budgets included \$50 million for local air district implementation costs. The Bay Area AQMD receives approximately \$9 million per year of this funding. While we appreciate the funding, our experience with the implementation of this program over the last four years is showing that statewide implementation costs are significantly higher than \$50 million, and the Bay Area AQMD's costs are significantly higher than \$9 million. This will be exacerbated by adding East Oakland. Although the AB 617 activities are mandated, the uncertainty surrounding annual funding makes it extremely difficult to maintain staff levels, provide adequate community support, and purchase equipment. We strongly urge you and the Legislature to identify long-term funding of at least \$75 million per year through a continuous appropriation for ongoing implementation and, as communities are added, future increases to support this important program.

AB 617 Incentive Funding and Other Mobile Source Incentive Funding

The Bay Area AQMD believes that incentive funding is the most cost-effective and expeditious way to bring emission reductions and public health benefits to our most impacted communities. Because transportation and goods movement air pollutant emissions continue to be the largest contributor to poor air quality and adverse human health effects, it is important to continue programs that accelerate the turnover and elimination of older diesel vehicles and diesel-powered equipment. In addition to immediate reductions in diesel exhaust, benefits include a reduction of ozone precursor gases such as oxides of nitrogen (NO_x), a reduction of fine particulate matter (PM_{2.5}), and reductions of greenhouse gases (GHGs). These are very positive outcomes for air quality, climate change, public health and our quality of life, and we respectfully request continued funding for these critical programs.

In the 2021-22 budget, air districts were provided \$260 million from the Greenhouse Gas Reduction Fund (GGRF) for AB 617 Community Air Protection Program incentives. This funding allows local air districts to fund early emissions reduction projects that cut both stationary and mobile source emissions of, and exposure to, criteria air pollutants and toxic air contaminant emissions in the communities disproportionately impacted by air pollution. Like the implementation funding, the incentive funding is critical to the success of

the AB 617 program, and the State should continue committing funding to reduce emissions and exposure in our most burdened communities.

The 2021-22 budget also provided funding for several successful and cost-effective statewide emission reduction programs from the GGRF, Air Pollution Control Fund, and General Fund that should receive continued funding, including Clean Trucks, Buses, and Offroad Freight Equipment; Clean Cars for All, and Clean School Buses; Commercial Lawn and Garden Equipment; and the FARMER Agricultural Replacement Program. The 2021-22 budget process provided commitments for future funding in many of these programs, and we urge you to continue prioritizing them. These incentives reduce greenhouse gas, criteria pollutant, and toxic air contaminant emissions from light-duty vehicles, agricultural tractors and harvesting equipment, heavy-duty trucks, school and transit buses, and port equipment. Locally, they have contributed to our efforts to expand electric vehicle usage, clean local transit fleets, and reduce emissions in the freight sector. Because the goal of reducing the air quality impacts in these areas is a multiyear effort, it is important to ensure these programs are well-funded into the future.

Commercial Harbor Craft Incentive Program

In addition to programs listed above, the Bay Area AQMD urges you to create a new incentive program specifically for commercial harbor craft, including tugboats, dredges, ferries, commercial fishing boats, and sportfishing boats. One third of the state's commercial harbor craft fleet operates out of the Bay Area region, and in 2022, CARB will be completing a regulatory process that will require much of the commercial harbor craft fleet to either upgrade existing diesel engines or change to zero emission propulsion. The new requirements will assist in lowering cancer risks and other health issues caused by exposure to diesel particulate matter in shoreline neighborhoods, will help the Bay Area reach and maintain the Federal and State ambient air quality standards, and continue moving us in the right direction for achieving needed GHG reductions. Meeting these requirements, however, will entail significant expense, especially for small owner-operators. A new incentive program of at least \$100 million targeting commercial harbor craft will better ensure future success of the CARB regulation, lower exposure to diesel particulate matter, and assistance to harbor craft businesses.

Wildfire Smoke Public Health Response

The Bay Area AQMD is dedicating significant effort to improving wildfire smoke public health response capabilities in the Bay Area Region in the coming years. As in many parts of the State, wildfire smoke from several of the catastrophic fires in recent years blanketed the region with smoke for weeks at a time, erasing public health gains made over many years through district programs to reduce emissions from mobile and stationary sources.

Pursuant to AB 836 (Wicks; Chapter 393, Statutes of 2019), the Bay Area AQMD has been working with regional stakeholders to identify public locations that can serve as “clean air centers” during wildfire smoke or other times of high particulate exposure. These clean air centers would provide a healthy space for our vulnerable population during emergency events. While some of these potential locations such as schools, community centers, and libraries may be equipped with high-efficiency filtration to provide a clean indoor environment, some will require filtration system retrofitting and maintenance, or use of portable air filtration units. This program received \$5 million in the 2020-21 budget, but unfortunately was not funded in the 2021-22 budget, and we ask that this program again receive funding in the 2022-23 budget.

The Bay Area AQMD has also recently begun a small-scale program to assist low-income homeowners and renters in improving their indoor air quality with portable filtration units or HVAC filter upgrades, by working with local public health providers. Innovative programs like this that directly target residents where they live can make a huge improvement in their quality of life, but expansion throughout the Bay Area and the rest of California would require a state funding source. We would welcome the opportunity to showcase this new program and its potential for state funding to expand it within the Bay Area and the rest of California.

The Bay Area AQMD appreciates the opportunity to provide our funding request for the upcoming fiscal year. We are committed to reducing air pollution in California and ensuring that every one of the region’s nearly 8 million residents can breathe clean, healthful air. We are also committed to ensuring that the State’s most disproportionately affected populations realize emissions reductions as expeditiously as possible. If you should have any questions, please do not hesitate to contact me at (415) 749-5052, or our Legislative Officer, Mr. Alan Abbs at (916) 769-7769.

Sincerely,



Jack P. Broadbent
Executive Officer/APCO

JPB:AA

cc: The Honorable Toni Atkins, President Pro Tempore, California State Senate
The Honorable Anthony Rendon, Speaker, California State Assembly
The Honorable Nancy Skinner, Chair, Senate Committee on Budget and Fiscal Review

The Honorable Phil Ting, Chair, Assembly Committee on Budget
The Honorable Bob Wieckowski, Chair, Senate Committee on Budget
and Fiscal Review Subcommittee No. 2 on Resources, Environmental
Protection and Energy
The Honorable Richard Bloom, Chair, Assembly Budget
Subcommittee No. 3 on Climate Crisis, Resources, Energy, and
Transportation
Jared Blumenfeld, Secretary for Environmental Protection
Liane M. Randolph, Chair, California Air Resources Board
Christine Hironaka, Deputy Cabinet Secretary, Office of Governor
Newsom
Lauren Sanchez, Senior Climate Advisor, Office of Governor Newsom
Keely Martin Bosler, Director, Department of Finance
Matt Almy, Program Budget Manager—Natural Resources,
Environment, and Capital Outlay, Department of Finance

LEGISLATIVE COMMITTEE
MEETING OF 12/09/2021



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

ALAMEDA COUNTY

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SOLANO COUNTY

Erin Hannigan
Lori Wilson

SONOMA COUNTY

Teresa Barrett
Lynda Hopkins

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



November 29, 2021

California State Bay Area Caucus
State Capitol, Room 6026
Sacramento, CA 95814

Re: 2022-23 State Budget Funding Priorities

Dear Chair Ting and Members of the Bay Area Caucus:

The Bay Area Air Quality Management District (Bay Area AQMD) and other local air districts play a pivotal role in ensuring the State's air quality goals are met. These goals include attaining the health-protective national and state ambient air quality standards, working closely with the California Air Resources Board (CARB) to implement the State's climate change programs, and ensuring community health is protected from the effects of air pollution. Many of California's disadvantaged communities are in areas impacted by localized air pollutants, making expedient emissions reductions a critical need if we are to protect human health in all communities. In addition, COVID-19 infection rates have correlated with areas of worse air pollution and in areas with greater disadvantaged populations, making many air district programs highly important in protecting public health during the COVID-19 pandemic.

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Program is to be successful as the Legislature intends, and perhaps serve as a model for a federal environmental justice program, then adequate, ongoing statewide funding supporting the Bay Area AQMD, and other air districts' efforts is essential. These communities have long suffered from government neglect and discriminatory policies. Establishing AB 617 and then failing to fund it would be a continuation of that pattern.

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The Bay Area AQMD appreciates the opportunity to provide our funding request for the upcoming fiscal year. We are committed to reducing air pollution in California and ensuring that every one of the region’s nearly 8 million residents can breathe clean, healthful air. We are also committed to ensuring that the State’s most disproportionately affected populations realize emissions reductions as expeditiously as possible. If you should have any questions, please do not hesitate to contact me at (415) 749-5052, or our Legislative Officer, Mr. Alan Abbs at (916) 769-7769.

