



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
MEETING
September 7, 2022**

THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY ASSEMBLY BILL 361 (RIVAS 2021) ALLOWING REMOTE MEETINGS. THIS MEETING WILL BE ACCESSIBLE VIA WEBCAST, TELECONFERENCE, AND ZOOM. A ZOOM PANELIST LINK WILL BE SENT SEPARATELY TO COMMITTEE OR BOARD MEMBERS

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

www.baaqmd.gov/bodagendas

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

<https://bayareametro.zoom.us/j/85158778167>

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

WEBINAR ID: 851 5877 8167

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

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, SEPTEMBER 7, 2022

9:00 AM

Chairperson, John J. Bauters

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.*

4. **Special Orders of the Day**

CONSENT CALENDAR (Items 5 - 21)

5. Remote Teleconferencing per Assembly Bill 361

The Board of Directors will consider approving a resolution authorizing Air District Board and Committee meetings using remote teleconferencing through October 7, 2022.

6. Approval of the Minutes of July 20, 2022

The Board of Directors will consider approving the draft minutes of the Board of Directors meeting of July 20, 2022.

7. Board Communications Received from July 20, 2022 through September 6, 2022

A copy of communications directed to the Board of Directors received by the Air District from July 20, 2022 through September 6, 2022, will be distributed to Board Members by way of email.

8. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of June and July 2022

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 June and July 2022.

9. Personnel Out-of-State Business Travel Report for July 2022

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.

10. Quarterly Report of California Air Resources Board Representative - Honorable Davina Hurt

This is an informational item only.

11. Quarterly Report of the Executive Office and Division Activities for the Months of April 2022 - June 2022

This is an informational item only.

12. Authorization to Execute a Purchase Order with Teledyne Inc.

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a purchase order for Teledyne Inc., in an amount not to exceed \$115,403.

13. Authorization to Execute Contract Amendment with Kadash & Associates, LLC

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a contract amendment for Kadash & Associates, LLC in an amount not to exceed \$243,600.

14. Authorization to Execute Contract Amendment with Enforce LLC

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to extend the terms of the contract with Enforce LLC, for a one-year term, the amount not to exceed \$84,000 during fiscal year ending 2023.

15. Authorization to Execute a Legal Services Agreement with Woodruff, Spradlin & Smart to Represent the Air District in *The Athletics Investment Group LLC v. Bay Area Air Quality Management District et al.*

*The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a Legal Services Agreement with Woodruff, Spradlin & Smart, in an amount not to exceed \$400,000 to provide legal representation in the matter of *The Athletics Investment Group, LLC v. Bay Area Air Quality Management District, et al.*; and will consider authorizing the transfer of \$400,000 from the Litigation Contingency General Fund Reserves to amend the Fiscal Year 2022-2023 Legal Office's Litigation program budget.*

16. Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2022

The Board of Directors will consider executing a resolution to approve the Air District's acceptance of the Fiscal Year Ending (FYE) 2022 Community Air Protection Program funds and authorize the Interim Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board (CARB) to implement the program.

17. Report of the Advisory Council Meeting of July 11, 2022

The Board of Directors will receive a report of the Advisory Council meeting of July 11, 2022.

18. Report of the Legislative Committee Meeting of July 11, 2022

The Board of Directors will receive a report of the Legislative Committee meeting of July 11, 2022.

19. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of July 18, 2022

The Board of Directors will receive a report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of July 18, 2022.

20. Report of the Mobile Source & Climate Impacts Committee Meeting of July 28, 2022

The Board of Directors will receive a report of the Mobile Source & Climate Impacts Committee meeting of July 28, 2022.

21. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of August 15, 2022

The Board of Directors will receive a report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of August 15, 2022.

CLOSED SESSION

22. Public Employee Appointment and Employment (Government Code Section 54957(b)(1))

Pursuant to Government Code Section 54957(b)(1)

Title: Executive Officer/Air Pollution Control Officer

OPEN SESSION

DISCUSSION

23. Consider Approving the Advertising Brochure for the upcoming Executive Officer/Air Pollution Control Officer (APCO) Recruitment

The Board of Directors will receive public comment and consider approving the advertising brochure for the upcoming Executive Officer/Air Pollution Control Officer (APCO) recruitment.

PRESENTATION(S)

24. Vendor Selection for Strategic Communications and Evaluation of the Flex Your Commute Program

The Board of Directors will consider approving the vendor selection of a request for proposal (RFP) No. 2022-007 for Strategic Communications and Evaluation of the Flex Your Commute Program to Keough Consulting in an amount not to exceed \$250,000 for one year with the option of extending the contract three additional years pending a positive year review and authorize the Interim Executive Officer/APCO to execute contract. The agenda item will be presented by Lisa Fasano, External Affairs Officer.

OTHER BUSINESS

25. 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.

26. 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)

27. Report of the Interim Executive Officer/APCO

28. Chairperson's Report

29. Time and Place of Next Meeting

Wednesday, September 21, 2022, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION

30. Conference with Legal Counsel re Existing Litigation (Government Code Sections 54956.9(a) and (d)(1))

Pursuant to Government Code Sections 54956.9(a) and (d)(1), the Board will meet in closed session with legal counsel to discuss the following case:

The Athletics Investment Group, LLC, v. The Bay Area Air Quality Management District et al. (Schnitzer Steel Industries, Inc., Real Party in Interest), Case No. 3:22-cv-03268-MMC (N. Dist. Cal.).

31. Conference with Legal Counsel re Anticipated Litigation (Government Code Sections 54956.9(a) and (d)(2))

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: Two cases.

32. Public Employee Appointment and Employment (Government Code Section 54957(b)(1))

Pursuant to Government Code Section 54957(b)(1)

Title: Executive Officer/Air Pollution Control Officer

33. Public Employee Performance Evaluation (Government Code Section 54957(b)(1))

Pursuant to Government Code Section 54957(b)(1)

Title: Interim Executive Officer/Air Pollution Control Officer

OPEN SESSION

34. 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

SEPTEMBER 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Community Equity, Health and Justice Committee - CANCELLED AND RESCHEDULED TO THURSDAY, SEPTEMBER 15, 2022, AT 9:30 A.M.	Thursday	1	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	7	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Community Advisory Council Mtg.	Thursday	8	6:00 p.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting	Monday	12	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee - CANCELLED	Monday	12	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	15	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	19	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	19	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	21	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	21	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	22	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee - CANCELLED	Wednesday	28	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

OCTOBER 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Legislative Committee	Monday	3	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	5	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	6	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee- CANCELED AND RESCHEDULED TO MONDAY, OCTOBER 3, 2022 AT 1:00 P.M.	Monday	10	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Technology Implementation Office (TIO) Steering Committee	Friday	14	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	17	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	17	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	19	9:00 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	19	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Budget and Finance Committee	Wednesday	26	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee	Thursday	27	9:30 a.m.	Webcast only pursuant to Assembly Bill 361

HL 8/30/22 – 11:40 a.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Remote Teleconferencing per Assembly Bill 361

RECOMMENDED ACTION

Consider approving a resolution authorizing Air District Board and Committee meetings using remote teleconferencing pursuant to the provisions of Assembly Bill 361 (AB 361).

BACKGROUND

AB 361 (R. Rivas 2021) (Open meetings: state and local agencies: teleconferences) allows the Board of Directors, Board committees, and other legislative bodies of the Air District to conduct public meetings using teleconferencing without complying with certain public accessibility requirements imposed by the Ralph M. Brown Act (Brown Act) during the COVID-19 state of emergency proclaimed by Governor Newsom. Specifically, AB 361 allows the members of the Board of Directors and the Air District's other legislative bodies to meet remotely without publicizing their physical locations and making those locations publicly accessible, as would otherwise be required under the Brown Act. Requiring members to publicize their physical locations and make them publicly accessible would effectively make it impossible to participate remotely from members' homes and other private locations. AB 361 contains other provisions designed to protect the public's rights to attend and participate in Air District public meetings, even if Board members' physical locations are not made public.

AB 361 allows for public meetings using remote teleconferencing without compliance with these Brown Act requirements during a proclaimed state of emergency if either (i) state or local officials have imposed or recommended measures to promote social distancing, or (ii) the Board of Directors determines by majority vote that meeting in person would present imminent risks to the health or safety of attendees. *See* Cal. Gov't Code § 54953(e)(1). Once the Board of Directors has determined that these conditions exist and has started holding remote meetings, in order to continue doing so, the Board must reconsider the circumstances of the state of emergency at least every 30 days and made findings that either (i) the state of emergency continues to directly impact the ability of members to meet safely in person and/or (ii) state or local officials continue to impose or recommend measures to promote social distancing. *See* Cal. Gov't Code § 54953(e)(3).

The Board of Directors started meeting remotely under the provisions of AB 361 in October of 2021. To do so, the Board adopted a Resolution making findings that the conditions authorizing such remote meetings existed as required under Government Code section 54953(e)(1). The Board continued to meet under the provisions of AB 361 through July of 2022, and it reconsidered the circumstances of the state of emergency at least every 30 days during that time period and made the findings required by Government Code section 54953(e)(3).

The Board of Directors stopped holding such meetings after July 20, 2022, however, as it stopped meeting because of its annual summer recess. The Board therefore stopped making 30-day findings under Government Code section 54953(e)(3). This is authorized by AB 361. AB 361 provides that if a legislative body wants to continue holding remote meetings, it has to reconsider the situation every 30 days. But it does not require the legislative body to do so if it wants to cease holding such meetings for any reason.

DISCUSSION

Staff are now proposing that the Board of Directors re-commence their remote meetings pursuant to the provisions of AB 361. AB 361 does not prohibit legislative bodies from re-starting remote meetings after they have stopped doing so for a period of time. To the contrary, the statute’s provisions for holding remote meetings apply exactly the same way for re-starting remote meetings as they do for the initial commencement of remote meetings. The statute provides that if the conditions for holding remote meetings set forth in Government Code section 54953(e)(1) are present, then the Board can meet remotely. The statute does not impose any limitation that prevents the Board from re-starting remote meetings after not holding them for more than 30 days.

Both of the conditions for re-commencing remote meetings under Government Code section 54953(e)(1) currently exist. There is a proclaimed state of emergency – namely, the Governor’s March 4, 2020 Proclamation of State of Emergency – and state or local public health officials have imposed or recommended measures to promote social distancing. And as a result of the state of emergency, holding in-person meetings of the Board of Directors, Board committees and other legislative bodies of the Air District would present imminent risks to the health or safety of attendees. Staff therefore recommend that the Board of Directors adopt a Resolution to make findings that these circumstances exist, and to authorize the Board, Board committees, and all of the other Air District legislative bodies to meet remotely pursuant to the provisions of AB 361.

Note that under Government Code section 54953(e)(3), the Board will be required to reconsider the circumstances of the state of emergency every 30 days and make additional findings if it wants to continue holding remote meetings under AB 361. Staff therefore propose that the Resolution specify that it is effective only until October 7, 2022, or until such time as a subsequent AB 361 resolution is adopted.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Alexander G. Crockett

ATTACHMENTS:

1. Draft AB 361 Subsequent Resolution 090722 - Final Clean

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2022-

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAY AREA AIR
QUALITY MANAGEMENT DISTRICT AUTHORIZING REMOTE
TELECONFERENCE MEETINGS FOR THE PERIOD
SEPTEMBER 7 TO OCTOBER 7, 2022**

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

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

WHEREAS, beginning in 2020, the COVID-19 pandemic gave rise to significant health risks that made it unduly risky for the Air District's legislative bodies to hold in-person public meetings – conditions that continue to exist today; and

WHEREAS, the Brown Act authorizes remote teleconferencing participation in meetings by members of a legislative body, but as of the beginning of the pandemic, it included certain restrictions in Government Code section 54953(b)(3) that made fully remote meetings impractical; and

WHEREAS, in response to this situation, and in order to facilitate remote meetings to promote public health and allow for social distancing during the COVID-19 pandemic, the Legislature enacted AB 361 (Rivas), which (among other things) created Government Code section 54953(e); and

WHEREAS, 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, on October 6, 2021, the Board of Directors adopted Resolution No. 2021-14 finding that the requisite conditions exist for the Air District's legislative bodies to conduct remote teleconference meetings without compliance with Government Code section 54953(b)(3), including (i) that there was a proclaimed state of emergency and state or local officials had imposed or recommended measures to promote social distancing, and (ii) that as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, Government Code section 54953(e) authorized the Board of Directors to continue to hold remote public meetings without compliance with Government Code section 54953(b)(3) as long as the Board reconsidered the circumstances of the state of emergency at least every 30 days and made findings that either (i) the state of emergency continued to directly impact the ability of members to meet safely in person and/or (ii) state or local officials continued to impose or recommend measures to promote social distancing; and

WHEREAS, the Board of Directors continued to hold remote public meetings without compliance with Government Code section 54953(b)(3) through July of 2022, and made the requisite findings at least every thirty days as required by Government Code section 54953(e)(3); and

WHEREAS, after July 20, 2022, the Board of Directors stopped holding public meetings pursuant to the provisions of Government Code section 54953(e), and therefore stopped reconsidering the circumstances of the state of emergency and making the requisite findings at least every thirty days as required by Government Code section 54953(e)(3); and

WHEREAS, the Board of Directors once again wishes to hold public meetings without compliance with Government Code section 54953(b)(3) as provided for under Government Code section 54953(e); and

WHEREAS, the Board of Directors has considered the circumstances set forth in Government Code section 54953(e)(1) under which such meetings may be held – specifically, (i) that there is a proclaimed state of emergency and state or local officials have imposed or recommended measures to promote social distancing, and (ii) that as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees – and has found both circumstances to be present; and

WHEREAS, the Board of Directors also recognizes that the circumstances of the state of emergency are such that the circumstances necessary for a continuing 30-day resolution under Government Code section 54953(e)(3) – specifically, (i) that the state of emergency continues to directly impact the ability of the members to meet safely in person, and (ii) that state or local officials continue to impose or recommend measures to promote social distancing – both exist at the present time; and

WHEREAS, as a consequence of the COVID-19 pandemic, the Board of Directors does hereby find that the legislative bodies of the Air District shall conduct their meetings without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e), and that such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in Government Code section 54953(e)(2); and

WHEREAS, the Air District is publicizing in its meeting agendas zoom and webcast links and phone numbers for members of the public to participate remotely in meetings of the Air District's legislative bodies; and

WHEREAS, as long as the Board of Directors desires to continue to hold public meetings without compliance with Government Code section 54953(b)(3), it will reconsider the circumstances of the state of emergency at least every 30 days and will not hold such meetings unless it makes findings that either (i) the state of emergency continues to directly impact the ability of members to meet safely in person and/or (ii) state or local officials continue to impose or recommend measures to promote social distancing.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT 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 of Local Emergency. The Board of Directors hereby finds that a proclaimed state of emergency related to COVID-19 exists within the San Francisco Bay Area, that measures to promote social distancing have been ordered or recommended by state or local public health authorities, and that as a result of the state of emergency, meeting in person would present imminent health and safety risks to attendees.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board of Directors 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. Affirmation of Continuation of State Emergency. The Board of Directors has reconsidered the circumstances of the state of emergency since previous resolutions, and based on such reconsideration, hereby finds that the state of emergency continues to directly impact the ability of its members to meet safely in person, and that state or local officials continue to impose or recommend measures to promote social distancing.

Section 5. Remote Teleconference Meetings. The staff and legislative bodies of the Air District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings by remote teleconference without compliance with Government Code section 54953(b)(3), as provided for under Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 6. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 7, 2022, or (ii) 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 the Air District may continue to teleconference without compliance with section 54953(b)(3).

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 _____, seconded by _____, on the 7th day of SEPTEMBER 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John Bauters
Chair of the Board of Directors

Teresa Barrett
Secretary of the Board of Directors

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Approval of the Minutes of July 20, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors meeting of July 20, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors meeting of July 20, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of July 20, 2022

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

DRAFT MINUTES

Board of Directors Regular Meeting
Wednesday, July 20, 2022

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

This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021), allowing remote meetings. Members of the Board of Directors participated by teleconference (via Zoom).

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:00 a.m.

Roll Call:

Present: Chairperson John J. Bauters; Vice Chairperson Davina Hurt; Secretary Teresa Barrett; and Directors Margaret Abe-Koga, David Canepa, John Gioia, Carole Groom, David Haubert, Tyrone Jue, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: Directors Pauline Russo Cutter, Erin Hannigan, Lynda Hopkins, David Hudson, and Otto Lee.

2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC MEETING PROCEDURE**
4. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced Air District employee, Derek Klein, who was promoted to Information Services Manager. Mr. Klein gave a self-introduction.

COMMENDATION / PROCLAMATION / AWARD

5. RECOGNITION OF MR. RICHARD COREY FOR SERVICE/RETIREMENT FROM THE CALIFORNIA AIR RESOURCES BOARD (CARB)

The Board of Directors recognized Richard Corey for his 37 years of service and retirement from the California Air Resources Board.

Public Comments

Public comments were given by LaDonna Williams, All Positives Possible.