Sincerely,



Jack P. Broadbent
Executive Officer/APCO

JPB:AA

The Honorable Josh Becker, Senator, District 13
The Honorable Dave Cortese, Senator, District 15
The Honorable Bill Dodd, Senator, District 03
The Honorable Steven Glazer, Senator, District 07
The Honorable John Laird, Senator, District 17
The Honorable Mike McGuire, Senator, District 02

The Honorable Nancy Skinner (Vice Chair), Senator, District 09
The Honorable Bob Wieckowski, Senator, District 10
The Honorable Scott Wiener, Senator, District 11
The Honorable Cecilia Aguiar-Curry, Assemblymember, District 04
The Honorable Rebecca Bauer-Kahan, Assemblymember, District 16
The Honorable Marc Berman, Assemblymember, District 24
The Honorable Mia Bonta, Assemblymember, District 18
The Honorable Jim Frazier, Assemblymember, District 11
The Honorable Timothy Grayson, Assemblymember, District 14
The Honorable Ash Kalra, Assemblymember, District 27
The Honorable Alex Lee, Assemblymember, District 25
The Honorable Marc Levine, Assemblymember, District 10
The Honorable Evan Low, Assemblymember, District 28
The Honorable Kevin Mullin, Assemblymember, District 22
The Honorable Bill Quirk, Assemblymember, District 20
The Honorable Robert Rivas, Assemblymember, District 30
The Honorable Mark Stone, Assemblymember, District 29
The Honorable Philip Ting (Chair), Assemblymember, District 19
The Honorable Buffy Wicks, Assemblymember, District 15
The Honorable Jim Wood, Assemblymember, District 02

LEGISLATIVE COUNCIL
MEETING OF 12/03/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 29, 2021

Re: Draft 2022 Legislative Platform and 2022 Legislative Activities

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Legislative Platform is an attempt to provide overall advocacy principles to the Legislative Committee (Committee) and Board of Directors, as well as provide guidance to Air District staff for the upcoming year.

The 2021-2022 Legislative session will reconvene on January 3, 2022. Potential bills will need to be introduced by February 18, 2022.

DISCUSSION

Staff has provided the draft 2022 Legislative Platform for discussion and feedback from the Committee. The platform is divided into three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion. After feedback from the Committee, staff will provide a revised version for review at the next Committee meeting.

In addition to the usual work on the state budget, below is a list of potential legislative activities for 2022, including ideas for Air District-sponsored bills as well as other potential bill activity of interest.

Previous Air District-Sponsored Bills

Expansion of Indirect Source or Magnet Source Authority – In 2021, the Air District sponsored Assembly Bill (AB) 426, authored by Assemblymember Bauer-Kahan, to expand indirect source authority to include air toxics in addition to pollutants in excess of state ambient air quality standards. AB 426 was introduced by Assemblymember Bauer-Kahan on February 4, 2021, and was referred to Assembly Committees on Natural Resources and Transportation. Prior to its scheduled hearing on April 14, 2021, the Assemblymember's staff informed us that she was not

moving forward with the bill this year. In November, we confirmed that the Assemblymember was not planning on trying to move the bill in 2022 as a 2-year bill.

Private/Charter School Requirements for Air Quality Review Under the California Environmental Quality Act (CEQA) – In 2021, the Air District sponsored AB 762, authored by Assemblymember Lee, to require new private and charter schools to work with their local air district to identify nearby sources of air emissions that could have public health impacts to school students and employees. AB 762 was introduced by Assembly Members Alex Lee and Cristina Garcia on February 16, 2021, and made it through the Assembly. With the first house completed, AB 762 was ordered to the Senate and referred to Senate committees on Environmental Quality and Senate Education to which it passed out of both committees favorably. AB 762 was heard in Senate Appropriations and was subsequently referred to the suspense file. The bill was “held under submission” in Senate Appropriations. Unfortunately, this means it is not an eligible 2-year bill for 2022, and would have to be re-introduced in what would be considered a “substantially different” way. Staff is working with Assemblymember Lee’s office to see if there is a way to reintroduce the bill with wording that is substantially different.

Other Legislative Ideas

AB 617 Amendments – Staff is working with the South Coast Air Quality Management District and Assemblymember Cristina Garcia’s office on potential amendments to AB 617. Assemblymember Cristina Garcia has indicated community support will be vital for any amendments. The South Coast Air Quality Management District is taking the lead in this effort, but we expect to be heavily involved as the proposal moves forward and will provide an update at the next meeting.

Penalties (Health and Safety Code 42400-42411) Amendments – Staff has provided information relative to amending various sections of the Health and Safety Code related to violations of emissions limitations at stationary sources. Pending further discussions with potential legislators, staff will provide an update at the next meeting.

Potential Other Bills

Carl Moyer/AB 923 (Firebaugh; Chapter 707, Statutes of 2004) Reauthorization or Other Program Changes – Authorization for the majority of Carl Moyer and AB 923 Mobile Source Incentive Fund (MSIF) funding expires at the end of 2023. Moyer provides roughly \$140 million per year in incentive funding on a statewide basis. The Newsom Administration attempted to reauthorize the Moyer and AB 118 programs through a budget trailer bill in 2021, which was ultimately unsuccessful. At this time, it is unclear whether the administration will try a budget trailer bill again, or leave it to stakeholders to do through a regular policy bill. Either way, the Air District will be heavily involved.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

Attachment 4A: Draft 2022 Legislative Platform

LEGISLATIVE COMMITTEE
MEETING OF 12/09/2021



Legislative Platform (2022)

State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, Assembly Bill (AB) 118, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The 2021/22 budget includes \$50 million (M) and \$265M statewide for implementation and incentives, respectively. When possible, the Air District will advocate support for continued funding and/or increases to funding.
3. **Carl Moyer/Mobile Source Incentive Fund/AB 118 Reauthorization:** The Carl Moyer Memorial Air Quality Standards Program, the AB 923 Program (also known as the Air District's Mobile Source Incentive Fund [MSIF]), and the California Energy Commission's AB 118 Program currently sunset at the end of 2023. The Air District will strongly advocate for extension of Moyer and 923 as part of the state budget process or through a separate policy bill.
4. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020/21 for \$5M. The Air District will strongly advocate for continued funding.
5. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 has provided funding for air districts to support prescribed fire and other forest health activities by land managers. The Air District will continue to advocate for this funding.
6. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
7. **Low-Carbon Transportation Incentives:** Support proposals for mobile source incentive programs that accelerate the turnover of older and more polluting diesel engines with cleaner alternatives, including zero emission alternatives, that reduce emissions of greenhouse gases, criteria pollutants and precursors, and toxic air contaminants.
8. **Commercial Harbor Craft Funding:** Advocate for new dedicated incentive funding for commercial harbor craft in order to meet requirements of CARB regulations to reduce diesel particulate matter.



Legislative Platform (2022)

State Legislation

1. **Vehicle Emissions and Congestion Relief:** Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.
2. **Climate Change:** Support legislative proposals that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
3. **AB 617 Community Air Protection Program:** Support legislative proposals that seek to reduce emissions and exposure in overburdened communities within the parameters of the Federal Clean Air Act and California Clean Air Act.
4. **Wildfire Smoke Public Health Response:** Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.
5. **Emergency Backup Generation:** Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.
6. **Toxic Air Emissions:** Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of air toxic emissions in the Bay Area Region.
7. **Wildfire Smoke Mitigation/Prescribed Fire:** Support legislative proposals to proactively reduce smoke from catastrophic wildfires through responsible fuel management policies, including the use of prescribed fire.
8. **Stationary Source Greenhouse Gas Authority:** Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas permit requirements.



Legislative Platform (2022)

Federal Advocacy

1. **Federal Funding for Air District Clean Air Programs:** Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.
2. **Wildfire Smoke Public Health Response:** Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.
3. **Clean Transportation Programs:** Support efforts to secure funding for clean transportation infrastructure in the Bay Area in federal transportation bills and economic stimulus bills.
4. **Clean Energy Programs:** Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
5. **Particulate Matter Standards:** Support efforts to review EPA's 2020 decision to leave federal PM2.5 unchanged, per recommendations of Air District Board and Advisory Committee.
6. **Vehicle Emission Standards:** Support efforts to develop more stringent vehicle emission standards that align with current California standards for light duty, medium duty, and heavy-duty vehicles. Support efforts to retain California vehicle emission standard authority.
7. **Climate Change:** Support federal level efforts, including legislative efforts, that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
8. **Leaded Aviation Gas:** Support efforts to cause EPA to adopt an endangerment finding for leaded aviation gas. Support additional regulatory and incentive programs to promote use of lower lead and no-lead alternatives.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 1, 2021

Re: Federal Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Legislative Committee (Committee) will receive an update on recent events of significance on the federal level.

DISCUSSION

Earlier this Fall, the President signed H.R. 3684 (DeFazio – OR), the *Infrastructure Investment and Jobs Act (Infrastructure Bill)*, a roughly \$1 trillion bill extending funding for surface transportation programs, with an additional \$550 billion (part of the \$1 trillion total) for new infrastructure programs. In addition, the House recently sent a budget resolution for a “Reconciliation” package (the Build Back Better Bill) of roughly \$2 trillion of additional programs in a variety of issue areas. With a split Senate, it remains to be seen if there are enough votes to pass the Build Back Better Bill.