Board Comments

Board members and Air District staff members gave remarks about Mr. Corey’s accomplishments.

NOTED PRESENT: Director Rice was noted present at 9:16 a.m.

CONSENT CALENDAR (ITEMS 6 – 17)

6. Approval of the Minutes of July 6, 2022
7. Board Communications Received from July 6, 2022, through July 19, 2022
8. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
9. Personnel Out of State Business Travel Report for June 2022
10. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of May 2022
11. Quarterly Report of CARB Representative – Honorable Davina Hurt
12. Projects and Contracts with Proposed Grant Awards Over \$500,000
13. Authorization to Execute Contract Amendment with Ceridian Payroll Services
14. Authorization of No-Cost Extension of Contract for the Bay Area Center
15. Consider Proposed Amendments to the Administrative Code Regarding the Functions of the Administration Committee
16. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of June 27, 2022
17. Report of the Community Equity, Health, and Justice Committee Meeting of July 7, 2022

Public Comments

No requests received.

Board Comments

Regarding Item 12 (Projects and Contracts with Proposed Grant Awards Over \$500,000) the Board and staff discussed concerns regarding jurisdictions that lack staff to process grant applications, and the definition of “significant exposure” in the Carl Moyer Program (CMP) and the requirement that at least 50% of CMP funds must be allocated to projects that benefit communities with the most significant exposure to air contaminants or localized air contaminants.

Board Action

Director Wagenknecht made a motion, seconded by Director Groom, to **approve** Consent Calendar Items 6 through 17, inclusive; and the motion **carried** by the following vote of the Board:

- AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, David Haubert, Davina Hurt, Tyrone Jue, Sergio Lopez, Karen Mitchoff, Rob Rennie, Katie Rice, Brad Wagenknecht, Shamann Walton, Steve Young.
- NOES: None.
- ABSTAIN: None.
- ABSENT: Pauline Russo Cutter, Erin Hannigan, Lynda Hopkins, David Hudson, Otto Lee, Nate Miley, Mark Ross.

PRESENTATIONS

18. REPORT OF THE COMMUNITY ADVISORY COUNCIL MEETING OF JUNE 30, 2022

Suma Peesapati, Environmental Justice and Community Engagement Officer, and Latasha Washington, Co-Chair of the Air District’s Community Advisory Council (CAC), gave the presentation *Report of the Community Advisory Council Meeting of June 30, 2022*, including: requested action; background; and CAC desired qualifications for the Executive Officer/Air Pollution Control Officer (APCO.)

Public Comments

Public comments were given by Kevin Ruano Hernandez; LaDonna Williams, All Positives Possible; and Jan Callaghan, Rodeo resident.

Board Comments

The Board and staff discussed the CAC’s definition of “transformative regulatory efforts”; and the importance of the new Executive Officer/APCO being able to work with the community and advocate for environmental justice.

Board Action

None; receive and file.

19. STATEWIDE EXPANSION OF CLIMATE TECH FINANCE PROGRAM

Derrick Tang, Technology Implementation Office (TIO) Manager, gave the staff presentation *Climate Tech Finance Statewide Expansion*, including: outcome; outline; overview; program impact; potential statewide expansion; pipeline activity; program marketing; and action requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed whether the TIO has applied a racial equity lens to this program; acknowledged the progress of this program since inception; discussed how the Air District monitors the funded projects; lessons learned, and changes being implemented; and requested a copy of the program's Impact Evaluation Form.

Board Action

Director Rice made a motion, seconded by Director Wagenknecht, to recommend the Board of Directors **authorize** the Interim Executive Officer/APCO to negotiate and execute agreements with IBank and Nor-Cal FDC to allow the Air District to receive administrative funds for evaluating loan guarantees under the Climate Tech Finance program with an expanded statewide scope; and the motion **carried** by the following vote of the Board:

AYES: Margaret Abe-Koga, Teresa Barrett, John J. Bauters, David Canepa, John Gioia, Carole Groom, Davina Hurt, Tyrone Jue, Sergio Lopez, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, Steve Young.
NOES: None.
ABSTAIN: None.
ABSENT: Pauline Russo Cutter, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Otto Lee, Nate Miley.

OTHER BUSINESS

20. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Greg Karras, Community Energy reSource; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Gary Hughes, biofuelwatch; Prof. Clair Brown, University of California at Berkeley; Jed Holtzman, San Francisco resident; LaDonna Williams, All Positives Possible; Jan Callaghan, Rodeo resident; Kevin Ruano Hernandez; Charles Davidson, Hercules resident; Ken Szutu, Vallejo Citizen Air Monitoring Network; and Lonnie Mason, First Generation Environmental Health and Economic Development.

21. BOARD MEMBER COMMENTS

Director Young suggested that, without taking an official position on the matter, the Air District inform Contra Costa County that a Notice of Violation was issued to Philipps 66 Rodeo refinery for processing renewable diesel without a modifying the existing permit that allows the same type of processing with petroleum feedstocks, as this has become a controversial issue.

22. **REPORT OF THE INTERIM EXECUTIVE OFFICER/APCO**

On behalf of Sharon Landers, Interim Executive Officer/APCO, Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, reported the following:

- The Air District’s Hearing Board plans to issue an Order for Abatement to address Green Sage Management’s cannabis cultivation facility that has been operating without a permit for the nine diesel generators that are currently on-site.
- Regarding the City of Pittsburg’s Marsh Fire, the Air District is extending an air quality advisory for wildfire smoke in eastern Contra Costa County through Thursday, July 21, 2022. Although there has been progress in the efforts to extinguish the fire, smoke from the fire is expected to continue to impact the eastern Contra Costa cities of Pittsburg, Antioch, Oakley, and Brentwood through Thursday. Pollutant levels are not expected to exceed the national 24-hour health standard. A Spare the Air Alert is not in effect.
- Dr. Ranyee Chiang, Director of Meteorology and Measurement, was asked to provide a summary on recent air quality.

23. **CHAIRPERSON’S REPORT**

Chair Bauters announced that the Board and its committees will be dark for the month of August, although the Richmond Area Path to Clean Air Steering Committee will meet on August 15, 2022. He added that the next Community Equity, Health & Justice Committee meeting, which would normally occur on the first Thursday of the month, will instead occur on September 15, 2022.

24. **TIME AND PLACE OF NEXT MEETING**

Wednesday, September 7, 2022, at 9:00 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

CLOSED SESSION (10:44 a.m.)

NOTED PRESENT: Director Miley was noted present at 10:45 a.m.

25. **DISCUSSION WITH COUNSEL RE EXISTING LITIGATION (GOVERNMENT CODE SECTION 54956.9(a))**

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

Chevron U.S.A Inc. v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1739; and

Martinez Refining Co. LLC v. Bay Area Air Quality Management District, Contra Costa Superior Court Case No. MSN21-1568.

Reportable Action: Alexander Crockett, District Counsel, had nothing to report.

26. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION
(GOVERNMENT CODE SECTION 54956.9(d)(2))**

Pursuant to Government Code section 54956.9(d)(2), the Board will meet in closed session with legal counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

Reportable Action: Mr. Crockett had nothing to report.

OPEN SESSION (1:01 p.m.)

27. **ADJOURNMENT**

The meeting adjourned at 1:02 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Board Communications Received from July 20, 2022 through September 6, 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 July 20, 2022 through September 6, 2022, if any, will be distributed to the Board members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marjorie Villanueva
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Months of
June and July 2022

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 Violations issued, and all settlements for amounts in excess of \$10,000 during the calendar months prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENTS:

1. Notices of Violations for the Month of June 2022
2. Notices of Violations for the Month of July 2022

NOTICES OF VIOLATIONS ISSUED

The following Notices of Violations were issued in June 2022:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Alexander Goren	FA835	Oakland	A61427A	6/22/2022	2-1-307	Permit Requirement/Condition Violation.
Au Energy LLC	Z1937	Fremont	A61688A	6/6/2022	2-1-307	Permit Requirement/Condition Violation.
Bay Area Concrete Construction	FA886	Union City	A59020A	6/27/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Bay Area Concrete Construction	FA886	Union City	A59020B	6/27/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Bay Area Concrete Construction	FA886	Union City	A59021A	6/27/2022	10	Code of Federal Regulation Violation.
City of Berkeley/Engr Div/Public Works	A3590	Berkeley	A58802A	6/6/2022	8-34-301.1	Landfill Violation.
City of Berkeley/Engr Div/Public Works	A3590	Berkeley	A58802B	6/6/2022	10	Code of Federal Regulation Violation.
City of Berkeley/Engr Div/Public Works	A3590	Berkeley	A61731A	6/6/2022	8-34-301.1	Landfill Violation.
City of Berkeley/Engr Div/Public Works	A3590	Berkeley	A61731B	6/6/2022	10	Code of Federal Regulation Violation.
City of San Leandro	FA750	San Leandro	A61714A	6/2/2022	2-1-307	Permit Requirement/Condition Violation.
Creso Equipment	Z3992	Livermore	A62228A	6/24/2022	8-7-301.1	Gas Dispensing Facility Violation.

Creso Equipment	Z3992	Livermore	A62228B	6/24/2022	8-7-301.3	Gas Dispensing Facility Violation.
Tesla, Inc.	A1438	Fremont	A61161A	6/1/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61162A	6/1/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61163A	6/16/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61164A	6/16/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61165A	6/16/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61166A	6/27/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Vision Recycling San Lorenzo	E4975	San Lorenzo	A56701A	6/22/2022	2-1-302	No Permit to Operate.

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
A-1 Liquor & Food	FA798	Pacheco	A60749A	6/6/2022	8-7-503	Gas Dispensing Facility Violation.
Barbar McGuire	FA864	San Ramon	A61426A	6/22/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A58388A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A58389A	6/17/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A58390A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.

Chevron Products Company	A0010	Richmond	A58391A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A58392A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A58393A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A58394A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A58395A	6/16/2022	12-11-502.3.1	Refinery Flare Monitoring Violation.
Chevron Products Company	A0010	Richmond	A60649A	6/10/2022	2-1-301	No Authority to Construct.
Chevron Products Company	A0010	Richmond	A61109A	6/14/2022	1-523.1	Parametric Monitor Violation.
Chevron Products Company	A0010	Richmond	A61109B	6/14/2022	1-523.2	Parametric Monitor Violation.
Chevron Products Company	P4764	San Ramon	A61424A	6/9/2022	8-7-308	Gas Dispensing Facility Violation.
Chevron Products Company	Y2653	San Ramon	A61425A	6/16/2022	8-7-301.1	Gas Dispensing Facility Violation.
Janus Corp	FA792	Concord	A60088A	6/14/2022	11-2-303.6	Asbestos Violation.
Martinez Refining Company LLC	A0011	Martinez	A61984A	6/7/2022	10	Code of Federal Regulation Violation.
Martinez Refining Company LLC	A0011	Martinez	A61985A	6/7/2022	9-1-307	SO2 Emissions Violation.
Martinez Refining Company LLC	A0011	Martinez	A61987A	6/22/2022	6-1-302	Visible Emissions Violation.
Martinez Refining Company LLC	A0011	Martinez	A61988A	6/22/2022	10	Code of Federal Regulation Violation.

Martinez Refining Company LLC	A0011	Martinez	A61989A	6/22/2022	10	Code of Federal Regulation Violation.
Military Ocean Terminal Concord	B2769	Concord	A61285A	6/1/2022	5-301	Open Burn Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61101A	6/8/2022	2-6-307	Title V Permit Requirement/Condition Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61102A	6/8/2022	10	Code of Federal Regulation Violation.
San Ramon Valley Fire Protection District	G0245	San Ramon	A61715A	6/9/2022	2-1-307	Permit Requirement/Condition Violation.
San Ramon Valley Fire Protection District	G0245	San Ramon	A61716A	6/15/2022	2-1-307	Permit Requirement/Condition Violation.
San Ramon Valley Fire Protection District	G0245	San Ramon	A61717A	6/15/2022	2-1-307	Permit Requirement/Condition Violation.
Star Holdings, LLC	FA887	Moraga	A62229A	6/28/2022	8-7-302.1	Gas Dispensing Facility Violation.
Tesoro Refining & Marketing Company, LLC	E1200	Martinez	A60779A	6/30/2022	8-5-304.4	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60778A	6/14/2022	8-5-306.2	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60780A	6/30/2022	8-5-320.5.3	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60781A	6/30/2022	8-5-320.5.3	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60782A	6/30/2022	8-5-304.4	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60783A	6/30/2022	8-18-401.2	Equipment Leak Violation.

Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61025A	6/2/2022	10	Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61025B	6/2/2022	CCR	CA Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61026A	6/2/2022	10	Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61026B	6/2/2022	CCR	CA Code of Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61027A	6/14/2022	8-5-306.2	Storage Tank Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60784A	6/30/2022	8-33-309.12	Gasoline Bulk Terminal Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60785A	6/30/2022	10	Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61023A	6/2/2022	10	Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61023B	6/2/2022	CCR	CA Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61024A	6/2/2022	10	Code of Federal Regulation Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61024B	6/2/2022	CCR	CA Code of Federal Regulation Violation.

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Brown's Valley Chevron GDF	FA744	Napa	A60750A	6/9/2022	8-7-301.5	Gas Dispensing Facility Violation.
KAFV, Inc.	Z7168	Napa	A60747A	6/6/2022	2-1-307	Permit Requirement/Condition Violation.

KAFV, Inc.	Z7168	Napa	A60748A	6/6/2022	8-7-503.1	Gas Dispensing Facility Violation.
KAFV, Inc.	Z7168	Napa	A60748B	6/6/2022	8-7-503.3	Gas Dispensing Facility Violation.
William Kreysler & Assoc Inc.	B2852	American Canyon	A59923A	6/27/2022	2-1-307	Permit Requirement/Condition Violation.

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Mohammad Alzghoul	FA892	South San Francisco	A62230A	6/30/2022	8-7-302.1	Gas Dispensing Facility Violation.
Mohammad Alzghoul	FA892	South San Francisco	A62230B	6/30/2022	8-7-308	Gas Dispensing Facility Violation.

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Anthony Kandahari - Union 76 GDF	FA797	Los Gatos	A61689A	6/6/2022	2-1-307	Permit Requirement/Condition Violation.
Anthony Kandahari - Union 76 GDF	FA797	Los Gatos	A61690A	6/9/2022	2-1-307	Permit Requirement/Condition Violation.
APCT, Inc.	A7638	Santa Clara	A61632A	6/24/2022	2-1-301	No Authority to Construct and No Permit to Operate.
APCT, Inc.	A7638	Santa Clara	A61632B	6/24/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Arco #06223	Y9204	San Jose	A59845A	6/16/2022	8-7-302.1	Gas Dispensing Facility Violation.
Arco #06223	Y9204	San Jose	A59845B	6/16/2022	2-1-307	Permit Requirement/Condition Violation.
Atam Sandhu	FA838	Saratoga	A61691A	6/16/2022	8-7-302.3	Gas Dispensing Facility Violation.

Central Concrete	FA884	San Jose	A59022A	6/27/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Central Concrete	FA884	San Jose	A59022B	6/27/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Eggo Company	A5582	San Jose	A61580A	6/1/2022	2-1-307	Permit Requirement/Condition Violation.
Excel Gas & Mart	FA809	San Jose	A59844A	6/14/2022	2-1-307	Permit Requirement/Condition Violation.
International Disposal Corp of CA	A9013	Milpitas	A61608A	6/1/2022	8-34-301.2	Landfill Violation.
International Disposal Corp of CA	A9013	Milpitas	A61608B	6/1/2022	8-34-303	Landfill Violation.
International Disposal Corp of CA	A9013	Milpitas	A61608C	6/1/2022	10	Code of Federal Regulation Violation.
O'Connor Hospital	A1502	San Jose	A61581A	6/7/2022	2-1-302	No Permit to Operate.
Pick N Pull Auto Dismantlers	E4000	San Jose	A61582A	6/16/2022	2-1-307	Permit Requirement/Condition Violation.
Precise Auto DBA Precise	FA796	San Jose	A59843A	6/8/2022	8-7-302.2	Gas Dispensing Facility Violation.
Streamline Circuits LLC dba Summit Interconnect SC	A2206	Santa Clara	A61631A	6/2/2022	2-1-307	Permit Requirement/Condition Violation.

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Valero Refining Company - California	B2626	Benicia	A59522A	6/22/2022	8-18-309.3	Equipment Leak Violation.
Valero Refining Company - California	B2626	Benicia	A59522B	6/22/2022	10	Code of Federal Regulation Violation.

Valero Refining Company - California	B2626	Benicia	A59523A	6/27/2022	9-10-502.1	Refinery NOx or CO Violation.
Vallejo Flood and Wastewater District	A3319	Vallejo	A59924A	6/29/2022	2-1-307	Permit Requirement/Condition Violation.

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Molecular BioProducts, Inc. - ThermoFisher	E2538	Petaluma	A61556A	6/15/2022	2-1-302	No Permit to Operate.
Western Fiberglass, Inc.	A7974	Santa Rosa	A61557A	6/29/2022	2-1-302	No Permit to Operate.

District Wide						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Southern Counties Oil Co. LLP	Z8478	Orange	A61423A	6/8/2022	8-7-308	Gasoline Dispensing Facility Violation.

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 0 settlement(s) for \$10,000 or more completed in June 2022.

NOTICES OF VIOLATIONS ISSUED

The following Notices of Violations were issued in July 2022:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Alameda County GSA	B3908	Oakland	A61131A	7/5/2022	6-1-301	Visible Emissions Violation.
Alameda County GSA	B3908	Oakland	A61133A	7/6/2022	2-1-307	Permit Requirement/Condition Violation.
AMI Petroleum	FA976	Union City	A61718A	7/20/2022	2-1-307	Permit Requirement/Condition Violation.
Area51Zero LLC	FA944	Oakland	A61132A	7/5/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Area51Zero LLC	FA944	Oakland	A61132B	7/5/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Au Energy LLC	FA962	Fremont	A61397A	7/20/2022	8-7-301.5	Gas Dispensing Facility Violation.
City of Alameda, Maint Serv Center	A3194	Alameda	A61134A	7/25/2022	10	Code of Federal Regulation Violation.
City of Alameda, Maint Serv Center	A3194	Alameda	A61135A	7/25/2022	10	Code of Federal Regulation Violation.
Emerald Packaging Inc	A7688	Union City	A61611A	7/19/2022	2-1-307	Permit Requirement/Condition Violation.
Mission Valley Rock Co.	A0595	Sunol	A60886A	7/19/2022	2-1-307	Permit Requirement/Condition Violation.
OB Construction	FA935	San Lorenzo	A61660A	7/14/2022	11-2-401.3	Asbestos Violation.
Planting Justice	FA929	Oakland	A60139A	7/13/2022	11-2-401.3	Asbestos Violation.

Restoration Management Company	Z9686	Hayward	A60092A	7/21/2022	11-2-303.6	Asbestos Violation.
Salkhi Family Holdings, Inc.	Z8990	San Leandro	A61398A	7/21/2022	2-1-307	Permit Requirement/Condition Violation.
Salkhi Family Holdings, Inc.	Z8990	San Leandro	A61398B	7/21/2022	8-7-302.3	Gas Dispensing Facility Violation.
Tesla, Inc.	A1438	Fremont	A61167A	7/12/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Tesla, Inc.	A1438	Fremont	A61168A	7/12/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Tesla, Inc.	A1438	Fremont	A61169A	7/12/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Tesla, Inc.	A1438	Fremont	A61170A	7/12/2022	2-6-307	Title V Requirement/Permit Condition Violation.

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
AAK USA Richmond Corp.	A0927	Richmond	A61732A	7/5/2022	2-1-307	Permit Requirement/Condition Violation.
Argent Dairy	FA939	Richmond	A60650A	7/15/2022	6-1-301	Visible Emissions Violation.
Chevron Products Company	A0010	Richmond	A57787A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A57788A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60007A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60009A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.

Chevron Products Company	A0010	Richmond	A60010A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60011A	7/26/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A62005A	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A62006A	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A62007A	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A62008A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A62009A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A62010A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61121A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61122A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61123A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61124A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A62003A	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A62004A	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A61116A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.

Chevron Products Company	A0010	Richmond	A61116B	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A61117A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61118A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61119A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61120A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A61110A	7/25/2022	10	Code of Federal Regulation Violation.
Chevron Products Company	A0010	Richmond	A61111A	7/25/2022	10	Code of Federal Regulation Violation.
Chevron Products Company	A0010	Richmond	A61112A	7/25/2022	10	Code of Federal Regulation Violation.
Chevron Products Company	A0010	Richmond	A61113A	7/25/2022	10	Code of Federal Regulation Violation.
Chevron Products Company	A0010	Richmond	A61114A	7/25/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A61115A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60049A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60050A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60051A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60052A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.

Chevron Products Company	A0010	Richmond	A60651A	7/26/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60652A	7/28/2022	6-1-301	Visible Emissions Violation.
Chevron Products Company	A0010	Richmond	A60012A	7/26/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Chevron Products Company	A0010	Richmond	A60015A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60031A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60032A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60033A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
Chevron Products Company	A0010	Richmond	A60034A	7/25/2022	2-1-307	Permit Requirement/Condition Violation.
City of San Ramon	FA994	San Ramon	A61719A	7/21/2022	8-7-302.3	Gas Dispensing Facility Violation.
Contra Costa County	A3779	Martinez	A60786A	7/27/2022	2-1-307	Permit Requirement/Condition Violation.
Contra Costa County	A3779	Martinez	A60787A	7/27/2022	2-1-307	Permit Requirement/Condition Violation.
Contra Costa County	A3779	Martinez	A60788A	7/27/2022	2-1-307	Permit Requirement/Condition Violation.
Gold Bond Building Products, LLC	A0706	Richmond	A61733A	7/19/2022	2-1-301	No Authority to Construct and No Permit to Operate.
Gold Bond Building Products, LLC	A0706	Richmond	A61733B	7/19/2022	2-1-302	No Authority to Construct and No Permit to Operate.
Martinez Refining	A0011	Martinez	A61990A	7/12/2022	9-1-307	SO2 Emissions Violation.

Company LLC						
Martinez Refining Company LLC	A0011	Martinez	A61991A	7/21/2022	10	Code of Federal Regulation Violation.
Martinez Refining Company LLC	A0011	Martinez	A61992A	7/25/2022	10	Code of Federal Regulation Violation.
Petromart Retail Group Inc.	FA960	Lafayette	A61396A	7/20/2022	8-7-302.3	Gas Dispensing Facility Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61234A	7/14/2022	10	Code of Federal Regulation Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61235A	7/18/2022	CFR	Federal Requirement Violation.
TEXXOIL	W4423	Walnut Creek	A62231A	7/19/2022	8-7-302.1	Gas Dispensing Facility Violation.

Marin						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Sa Ngasilpa #257384	Z5331	San Rafael	A61395A	7/1/2022	2-1-307	Permit Requirement/Condition Violation.

Napa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Clover Flat Resource & Recovery Park	B1247	Calistoga	A59925A	7/5/2022	CCR	California Code of Regulation Violation.
Napa State Hospital	A1634	Napa	A61518A	7/20/2022	9-7-506	Boiler Emissions Violation.

Veterans' Home of California	A4446	Yountville	A59926A	7/7/2022	2-1-302	No Permit to Operate.
Veterans' Home of California	A4446	Yountville	A61519A	7/22/2022	2-1-307	Permit Requirement/Condition Violation.

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Delta Star, Inc.	A0528	San Carlos	A59725A	7/7/2022	2-1-307	Permit Requirement/Condition Violation.
Holly Petroleum Inc.	FA968	San Carlos	A61695A	7/28/2022	8-7-301.5	Gas Dispensing Facility Violation.

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Eggo Company	A5582	San Jose	A61583A	7/27/2022	9-7-506	Boiler Emissions Violation.
Hadad Enterprises, Inc.	Z8882	Sunnyvale	A61693A	7/6/2022	8-7-302.1	Gas Dispensing Facility Violation.
International Disposal Corp of CA	A9013	Milpitas	A61610A	7/14/2022	8-34-301.1	Landfill Violation.
Los Altos 76, Inc - GDF	FA981	Los Altos	A61692A	7/11/2022	2-1-307	Permit Requirement/Condition Violation.
Saratoga Gas Company - GDF	FA980	Saratoga	A61694A	7/6/2022	2-1-307	Permit Requirement/Condition Violation.
SFPP, LP	A4020	San Jose	A61171A	7/19/2022	8-33-306	Gasoline Bulk Terminal Violation.
Yua Hua Construction	FA948	San Jose	A61661A	7/21/2022	11-2-401.3	Asbestos Violation.

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Valero Refining Company - California	B2626	Benicia	A59524A	7/27/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Valero Refining Company - California	B2626	Benicia	A59524B	7/27/2022	6-1-310.1	Visible Emissions Violation.
Valero Refining Company - California	B2626	Benicia	A59525A	7/27/2022	2-6-307	Title V Requirement/Permit Condition Violation.
Valero Refining Company - California	B2626	Benicia	A59525B	7/27/2022	6-1-310.1	Visible Emissions Violation.
Valero Refining Company - California	B2626	Benicia	A59526A	7/28/2022	1-441	Denied Access to Information.

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
James Miller SFD	FA919	Santa Rosa	A60090A	7/12/2022	11-2-401.3	Asbestos Violation.
USCG Training Center	A8316	Petaluma	A61558A	7/12/2022	2-1-302	No Permit to Operate.

District Wide						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
United Rentals (North America), Inc.	FA969	Streamwood	A60656A	7/28/2022	10	Code of Federal Regulation Violation.

United Rentals (North America), Inc.	FA969	Streamwood	A60656B	7/28/2022	10	Code of Federal Regulation Violation.
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SETTLEMENTS FOR \$10,000 OR MORE REACHED

There was 1 settlement for \$10,000 or more completed in July 2022.

- 1) On July 1, 2022, the District reached settlement with Restoration Management Company for \$10,000, regarding the allegations contained in the following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A61004A	12/15/2021	12/14/2021	11-2-303.1	Asbestos Violation
A61004B	12/15/2021	12/14/2021	11-2-303.6	Asbestos Violation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Personnel Out-of-State Business Travel Report for July 2022

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 July 2022. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

There were no out-of-state business travel activities that occurred in the month of July 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Damian Breen

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Quarterly Report of California Air Resources Board Representative - Honorable
Davina Hurt

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Attached is the Quarterly Report of California Air Resources Board Representative - Honorable
Davina Hurt.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. CARB Quarterly Report for Representative Honorable Davina Hurt

To: **Members of the Board of Directors**
From: Davina Hurt, Member, California Air Resources Board
Date: August 4, 2022
Subject: Quarterly Report of My Activities as an Air Resources Board Member

The list below summarizes my activities as a California Air Resources Board member from April 1, 2022, through June 30, 2022:

April Activities

1st AB 617 Consultation Group Meeting
4th CARB/CTC/HCD Joint Meeting Briefing
6th CHC Briefing w/ Staff
7th CARB/CTC/HCD Joint Meeting
8th IPAG Sub-Quorum Meeting
12th Meeting w/ Anegeria Fuels re: LCFS
12th Meeting w/ EarthJustice re: CHC
19th April Staff Briefing
25th Meeting w/ Cummins re: ACF
26th Meeting w/ Subaru re: EVSE
28th April Board Meeting
29th Meet and Greet w/ ZF North America

May Activities

2nd OCAP Sub-Quorum on Stationary Sources
3rd Meeting w/ Resource Recovery Coalition re: Scoping Plan
9th Scoping Plan Briefing
11th AB 617 Consultation Group Agenda Setting Meeting
13th IPAG Pre-Meeting
31st Meeting w/ NESCAUM re: ACC II
31st Meeting w/ GM re: ACC II

June Activities

6th ACC II Staff Briefing
6th Meeting w/ CalETC re: ACC II
8th Meeting w/ Lucid Air re: ACC II
9th ACC II Board Meeting
10th Scoping Plan Briefing
14th Meeting w/ Regenerate California re: Scoping Plan
21st Meeting w/ WSPA re: Scoping Plan
23rd June Board Meeting
24th June Board Meeting
30th IPAG Public Meeting

Name

Date

Page 2

Attachments: Public Agendas

AGENDA

Joint Meeting of the California Transportation Commission, California Air Resources Board, and California Department of Housing and Community Development

Thursday, April 7, 2022
 9:30 AM – 3:30 PM
 Rocklin Event Center Ballroom
 2650 Sunset Blvd
 Rocklin, CA 95677

Teleconference Locations:

Caltrans District 11 Headquarters
 Garcia Room
 4050 Taylor Street
 San Diego, CA 92110

San Luis Obispo Council of Governments
 Large Conference Room
 1114 Marsh Street
 San Luis Obispo, CA 93401

3297 W. Shadow Park Way
 Tucson, AZ 85742

**Members of the public will be able to attend in person or remotely via the options listed below.
 In person attendees are recommended to wear a face covering.**

To register in advance for joint CTC/HCD/CARB meeting on April 7, 2022 please go to:
<https://attendee.gotowebinar.com/register/2686521843980137739>

After registering, you will receive a confirmation email containing information about joining the webinar.

If you wish to only listen to the meeting:
 Phone Number: (562) 247-8422; Access Code: 988-678-018

Item No.	Time	Description	Presenter
1	9:30 AM	Welcome and Opening Remarks	<p>Carl Guardino, Vice Chair California Transportation Commission</p> <p>Liane Randolph, Chair California Air Resources Board</p> <p>Gustavo Velasquez, Director California Department of Housing and Community Development</p> <p>Toks Omishakin, Secretary California State Transportation Agency</p>

2	10:00 AM	<p><u>State Perspectives on Housing and Transportation</u></p> <ul style="list-style-type: none"> California Transportation Assessment Draft 2022 Progress Report on Sustainable Communities Implementation 	<p>Egon Terplan, Senior Advisor for Economic Development and Transportation Strategic Growth Council</p> <p>Caitlin Greenway, Air Pollution Specialist California Air Resources Board</p>
3	11:15 AM	<p><u>State Funding for Coordinated Housing and Transportation</u></p> <ul style="list-style-type: none"> Regional Early Action Planning Grants (REAP 2.0) 	<p>Marisa Prasse, Housing Policy Manager California Department of Housing and Community Development</p>
	12:00 PM	Lunch	
4	1:00 PM	<p><u>Panel Discussion: Practitioner Perspectives on Regional Transformation and Partnership</u></p> <ul style="list-style-type: none"> What is important to consider in the finalization of the reports above? How can we learn from the reports to move toward more sustainable transportation and land use outcomes? How can we leverage funding opportunities like REAP 2.0 Grants to advance innovative solutions? 	<p>Elizabeth Deakin, Professor Emerita (moderator) University of California, Berkeley</p> <p>James Corless, Executive Director Sacramento Area Council of Governments</p> <p>Sarah Jepson, Planning Director Southern California Association of Governments</p> <p>Tony Boren, Executive Director Fresno Council of Governments</p> <p>Jim Schaad, City Manager City of Marysville</p> <p>Kalieh Honish, Executive Officer, Long Range Transportation Planning Los Angeles County Metropolitan Transportation Authority</p>

5	2:45 PM	Joint Meeting Accomplishments and Agency Updates	Mitch Weiss , Executive Director California Transportation Commission
		Public Comment	Carl Guardino , Vice Chair California Transportation Commission

NOTICE: Times identified on the agenda are estimates only. The CTC, CARB, and HCD have the discretion to take up agenda items out of sequence. The CTC, CARB, and HCD may adjourn earlier than estimated. “CTC” denotes California Transportation Commission; “CARB” denotes California Air Resources Board; “HCD” denotes California Department of Housing and Community Development.

Unless otherwise noticed, a copy of this meeting notice and agenda will be posted 10 calendar days prior to the meeting on the CTC Website: www.catc.ca.gov and the CARB Website: <https://ww2.arb.ca.gov/joint-meetings-california-air-resources-board-california-transportation-commission-and-california>. Questions or inquiries about this meeting may be directed to the CTC staff at (916) 654-4245, 1120 N Street (MS-52), Sacramento, CA 95814 or CARB at (916) 324-9061. If special accommodations are needed for persons with disabilities, please contact Doug Remedios at (916) 654-4245. Requests for special accommodations should be made as soon as possible but no later than at least five working days prior to the scheduled meeting. Improper comments and disorderly conduct are not permitted. In the event the meeting conducted by the CTC, CARB, and HCD is willfully interrupted or disrupted by a person or by a group so as to render the orderly conduct of the meeting infeasible, the CTC Chair, CARB Chair, or HCD Director may order the removal of those individuals who are willfully disrupting the meeting.

Public comments may be submitted in advance of the meeting to ctc@catc.ca.gov. During the meeting, public comment will be heard after each agenda item.



Advance Copy

Public Meeting Agenda

Thursday, April 28, 2022

California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)

Zoom (Remote Public Participation – see below)

In addition to in-person participation, remote participation is available to members of the public via Zoom. More information on how to participate and comment verbally on an agenda item or during open public comment can be found **here**. To participate via Zoom, you must register for the Zoom Webinar at **this link**.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Zoom registration is not required if calling in to the Zoom webinar number below.

Phone Number: (669) 900-6833

Webinar ID: XXX XXX XXXX

Remote Public Participation Guide

To only watch the Board Meeting and not provide verbal comments, please view the **webcast**. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.

Spanish interpretation will be provided for the April 28, 2022, Board Meeting.

Agenda de la Reunión Pública

Thursday, April 28, 2022 @ 9:00 a.m.

Discussion Items:

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

22-6-1: Public Meeting to Hear an Informational Update on Zero-Emission Vehicle Infrastructure

The Board will hear an informational update on the California Air Resources Board's and other State agencies' infrastructure activities to support the roll-out of zero-emission vehicles necessary to meet air quality, carbon neutrality, and environmental justice goals. The Board

will also hear from representatives of the Governor’s Office of Business and Economic Development, the California Public Utilities Commission, the California Building Standards Commission, the California Department of Housing and Community Development, the California State Transportation Agency, and the California Energy Commission on the breadth of analysis, planning, and actions underway to support zero-emission fueling infrastructure.