The Infrastructure Bill contains several areas of interest to the Air District, including areas we have been engaged in advocacy, as follows:

Climate Smart Ports – Provisions are similar to a bill the Air District supported by Congresswoman Barragan, that would fund infrastructure upgrades at ports to allow for greater zero-emission equipment use. Funding is at \$50 million per year for 5 years.

Clean Corridors Act – Provisions are similar to Congressman DeSaulnier’s bill to fund electric and hydrogen fueling infrastructure along major highway and freight corridors. Funding starts at \$300 million in year 1, and rises by \$100 million per year through year 5, for a total of \$2.5 billion.

School Bus Replacement – Provisions are similar to Senator Padilla’s *Clean Commute for Kids Act*, and provides \$1 billion per year for 5 years.

Low-Emission Ferry Program – \$50 million per year for 5 years.

Reconnecting Communities Act – Provisions are similar to recent Senator Padilla bill of the same name. This program is funded at approximately \$500 million total over 5 years, with planning and capital grants to assist communities in addressing impacts associated with past transportation land use decisions.

At this time, it is unknown how funding allocations will be made to individual states.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Jack P. Broadbent

LEGISLATIVE COMMITTEE
MEETING OF 12/09/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Report of the Advisory Council Meeting of December 13, 2021

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Advisory Council met on Monday, December 13, 2021, and approved the minutes of October 25, 2021, and November 8, 2021. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Council participated by teleconference.

The Council then received the staff presentation *Overview of Particulate Matter*, which included an overview of the work of the Council in 2020, current Air District work to address particulate matter, and next steps regarding how to set a guideline "target" below the current Particulate 2.5 National Ambient Air Quality Standards.

Finally, the Council received the staff presentation *Discussion of Advisory Council Meetings and 2022 Topics*, prompting the Council to consider the development of a method/framework to relate emissions to health risk.

The next meeting of the Council will be held at the Call of the Chair, via webcast, pursuant to procedures in accordance with Assembly Bill 361. This concludes the Chair Report of the Advisory Council meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Advisory Council December 13, 2021 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Linda Rudolph and Gina Solomon, and Members of the Advisory Council

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 8, 2021

Re: Overview of Particulate Matter

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The 2020 Advisory Council researched and provided a report to the Air District Board of Directors on particulate matter at a joint meeting of the Advisory Council and Board of Directors in December 2020.

DISCUSSION

Advisory Councilmembers will receive an overview of the work of the 2020 Advisory Council, current Air District work to address particulate matter and the path forward.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sonam Shah-Paul
Reviewed by: Greg Nudd

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairpersons Linda Rudolph and Gina Solomon, and Members
of the Advisory Council

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 8, 2021

Re: Discussion of Advisory Council Meetings and 2022 Topics

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Advisory Council has received several presentations from both guest speakers and Air District staff to inform discussion and research in 2022.

DISCUSSION

Advisory Councilmembers will discuss the presentations received at all 2021 Advisory Council meetings and discuss key questions the Advisory Council may want to address in 2022.

The Advisory Council has received the following presentations to date:

September 13, 2021:

- Overview of the Ralph M. Brown Act
- Introduction of the Air District
- Bay Area Air Quality Overview
- Overview of Air District Programs

October 25, 2021:

- Legislative History of the Advisory Council and Role of officers
- Air District Climate Protection Program Update

November 8, 2021:

- Overview of Environmental Justice (Guest speaker Dr. Bhavna Shamasunder, Occidental College)
- Current U.S Environmental Protection Agency (EPA) Efforts to Address Disproportionate Impacts in Overburdened Communities (Guest speaker Dr. Phil Fine, USEPA)
- Overview of Air Pollution, Inequity, and Community Health in the Bay Area

December 13, 2021:

- Overview of Particulate Matter

In addition to discussing any of the presentations previously provided to the Advisory Council, Councilmembers will also consider key questions or topics areas where the Air District seeks greater input and advice, including the following items from the subject-matter presentations:

From the Climate Presentation:

- When prioritizing policy interventions, how should we account for climate benefits/dis-benefits?
- What metrics should the Air District use to track progress and prioritize climate actions?

From the Equity and Community Health Presentation:

- What metrics should the Air District use to track progress and prioritize actions?
- Who should be at the table to decide those metrics?

From the Particulate Matter Presentation:

- **What recommendations does the Advisory Council have for developing a method/framework to relate emissions to health risk?**
- Who should develop a method/framework for relating emissions to health risk?
- How can we assess the health risk of short-term, relatively high, exposures? What metric(s) should we use to measure and demonstrate progress?

Air District staff are particularly interested in the highlighted item above: What recommendations does the Advisory Council have for developing a method/framework to relate emissions to health risk? The current statutory and regulatory framework for air pollution does not adequately address the localized health risks from directly emitted particulate matter. A method for relating fine particulate matter emissions to health risk will enable the Air District Board to make informed decisions about permitting, and significance thresholds under the California Environmental Quality Act (CEQA). Progress on this issue will greatly help the Air District to develop health protective policy interventions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Sonam Shah-Paul
Reviewed by: Greg Nudd

ADVISORY COUNCIL
MEETING OF 12/13/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Report of the Path to Clean Air Community Emissions Reduction Plan Steering
Committee Meeting of December 13, 2021

RECOMMENDED ACTION

Approve the revised provisional boundary of the Richmond area Community Emissions Reduction Plan.

BACKGROUND

None.

DISCUSSION

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, December 13, 2021, and approved the minutes of November 15, 2021. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received and discussed the staff presentation *Community Emissions Reduction Plan Boundary Approval*. The proposed boundaries were first presented to the Committee on November 15, 2021, and since then, have been revised. The Committee recommends the Board:

1. Approve the revised provisional boundary of the Richmond area Community Emissions Reduction Plan.

The Committee then received and discussed the staff presentation *Rules 101 – Introduction to Rule Development and Strategic Policy*, which included the Air District’s authority, the current rule development process, where to find the Air District’s current rules and regulations, and how rules come to be under development and how that is connected with the Assembly Bill 617 process and the Path to Clean Air Plan.

The Committee then received and discussed the staff presentation *Permitting 101/Engineering*, which included the Air District's Permitting program, why certain facilities are required to have Air District permits, and how the public may view Air District permits.

Finally, the Committee received and discussed the staff presentation *Community Assets and Air Pollution Mapping Project Update*, regarding key themes and recurring issues in the Richmond area, identified via public feedback within the Air District's public, interactive mapping platform.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, January 24, 2022, at 6:00 p.m., via webcast, pursuant to procedures in accordance with Assembly Bill 361. This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. PTCA CERP CSC December 13, 2021 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: December 13, 2021

Re: Confirm Community Emissions Reduction Plan (CERP) Boundary

RECOMMENDED ACTION

None; receive and file.

BACKGROUND**How the CERP Boundary was Created:**

The provisional Community Emissions Reduction Plan (CERP) Boundary, was developed based on the Community Air Monitoring Plan (CAMP) Boundary that was approved by the CAMP Steering Committee. Updates made to the CAMP Boundary, to create the provisional CERP Boundary that were presented at the 11/15/21 CSC meeting included:

- Aligned the CERP Boundary to the coastline,
- Aligned the CERP Boundary to census tracts, and
- Double-checked that the CERP Boundary largely included and focused on the jurisdictions of the City of Richmond, City of San Pablo, and unincorporated Contra Costa County.

A couple of minor adjustments were made to the CERP Boundary between the 11/15/21 and the 12/13/21 CSC meetings were:

- Removed census tracts within the City of El Cerrito.
 - Census Tracts entirely in El Cerrito that were removed include: Census Tract # 06013389200 and 06013386000.
 - One census tract in El Cerrito that was removed included a small sliver of East Richmond Heights: Census Tract # 06013384000.
- Left census tracts that include small portions of the City of Pinole. Most of the CERP area within the City of Pinole is commercial and highway corridor.
 - Census Tracts in the CEP Boundary that include a small portion of Pinole: Census Tract # 06013363000, 06013364002, 06013392202, 06013365003.