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

22-6-2: Public Meeting to Hear an Informational Update on the Electric Vehicle Supply Equipment Standards Technology Review

The Board will hear a summary of the Electric Vehicle Supply Equipment Standards Technology Review and will consider approval of actions based on findings presented in the Technology Review.

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

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

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

American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, *cert. granted sub nom. Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

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

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

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

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

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

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

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

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

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

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other Information

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

[View Submitted Comments](#)

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

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

1001 I Street, 23rd Floor, Sacramento, California 95814
cotb@arb.ca.gov or (916) 322-5594
CARB Homepage: www.arb.ca.gov

Special Accommodation Request

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

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

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

Acomodación Especial

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

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

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



Public Meeting Agenda

**Thursday, May 19, 2022 and
Friday, May 20, 2022**

Mary D. Nichols Campus, Southern California Headquarters
4001 Iowa Avenue, Riverside, California 92507
Haagen-Smit Auditorium

Webcast (Livestream/Watch Only)

Zoom (Remote Public Participation – see below)

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Phone Number: (669) 900-6833
Webinar ID: 864 8345 6848

Remote Public Participation Guide

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Spanish interpretation will be provided for the May 19-20, 2022, Board Meeting.

Agenda de la Reunión Pública

Guía de participación pública remota

This facility is accessible by public transit. For transit information, call (951) 565-5194, website: <https://www.riversidetransit.com>

(This facility is accessible to persons with disabilities.)

Thursday, May 19, 2022 @ 12:00 p.m.

Discussion Items:

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

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-7-1: Public Meeting to Hear an Informational Update on the California Air Resources Board’s Racial Equity and Diversity Efforts

The Board will hear an update on the California Air Resources Board’s (CARB) racial equity and diversity efforts as it relates to implementation of Board Resolution 20-33, which directed staff to take certain actions to ensure racial equity permeates all of CARB’s activities, in order to implement CARB’s mission and considering that the impacts from air pollutant and greenhouse gas emissions disproportionately affect communities of color.

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

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

22-7-2: Public Meeting to Receive Informational Update on Assembly Bill 617 Statewide Strategy

The Board will hear an update from CARB staff on the Assembly Bill 617 (AB 617) Statewide Strategy (known as the Blueprint) revision process and hear a panel discussion with AB 617 Consultation Group members about the revision process and the People’s Blueprint, which makes recommendations for incorporating the environmental justice perspective into the Statewide Strategy update.

- [More Information](#)
- [Annual Update on AB 617 Implementation](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Friday, May 20, 2022 @ 9:00 a.m.

Discussion Items:

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

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-7-3: 2020-2021 Haagen-Smit Clean Air Awards

The Board will present the 2020-2021 Haagen-Smit Clean Air Awards, considered the "Nobel Prize" in air quality achievement. These awards recognize extraordinary individuals who have made significant and lifetime contributions in air quality and climate change science.

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

22-7-4: Public Meeting to Hear an Informational Update on the California Air Resources Board's Academic Memorandums of Understanding with Educational Institutions

The Board will hear an update on Memorandums of Understanding between CARB and educational institutions. In developing the state-of-the-art laboratory and relocation to Riverside, CARB signed academic memorandums to facilitate highly cooperative educational and workforce development opportunities and is currently expanding these efforts.

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

Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation:

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American Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

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

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

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

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

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

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

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

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

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

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Other Information

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[View Submitted Comments](#)

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

1001 I Street, 23rd Floor, Sacramento, California 95814
cotb@arb.ca.gov or (916) 322-5594
CARB Homepage: www.arb.ca.gov

Special Accommodation Request

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Public Meeting Agenda

**Thursday, June 23, 2022 and
Friday, June 24, 2022**

California Environmental Protection Agency
1001 I Street, Sacramento, California 95814
Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)

Zoom (Remote Public Participation – see below)

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Phone Number: (669) 900-6833

Webinar ID: 810 9539 2467

Remote Public Participation Guide

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Spanish interpretation will be provided for the June 23-24, 2022, Board Meeting.

[Agenda de la Reunión Pública](#) (coming soon)

[Guía de participación pública remota](#) (coming soon)

This facility is accessible by public transit. For transit information, call (916) 321-BUSS (2877), website: <http://sacrt.com/>

(This facility is accessible to persons with disabilities.)

Thursday, June 23, 2022 @ 9:00 a.m.

Discussion Item:

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-9-1: Public Meeting to Hear an Overview of the Draft 2022 Climate Change Scoping Plan

The California Air Resources Board will hear an overview of the Proposed 2022 Scoping Plan and draft Environmental Analysis for the 2022 Scoping Plan. The proposed plan recommends a suite of actions to achieve carbon neutrality in California no later than 2045. This will be the first of two planned hearings on the Proposed 2022 Scoping Plan.

- [More Information](#)
 - [Draft 2022 Scoping Plan](#)
 - [Draft Environmental Analysis](#)
- [Public Meeting Notice](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Friday, June 24, 2022 @ 8:30 a.m.

Discussion Items:

The following agenda items may be heard in a different order at the Board Meeting. Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

22-9-2: Public Meeting to Consider Assembly Bill 617 Community Air Grants to Environmental Health Coalition

The California Air Resources Board will consider approval of a 2021 Assembly Bill (AB) 617 Community Air Grant to Environmental Health Coalition (EHC) and ratification of a 2018 AB 617 Community Air Grant to EHC. This item is added to the agenda to satisfy Board approval requirements in Government Code section 1091 because one Board member is affiliated with EHC.

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

22-9-3: Public Meeting to Consider California's Regional Haze State Implementation Plan

The California Air Resources Board will hear an overview of California's Regional Haze State Implementation Plan and consider a resolution to approve the Plan.

- [More Information](#)
- [Public Meeting Notice](#)
- [Regional Haze SIP Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)

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

22-9-4: 2021 Annual Enforcement Report

The California Air Resources Board will receive an update on the Enforcement Division's 2021 Annual Enforcement Report that highlights enforcement programs, activities, and achievements.

- [More Information](#)
- [2021 Annual Enforcement Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Quarterly Report of the Executive Office and Division Activities for the Months of
April 2022 - June 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Attached is the Quarterly Report of the Executive Office and Division activities for the months of
April 2022 - June 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Second Quarter Report for the Months of April 2022- June 2022

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

Business Office

The Business Office issued 719 purchase orders, executed 140 contracts, and issued three (3) Requests for Proposals/Qualifications during this period. Additionally, three (3) leases were negotiated.

Fleet and Facilities Office

This Quarter, Fleet services disposed of three (3) vehicles, acquired one (1) vehicle, processed zero (0) vehicles for body shop repairs and sent forty-three (43) vehicles for maintenance. There were twenty (20) vehicle requests, of which zero (0) were pool vehicles and eighteen (18) were Enterprise car rentals, and two (2) cancelations. There are currently 124 fleet vehicles; three (3) electric, one (1) hydrogen fuel cell, eighty-five (85) plug-in hybrids, eleven (11) hybrids, twenty-three (23) gas, and one (1) diesel.

In addition to providing support services to front line District teams and programs by managing their automotive and transportation needs, Fleet responds to emergency calls and requests for staff vehicle support; processes insurance claims for all motor vehicle incidents and accidents involving all District vehicles; and provides training and ongoing education of driver's relative use, maintenance, and repairs.

Facilities received forty-eight (48) Angus requests, outfitted eight (80) workstations with sit/stand desks, and completed ninety-six (96) ad-hoc projects/tasks.

Facilities also performs daily maintenance of the coffee machines, replenishes coffee and tea supplies in the Air District coffee bars and pantries, and replenishes office supplies in the copy/supply rooms.

Furthermore, the Team manages the administrative needs of Headquarters East, all field sites as well as Beale Street's collaborative functions between the Air District, Metropolitan Transportation Commission, and the Association of Bay Area Governments overseeing general contractors, and electricians, plumbers, and similar trades in their absence.

**HUMAN RESOURCES OFFICE
T. LEVELS, OFFICER**

The Human Resources (HR) Office conducted nine (9) recruitments including exams for: Senior Air Quality Specialist, Assistant Manager, Senior Staff Specialist, Human Resources Manager, Air Quality Engineer I/II, Assistant Air Quality Specialist I/II, Assistant Counsel I/II, Manager, and Air Quality Technician I/II. The HR Office offered 62 wellness/fitness classes and four (4) group training sessions with 103 attendees, including: Navigating the Modern Workplace (Women and Leadership), Whole Health 360 (Spring Break), Prevention and Control of Absenteeism and Abuse of leave, and Management Guide to Public Sector Labor Relations. In addition, eight (8) employees utilized individual training courses and educational reimbursements. The HR Office continues to administer payroll, benefits, safety/worker's compensation, and labor/employee relations. There were eight (8) new employees, two (2) promotions, and six (6) separations from April 2022

to June 2022. There are currently 400 regular employees, five (5) temporary employees, and 45 budgeted vacant positions.

COMPLIANCE AND ENFORCEMENT DIVISION
J. GOVE, DIRECTOR

Enforcement Program

Air District Staff documented 251 air pollution violations that resulted in Notice of Violations (NOV) and responded to 611 general air pollution complaints. These activities addressed noncompliance with applicable Federal, State, and Air District regulations, and provided a mechanism for the public to voice their concerns about air pollution issues that might be in noncompliance status. Additionally, highlighted enforcement activities for the quarter are as follows:

- On April 20, 2022, the Air District filed an Accusation for Abatement (Abatement Order) with the Air District Hearing Board against Green Sage Management, a cannabis property management company, seeking to shut down unpermitted portable diesel generators operating in Oakland to supply primary electrical power for more than one year. On April 26, 2022, Air District staff from the C&E, Engineering, and Legal Divisions had an inter-agency meeting with representatives from the City of Oakland Cannabis Code Enforcement and Fire Department, Alameda County Department of Agriculture, and the California Department of Cannabis Control to discuss current and future compliance concerns regarding cannabis cultivation and processing operations in Oakland and to obtain more information and resources regarding cannabis operations in the San Francisco Bay Area.
- On April 20, 2022, staff met with Tesla, Inc. (Tesla) representatives to discuss discretionary enforcement of Breakdowns related to the Tesla facility located in Fremont. Tesla representatives asked the reason why staff had denied breakdown relief for multiple breakdowns. Staff explained that Tesla had filed over 20 Breakdown reports since September 2021 and that this pattern of malfunction is indicative of inadequate design or operation that could result in further enforcement action. On April 27, 2022, C&E and Engineering Divisions staff met with Tesla representatives to discuss Tesla's technical claims regarding the operation and emissions from the aluminum casting at the facility. Tesla representatives agreed to provide more information on the matter to the Air District.
- On April 20, 2022 – April 21, 2022, staff attended the quarterly meeting of the California Air Pollution Control Officer Association (CAPCOA) Enforcement Managers Committee. The meeting agenda included a variety of topics of interest to all the air districts and was attended by representatives from several air districts as well as from the California Air Resources Board and the United States Environmental Protection Agency/Region 9.
- On April 29, 2022, staff cited Bay West Development for a violation of the state's Asbestos Airborne Toxics Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations for construction and grading activities at its 1410 South Bascom Avenue development project without an Air District approved Asbestos Dust Mitigation Plan (ADMP). A soil characterization report dated July 30, 2021, indicated the presence of trace amounts of chrysotile asbestos at the site, but no ADMP was submitted and approved prior

to earth disturbing activity. Compliance was achieved with the approval of an ADMP on June 24, 2022.

- On May 3, 2022, staff conducted a joint-agency inspection at Turk Island Landfill, a closed landfill located in Union City, with staff from CalRecycle and the Alameda County Lead Enforcement Agency (LEA). During the joint inspection, 9 leaks were found at the wellheads (two component and two surface) and the flare/gas collection system was not operating during the inspection. A Notice of Violation (NOV) was issued to Turk Island Landfill Company for violations of Air District Regulations 8-34-301.2 (component leak) and 1-523.2 (failure to report Reportable Compliance Activities). Prior to that, staff had issued three (3) NOVs to Turk Island Landfill Company for not operating the Gas Collection and Control System (GCCS) continuously, failure to report parametric temperature excursions and flare downtime, component leaks, and the disconnection of a well without written authorization from the Air District. The facility alleged that it qualifies for the 'less than continuous operation' exemption in Air District Regulation 8, Rule 34. However, data submitted by Turk Island Landfill representatives suggest the facility had not been maintained properly. On June 7, 2022, the Air District signed a Compliance Agreement with Turk Island Company to address ongoing violations with the landfill's gas collection system. Staff will continue to routinely inspect the facility to ensure compliance is achieved per the conditions of the agreement.
- On May 5, 2022, staff participated in the quarterly meeting of the South Bay Odor Study Group (SBOSG). During the meeting, staff from the Air District Meteorology and Measurements Division, Jacobs Engineering Group, Inc., and Montrose Environmental Group gave a presentation focused on the findings of the South Bay Odor Study.
- On May 10, 2022, staff met with AB&I representatives to discuss the closure plan and decommissioning of equipment of the AB&I facility located in Oakland. AB&I representatives explained that the facility's production would be complete by the end of June 2022 and, from that point on, the process of dismantling equipment would begin. Some equipment would be transported to the company's facility in Texas and remaining structures would be demolished. AB&I representatives were aware of the need to obtain Asbestos Permits from the Air District prior to any demolition work. AB&I representatives stated that the decommissioning and demolition process will need to be completed by May 1, 2023.
- On May 11, 2022, Compliance and Enforcement, Engineering, Legal and Executive Office staff participated in a meeting with Williams Environmental Law personnel to provide to them a briefing on the portable diesel generators operated by Green Sage Management in Oakland.
- On May 17, 2022, staff participated in a Milpitas City Council meeting with staff from the Engineering and Meteorology and Measurements (M&M) Divisions to present the results of the South Bay Odor. After the presentation, staff responded to questions from members of the community and the City Council regarding the study and potential next steps toward resolving odor issues in the Milpitas area.

- On May 18, 2022, staff participated at the Bayview Hunters Point Environmental Justice Response Task Force meeting. This was a community-led, multi-stakeholder collaborative effort and part of the IVAN (Identifying Violations Affecting Neighborhoods) network. The US Environmental Protection Agency (USEPA) and California EPA (CalEPA) provided a special presentation and discussion to hear community feedback on the community's concerns about lax enforcement of pollution laws in Bayview Hunters Point, San Francisco. Topping the list of community concerns were the cement and recycling facilities along Amador Street, which they said have been allowed to operate despite not having Air District permits. IVAN leadership felt these facilities should be shuttered using Civil Rights laws. USEPA promised a written action plan to address concerns in several weeks.
- On June 6, 2022, staff conducted a compliant investigation at Energy Recovery, Inc. (ERI), located in San Leandro, after being contacted by officials from the Alameda County Fire Department regarding ongoing nuisance odors from the facility. ERI has arranged for the installation of odor abatement equipment with Durr Systems, Inc. (Durr) to remedy the situation. On June 8, 2022, Compliance and Enforcement Division and Engineering Division staff met with representatives from Durr to encourage expediting the installation of the abatement equipment. Durr representatives informed the Air District staff that the project has been delayed due to supply chain issues but will do what they can to try and expedite the installation.
- On June 28, 2022, staff testified at the Air District Hearing Board meeting, during which the Air District requested a ruling requiring Green Sage Management to shut down and remove multiple diesel generators operating in Oakland in violation of Air District regulations. No ruling was made that date, and the meeting was to continue July 5, 2022, to allow the Air District and the respondent counsels to provide additional testimony.
- On June 29, 2022, in response to a dust complaint referral from San Francisco's Office of the City Attorney alleging dust from concrete operations on Treasure Island, staff issued Notices of Violation to Bay Area Concrete Recycling for operating a concrete recycling facility without Air District permits and for not complying with record keeping provisions of the Air District's Track Out Rule (Regulation 6 – 6). Investigation of an adjacent facility, Central Concrete (batch plant) is also underway.

Compliance Assurance

Air District Staff conducted over 2,434 inspections of permitted facilities, gasoline dispensing stations, asbestos demolition, and renovation jobs, naturally occurring asbestos (NOA) projects, open burning, portable equipment, backup generator engines (BUG) and mobile sources. Additionally, highlighted inspection activities for the quarter are as follows:

- On April 18, 2022, staff met with representatives from the California Air Resources Board (CARB) – Transportation and Toxics Division to discuss a request from Rypos, a diesel particulate filter (DPF) manufacturer to conduct in-use emission testing of DPFs abating several backup in-use stationary compression ignition engines (BUGs). The testing was part of a CARB DPF certification process. Based on meeting results and a review of the engines' permit conditions, staff determined the CARB required emission testing was allowed under

Air District permit conditions and excluded from the 50-hour reliability-related activities usage limit.

- On June 6, 2022, staff submitted the 1st Quarter 2022 Prescribed Burn Report to the California Air Pollution Control Officers Association (CAPCOA) per the requirements of the CAPCOA Prescribed Burn Reporting and Monitoring Support Grant. For the period of January 1, 2022 to March 31, 2022, there was a total of 278 acres burned over 84 prescribed fires conducted.
- On June 7, 2022, staff participated at the Candlestick Heights Neighborhood Alliance meeting to listen to and discuss ongoing community concerns in the Bayview Hunters Point neighborhood, San Francisco. A representative of the City's Department of Homelessness and Supportive Housing (HSH) discussed plans to install portable generators (for power) at the Candlestick Vehicle Triage Center (VTC), which opened January 2022. The VTC is a safe parking center offering social services support for unhoused residents living in their RVs and automobiles in the Bayview. PG&E power installation was at least 5-6 months out. Staff was concerned that emissions from diesel-fired generators could be impactful both to the clients of the center and its neighbors and wanted further details from HSH in a follow-up meeting.
- On June 23, 2022, staff met with representatives from HSH and the Department of Public Works (DPW) to ascertain more information about the proposed portable generator project at VTC and to suggest that HSH explore other cleaner options for power at the site. Staff provided compliance assistance and Air District Engineering contacts for further guidance. Later in June, HSH applied for portable generator permits, while it concurrently explores cleaner options.
- On June 10, 2022 and June 15, 2022, staff provided compliance assistance to the Santa Rosa Fire Department for a prescribed burn/fire training project planned near Old Redwood Highway, Santa Rosa.
- Staff participated in monthly conference calls with the CAPCOA Prescribed Burn Workgroup. Meeting participants included representatives from CAPCOA, CARB, US EPA, and other local air districts. The meetings provided a forum for agencies to discuss the prescribed fire program at CAPCOA, hear important updates, and learn about innovative technologies such as CARB's updated smoke spotter app.
- Staff continued to perform daily surveillance patrols in Bayview Hunters Point, San Francisco, with special focus on the Arelious Walker and Gilman area, the Amador Street corridor, and various naturally occurring asbestos (NOA) construction projects. Staff provided weekly reports to Supervisor (Director) Walton's Office on the activities observed in the Arelious Walker and Gilman area and provided frequent updates to the City Attorney's Office on the same. All facilities but one (Ace Drilling) have vacated the Arelious Walker neighborhood.

- Staff participated in monthly conference calls with Lehigh Southwest Cement representatives to discuss ongoing compliance and permitting issues at this Portland Cement manufacturing facility and quarry. Lehigh’s kiln remained idle during the period.
- Staff approved six (6) Asbestos Dust Mitigation Plans (ADMP), three ADMP amendment requests, and one closure notification.

Compliance Assistance and Operations Program

Wildfire Air Quality Response Program

Partnerships with County Office of Emergency Services (OES): Over the last quarter, the Air District signed a 7th partnership agreement with Napa County to enhance wildfire coordination and preparedness in the Bay Area. The Air District has partnered with a total of seven (7) county OES in Marin, Alameda, Solano, San Mateo, Santa Clara, San Francisco and recently Napa to deploy air filtration units to evacuation, sheltering and congregate facilities such as schools, libraries, community centers when wildfire smoke impacts their region. Through each partnership, Air District funding up to an amount of \$100,000 has been allocated to each county to purchase portable air filtration units. Contra Costa County is finalizing their agreement with the Air District and plans to approach their Board of Directors mid-July to approve and sign the contract and Solano County is still working closely with Air District staff to evaluate program logistics and local resources to better serve their communities.

Assembly Bill (AB) 617

On June 2, 2022, staff gave a presentation to the Community Equity, Healthy, and Justice (CEHJ) Committee and provided a comprehensive overview of the Compliance & Enforcement Division. The presentation covered the goals of the division, work and projects assigned in the field and in operations, the sources and facilities regulated by the Air District, the core programs, enforcement activities, staffing resources, and the division priorities for 2022. Staff highlighted the key programs including the compliance inspection program to inspect and verify source compliance with applicable rules and regulations, the air quality complaint program to respond and investigate air pollution complaints and compliance concerns, the field operations and investigation program to conduct audits and identify sources of non-compliance, and the enforcement program to issue violations and take necessary actions to ensure compliance with air quality regulations. Staff highlighted the priorities for 2022 based on the division’s current staffing resources and discussed the work it takes to build a strong and robust Compliance & Enforcement team and to meet the goals of the division.

On June 27, 2022, staff participated in the AB 617 Path to Clean Air (PTCA) Richmond/San Pablo Community Steering Committee. Staff gave a presentation along with several Air District divisions, including Rules, Engineering, Strategic Incentives and Technology Implementation Office on past, present, and future emission reduction strategies. The strategies focused around the six identified community concern categories, including addressing public health and reducing exposure, fuel refining, industrial and commercial sources, odors, vehicles and trucks, and marine and rail. C&E discussed examples of enforcement strategies such as the implementation of the Field Operations Group to enhance investigations, a targeted inspection approach to address community concerns, the continuation of a comprehensive review of flaring events at the Chevron Refinery and the development of a new webtool to access Notice of Violation information. Staff responded to

questions regarding how to address chronic violations, how penalties and fines are assessed, and how to ensure accessibility for the new webtool.

Air District Staff received and evaluated over 327 plans, petitions, and notifications required by the asbestos, NOA, coatings, open burn, tank, and flare regulations. Staff received and responded to over 99 compliance assistance inquiries and green business review requests. Highlighted compliance assistance activities for the quarter also included the following:

- Air District staff approved 11 prescribed burn smoke management plans in Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara and Sonoma County.
- During the second quarter of 2022, the Air District received 122 complaints regarding wood burning.
- Air District staff completed the data verification and posting of refinery flare monitoring data through March 2022.
- Air District staff conducted the following inspections for the Strategic Incentives Division (SID): 109 engines.

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

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

Climate Tech Finance

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

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

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

- **SWITCH Maritime**, a hydrogen fuel cell ferry (\$2.5 million/50% guarantee with State funds).
- **Gridscape Solutions**, a renewable microgrid developer (\$1 million/90% guarantee including Air District funds).
- **Imperial Electric Services**, an electric vehicle charging station installer (80% guarantee with State funds).

- **The Climate Center**, a nonprofit that helped establish Community Choice Aggregators (80% guarantee with State funds).
- **EvGateway**, an EV charging software platform developer (\$2.5 million/90% guarantee including Air District funds).
- **UCAP Power**, an ultracapacitor energy storage developer (\$2.5 million/90% guarantee including Air District funds).
- **VF Energy**, a solar and battery backup project (80% guarantee with State funds).
- **King Solarman**, a portable solar trailer company (\$2.85 million/90% guarantee including Air District funds).
- **Flux**, a flexible EV leasing company (\$3 million/90% guarantee including Air District funds).

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

- Launched a new Climate Tech Finance website to enhance outreach for the program with the support of the Air District’s web team.
- Launched a Salesforce Customer Relationship Management platform for the Climate Tech Finance program.
- Advanced discussions on the statewide expansion of Climate Tech Finance with IBank and NorCal FDC by utilizing state and federal funding from recent climate legislation.

Clean Air Centers

Clean Air Centers is part of a statewide initiative under AB 836: Wildfire Smoke Clean Air Center Incentive Program for Vulnerable Populations (Wicks, Chapter 393, Statutes of 2019) to establish a network of publicly accessible facilities with high-efficiency air filtration systems for people who may not otherwise have access to clean air during wildfire events. The grant program will allow counties to apply directly for facility ventilation upgrades and for purchasing portable air cleaners and air filter replacements.

The Air District received \$3M in program and administrative resources to implement Clean Air Centers. CARB is administering the program. The Air District collaborated with CARB to develop the funding guidelines and executed a contract with CARB in July 2021 to begin program implementation.

The Air District conducted an initial round of solicitations that resulted in applications totaling ~\$864,000 in funding, with a remaining balance of ~\$1.9M. The applications included 398 portable air cleaners and 2 HVAC upgrades. These applications are currently in review with CARB.

The Air District held a second-round solicitation between June and July and held a public workshop on June 30, 2022. The Air District will be reviewing applications for the second round of solicitations, begin contracting with applicants from the first round of solicitation, and begin implementation of the program.

Clean Cars for All

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

To date the Air District has received \$42M in program and administrative resources to implement CCFA. CCFA funding comes from the Transportation Fund for Clean Air and CARB funds, which include funding from California Climate Investments (CCI), Volkswagen Settlement (VW), and Air Quality Improvement Program (AQIP). A breakdown of funding is below:

Clean Cars for All Program Funding to Date

Year	Funding source	Project funds	Admin funds	Total
2018	CCI	\$4.25M	\$0.75M	\$5M
2019	VW	\$4.25M	\$0.75M	\$5M
2020	CCI	\$3.4M	\$0.60M	\$4M
	TFCA1	\$4.25M	\$0.75M	\$5M
	TFCA2	\$4.25M	\$0.75M	\$5M
2021	AQIP	\$2.55M	\$0.45M	\$3M
	CCI	\$12.75M	\$2.25M	\$15M
Total		\$35.7M	\$6.3M	\$42M

The Air District received \$8.4 million in funding from CARB for CCFA in September 2021. The CARB funding plan has an additional \$6.6 million allocated to the CCFA program, bringing the total to \$15 million. The Air District received an amendment to add the additional \$6.6 million in funding to the current contract. The Air District Board approved acceptance of additional funding at the January 19, 2022, Board meeting. Key program highlights include:

- 4,874 applications have been submitted since the program opened in March 2019, and 3,129 awards have been made (totaling over \$26.09 million). Nearly 2,400 grantees purchased new vehicles, 43 grantees selected PEX cards for public transit and other mobility options, 247 grantees have requested or installed a home charger or purchased a portable charger.
- Of the clean transportation options selected to date, 25% were battery electric vehicles (BEV), 50% were plug-in hybrid electric vehicles (PHEV), 21% were conventional hybrid vehicles, 2% percent were hydrogen fuel cell vehicles (FCEV), and 2% were mobility option.

Clean Cars for All Program Key Performance Indicators (KPI)

Clean Cars for All Program KPI Totals to Date (2019-2022)	
Total budget	\$42M
Total available	\$3.25M (i.e. not awarded)
Applications received	4,874
Funds awarded	\$26.09M / 3,129 grantees
Funds paid	\$20.17M / 2,555 payments
Clean Cars for All Program KPI Totals During Q2 of 2022	
Applications received	347
Funds awarded	\$2.49M / 363 grants
Funds paid	\$1.55M / 214 payments

Charge! Program for Electric Vehicle (EV) Infrastructure

The Charge! Program provides grants to install light-duty electric vehicle charging infrastructure and is focused on expanding the coverage of charging stations, particularly at multi-unit dwellings and along transportation corridors. (www.baaqmd.gov/charge)

- Staff continue to administer and monitor current Charge! Program projects for compliance.
- The 2022 Charge! Program opened on December 7, 2021, and closed on March 1, 2022. A draft version of the Charge! Program guidance was released on October 15, 2021, and public comments were accepted until November 15, 2021. An informational webinar was held on December 14, 2021 to provide an overview of the program and information about how to submit an application. TIO staff evaluated, scored, and ranked eligible applications. TIO staff provided an update on the 2022 Charge! Program and presented the rank list to the Mobile Source & Climate Impacts Committee on May 26, 2022. The 2022 Charge! Program rank list was approved by the Board of Directors on June 1, 2022. TIO staff are currently drafting award notifications for eligible projects. There is \$7 million available in funding for the 2022 Charge! Program.

Charge! Program KPI Totals to Date (Calendar Year 2022)	
Total budget	\$7,000,000
Applications received	14
Funds requested	\$7.78M
Funds awarded	\$0
Funds paid	\$0

Outreach and Partnerships

TIO continues to organize the Bay Area EV Coordinating Council and convenes quarterly networking, coordinating, and information sharing events for public agencies, companies, and non-profit organizations to accelerate EV adoption in the Bay Area. The first EV Coordinating Council meeting of the year was held on April 28, 2022. The meeting focused on EVs and installing chargers at MUDs, with an emphasis on affordable housing. Panelists included staff from Marin Clean Energy, GRID Alternatives, PG&E, and East Bay Community Energy. A steering committee meeting was scheduled for May 27, 2022 to plan the next meeting. Future meeting topics being considered are permit streamlining/AB 970 and charging station reliability.

TIO administers the Air District's partnership with StopWaste to provide technical assistance to encourage EV charging installations at multi-family buildings serving low-income residents or located in AB 617 communities. This quarter, there four technical site assessments performed this quarter. An outreach plan is being developed for Richmond/San Pablo and an information webinar will be scheduled for August 2022.

TIO submitted a grant application for a solicitation from the California Energy Commission (CEC) that provides funding for chargers at multi-unit dwellings. TIO is partnering with GRID Alternatives and MCE on a proposed project that seeks to work with community groups to identify multi-unit dwellings to install 148 chargers (6 DC Fast, 62 dual-port Level 2, and 80 single-port Level 1) at 12 sites in Oakland, Richmond/San Pablo, and Vallejo. The goal is to locate the sites 100% in DACs (or low-income areas) and focus on affordable housing facilities. On May 11, 2022, the CEC released a Notice of Proposed awards recommending that the Air District's proposal be awarded \$2,994,574. TIO staff are working on a revised budget and scope of work with the CEC and expect to contract with the CEC in November 2022.

Sponsorship and Conferences

Caylee Mercado and Tamara Kohne attended the Air & Waste Management Association's Annual Conference and Exhibition on June 27-30, 2022.

**ENGINEERING DIVISION
P. LEONG, DIRECTOR**

California Environmental Quality Act (CEQA) Projects

Martinez Refinery Renewable Fuels Project (unincorporated Contra Costa County) and Phillips 66 Rodeo Renewed Project (Rodeo)

The Martinez Refinery Renewable Fuels Project proposes to repurpose the existing Refinery to discontinue the refining of crude oil and switch to production of fuels from renewable feedstock sources including rendered fats, fish oils, soybean and corn oil, and other cooking vegetable oils, but excluding palm oil. The Phillips 66 Rodeo Renewed Project proposes to transform the existing Rodeo Refinery into a facility that would process renewable feedstocks into renewable diesel fuel, renewable components of other transportation fuels, and renewable fuel gas.

The Contra Costa County Department of Conservation and Development (County) is the Lead Agency under CEQA for these projects. Staff has reviewed and provided written comments to the County on the County's Notice of Preparation for a Draft Environmental Impact Report (EIR) prepared for each of these two petroleum refinery projects.

The Contra Costa County Planning Commission approved the Final Environmental Impact Reports (FEIRs) for the projects for both Marathon and Phillips 66 on March 23 and March 30, respectively. The FEIRs for both projects were appealed, and a Hearing at the Contra Costa County Board of Supervisors is scheduled for May 3. Both projects cleared the appeal process and the FEIRs have been approved. The Air District is working on completing our review of the Air District permit applications in order to issue the Authorities to Construct as soon as possible.

Bay View/Hunters Point (BVHP) Facilities (San Francisco)

The Air District is the Lead Agency under CEQA for four material handling facilities located in the Bayview/Hunters Point (BVHP) neighborhood of San Francisco. These facilities are CEMEX, Hanson at Pier 92 and 94, and Recology.

On April 13, 2022, staff met with Director Walton and Director Jue and separately met with the City of San Francisco Planning Department and the Port of San Francisco to provide an update on the permitting of CEMEX, Hanson at Piers 92 and 94, and Recology and to notify them that additional environmental review is necessary due to the age of prior environmental reviews, changes in CEQA thresholds, and changes in individual projects that have occurred since the previous environmental reviews were conducted.

In May and June, Engineering staff together with Legal and CEQA consultant, PlaceWorks, developed an approach for the CEQA review of each facility. Over the course of the next few weeks, staff notified all parties involved of this approach. The involved parties include Air District APCO, Director Jue and Director Walton, Port of San Francisco and City Planning, the individual facilities, and interested community groups.

An increase in the amount of the PlaceWorks contract was approved by the Board on June 15, 2022.

Permits and Projects

Turk Island Solid Waste Disposal Site, Alameda County

An Authority to Construct (A/C) was issued on March 18, 2021, to allow:

- Excavation of waste from a parcel adjoining the Turk Island Landfill,
- Placement on top of the closed Turk Island Landfill,
- Capping the transferred waste, and
- Backfilling the excavated parcel for construction of homes.

The A/C requires continuous operation of the gas collection and control system (GCCS) at the Turk Island Landfill (TIL). The facility has not maintained continuous operation of the GCCS, and the Air District has prohibited commencement of the project until continuous operation is re-established. The District and TIL reached an agreement that the project may proceed based on TIL repairing and replacing the GCCS during the project. The Compliance Enforcement Agreement was fully executed on June 7, 2022 and TIL was informed that they may proceed with the project.

Turk Island Solid Waste Disposal Site, Alameda County

Under Application 31146, the facility requested approval of less than continuous operation of the landfill gas collection system and flare, approval for a collection system well decommissioning that occurred without Air District approval, and approval to decommission additional wells in the future without District approval.