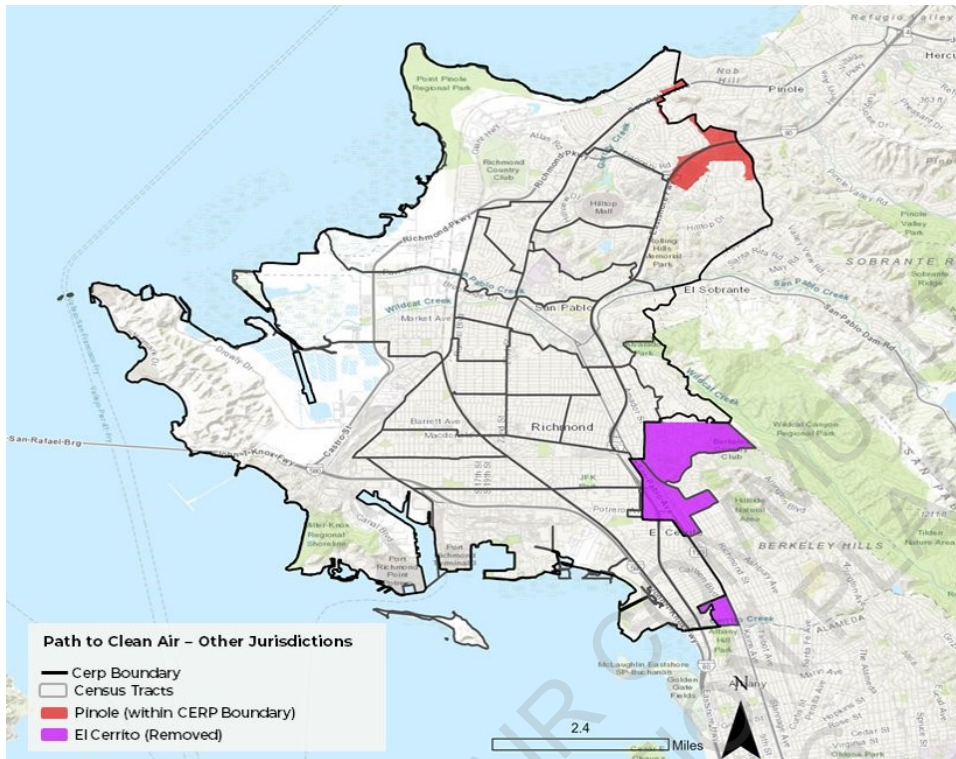
Details on jurisdictions included in the proposed CERP Boundary:

- City of Richmond: the full city is included, with the exception of the following small disconnected areas located on either side of Pinole Valley Park, to the east of the CERP Boundary:
 - Greenridge Heights, May Valley, El Sobrante Hills, Greenbriar, Carriage Hills North, Castro Heights, and Carriage Hills south.
- City of San Pablo: the full city;
- City of Pinole: a small portion of the city (located in the northeast corner of the CERP Boundary);
- Unincorporated Contra Costa County:
 - North Richmond: the full unincorporated place;
 - Tara Hills: the full unincorporated place;
 - Montalvin Manor: the full unincorporated place;
 - Bayview: the full unincorporated place;
 - East Richmond Heights: most of the unincorporated place is included, other than a small area within a census tract that included El Cerrito (Census Tract #06013384000);
 - Rollingwood: the full unincorporated place; and
 - El Sobrante: less than half of the unincorporated place.

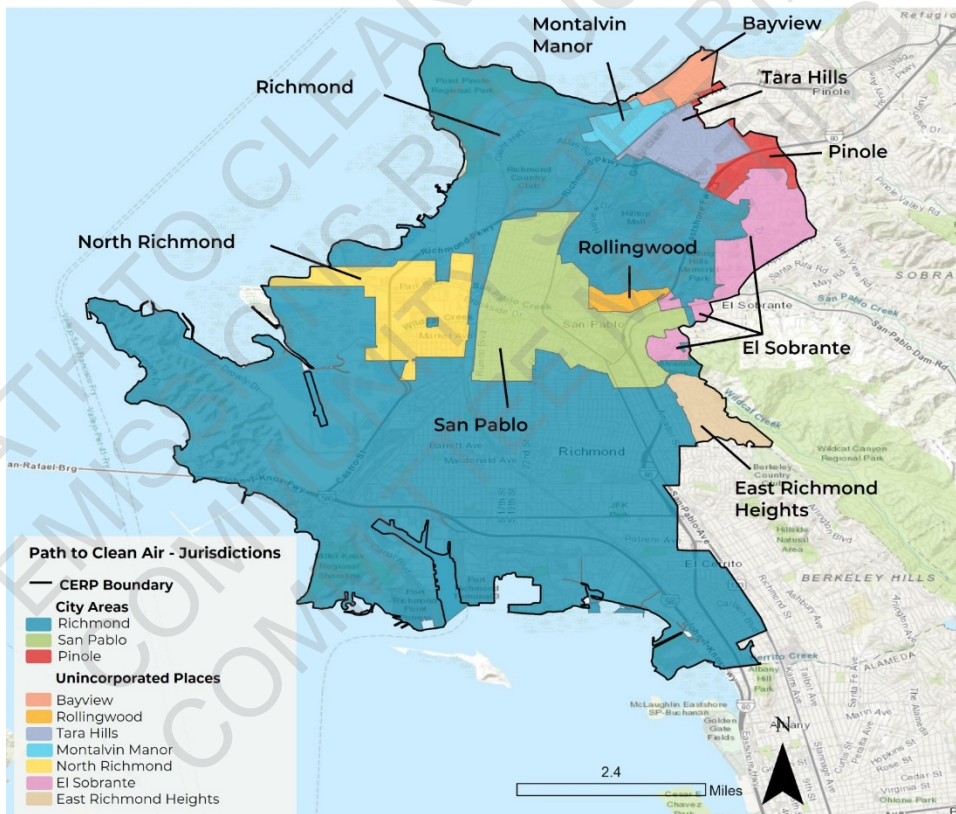
Purpose of the CERP Boundary:

The CERP Boundary is the area from which members of the Steering Committee are selected (i.e., those who live or work within the boundary), it is the area where the people, perspectives, and land uses will be gathered and summarized for the Community Description, as well as where the Technical Assessment will be focused. The current emissions inventory boundary, shown below, extends beyond the CERP Boundary to capture nearby sources that may impact the community. The Air District worked with CARB to establish this emissions inventory boundary. The CERP Boundary is also the area of focus for community input and feedback via Social Pinpoint and serves as an initial starting point for strategies as well as implementation.

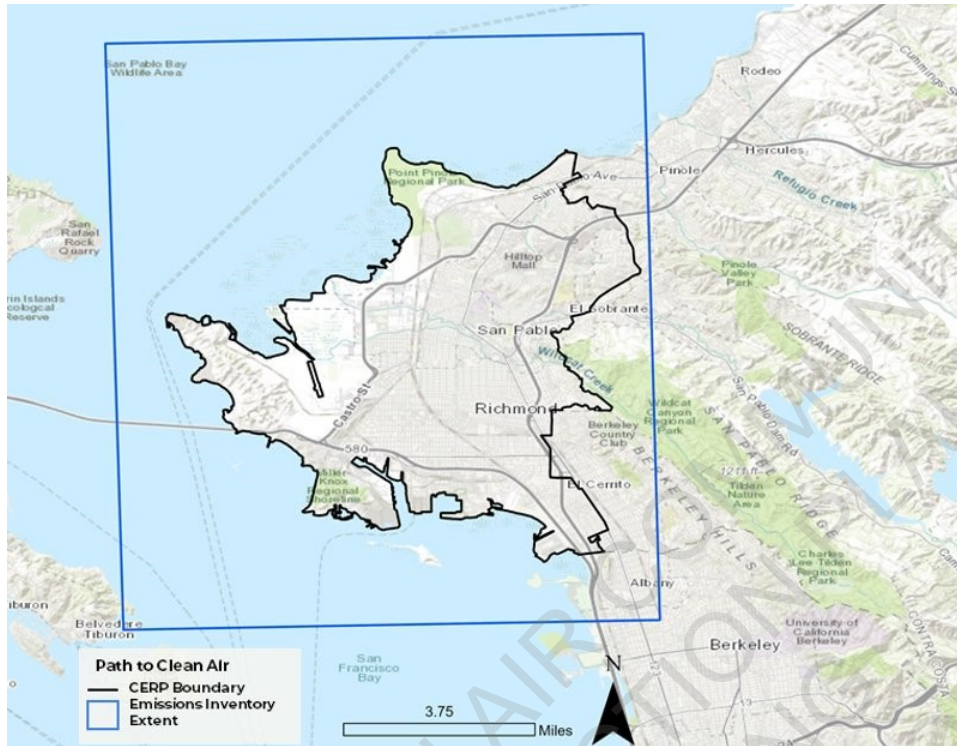
Revision Made to Proposed Boundary:



Cities and Places included in the CERP Boundary:



Emissions Inventory Boundary and CERP Boundary:



DISCUSSION

The Steering Committee will briefly discuss, and then vote to consider approval of the CERP Provisional Boundary presented at the November 15, 2021, meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Kelly Malinowski
Reviewed by: Veronica Eady

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: December 13, 2021

Re: Rules 101 - Introduction to Rule Development and Strategic Policy

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Rule Development and Strategic Policy Division at the Air District is responsible for creating and modifying regulations that cover sources of pollution that fall within the Air District's regulatory authority (specifically, stationary sources). The division evaluates sources for rule development potential, going through a step-by-step process that involves both legally mandated steps and additional steps that the division employs for public engagement and feedback. Ultimately, rule amendments and/or new rules are proposed to the Air District's Board of Directors to be considered for adoption.

DISCUSSION

The purpose of the Rules 101 presentation is to introduce the division, generally cover the Air District's authority, go through the rule development process, talk about where to find our current rules and regulations, and touch on how rules come to be under development and how that is connected with the Assembly Bill (AB) 617 process and the Path to Clean Air plan. Active discussion with the Steering Committee about the work of the division will be welcomed and encouraged.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Laura Cackette
Reviewed by: Veronica Eady

PATH TO CLEAN AIR COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING
COMMITTEE MEETING OF 12/13/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: December 13, 2021

Re: Permitting 101/Engineering (with Permitting Q&A)

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District is responsible for the issuance of air quality permits for stationary equipment in the Bay Area and the management of the resulting air emissions (pollutants). Nearly all stationary equipment that emits to the atmosphere requires an Air District permit. An air quality permit is a document that gives the permit holder authorization to build equipment and/or to operate that equipment. Each project is evaluated before a business can build and operate their equipment to ensure that all air quality requirements are met.

The program also manages an air emissions inventory from all permitted equipment. The inventory is used to track the level of air emissions and to make future decisions to reduce those emissions by tightening Air District rules.

DISCUSSION

This agenda item will offer an overview of the Air Districts Permitting Program.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Barry Young
Reviewed by: Veronica Eady

PATH TO CLEAN AIR COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING
COMMITTEE MEETING OF 12/13/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Community Steering Committee

From: Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Date: December 13, 2021

Re: Community Assets and Air Pollution Mapping Project Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The California Air Resources Board Community Air Protection Blueprint underlines, “Most importantly, underpinning Assembly Bill (AB) 617 is the understanding that community members must be active partners in envisioning, developing, and implementing actions to clean up the air in their communities.” Towards this end, the Air District awarded grants to six nonprofit organizations in the Richmond, North Richmond, and San Pablo area to organize and engage with community members to provide input to inform the development of strategies with the Steering Committee.

The Air District has also developed an interactive mapping platform that will allow local community members to share their input and stories on a publicly available online map. Since September 1, 2021, users have been adding comments to help identify local sources of air pollution, places where people gather – especially seniors, young people or community members with increased health risks, and community assets and strengths. As of October 30, 2021, the Air District has received 177 comments from people in the Study Area.

DISCUSSION

This agenda item will offer a review of the key themes and recurring issues within the comments and discuss next steps for the organizing and community engagement efforts.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Kevin Olp
Reviewed by: Veronica Eady

PATH TO CLEAN AIR COMMUNITY
EMISSIONS REDUCTION PLAN
COMMUNITY STEERING
COMMITTEE MEETING OF 12/13/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Report of the Stationary Source and Climate Impacts Committee Meeting of
December 20, 2021

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Stationary Source and Climate Impacts Committee met on Monday, December 20, 2021, and approved the minutes of November 15, 2021. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the staff presentation Bay Area Refinery Update. This presentation reviewed the compliance history, flaring events, and public nuisance violations of the five Bay Area refineries over the past five years, and asked the Committee to consider future recommendations to improve compliance at these facilities, including: legislative change for penalties, review of the effectiveness of applicable regulations, proposed changes to Regulation 12, Rule 12 (flares at petroleum refineries), and consider new program to improve monitoring and measurement during incidents at these facilities. Although this was not an action item, the consensus of the Committee members present was to endorse staff recommendations.

Finally, the Committee reviewed and discussed the staff presentation Regulation 8, Rule 18, Background regarding organic compounds and equipment leaks and the preliminary findings of a recent heavy liquids study conducted by the Air District.

The next meeting of this committee is anticipated to occur in February of 2022, at the Call of the incoming Committee Chair; an appointment which has not yet been determined. This concludes the report of the Stationary Source and Climate Impacts Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Stationary Source and Climate Impacts December 20, 2021 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons John Bauters and Karen Mitchoff, and Members
of the Stationary Source and Climate Impacts Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 16, 2021

Re: Bay Area Refinery Update

RECOMMENDED ACTION

None; informational only.

BACKGROUND

Refineries are the largest stationary source emitter, with hundreds of tons of nitrogen oxides (NO_x), sulfur dioxide (SO₂), carbon monoxide (CO), precursor organic compounds (POC) and particulate matter (PM) emissions from each refinery each year.

Providing oversight, compliance assistance and assurance takes up significant staff time. During these activities staff frequently identifies areas where performance can be improved and this results in recommendations for rule making, legislative and procedural change for Air District operations relative to permitting and enforcement at these facilities.

DISCUSSION

Staff will provide a presentation to update the Stationary Source and Climate Impacts Committee on the overall performance of the five major refineries within the Air District. The presentation is a five-year review. It will review compliance history, summarize flaring events, provide a history of public nuisance violations at each refinery, and discuss future recommendations to improve compliance at these facilities going forward.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Linda Duca and Ed Giacometti
Reviewed by: Damian Breen

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons John Bauters and Karen Mitchoff, and Members
of the Stationary Source and Climate Impacts Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: December 16, 2021

Re: Regulation 8, Rule 18 Background

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In December 2015, the Board of Directors approved a revised Regulation 8, Rule 18 that removed the monitoring exemption for components in heavy liquid service (materials with an initial boiling point greater than 302 degrees Fahrenheit) beginning in January 2018. The Board's adopting resolution (Resolution 2015-12) directed Air District staff to examine emission reduction and cost effectiveness issues related to the inclusion of requirements for monitoring of components in heavy liquid service in Regulation 8, Rule 18. Subsequently, as part of a legal settlement of a legal challenge to the 2015 rule revision, the Air District agreed to: a) complete an ongoing joint study; b) in consultation with affected refineries, produce a report on the results of the study, and c) revisit the cost effectiveness of monitoring components in heavy liquid service.

DISCUSSION

The Air District, five Bay Area petroleum refineries (Chevron Richmond Refinery, Phillips 66 San Francisco Refinery, Shell Martinez Refinery, Tesoro Golden Eagle Refinery, and Valero Benicia Refinery), and the Western States Petroleum Association (WSPA) conducted a study to understand total organic compound emissions from petroleum refinery equipment handling materials with an initial boiling point greater than 302 degrees Fahrenheit. The study was conducted between 2016 and 2021 and included sampling of emissions from equipment leaks at the five petroleum refineries.

On November 2, 2021, a draft report summarizing the findings of the joint study was provided to WSPA and the refineries for technical review and comment with a comment deadline of December 24, 2021.

Results will be finalized after addressing any technical comments submitted by WSPA and the petroleum refineries.

After finalizing the report, the next steps will include an evaluation of potential emissions reductions, a cost effectiveness analysis, and a recommendation of any necessary revisions to the rule.

As part of this agenda item, staff will provide a background on Regulation 8, Rule 18, the study to evaluate emission from components in heavy liquids service (“Heavy Liquids Study”) and the litigation associated with this regulation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Pamela Leong
Reviewed by: Damien Breen

STATIONARY SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF 12/20/2021

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Karen Mitchoff and Members
of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: January 19, 2022

Re: Consider Authorizing a Contract to Support Air District Grant Program Data
Management Systems

RECOMMENDED ACTION

Recommend Board of Directors:

- Authorize the Executive Officer/APCO to execute a contract with vendor IT Dependz, Inc., for an amount not to exceed \$297,000, for support of Air District grant program data management systems.

BACKGROUND

The Air District has been administering incentive programs that award funding to projects that achieve voluntary and surplus emissions reductions, primarily from mobile sources since 1991. Over time, the quantity of grant revenue, programs, and initiatives managed by the Air District has grown significantly. In Fiscal Year Ending (FYE) 2022, the Air District's Strategic Incentives Division is managing projects and funding totalling over \$750 million in new grant revenue and prior year awards from state, federal, and local sources.

While the increased revenue allows the Air District to accelerate its efforts to reduce emissions, it also generates a corresponding increase in work volume and complexity. This is especially true whenever the Air District receives new funding sources or when there are changes in existing program criteria or requirements. Additionally, grantee, public, Board and oversight agencies' expectations regarding accountability, transparency, the need for sophisticated data management systems and cybersecurity protection have also increased over time.

The Air District maintains a list of vetted contractors and agreements with vendors that were identified through a non-competitive Request for Qualifications (RFQ) selection process that are qualified to provide technical support related to information systems. IT Dependz, Inc. is one of the vendors selected as part of the portfolio of vetted contractors.

DISCUSSION

The Air District relies on specialized expertise from contractors to maintain and update existing data management systems that support its grants programs. This program currently relies on more than five separate data management systems that contain records for tens of thousands of projects dating back to 1991. These systems store and process grant program data. Many of the data management systems are outdated and some can no longer support the types of data and information requests routinely required. At least one of the systems currently in use is no longer supported by Microsoft, while another that was created more than 10 years ago is near its end of life.

With no centralized system, data is currently tracked in multiple data systems. For reporting purposes, data must be manually pulled from multiple sources to be compiled. Development of a capable database system is needed along with a new data warehouse to eliminate risk of data duplication and inconsistent reporting. Staff also believe there is an urgent need to build a transparent data management system that consolidates all program information so it can also be accessed by the public through an online portal.