These requests were denied on June 13, 2022. Facility records demonstrate that the landfill gas collection system has not been maintained and operated properly. Since the collection system allows ambient air into the collected landfill gas, the methane production rate is unclear. The applicant was informed that they may reapply after the landfill gas collection system has been repaired and is operating properly.

Grissom's Chapel & Mortuary, Alameda County

On May 9, 2022, the Air District denied Grissom's Chapel & Mortuary's request to increase their cremation rate from 500 cremations per year to 1,000 cremations per year at the existing human crematory retort pursuant to Regulation 2-1-304, because the proposed project failed to comply with the project risk requirements of Regulation 2-5-302. The facility is in a dense urban area with both off-site worker and residential receptors nearby. Compliance with project risk limits would have required installation of mercury abatement technology, and the facility did not agree to these necessary project changes.

Corteva Agriscience (Pittsburg)

Corteva Agriscience has applied for an Authority to Construct for the following abatement device at the herbicide facility: *In Process Abatement Device: H-9 HCL absorber unit abating hydrogen chloride (HCL) emissions from S-434 Manufacturing Services Facility.* The Hydrochloric Acid Absorber (unit H-9) is the primary absorber in the HCL absorption process at the manufacturing services facility S-434. The acid absorber unit will replace the existing acid absorber unit that has reached its end of life. The absorber replacement will not affect the process throughput rate or system capacity. H-9 is a component of S-434 and not a full replacement of the source.

This HCl acid absorber replacement project will not result in any changes to the maximum permitted emission level for S-434 and there will be no emissions increase associated with this project. S-434 shall continue to comply with all current permit conditions.

The Authority to Construct for the replacement of this abatement device was issued and a Notice of Exemption was filed with Contra Costa County on May 17, 2022.

Shell Catalysts & Technologies (Pittsburg)

Shell Catalysts has applied for an alteration to the permit to operate for A-3 X1 Baghouse, S-507 H2 Catalyst Liquid Solids Blender, and S-509 H2 Catalyst Kiln Feed Conveyor. The purpose of the alteration is to correct the maximum permitted flow rate from A-3 to reflect the actual measured flow rate. There have been no physical changes to the baghouse and the grain loading limit on the A-3 Baghouse has been reduced to ensure that there is no increase in particulate emissions. In addition, ammonia emissions have been added for S-507 and S-509. When these sources were originally permitted in 1980, ammonia emissions were not subject to regulation.

The alteration was issued on May 20, 2022 and the CEQA Notice of Exemption filed with the Contra Costa County Clerk-Recorder on May 31, 2022.

California Air Pollution Control Officers Association (CAPCOA)

Staff chaired and participated in the April 25, 2022 and April 26, 2022 meeting of the CAPCOA Engineering Managers and Toxic and Risk Assessment Managers Subcommittee (TARMAC). At the meeting, CARB gave updates on air district program reviews, air quality training programs, gas station industry-wide guidance documents, AB 617 Technology Clearinghouse website, and the criteria pollutants and toxic air contaminants reporting regulation. EPA provided federal regulatory updates. Attendees also discussed welding permitting, Best Available Control Technology determinations including large emergency standby diesel engines and solvent extraction at cannabis operations.

National Association of Clean Air Agencies (NACAA)

On April 13, staff participated in the monthly meeting of the NACAA Permitting and New Source Review Committee. At the meeting, the committee members discussed: (1) An EPA Office of Inspector General Report on Title V Fee Issues, and (2) Re-proposed rule that removes the Title V Emergency Affirmation Defense Provisions from state and federal operating permit programs.

EPA Section 105 Grant

In April, staff drafted and obtained approval from EPA for the 105 grant mid-year progress report for the current fiscal year. Staff also submitted a consent agreement form to EPA on CAPCOA and NACAA funding for next fiscal year. From May to June, staff drafted and obtained EPA approval of a workplan, then submitted its 105 Grant application and workplan to EPA for next fiscal year.

Cost Recovery and Containment Study

In July 2021, the Air District obtained the services of the Matrix Consulting Group. The work was prompted by the Board to study the Air District's current indirect costs as well as fee-related cost recovery by fee schedule and continue to look at any cost containment practices. A key goal of this analysis is to determine methods to obtain 100% cost recovery as well as providing greater transparency regarding the Air District's methodology for calculating cost recovery associated with fee-based activities and schedules. The final report was presented to the Budget and Finance Committee on April 27.

Rule Development and Implementation

Rules 2-1 and 2-5 – Permit Reform

Amendments to Regulation 2, Rule 1 (Permits – General Requirements) and Regulation 2, Rule 5 (Permits – New Source Review of Toxic Air Contaminants) were adopted by the Board on December 15, 2021 and will become effective on July 1. Key changes include extensions of staff review periods for permit applications, addition of public noticing for projects in overburdened communities, establishment of a more stringent cancer risk limit for projects in overburdened communities, inclusion of new toxic air contaminants and updated health effects values, and a requirement that gasoline dispensing facilities follow the same health risk assessment (HRA) procedures as all other source types.

In May and June, staff completed all necessary programming changes and updates to procedural documents, templates, and forms. A new interactive map for overburdened communities was posted to the web site that enables staff, facilities, and the public to easily identify if a project is located within an overburdened community. A new HRA Streamlining procedure for diesel engines was developed to complement the new regulatory standards and minimize impacts on staff resources. Updated gasoline emission factors and revised HRA procedures for gas stations were also approved. This new diesel engine HRA streamlining procedures, gasoline station emissions factors and gas station HRA procedures will take effect on July 1. Staff training on the regulation amendments and new procedures was completed on June 16, 2022.

Regulation 3: Fees Amendments

On April 27, Staff presented for a second time to the Air District’s Budge & Finance Committee proposed amendments to Regulation 3 for Fiscal Year Ending (FYE) 2023. With the additional information, the committee narrowed the two proposals to one for the Public Hearing. The first public hearing was held on May 4. At a second hearing on June 15, 2022, the Board of Directors adopted the Regulation 3 amendments, which became effective July 1, 2022.

Beyond increases from existing fees to improve cost recovery, the proposed amendments included new fees to implement permit rule changes that became effective on July 1, 2022, and a new fee for Geologic evaluations in the Naturally Occurring Asbestos program. The proposed fee amendments would increase overall Air District fee revenue in FYE 2022 by approximately \$8.95M relative to fee revenue that would be expected without the amendments for the same permitted facility inventory. The portion of the estimated total revenue from new fees is \$2.46M.

Regulation 11, Rule 18 – Reduction of Risk from Air Toxic Emissions at Existing Facilities

Regulation 11, Rule 18, or Rule 11-18 requires that facilities reduce health risks if facility health risks exceed a risk action level (RAL). A site wide HRA is necessary to determine the facility health risks due to routine and predictable toxic emissions from stationary sources at the facility.

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

Status as of March 31, 2022 for the Phase I facilities

HRA Review Stage	Number of Facilities
Validating Inventory and HRA Input Data	13
Preparing Preliminary HRA	13
On 90-Day Facility Review	1
Preparing Draft HRA	4
On 45-Day Public Comment	0
Preparing Final HRA	3
Final HRA Complete	0

Chemtrade West – On April 29, 2022, staff completed a preliminary HRA for Chemtrade West in Richmond, CA and sent it to the facility for the 90-day comment period by next week. Facility comments are due July 29, 2022.

Chevron Richmond Refinery HRA – Prior to initiating the HRA for the Chevron Richmond Refinery, the Air District must approve the Rule 12-15 emission inventory on which this HRA will be based. Staff are analyzing throughput data for key sources at the Chevron Refinery to ensure that the chosen inventory year is representative of this facility’s current operations.

Regulation 12, Rule 15 – Petroleum Refining Emissions Tracking

Emissions inventories for Calendar Year 2021 were submitted to Air District by the five petroleum refineries and their support facilities on April 18, 2022. These inventories were reviewed by staff for deficiencies and notices of deficiencies were transmitted to each facility on June 2, 2022. Responses to the deficiency letters were submitted by the facilities on June 23, 2022. Since receipt, staff have been determining whether submittals were responsive and if the necessary corrections to the inventory have been incorporated.

Heavy Liquids Study

Staff completed revisions to the draft Heavy Liquids Study report to incorporate changes resulting from responding to comments submitted by the Western States Petroleum Association (WSPA). Staff provided a response to comments to WSPA on April 13, 2022, and a final version of the Heavy Liquids Study report on April 19, 2022. The final report was posted on the Air District's website on April 20, 2022.

AB 617

Staff participated in the implementation of AB 617 as part of the Air District's working group on the technical assessment and source apportionment of the Richmond/San Pablo community emission reduction plan. Staff collaborated with the other Air District divisions on the technical assessment and source apportionment related to the development of the AB 617 Community Emission Reduction Plan for the Richmond, North Richmond, San Pablo area.

Staff worked with the CARB, CAPCOA, and other local air districts as part of the CARB's BACT / Best Available Retrofit Control Technology (BARCT) Working Group to review and comment on the AB 617 Technology Clearinghouse being developed by CARB and its consultants. AB 617 requires CARB to establish and maintain a statewide Technology Clearinghouse that identifies the best technologies for reducing emissions, namely BACT, BARCT, and related technologies for the control of toxic air contaminants. CARB is developing this technology clearinghouse of air district rules and control technologies as required under its AB 617 program and is working with CAPCOA and local air districts to ensure the information is useful and meets the needs of users. On June 7, 2022, staff met with CARB and other air districts to discuss BACT and BARCT in relation to their Technology Clearinghouse and funding available for source testing and demonstration of emerging technologies.

Staff continued to meet weekly with CARB and other air districts to prepare responses to frequently asked questions (FAQs) on permitting in communities. On May 19, 2022, CARB posted Round 2 (of 3), which contains nearly 70 additional responses at <https://ww2.arb.ca.gov/Permitting-Questions>.

**LEGAL DIVISION
A. CROCKETT, LEGAL COUNSEL**

The District Counsel's Office received 291 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff-initiated settlement discussions regarding civil penalties or passing the Wood Smoke Awareness Course for 155 violations reflected in NOVs. Settlement negotiations resulted in collection of \$114,675 in civil penalties for 66 NOVs.

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for 16 violations. Settlement negotiations by counsel resulted in collection of \$431,000 in civil penalties for 40 violations.

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

Media Inquiries

Staff responded to 46 media inquiries, including requests about:

- AB 2919
- AB 1897
- AB 2910
- Air District legal authority
- Air quality forecast
- Air quality index
- ALA State of the Air
- Benicia Wharf fire
- Biofuels
- Chevron flaring
- Chevron lawsuit
- Chromium rule
- Clean Cars for All
- Emissions inventory
- Equity
- Green Sage
- Highland grass fire
- Home Depot fire
- Mongolian dust
- Pipeline spill
- Public records
- Refinery permits
- SF Airport
- Spare the Air
- Spare the Air kickoff

- Treasure island dust
- Valero settlement
- Valero vent case

Press Releases:

- 06/30/2022 [Air District asks residents to not light personal fireworks this Fourth of July](#)
- 06/20/2022 [Air District issues Spare the Air Alert for smog for Tuesday](#)
- 06/09/2022 [Air District issues this year's first Spare the Air Alert for smog](#)
- 06/01/2022 [Air District extends air quality advisory for Napa Valley through Thursday](#)
- 05/31/2022 [Air District issues air quality advisory for Tuesday & Wednesday](#)
- 05/25/2022 [Bay Area Air Quality Management District and Aclima Unveil Results from Groundbreaking Hyperlocal Air and Greenhouse Gas Measurement Mobile Network](#)
- 05/24/2022 [Commuter Benefits Program helps Bay Area employees find a better way to work](#)
- 05/23/2022 [Bay Area Air District presents 2022 Spare the Air Leadership Award to MCE](#)
- 05/21/2022 [Air District issues air quality advisory for Saturday](#)
- 05/18/2022 [Air District Board confirms Sharon Landers as interim executive officer](#)
- 05/18/2022 [Air District Board appoints Alexander Crockett as new district counsel](#)
- 05/16/2022 [Air District's James Cary Smith Community Grant Program empowers Bay Area community leaders](#)
- 05/02/2022 [Spare the Air smog season begins today](#)
- 04/28/2022 [Air District joins fight to stop USPS from replacing bulk of delivery fleet with fossil-fuel-powered vehicles](#)
- 04/20/2022 [Air District seeks to shut down diesel generators at Green Sage cannabis facilities in Oakland](#)
- 04/07/2022 [Media Advisory: Air District to bring abatement order before Hearing Board to end air quality violations at Chemtrade](#)
- 04/04/2022 [Air District's Climate Tech Finance program supports energy storage to give Bay Area clean energy a boost](#)

Media Highlights

The Air District was mentioned in 903 print/online stories and 97 radio/video clips from April through June 2022. Below are media coverage highlights:

- 06/29/2022 [July 4th Fireworks: From PTSD to Wildfire, How to Stay Safe This Summer](#)
- 06/29/2022 [Environmental Groups Line Up Behind Residents to Try to Shut Down Diesel Generators at Oakland Cannabis Facility](#)
- 06/29/2022 [Rices Fire: How wildfire smoke will impact Bay Area air quality today](#)
- 06/27/2022 [Agency accuses Phillips 66 of starting renewable diesel production before permit approvals](#)
- 06/27/2022 [Phillips 66 Accused of Illegally Processing Renewable Fuel](#)
- 06/27/2022 [Phillips 66 \(PSX\) in Trouble for Improperly Making Renewables](#)
- 06/27/2022 [Cal Fire to conduct large prescribed burn east of San Jose](#)
- 06/27/2022 [Cal Fire to ignite large, prescribed burn east of San Jose](#)
- 06/27/2022 [Cal Fire to Conduct Prescribed Burns at County Park East of San Jose](#)
- 06/27/2022 [Cal Fire To Conduct Large Prescribed Burn East Of San Jose](#)
- 06/27/2022 [Cal Fire To Conduct Large Prescribed Burn East Of San Jose](#)

06/25/2022 [Several blazes this week mark smoldering start of fire season in the Bay Area](#)

06/25/2022 [Several blazes this week mark smoldering start of fire season in the Bay Area](#)

06/24/2022 [Santa Rosa Fire Department to hold controlled burn](#)

06/24/2022 [Exclusive: Phillips 66 made renewable fuels without proper permits, regulators say](#)

06/22/2022 [Marin County Officials: Controlled Burns Scheduled For Novato](#)

06/21/2022 [Novato Readies To Hold Prescribed Burns](#)

06/21/2022 [Cooling centers open, libraries cancel programs as temperatures rise](#)

06/21/2022 [How The Bay Area Is Preparing To Expand Clean Air Support During Wildfire Season](#)

06/21/2022 [Heat advisory, air quality alert issued for Berkeley](#)

06/21/2022 [Bay Area weather: First day of summer kicks off with sizzling heat wave](#)

06/21/2022 [Fire reported east of I-280 in Emerald Hills](#)

06/21/2022 [Bay Area weather: First day of summer kicks off with sizzling heat wave](#)

06/21/2022 [Severe heat, bad air, double alerts for Bay Area](#)

06/21/2022 [It's already 91 degrees in San Francisco: 'The onshore breeze hasn't kicked in'](#)

06/20/2022 [Spare the Air smog alert issued for Tuesday in Bay Area](#)

06/20/2022 [Bay Area set for double whammy of triple-digit temps, high smog](#)

06/20/2022 [Heat advisory issued for Tuesday amid high temperatures](#)

06/20/2022 [High temps return to Bay Area, heat advisory issued 1st day of summer](#)

06/20/2022 [Spare the Air Alert issued for Tuesday in the Bay Area](#)

06/20/2022 [Spare the Air alert issued for smog Tuesday](#)

06/20/2022 [Spare the Air Alert for Smog Issued for Tuesday](#)

06/20/2022 [Another Bay Area heat wave promises scorching temperatures, poor air quality](#)

06/20/2022 [Heat advisory to usher in triple-digit start to summer in Sonoma County](#)

06/20/2022 [Heat advisory Tuesday as high temperatures expected across Napa County, Bay Area](#)

06/20/2022 [Another Bay Area heat wave promises scorching temperatures, poor air quality](#)

06/20/2022 [Agency urges commuters not to drive as smog levels rise](#)

06/20/2022 [Another Bay Area heat wave promises scorching temperatures, poor air quality](#)

06/20/2022 [Heat Advisory! Temperature Expected To Reach 106 Degrees In Concord On Tuesday](#)

06/20/2022 [Another Bay Area heat wave promises scorching temperatures, poor air quality](#)

06/20/2022 [Hot temperatures in the forecast prompt Spare the Air alert for Tuesday](#)

06/20/2022 [Summer to begin with heatwave and Spare the Air Day](#)

06/19/2022 [This Pride Month, California's few LGBTQ leaders are facing death threats and harassment](#)

06/17/2022 [Air Quality In Castro Valley, Bay Area, During Fire Season](#)

06/17/2022 [Scannell Properties & Overaa Construction Break Ground on 325,000 SQFT Fulfillment Center for FedEx in Richmond](#)

06/16/2022 [How the Bay Area Is Preparing to Expand Clean Air Support During Wildfire Season](#)