In the coming year, the contractor will provide the following services:

- Development of new software and updates to existing infrastructure for grant program systems
- Migration of current databases to a new secure platform
- Set-up of a new data warehouse, migrate/consolidate data, and develop new reporting infrastructure

Staff is recommending the continued use of proven vendors that were vetted through the RFQ process that are familiar with the Air District's systems.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Funding for the vendor contract recommendations is provided through administrative funding provided by the grants revenue sources.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Karen Schkolnick
Reviewed by: Jeff McKay, Damian Breen

ATTACHMENTS:

1. IT Dependz 2021.160 Original Contract
2. IT Dependz 2021.160 Amendment 2
3. IT Dependz 2021.160 Task Order 3

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

MASTER SERVICES CONTRACT

CONTRACT NO. 2021.160

1. **PARTIES** – The parties to this Contract (“Contract”) are the Bay Area Air Quality Management District (“DISTRICT”) whose address is 375 Beale Street, Suite 600, San Francisco, CA 94105, and **IT Dependz, Inc.** (“CONTRACTOR”) whose address 527 Mangels Ave., San Francisco, CA 94127.
2. **RECITALS**
 - A. DISTRICT is the local agency with primary responsibility for regulating stationary source air pollution in the Bay Area Air Quality Management District in the State of California. DISTRICT is authorized to enter into this Contract under California Health and Safety Code Section 40701. DISTRICT desires to contract with CONTRACTOR for Services as defined herein. DISTRICT is entering into this Contract based on CONTRACTOR’s stated qualifications to perform the Services.
 - B. All parties to this Contract have had the opportunity to have this contract reviewed by their attorney.
3. **DEFINITIONS**
 - A. “Purchase Order” shall mean the written or electronic document used by DISTRICT to track payments to CONTRACTOR under this Contract.
 - B. “Services” shall mean the services to be provided by CONTRACTOR hereunder as generally described in the General Description of Services, attached hereto as Attachment A and made a part hereof by this reference, and as specifically described in Task Orders issued pursuant to this Contract.
 - C. “Task Order” shall mean a written request by DISTRICT for specific services to be performed by CONTRACTOR.
4. **PERFORMANCE REQUIREMENTS**
 - A. CONTRACTOR is authorized to do business in the State of California. CONTRACTOR attests that it is in good tax standing with federal and state tax authorities.
 - B. CONTRACTOR agrees to obtain any and all required licenses, permits, and all other appropriate legal authorizations from all applicable federal, state and local jurisdictions and pay all applicable fees.
 - C. CONTRACTOR shall comply with all laws and regulations that apply to its performance under this Contract, including any requirements to disclose potential conflicts of interest under DISTRICT’s Conflict of Interest Code.
 - D. CONTRACTOR shall not engage in any performance of work during the term of this contract that is in direct or indirect conflict with duties and responsibilities set forth in the Scope of Work.
 - E. CONTRACTOR shall exercise the degree of skill and care customarily required by accepted professional practices and procedures.
 - F. CONTRACTOR shall ensure that any subcontractors, employees and agents performing under this Contract comply with the performance standards set forth in paragraph A-E above.

5. TERM – The term of this Contract is from September 1, 2021 to August 31, 2022, unless further extended by amendment of this Contract in writing, or terminated earlier. CONTRACTOR shall not submit any invoice for services performed under this Contract until the Contract is fully executed.

6. TERMINATION

- A. The DISTRICT may terminate this Contract at any time, at will, and without specifying any reason, by notifying CONTRACTOR in writing. The notice of termination shall specify the effective date of termination, which shall be no less than thirty (30) calendar days from the date of delivery of the notice of termination, and shall be delivered in accordance with the provisions of section 13 below. Immediately upon receipt of the notice of termination, CONTRACTOR shall cease all services under this Contract, except such services as are specified in the notice of termination. CONTRACTOR shall deliver a final invoice for all remaining services performed but not billed, including any services specified in the termination notice, on or before ten (10) business days following the termination date.
- B. Either party may terminate this Contract for breach by the other party.
- i) Failure to perform any agreement or obligation contained in this Contract or failure to complete the services in a satisfactory manner shall constitute a breach of the Contract.
 - ii) The non-breaching party may terminate the Contract by delivery of a written notice of breach. The notice of breach shall specify the date of termination, which shall be no earlier than ten (10) business days from delivery of the notice of breach. In the alternative, at its sole discretion, the non-breaching party may require the breaching party to cure the breach. The notice of breach shall specify the nature of the breach and the date by which such breach must be cured.
 - iii) If CONTRACTOR fails to perform any obligation under this Contract, DISTRICT at its sole discretion, may perform, or cause the performance, of the obligation itself. In that event, DISTRICT shall deduct the costs to perform such obligation and any other costs to cure the breach from the payment otherwise due to CONTRACTOR for work performed under this Contract. DISTRICT's performance hereunder shall not be deemed a waiver or release of any obligation of, or default by, CONTRACTOR under this Contract.
 - iv) The notice of breach shall be provided in accordance with the notice requirements set forth in section 13.
 - v) The non-breaching party reserves all rights under law and equity to enforce this Contract and recover any damages.

7. INSURANCE

- A. CONTRACTOR shall maintain the following insurance:
- i) Workers' compensation and employers' liability insurance as required by California law or other applicable statutory requirements.
 - ii) Occurrence-based commercial general liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each occurrence. Such insurance shall include DISTRICT and its officers, agents, and employees as additional insureds and shall be primary with respect to any insurance maintained by DISTRICT.
 - iii) Business automobile liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles. If CONTRACTOR is a sole proprietor, CONTRACTOR may meet this insurance requirement with personal automobile liability insurance carrying a business use endorsement or by demonstrating to the satisfaction of DISTRICT that business

use is covered under the CONTRACTOR's personal automobile liability insurance. A CONTRACTOR using only rental vehicles in performing work under this Contract may meet this insurance requirement by purchasing automobile liability insurance in the required coverage amount from the rental agency.

- B. All insurance shall be placed with insurers acceptable to DISTRICT.
- C. Prior to commencement of work under this Contract, CONTRACTOR shall furnish properly-executed certificates of insurance for all required insurance. Upon request by DISTRICT, CONTRACTOR shall provide a complete copy of any required insurance policy. CONTRACTOR shall notify DISTRICT in writing thirty (30) days prior to cancellation or modification of any required insurance policy. Any such modifications are subject to pre-approval by DISTRICT.
- D. If CONTRACTOR fails to maintain the required insurance coverage set forth above, DISTRICT reserves the right either to purchase such additional insurance and to deduct the cost thereof from any payments owed to CONTRACTOR or to terminate this Contract for breach.

8. INDEMNIFICATION

- A. CONTRACTOR shall indemnify and hold DISTRICT, its officers, employees and agents harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this Contract but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of CONTRACTOR, its officers, agents, or employees.
- B. DISTRICT shall indemnify and hold CONTRACTOR, its officers, employees and agents harmless from and against any and all liability, loss, expense, including reasonable attorneys' fee, or claims for injury or damages arising out of the performance of this Contract but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of DISTRICT, its officers, agents, or employees.

9. AGREEMENT TO PROVIDE SERVICES

- A. CONTRACTOR hereby agrees to provide to DISTRICT, as DISTRICT may from time to time designate, such services as DISTRICT may order by Task Order, all in accordance with and subject to the terms, covenants and conditions of this Contract. DISTRICT agrees to pay for these services ordered by DISTRICT in accordance with and subject to the terms, covenants and conditions of this Contract.
- B. All Task Orders issued by DISTRICT to CONTRACTOR for services during the term of this Contract are subject to the provisions of this Contract as though fully set forth in such Task Order. In the event that the provisions of this Contract conflict with any Task Order issued by DISTRICT to CONTRACTOR, the provisions of this Contract shall govern. No other terms and conditions, including, but not limited to, those contained in CONTRACTOR's standard printed terms and conditions, on CONTRACTOR's order acknowledgment, invoices or otherwise, shall have any application to or effect upon or be deemed to constitute an amendment to or to be incorporated into this Contract, any Task Order, or any transactions occurring pursuant hereto or thereto, unless this Contract shall be specifically amended to adopt such other terms and conditions in writing by the parties.
- C. Notwithstanding any other provision of this Contract to the contrary, DISTRICT shall have no obligation to order or purchase any services hereunder and the placement of any Task Order shall be in the sole discretion of DISTRICT. Without limiting the generality of the foregoing, the

actual quantity of services to be purchased hereunder shall be determined by DISTRICT in its sole discretion and shall not exceed \$47,550. This Contract is not exclusive. CONTRACTOR expressly acknowledges and agrees that DISTRICT may purchase at its sole discretion, services that are identical or similar to the services described in this Contract from any third party.

10. TASK ORDERS – Each Task Order will specify the following items, as relevant: specific services requested, schedule for services, location where services are to be performed (with contact person), and cost or estimated cost of services. Each Task Order issued under this Contract shall be made part of, and be incorporated into this Contract, and shall reference this Contract on the face of each Task Order. Should any Task Order not conform to or satisfy the terms of this Contract, CONTRACTOR shall have five (5) business days after receipt to reject the Task Order. By not rejecting the Task Order within five (5) business days, CONTRACTOR will have accepted the Task Order. Acceptance by CONTRACTOR is limited to the provisions of this Contract and the Task Order. No additional or different provisions proposed by CONTRACTOR or DISTRICT shall apply. In addition, the parties agree that this Contract and accepted Task Orders constitute a contract for services and satisfy all statutory and legal formalities of a contract.