06/16/2022 [With wildfire season starting, Air Quality District aims to help residents cope with smoke-filled skies](#)

06/16/2022 [Bay Area looks to expand clean air support during wildfire season](#)

06/16/2022 [Bay Area preps clean air support for fire season](#)

06/15/2022 [Democrats in the California Senate Could Make or Break Refinery Pollution Bill](#)

06/15/2022 [Where does Richmond's pollution come from? City of Richmond, Groundwork Richmond webinar provides insight](#)

06/14/2022 [Supervisors try again to thwart Lehigh operations](#)

06/12/2022 [Napa County returns Benjamin Ranch winery to Planning Commission](#)

06/06/2022 [Thousands of violations found at Santa Clara County cement plant](#)

06/06/2022 [East Oakland residents wary of changes intended to make it easier to report air pollution](#)

06/02/2022 [Bay Area air district confirms interim executive officer](#)

06/02/2022 [Napa air quality warning extended due to wildfires](#)

06/01/2022 [600-acre Napa fire prompts air quality concerns in North Bay](#)

06/01/2022 [Local air quality officials extend Napa Valley advisory through Thursday](#)

06/01/2022 [Air District Extends “Old Fire” Air Advisory Through Thursday](#)

06/01/2022 [Air quality advisory for Napa Valley extended through Thursday due to wildfire smoke](#)

06/01/2022 [Evacuations ordered in Napa's wine country as wildfire grows to 570 acres](#)

06/01/2022 [Air quality advisory in the North Bay](#)

06/01/2022 [Old Fire evacuees allowed to return home; Napa County wildfire burns more than 500 acres](#)

06/01/2022 ['Soft reopening' issued for evacuation areas in Napa County's Old Fire](#)

06/01/2022 [World Premiere Of The New Battery Electric Freightliner Ecascadia](#)

05/31/2022 [Grass fire prompts evacuations in Napa's wine country, firefighters gain upper hand](#)

05/31/2022 [“Old Fire” Near Napa Reaches 376 Acres And Holds At 5 Percent Containment](#)

05/31/2022 [Napa County, cities consider teaming up for climate action plan](#)

05/29/2022 [Bay Area air district confirms interim executive officer](#)

05/24/2022 [Air district recognizes Marin Clean Energy with leadership award](#)

05/23/2022 [Alameda County Delays Decision On Biosolids Recycling Inc.'s Composting Facility](#)

05/22/2022 [Bay Area Quality Management District Board confirms Sharon Landers as interim executive officer](#)

05/22/2022 [Air District Board Confirms Interim Executive Officer To Head Agency For 9 Months](#)

05/21/2022 [Owens Fire smoke expected to affect Bay Area](#)

05/21/2022 [Bay Area air district issues air quality advisory due to wildfire smoke](#)

05/21/2022 [Air Quality Advisory In Effect For Saturday For Wildfire Smoke; Not A "Spare The Air" Day](#)

05/21/2022 [The Bay Area will warm up next week. Here’s how high temperatures will get](#)

05/18/2022 [After Two-Year Absence, Bike to Work Day is Friday, May 20](#)

05/18/2022 [Bay Planners Highlight Another Missing Element in California Environmental Law: It Doesn’t Account Well for the Future](#)

05/18/2022 [After Two-Year Absence, Bike to Work Day is Friday, May 20](#)

05/17/2022 [WETA Welcomes Newly Converted Ferry Back Into Service](#)

05/17/2022 [Millbrae joins Burlingame’s quest for bike share program](#)

05/16/2022 [Global shipping companies reduced speeds off California coast to protect blue whales and blue skies](#)

05/16/2022 [The struggle for clean air and water in Benicia](#)

05/14/2022 [Global shipping companies reduced speeds off California coast to protect blue whales and blue skies](#)

05/09/2022 [Oakland foundry site lands big-time buyer, major development eyed](#)

05/06/2022 [AG Coalition Sues to Block USPS Mail Truck Acquisition Program](#)

05/04/2022 [One of Google's big Mountain View mixed-use projects has taken a big step toward approval](#)

05/04/2022 [Bay Area refineries to start producing biofuels instead of crude oil](#)

05/04/2022 [Lawsuit Targets Purchase of U.S. Postal Service Vehicles](#)

05/03/2022 [Bay Area air quality affected by wildfires in Siberia](#)

05/03/2022 [Newest trend in delivery apps: move from cars to e-bikes](#)

05/03/2022 [Bay Area air quality affected by wildfires in Siberia](#)

05/03/2022 [Why is Rob Bonta suing the Postal Service?](#)

05/03/2022 [Bay Area refineries to start producing biofuels instead of crude oil](#)

05/03/2022 [Bay Area refineries to start producing biofuels instead of crude oil](#)

05/03/2022 [16 US states file suit to force post office to buy electric trucks](#)

05/03/2022 [States sue Postal Service for not choosing electric vehicles](#)

05/03/2022 [Summer smog season starts across Solano, region](#)

05/02/2022 [BAAQMD Adopts “Fair Share” Based CEQA Thresholds of Significance For Evaluating Climate Change Impacts of Land Use Projects And Plans](#)

05/02/2022 [As temperatures rise, Bay Area enters Spare the Air season](#)

05/02/2022 [Bay Area Bike to Wherever Days in May](#)

04/22/2022 [Bay Area air quality: Answers to your most pressing questions](#)

04/22/2022 [Bay Area air district wants East Oakland pot grower to clean up act](#)

04/21/2022 [Regulator Moves to Shut Down Diesel Generators at East Oakland Cannabis Facility](#)

04/21/2022 [Marin air quality degraded by wildfires, report finds](#)

04/20/2022 [Air Quality Regulators Seek Shutdown of Oakland Cannabis Business’s Diesel Generator Use](#)

04/20/2022 [Climate change, wildfires making air quality in California worse, report finds](#)

04/18/2022 [Potrero Annex-Terrace Residents Concerned about Air Quality](#)

04/18/2022 [Lawmakers to Consider Penalty Increase for Air Quality Violations by Refineries](#)

04/18/2022 [Opinion: What the gas industry doesn’t want you to know about your appliances](#)

04/11/2022 [Benicia Port Fire: Officials Tour Site To Assess Damage, Plan Cleanup](#)

04/11/2022 [Local, state officials touring Benicia Port fire site to assess damage, plan cleanup](#)

04/11/2022 [Home Depot Fire Leaves Hot Spots, Lingering Smoke in San Jose](#)

04/11/2022 [Four-alarm Benicia Port Fire contained](#)

04/11/2022 [San Jose: Witnesses raise questions about Home Depot’s sprinkler and alarm systems after massive fire levels store](#)

04/10/2022 [Fire crews extinguish blaze at Benicia port after 24 hours](#)

04/10/2022 [Air Quality Improves Following Home Depot Fire](#)

04/10/2022 [Two fires devastate San Jose Home Depot, Benicia pier](#)

04/10/2022 [San Jose Home Depot fire was first reported around lumber section, fire department says](#)

04/10/2022 [Cleanup begins after Port of Benicia fire extinguished](#)

04/09/2022 [Massive fire at South Bay Home Depot creates heat signature detected from space](#)

04/09/2022 [Fire engulfs port in Bay Area city of Benicia](#)

04/09/2022 [Port of Benicia fire could burn for days, create major economic challenges for the region](#)

04/04/2022 [S.F. usually has good air quality. So why are sensors detecting such high pollution in this one area?](#)

Public Inquiries

Phone: 83 public calls

Events

- Earth Day in Oakland Zoo on April 16, 2022
- We Love Earth Day Festival in Menlo Park on April 16, 2022
- Earth Day SF in San Francisco on April 23, 2022
- Earth & Arbor Day Festival in Cupertino on April 23, 2022
- Go Green! Earth Day in Fremont on April 23, 2022
- Butter and Egg Days Festival in Petaluma on April 23, 2022
- Earth Day Napa in Napa on April 23, 2022
- Sunday Streets in Bayview on May 18, 2022
- Bike to Wherever Day in Oakland on May 20, 2022
- Sunday Streets in Bayview on May 22, 2022
- Ember Stomp in San Rafael on May 28, 2022
- Green Footprint Festival in Pittsburg on June 2, 2022
- Airport Runway Run in San Carlos (virtual) on June 5, 2022
- SF Citywide Revival in San Francisco on June 6, 2022 – June 8, 2022
- San Mateo County Fair in San Mateo on June 4, 2022 – June 12, 2022
- Viva Calle SJ in San Jose (virtual) on June 12, 2022
- Sunday Streets in Excelsior, San Francisco, on June 12, 2022
- Sustain-a-palooza (virtual) on June 22, 2022
- Marin County Fair in San Rafael on June 30, 2022 – July 4, 2022

Spare the Air

- Advertising
 - Spring/summer media plan
 - Received updated vendor proposals and continued building out the media plan.
 - Negotiated and met with vendors.
 - Presented recommended paid media plan.
 - Followed up with True North Research regarding demographics and behaviors to inform the media plan.
 - Approved media plan.
 - Worked on campaign launch for May 2, 2022.
 - Reviewed and provided comments/edits to the recommended paid media plan.
 - Helped vendors launch spring/summer paid media.
 - Negotiated with Clear Channel Outdoor to launch spring/summer paid media.
 - Developed a revised advertising proposal including new locations and flight dates.
 - Requested campaign to date reporting for the spring campaign from all vendors, including screenshots.

- Continued with the creative production process for both the radio spots and the digital placements, including meeting internally and discussing needs for the upcoming summer campaign.
- Winter campaign
 - Started to wrap up winter end of campaign report.
 - Reviewed February billing from vendors for the Winter Campaign and reconciled internal billing.
 - Followed up with media vendors regarding final winter season invoices.
 - Met with A+P to review new winter campaign creative concepts.
 - Reviewed creative brief for new winter creative campaign prior to messaging regroup.
 - Worked through feedback on the creative brief for new winter creative campaign.
- Held a call with NBC to begin coordinating and scheduling the NBC California Live and Acceso Total segments.
- Discussed a potential additional AV buy for the Warriors.
- Worked on properly filing and archiving invoices, as well as confirming payments across all vendors.
- Media Relations
 - Maintained comprehensive Bay Area media list including local broadcast, print and online outlets.
 - Reviewed Bay Area news monitoring alerts and clips.
 - Completed and staff reviewed Spare the Air winter end of campaign report on April 26, 2022.
- Meteorologist event.
 - Reviewed recommendations for engaging top meteorologists in the Bay Area.
 - Finalized pitch for media outreach around meteorologist breakfast/lunch.
 - Conducted media outreach around meteorologist breakfast/lunch and received feedback from KPIX-TV, KGO-TV, KTVU-TV, KNTV-TV and KRON-TV.
 - Shared meteorologist lunch media event feedback and provided event timing recommendation.
 - Followed up with meteorologists to confirm attendance for June 29, 2022 lunch event.
 - Developed budget and materials tracker for meteorologist event.
 - Researched catering options and provided recommendation for meteorologist event.
- Social Media
 - Reviewed creative assets and scheduled rounds of approved content to publish via Sprout Social.
 - Developed May social content.
 - Developed social content for June 2022.
 - Developed social content through July 2, 2022.
 - Paused planned content and boosted posts due to Spare the Air Alert.

- Developed next round of social content for July 3, 2022 – July 16, 2022.
 - Monitored social channels daily, including boosted posts on Facebook and Instagram.
 - Implemented paid strategy by setting up boosted posts for Spare the Air Alert sign up.
 - Shared timely news coverage and posted additional content on Spare the Air channels highlighting:
 - Wildfire preparation.
 - Related organizations.
 - Bay Area transit.
 - New park projects.
 - Earth Day.
 - Wildfire awareness.
 - Air Quality Advisory messaging.
 - National Bike to Work Day.
 - Set up and shared GIFs for Instagram Stickers as part of National Bike to Work Day and Everyday campaign.
 - Developed social media recap for the first Quarter of 2022.
- Employer Program
 - Website.
 - Finalized review of phase two (2) website audit.
 - Finalized draft messaging for website content.
 - Refined program messaging for redesigned website.
 - Completed first draft of new website content, including recommendations for content to align with new site map, image recommendations and new program enrollment form.
 - Advertising
 - Worked on advertising launch for week of May 2, 2022.
 - Outreach
 - Contact lists.
 - Researched impacted communities in the Bay Area and developed list of zip codes to guide the purchase of a business list.
 - Coordinated with A+P about impacted communities and inclusion efforts/audiences to target for Employer Program.
 - Met with A+P to discuss program priorities for rest of the year.
 - Researched options for purchasing contact lists of Oakland and Richmond (priority) businesses for outreach to begin soon.
 - Reviewed Dun & Bradstreet contacts database and began building contact lists.
 - Reviewed Outreach Kickoff Overview strategy.
 - Discussed potential outreach vehicles and content for email/mailer.

Spare the Air Social Media

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

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

- Response sample:
 - o [Twitter](#)

In this quarter, Spare the Air social media follower numbers increased to 12,926 (+2) on Facebook, decreased to 15,447 (-60) on Twitter, increased to 1,763 (+34) on Instagram, and increased to 300 (+1) on Pinterest.

Air District Social Media

- Google and Facebook campaigns to promote Clean Cars for All ran from April 11, 2022 – May 31, 2022 .
- Staff continued to run social posts daily including:
 - o Air quality forecasts: daily, two-day and five-day forecasts.
 - o Shared:
 - Funding to improve bus service in California.
 - Upcoming webinar with Society for Human Resource Management.
 - Pilot program to recycle f-gases from appliances.
 - AC Transit hydrogen village.
 - We Love Earth festival in Menlo Park.
 - Spotlight on hydrogen sulfide.
 - Climate Tech Finance loan guarantee awarded to UCAP Power.
 - SF Chronicle article featuring M. Flagg.
 - Climate Tech Finance loan guarantee to UCAP Power.
 - Supervisor Nate Miley’s post on East Oakland facilities tour.
 - Cesar Chavez day.
 - Switch Is On and heat pumps.
 - Santa Clara County Parks demo of the Air Curtain Burner to reduce pollution from prescribed burns.
 - Bay Area Summer Academy call for applications.
 - Earth Day and bingo cards.
 - EPA’s Clean School Bus Program funding and webinar.
 - Air filtration in Oakland buildings.
 - SF Bay Ferry engine conversion.
 - Prescribed burn info from Santa Clara County Parks.
 - Green Sage hearing board case.
 - Carbon cycle infographic from NOAA.
 - Restoring the natural water cycle to cool the climate.

- We Love Earth festival in Menlo Park.
- Solar panel improvements from Stanford researchers.
- Air pollution and health infographic from SCAQMD.
- Switch is On electrification messaging.
- Soil solutions to climate problems.
- Mitigating F-gas emissions.
- California proposed rule to ban new gas-fueled cars.
- GHG info from EPAair.
- Beginning of Spare the Air smog season.
- Air Quality Awareness Week messaging.
- Wildfire preparedness tips.
- World Asthma Day and using the AQI to limit exposure to air pollution.
- Low-cost sensor video.
- 2021 Annual Report announcement.
- Community Advisory Council annual report video.
- Call for applications for the East Oakland AB 617 Steering Committee.
- Ferry engine conversion to reduce emissions by 80%.
- Staff feature on C. Coelho.
- Taking transit to the Bay Bridge Series.
- CO2 saved by riding BART.
- Lawsuit to stop USPS from purchasing fossil fuel-powered fleet.
- Klay Thompson commuting by bike.
- Beginning of Spare the Air smog season.
- Spotlight on nitrogen oxides.
- Air quality advisory.
- Bike to Wherever Day.
- Bike info from BART.
- Announcement of new District Counsel and Interim Executive Officer.
- Climate Tech Finance annual report video.
- Wildfire preparedness efforts highlighted in annual report.
- Spotlight on hydrogen sulfide.
- 2021 Annual Report announcement.
- Community Advisory Council annual report video.
- How to reduce carbon footprint.
- Nitrogen oxides monitoring with Brightline Defense.
- Public data center on baaqmd.gov.
- Clean Cars for All.
- AB 2649.
- Aclima data release.
- Air quality advisory.
- Pride month information on air pollution impacts to LGBTQ+ community.
- Brightline Defense air monitoring partnership.
- Rule 13-5 and methane emissions.
- East Oakland Steering Committee call for applications.
- World Environment Day message to power down during peak hours.

- 2022 Spare the Air Leadership Award.
- Commuter Benefits Program.
- Berkeley Lab air quality monitoring to assess impact of diesel trucks in Richmond.
- Call for applications for AB 617 East Oakland Steering Committee.
- Healthy Homes Initiative annual report spotlight.
- Clean Cars for All program.
- Spare the Air Alert.
- Wildfire preparedness video.
- Clean Cars for All grantee using mobility option to purchase an e-bike.
- Clipper Card on your smartphone.
- SF Chronicle article on diverting food waste to limit methane emissions.
- Impacts from Bay Area refineries annual report graphic.
- WaPo article on health impact of air pollution.
- San Jose removing minimum parking mandates.
- Vessel Speed Reduction program.
- Clipper card smartphone setup.
- Vessel Speed Reduction program.
- How to sign up for STA text alerts.
- AirNow fire & smoke map.
- Reg 6-5 annual report video.
- 350 Bay Area road to a livable climate event.
- Climate Tech Finance annual report video.