11. PRICING, INVOICES, AND PAYMENT

- A. DISTRICT shall pay CONTRACTOR for all services ordered and provided in compliance with the terms and conditions of this Contract and with Task Orders issued under this Contract.
- B. CONTRACTOR shall submit original invoices to DISTRICT in form and substance and format reasonably acceptable to DISTRICT. Each invoice, including supporting documentation, must be prepared in duplicate on CONTRACTOR's letterhead; must list DISTRICT's contract number, Purchase Order Number, and the CONTRACTOR's Social Security Number or Federal Employer Identification Number; and must be submitted to: Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA 94105, Attn: Blair Adams.
- C. Except as specifically set forth in Attachment A or in Task Orders under this Contract, DISTRICT shall not be responsible for any additional costs or expenses of any nature incurred by CONTRACTOR in connection with the provision of the services, including without limitation travel expenses, clerical or administrative personnel, long distance telephone charges, etc.
- D. CONTRACTOR represents, warrants and covenants that the prices, charges and fees for services set forth in this Contract (on the whole) are at least as favorable as the prices, charges and fees CONTRACTOR charges (on the whole) to other of its customers or clients for the same or substantially similar services provided under the same or substantially similar circumstances, terms, and conditions. If CONTRACTOR agrees or contracts with other clients or customers similarly situated during the Term of this Contract, and offers or agrees to financial terms more favorable than those set forth herein (on the whole), CONTRACTOR hereby agrees that it will reduce the prices, charges and/or fees charged to DISTRICT in respect of the services hereunder to the most favorable rates received by those other clients or customers.

12. DISPUTE RESOLUTION – A party that disputes a notice of breach must first seek mediation to resolve the dispute in accordance with the provisions set forth below.

- A. Upon receipt of a notice of breach of contract, the party may submit a demand for mediation to resolve whether or not a breach occurred. The party must state the basis of the dispute and deliver the demand within ten (10) business days of the date of receipt of the notice of breach.
- B. The mediation shall take place at DISTRICT's office at 375 Beale Street, Suite 600, San Francisco, or at such other place as may be mutually agreed upon by the parties and the mediator.

- C. The parties shall make good faith efforts to hold the mediation within thirty (30) days after receipt of the demand for mediation.
- D. Each party shall bear its own mediation costs.
- E. In the event the parties are unable to resolve the dispute, either party may file an action in a court of competent jurisdiction to enforce the Contract.
- F. Maximum recovery under this section shall be limited to the total value of all Task Orders issued under this Contract. The mediation costs shall not reduce the maximum amount recoverable under this section.

13. NOTICES – All notices that are required under this Contract shall be provided in the manner set forth herein, unless specified otherwise. Notice to a party shall be delivered to the attention of the person listed below, or to such other person or persons as may hereafter be designated by that party in writing. Notice shall be in writing sent by e-mail, facsimile, or regular first class mail. In the case of e-mail and facsimile communications, valid notice shall be deemed to have been delivered upon sending, provided the sender obtained an electronic confirmation of delivery. E-mail and facsimile communications shall be deemed to have been received on the date of such transmission, provided such date was a business day and delivered prior to 4:00 p.m. PST. Otherwise, receipt of e-mail and facsimile communications shall be deemed to have occurred on the following business day. In the case of regular mail notice, notice shall be deemed to have been delivered on the mailing date and received five (5) business days after the date of mailing.

DISTRICT: Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
Attn: Jeff McKay

CONTRACTOR: IT Dependz, Inc.
527 Mangels Ave.
San Francisco, CA 94127
Attn: Manoj Yadav

14. ADDITIONAL PROVISIONS – All attachment(s) to this Contract are expressly incorporated herein by this reference and made a part hereof as though fully set forth.

15. EMPLOYEES OF CONTRACTOR

- A. CONTRACTOR shall be responsible for the cost of regular pay to its employees, as well as cost of vacation, vacation replacements, sick leave, severance pay, and pay for legal holidays.
- B. CONTRACTOR, its officers, employees, agents, or representatives shall not be considered employees or agents of DISTRICT, nor shall CONTRACTOR, its officers, employees, agents, or representatives be entitled to or eligible to participate in any benefits, privileges, or plans, given or extended by DISTRICT to its employees.
- C. CONTRACTOR shall assign those employees listed in the Task Order to perform services under this Contract. CONTRACTOR shall not assign different employees to perform these services without the express written permission of DISTRICT, which DISTRICT will not unreasonably withhold.
- D. DISTRICT reserves the right to review the credentials to perform the services for any of CONTRACTOR's employees assigned herein and to disapprove CONTRACTOR's assignments.

CONTRACTOR warrants that it will not employ any subcontractor(s) without prior written approval from DISTRICT.

16. CONFIDENTIALITY – In order to carry out the purposes of this Contract, CONTRACTOR may require access to certain of DISTRICT’s confidential information (including trade secrets, inventions, confidential know-how, confidential business information, and other information that DISTRICT considers confidential) (collectively, “Confidential Information”). It is expressly understood and agreed that DISTRICT may designate in a conspicuous manner Confidential Information that CONTRACTOR obtains from DISTRICT, and CONTRACTOR agrees to:
- A. Observe complete confidentiality with respect to such information, including without limitation, agreeing not to disclose or otherwise permit access to such information by any other person or entity in any manner whatsoever, except that such disclosure or access shall be permitted to employees of CONTRACTOR requiring access in fulfillment of the services provided under this Contract.
 - B. Ensure that CONTRACTOR’s officers, employees, agents, representatives, and independent contractors are informed of the confidential nature of such information and to assure by agreement or otherwise that they are prohibited from copying or revealing, for any purpose whatsoever, the contents of such information or any part thereof, or from taking any action otherwise prohibited under this section.
 - C. Not use such information or any part thereof in the performance of services to others or for the benefit of others in any form whatsoever whether gratuitously or for valuable consideration, except as permitted under this Contract.
 - D. Notify DISTRICT promptly and in writing of the circumstances surrounding any possession, use, or knowledge of such information or any part thereof by any person or entity other than those authorized by this section. Take at CONTRACTOR’s expense, but at DISTRICT’s option and in any event under DISTRICT’s control, any legal action necessary to prevent unauthorized use of such information by any third party or entity which has gained access to such information at least in part due to the fault of CONTRACTOR.
 - E. Take any and all other actions necessary or desirable to assure such continued confidentiality and protection of such information during the term of this Contract and following expiration or termination of the Contract.
 - F. Prevent access to such materials by a person or entity not authorized under this Contract.
 - G. Establish specific procedures in order to fulfill the obligations of this section.
17. INTELLECTUAL PROPERTY RIGHTS – Title and full ownership rights to all intellectual property developed under this Contract shall at all times remain with DISTRICT, unless otherwise agreed to in writing.
18. PUBLICATION
- A. DISTRICT shall approve in writing any report or other document prepared by CONTRACTOR in connection with performance under this Contract prior to dissemination or publication of such report or document to a third party. DISTRICT may waive in writing its requirement for prior approval.
 - B. Until approved by DISTRICT, any report or other document prepared by CONTRACTOR shall include on each page a conspicuous header, footer, or watermark stating “DRAFT – Not Reviewed or Approved by BAAQMD,” unless DISTRICT has waived its requirement for prior approval pursuant to paragraph A of this section.

- C. Information, data, documents, or reports developed by CONTRACTOR for DISTRICT, pursuant to this Contract, shall be part of DISTRICT's public record, unless otherwise indicated. CONTRACTOR may use or publish, at its own expense, such information, provided DISTRICT approves use of such information in advance. The following acknowledgment of support and disclaimer must appear in each publication of materials, whether copyrighted or not, based upon or developed under this Contract.

"This report was prepared as a result of work sponsored, paid for, in whole or in part, by the Bay Area Air Quality Management District (District). The opinions, findings, conclusions, and recommendations are those of the author and do not necessarily represent the views of the District. The District, its officers, employees, contractors, and subcontractors make no warranty, expressed or implied, and assume no legal liability for the information in this report."

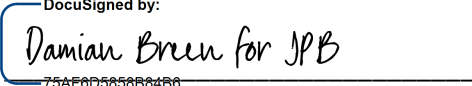
- D. CONTRACTOR shall inform its officers, employees, and subcontractors involved in the performance of this Contract of the restrictions contained herein and shall require compliance with the above.
19. NON-DISCRIMINATION – In the performance of this Contract, CONTRACTOR shall not discriminate in its recruitment, hiring, promotion, demotion, and termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, medical condition, or physical or mental disability and shall comply with the provisions of the California Fair Employment & Housing Act (Government Code Section 12900 et seq.), the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said Acts. CONTRACTOR shall also require each subcontractor performing services in connection with this Contract to comply with this section and shall include in each contract with such subcontractor provisions to accomplish the requirements of this section.
20. PROPERTY AND SECURITY – Without limiting CONTRACTOR'S obligations with regard to security, CONTRACTOR shall comply with all the rules and regulations established by DISTRICT for access to and activity in and around DISTRICT's premises.
21. ASSIGNMENT – No party shall assign, sell, license, or otherwise transfer any rights or obligations under this Contract to a third party without the prior written consent of the other party, and any attempt to do so shall be void upon inception.
22. WAIVER – No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Contract shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a party to enforce performance by the other party of any term, covenant, or condition of this Contract, and the failure of a party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.


23. ATTORNEYS' FEES – In the event any action is filed in connection with the enforcement or interpretation of this Contract, each party shall bear its own attorneys' fees and costs.
24. FORCE MAJEURE – Neither DISTRICT nor CONTRACTOR shall be liable for or deemed to be in default for any delay or failure in performance under this Contract or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the services, or other causes, except financial, that are beyond the reasonable control of DISTRICT or CONTRACTOR, for a period of time equal to the period of such force majeure event, provided that the party failing to perform notifies the other party within fifteen calendar days of discovery of the force majeure event, and provided further that that party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to party's own action or inaction, then such cause shall not excuse that party from performance under this Contract.
25. SEVERABILITY – If a court of competent jurisdiction holds any provision of this Contract to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them will not be affected.
26. HEADINGS – Headings on the sections and paragraphs of this Contract are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Contract.
27. COUNTERPARTS/FACSIMILES/SCANS – This Contract may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The parties may rely upon a facsimile copy or scanned copy of any party's signature as an original for all purposes.
28. GOVERNING LAW – Any dispute that arises under or relates to this Contract shall be governed by California law, excluding any laws that direct the application of another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Contract, including mediation, shall be San Francisco, California.
29. ENTIRE CONTRACT AND MODIFICATION – This Contract represents the final, complete, and exclusive statement of the agreement between the parties related to CONTRACTOR providing services to DISTRICT and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Contract by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Contract may only be amended by mutual agreement of the parties in writing and signed by both parties.
30. SURVIVAL OF TERMS – The provisions of sections 8 (Indemnification), 16 (Confidentiality), 17 (Intellectual Property Rights), and 18 (Publication) shall survive the expiration or termination of this Contract.

IN WITNESS WHEREOF, the parties to this Contract have caused this Contract to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

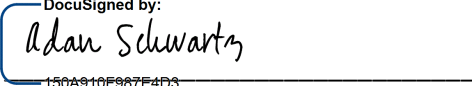
By: 
75AF6D5858B84B0...
Jack P. Broadbent
Executive Officer/APCO

By: 
Manoj Yadav
Chief Executive Officer

Date: 9/21/2021

Date: 09/09/2021

Approved as to form:
District Counsel

By: 
150A910F887E4D3...
Adan Schwartz
Acting District Counsel

Attachment A
General Description of Services

CONTRACTOR shall provide resources to a data inventory and data warehouse transition plan for the DISTRICT's Strategic Incentives Division.

AMENDMENT NO. 2 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2021.160

This amendment to the above-entitled contract ("Contract Amendment") is dated, for reference purposes only, January 13, 2022.

RECITALS:

1. The Bay Area Air Quality Management District ("DISTRICT") and **IT Dependz, Inc.** ("CONTRACTOR") (hereinafter referred to as the "PARTIES") entered into the above-entitled contract for a data inventory and data warehouse transition plan for the DISTRICT's Strategic Incentives Division (the "Contract"), which Contract was executed on behalf of CONTRACTOR on September 9, 2021, and on behalf of DISTRICT on September 21, 2021.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated January 12, 2022, for reference purposes only, to amend the total maximum cost and General Description of Services of the Contract.
3. The PARTIES seek to amend the term and total maximum cost of the Contract because the DISTRICT seeks to have CONTRACTOR continue to provide the services prescribed in the Contract, and CONTRACTOR desires to continue provide those services, up to the new term end date and total maximum cost.
4. In accordance with Section 29 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 5, "Term." The term of the Contract shall be extended so that the terminate date of the Contract is now June 30, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph C of Section 9, "Agreement to Provide Services," of the Contract to replace "\$52,550" with "\$297,000."
3. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the PARTIES have caused this Contract Amendment to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

By: _____
Jack P. Broadbent
Executive Officer/APCO

By: _____
Manoj Yadav
Chief Executive Officer

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Adan Schwartz
Acting District Counsel

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
MASTER SERVICES AGREEMENT
IT DEPENDZ, INC.
CONTRACT NO. 2021.160
Task Order No. 3**

Work Plan:

A. Technical Advisory Services

CONTRACTOR will provide technical oversight and support on an as needed basis to assist the DISTRICT's Strategic Incentives Division (SID) team with the implementation of any new software or updates to the existing grant management system infrastructure. Assistance includes, but is not limited to, the following:

1. Updates to the Woodsmoke System;
2. Annual report data collection;
3. Migration of Microsoft Access database to a new platform;
4. Set-up of new Reporting Infrastructure; and
5. Consolidate data into a new Data Warehouse.

B. Software Development Services

CONTRACTOR will migrate the existing Microsoft Access database which is used by Transportation Funds for Clean Air (TFCA) and other programs into a new web-based platform. CONTRACTOR will follow these steps for the migration:

1. Move the backend data to SharePoint (SP) lists. DISTRICT may also consider moving backend data to Azure Microsoft SQL and/or Dataverse.
2. Breakdown the main project table (NEWSTATS) into at least 4 tables to make it easier to manage.
3. Upload the new normalized tables to SP lists.
4. Create the initial Power App forms to manage the new normalized tables.
5. Assess the current requirements by analyzing the current workflow, update the Power App forms and define the Flows to match the workflow.
6. Iterate the process and present to DISTRICT for feedback.
7. Make improvements to the process until an initial production version (v1) of the Power App is acceptable to DISTRICT.
8. Migrate the data to the v1 of the Power App.
9. Implement improvements on the Power App.

C. Review and Document Existing Procedures

CONTRACTOR will review and document existing operating procedures and processes for all SID teams and programs. CONTRACTOR will work with SID management to standardize, streamline, and optimize the processes amongst all programs. CONTRACTOR will introduce an Agile methodology to manage all tasks and processes for SID, along with the usage of Azure Dev OPS for task management. As part of this task, CONTRACTOR will review and document the following items:

1. Process flow for each program;
2. Operations of each team managed by a SID manager; and

3. Interactions with different departments as part of managing each program.

D. Build Data Warehouse

CONTRACTOR will build a Data Warehouse (DW) system to collect data from all existing SID systems into one place for consolidated data aggregation and reporting. This DW will use existing technologies currently used by the DISTRICT, such as Microsoft Azure and/or related services and technologies. The DW will aggregate data from the following sources:

1. Microsoft Access Database
2. Microsoft SQL Server
3. Microsoft Dynamics CRM
4. Fluxx Grant Management System

The DW will be set-up to enable reporting out for multiple use-cases which include, but is not limited to:

1. Annual Reports
2. Program-based Reports

E. Replicate Data Export Tool into Reporting DW

CONTRACTOR will build reports out of the DW to replicate the Data Export tool functionality of the Carl Moyer system. This will eliminate the issues that SID currently faces due to the existing tool and code being broken and non-repairable. The reporting environment will also be used to generate the following:

1. Annual Reports
2. Program-based Reports

Task Order Schedule: The period of performance for this Task Order shall be from January 1, 2022 through June 30, 2023.

Task Order Contact:

CONTRACTOR's contact person under this Task Order shall be Manoj Yadav at manoj@itdependz.com. DISTRICT's contact person under this Task Order shall be Karen Schkolnick at kschkolnick@baaqmd.gov.

Task Order Cost:

DISTRICT will pay CONTRACTOR on a time-and-materials basis according to the hourly rates in the table below, up to a maximum amount of \$244,950. Any expenses incurred by CONTRACTOR must be approved in writing by DISTRICT in advance. Any overtime work must be authorized in writing by DISTRICT in advance.

Role	Hourly Rate
Technical Advisor	\$150/hr
Senior Developer	\$125/hr
Junior Developer	\$110/hr
Analyst/Project Manager	\$110/hr

CONTRACTOR will complete monthly timesheets and submit to DISTRICT for approval, up to the maximum amount for each task as listed in the table below. Upon approval, CONTRACTOR will prepare and submit monthly invoices to DISTRICT. Payment will be made within thirty (30) calendar days after receipt of CONTRACTOR's invoice.

Task	Not To Exceed
A. Technical Advisory Services	\$89,640
B. Software Development Services	\$24,900
C. Review and Document Existing Procedures	\$36,520
D. Build Data Warehouse	\$62,250
E. Replicate Data Export Tool into Reporting DW	\$31,640

Total Task Order Cost not to exceed \$244,950.

IN WITNESS WHEREOF, the parties to this Task Order have caused this Task Order to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

By: _____
Jack P. Broadbent
Executive Officer/APCO

By: _____
Manoj Yadav
Chief Executive Officer

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Adan Schwartz
Acting District Counsel