In this quarter, Air District social media follower numbers increased to 5,261 (+18) on Facebook, increased to 21,266 (+16) on Twitter, increased to 2,410 (+58) on Instagram, and increased to 2,766 (+125) on LinkedIn.

Other

- Video
 - Air Monitoring Network video.
 - Edited script.
 - Reviewed script.
 - Recorded audio.
 - Video shoot on May 26, 2022.
 - Edited video series.
 - Edited and reviewed Air Quality Complaints video.
 - Edited Distributed Workforce Policy training video.
 - Updated photo and b-roll video libraries with new content
 - Spare the Air photo shoot with AC Transit.
 - Concord air monitoring station on June 23, 2022.
 - Spare the Air photo shoot on June 29, 2022.
 - Air monitoring field office.
 - B-roll in Benicia.
 - West County Wastewater on April 7, 2022.

- Staff video clips.
- Staff Development
 - CAPIO and Ragan training ongoing.
 - CommonLook accessibility software pilot program training being organized.
 - CommonLook accessibility software pilot program meeting took place on April 20, 2022.
- 2021 Annual Report
 - Web version underwent final revisions.
 - Website launch was set for May 2, 2022.
 - Board announcement took place on May 4, 2022.
 - Planned launch promo
- Graphic Design
 - Report template for Meteorology and Measurements in progress.
 - Spring break Human Resources flyer complete.
 - J. Broadbent proclamation complete; award complete and received.
 - Human Resources Office slideshow for middle schools complete.
 - A&WMA conference ad complete.
- Web Updates
 - E-blasts
 - CEQA Thresholds Update Board Meeting on April 13, 2022.
 - Agenda Highlights, Stationary Source and Climate Impacts on April 18, 2022.
 - Board and Admin meetings on April 15, 2022.
 - 4/27 Budget and Finance Committee meeting agenda highlights on April 21, 2022.
 - CEQA CalEEMod training on May 2, 2022.
 - 3 Community Engagement Board meeting agenda highlights on May 2, 2022.
 - On-Road Trucks Notice e-blast on May 25, 2022
 - Clean Air Centers workshop e-blast on June 15, 2022
 - CEQA pages
 - New Thresholds and Guidelines
 - Met with Planning to prepare for new thresholds and guidelines release
 - Worked on CEQA webpages to prepare updates for new thresholds rollout
 - Published extensive updates to CEQA program webpages, including four new resources sub-pages
 - CEQA Air Modeling Tools data download page
 - Began work on CEQA Air Modeling Tools data download page
 - Met with Planning to discuss CEQA Air Modeling data download page
 - New Subscription Center pages
 - Troubleshoot before release
 - Continued to troubleshoot Subscription Center for e-blast and text alert subscriptions.

- Continued email list update testing/troubleshooting.
 - Community Advisory Council page
 - Posted bio and photo for F. Campos
 - Added Charles Reed bio and photo.
 - All members now represented
 - Bay Area Clean Air Foundations website
 - Reviewed content for site build-out
 - Collected content for site build-out
 - Troubleshooting Twilio Spare the Air SMS/text error messages
 - Checked on Twilio compliance for the Spare the Air short code for Spare the Air text alerts
 - East Oakland AB 617 webpage
 - Worked on setup
 - Posted new East Oakland AB 617 webpage
 - Developed webpage with Air District logo links/downloads
 - Restructured Community Health Protection Program Richmond pages with new table
 - Monitored current air quality webpage and posted station down flags as needed
 - James Cary Smith Community Grants webpage updated for new grant cycle
 - Worked on final updates to New Reportable Compliance Activity and Title V Reporting page with Compliance and Enforcement
 - Uploaded press release translations
 - Posted Complaint Procedures Brochure with new translations
 - Carl Moyer Program webpage updated for end of program
 - Goods Movement Trucks updated for new deadline
 - Map of Overburdened Areas added and published for Planning on Interactive Maps webpage
 - Added ozone exceedance to Spare the Air box scores webpage
 - Posted updated versions with translations of Air Quality Complaint procedures brochures
 - Posted 2022 Draft Air Monitoring Network Plan for comment
 - Clean Air Centers workshop and solicitation opening web updates went up on June 15, 2022
 - Worked with web team to troubleshoot Facebook/Spare the Air website link issue
- Spare the Air Smartphone App Upgrade/Redesign
 - Worked with web team on connecting API to the Spare the Air application.
 - Troubleshot alert status
 - Tested Spare the Air phone app
 - Worked with web team on overlapping text issue in Spare the Air app
 - Publications
 - Air Currents
 - Prepared for May 1, 2022, issue
 - Finalized May issue for May 2, 2022, publication
 - Distributed May edition of Air Currents

- Bay Area Monitor / League of Women Voters
 - Coordinated conversation on Clean Air Center Program for upcoming article
 - Worked on League of Women Voters PO and contract update
 - Bay Area Monitor’s latest article routed back to staff for review
 - League of Women Voters purchase order and contract work, including writing up new scope of work
 - Finalized contract edits and memo for League of Women Voters
- Annual Report
 - Annual Report online version published, and [link](#) added to webpages

Miscellaneous

- Staff attended ALA’s Prescribed Fire Report Briefing on June 8, 2022
- Staff assisted with MTC Interview Panel for Writer/Editor in Public Affairs
- Drafted talking points for Governor’s order relating to back-up generators
- Drafted resolution for Richard Corey’s retirement

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

Community Health Protection (AB 617)

West Oakland staff continued to plan and hold regular Core Team meetings and weekly meetings with the Co-leads, West Oakland Environmental Indicators Project (WOEIP), and project consultants. Staff continued meeting monthly with City of Oakland staff to discuss coordination on the General Plan update, Environmental Justice element, and WOCAP implementation. Staff continued to attend monthly meetings of the Community Steering Committee and monthly meetings with CARB staff.

Staff is working on the Path to Clean Air Richmond-North Richmond-San Pablo project continued to plan and hold regular internal and external meetings including weekly Core Team meetings; biweekly Internal Path cross-divisional meetings, Community Steering Committee co-chair meetings, Community Description and Technical Assessment Ad-hoc committee meetings; and monthly meetings with Executive staff, Director Gioia, and the Community Steering Committee. Staff continue to work with the Community Description Ad Hoc committee on writing the Community Description section of the Community Emission Reduction Plan.

East Oakland staff continued to plan and hold regular Core Team meetings and began meeting weekly with Communities for a Better Environment (CBE). Staff met with Alameda County to discuss collaboration on the County's Environmental Justice (EJ) Element and the Air District's work on SB1000 and AB617. Staff met with Alameda County's Ashland Cherryland Healthy Communities Collaborative and presented air quality information related to SB1000 and the AB617 program. Staff created an East Oakland AB617 Google map with a preliminary CERP boundary and identified community sites markers to support the application process for the East Oakland CERP Steering Committee.

CEQA Program

During the second quarter of 2022, staff tracked 632 CEQA projects, reviewed 14 projects, and commented on the following four projects: San Francisco Gateway Project – Notice of Preparation of a Draft Environmental Impact Report; City of Oakland – 3600 Alameda Avenue Project – Notice of Preparation for a Draft Environmental Impact Report; City of Pittsburg – Envision Pittsburg 2040 General Plan Update – Notice of Preparation of a Draft Environmental Impact Report; City of San Jose – Bo Town Mixed Use Project – Draft Supplemental Environmental Impact Report. Staff attended the Contra Costa County Board of Supervisors Hearing for the Marathon Renewable Fuels Project and the Phillips 66 Rodeo Renewed Project. Staff responded to 28 Stationary Source Information Requests and a variety of requests for technical assistance.

Staff continued working in partnership with Climate Protection staff, legal staff, and Ascent consultants on the update of the CEQA Thresholds of Significance for Climate Impacts (Climate Impacts Thresholds) and the CEQA Guidelines. Staff prepared for and attended the April 20, 2022 Board of Directors Meeting for the adoption of the Thresholds of Significance for Evaluating Climate Impacts from Land Use Projects and Plans and the associated Justification Report. Staff completed and uploaded to the District website an updated Stationary Source Risks and Hazards Screening Map and instructional video and a new Stationary Source Data Request form. Staff is working with the webteam to provide meteorological data to support lead agencies in conducting HRAs. Staff is conducting research on the emissions reduction potential of fugitive dust mitigation measures to support lead agencies and to inform future updates to the air quality thresholds of significance. Planning, Climate Protection, AIM, and Engineering staff prepared for and met with the Port of Oakland's Environment Department staff on the Oakland International Terminal and Modernization Development Project DEIR.

Air Quality Planning

Staff attended monthly CAPCOA Planning Managers meetings and Land-Use Model Subgroup meetings. Staff attended a CalEEMod 2022 training. Staff attended the MTC Air Quality Conformity Task Force meetings. Staff participated in the 70 ppb Ozone SIP Planning Workgroup Meeting, met with EPA and CARB staff to discuss a potential 2015 70 ppb ozone standard baseline inventory amendment and Air District use of future emission reduction credits, and met with Engineering staff to determine potential emission reduction credit baseline inventory data requirements. Staff met with the Bay Area Healthy Homes Initiative (BAHHI) Partners to discuss data collection roles and coordinate outreach. Staff developed a draft charter to guide inter-Divisional coordination efforts related to Clean Air Act (CAA) and State Implementation Plan (SIP) planning and develop an outline of a white paper that will explore the impact of a lower PM2.5 NAAQS on Air District particulate matter programming. Staff met with Caltrans to discuss joining a study panel researching the air quality benefits of vegetative buffers along highways. Staff welcomed two Summer Interns, Jasmine Lee and Robson Swift, who begin their internship on June 6, 2022.

Climate Protection - Local Government Support

Staff continued to provide support for local climate action planning. Staff met with staff from Contra Costa County and consulting firms First Carbon Solutions and EMC to discuss use of the Air District's newly adopted CEQA thresholds of significance for climate impacts in the context of the County's update of its Climate Action Plan. Staff attended monthly meetings of the San Mateo Regionally Integrated Climate Action Planning Suite (RICAPS) meetings. Staff convened several

conversations and meetings with local community choice energy program staff, including: a regular monthly meeting with Marin Clean Energy; meeting with Silicon Valley Clean Energy to discuss the Air District’s Indoor Appliance Rules; and meeting with East Bay Clean Energy, Silicon Valley Clean Energy and Peninsula Clean Energy to discuss potential collaboration through the Air District’s Building Decarbonization Program. Staff met with the Executive Director and Program Directors of ICLEI – Local Governments for Sustainability (ICLEI) to discuss potential collaboration on new protocols and tools to assist with community GHG emission inventories and local climate action plans.

Staff presented the proposed Thresholds of Significance to the Board of Directors. The Board approved the Thresholds, which are now available for use by lead agencies. Staff presented on the CEQA Thresholds of Significance at the annual conference of the Association of Environmental Professionals, the Bay Area Regional Energy Network (BayREN) Reach Code & Policy Working Group, the Bay Area Regional Collaborative (BARC), and the Bay Planning Coalition. Staff continued working on draft Guidelines to support use of the CEQA Thresholds, including an appendix providing guidance on developing local climate action plans.

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Climate Policy and GHG Reduction Activities

Staff attended meetings of the AB 32 Environmental Justice Advisory Committee (EJAC). Staff engaged in a comprehensive review and consideration of the Draft 2022 Scoping Plan, including: meeting with CARB Community Action Branch staff to discuss sections of the Draft Plan; convening a multi-divisional review of the 800+ page Draft Plan; drafting and submitting a comprehensive comment letter on the Draft Plan; and providing oral comments in-person at the CARB Board meeting. Staff provided review, analysis and comment for Vice Chair Hurt on the “Real Zero Alternative” document, developed and presented by the EJAC.

Staff attended the kick-off meeting of the CALGreen Carbon Reduction Collaborative, an advisory group formed by the California Building Standards Commission and the Division of the State Architect, to provide input into development of building decarbonization within CalGreen. Staff completed a competitive Request for Qualifications process to identify qualified service providers to help implement the Air District’s work on reducing GHG emissions and air pollutants from the Bay Area building stock. Staff presented on “Breakdown of Authorities for Building Energy Use and Emission Control” at the League of California Cities Environmental Quality Policy Committee. Staff spoke as a panelist on Building Decarbonization and Housing Equity at the Air Conditioning Heating Refrigeration Institute (AHRI) State Summit. Staff met with representatives from building advocacy organizations to discuss the Air District’s current NOx rule-making for indoor appliances, Rules 9-4 and 9-6. Staff launched an internal implementation team for these rules that meets bi-weekly. The team is developing the framework for a stakeholder Working Group to assist with the implementation of these rules. Staff convened a kickoff meeting for the Bay Area Healthy Homes Initiative (BAHHI), which integrates GHG-reducing measures (weatherization, electrification of appliances) with traditional asthma interventions in low-income homes. BAHHI partners include the Public Health Departments of Contra Costa and Alameda counties, StopWaste, and the Association for Energy Affordability.

Staff provided information to the Marin Community Foundation on resources for non-profits to identify and fund zero-emission alternatives to diesel back-up power for use during PSPS events. Staff attended the CARB Advanced Clean Fleet Rulemaking Workshop and CARB’s workgroup meetings on the Truck Loan Assistance Program, the new Proposed Zero Emission Loan Pilot, and the Long-Term Heavy-Duty Investment Strategy.

Staff is co-author on a data paper, “A multi-city urban atmospheric greenhouse gas measurement data synthesis,” published in Nature Scientific Data including the Air District’s fixed site GHG network data for 2016-2017.

Climate Team Meetings and Events

Staff attended the California Climate Policy Summit in Sacramento, moderating the panel, “Petroleum refining in a climate crisis – public health and climate imperatives,” with speakers from Communities for a Better Environment and the Richmond Listening Project. Staff attended regular meetings of the CAPCOA Planning Managers Committee and the National Association of Clean Air Agencies (NACAA) Global Warming Committee. Staff actively participated in the 2022 Air and Waste Management Association (AWMA) Annual Conference and Exhibition, with the theme “Science and Sustainable Global Communities,” held at the San Francisco Hyatt Regency Hotel. Staff organized, facilitated and presented on the following panels:

- “Building Decarbonization: Local Governments Take the Lead”; with speakers from the City of Berkeley, San Francisco Dept. of Environment, and Ardenna Energy.
- “Accelerating the Transition Away from Diesel”; with speakers from the Air District, CA Air Resources Board, and the City of Oakland.
- “Bay Area Healthy Homes Initiative: A Blueprint for a Comprehensive Approach to Address Cumulative Air Pollution Exposure in Overburdened Communities”; with speakers from Contra Costa County, StopWaste, and the Association for Energy Affordability.
- “Accelerating the Transition to Heat Pump Water Heaters Through Supply Chain Intervention”; with speakers from the City of San Jose, StopWaste, and BayREN.

- “Carbon Neutrality and Local Planning Challenges,” on the panel, The Evolving Landscape of Carbon Neutrality Goals.

Staffing

The Climate Team welcomed Jamesine Rogers Gibson as a new Senior Advanced Projects Advisor, who will be leading the local government climate action support program. The Team also welcomed Summer Intern Mariah Padilla, a senior at UC Davis, who is helping the team develop tools to support integrating equity in local climate action planning. The AQ Planning team welcomed two Summer Interns, Jasmine Lee, and Robson Swift.

ASSESSMENT, INVENTORY, AND MODELING P. MARTIEN, DIRECTOR

Emissions and Community Exposure Assessment

Staff completed a revised draft document, with additional case studies, for implementing a methodology to assess health risk from local sources of fine particulate matter (PM2.5) and presented the methodology revisions at the District’s Advisory Council Meeting. Staff met with members of the California Council on Environmental and Economic Balance (CCEEB) and summarized materials recently presented to the Advisory Council on projects related to fine particulate matter.

Under Assembly Bill (AB) 617 community assessment work, staff completed a technical assessment for the Richmond-North Richmond-San Pablo (Path to Clean Air) community to support the Community Emissions Reduction Plan (CERP) development and presented summary findings at the monthly Path to Clean Air community steering committee (CSC) meetings. Staff met with the California Air Resources Board (CARB) staff to confirm data needs for producing Path to Clean Air local inventories of future analysis years.

Staff continued collaboration with the Metropolitan Transportation Commission (MTC) staff and completed a draft training plan for using a new data management platform; staff also met with the MTC’s travel modeling team to discuss collaboration on improving truck activity data collection.

Under the District’s California Environmental Quality Act (CEQA) work, staff completed initial dispersion modeling runs to estimate impacts of on-road mobile sources for all Bay Area roadways using cloud-based computers. Staff participated in meetings with the San Francisco Planning Department to discuss the use of the updated CEQA health risk assessment guidance and address technical questions. Staff attended a kick-off meeting with the California Department of Transportation (Caltrans) on the I-580 Truck Access Study to discuss project work plans.

Under emissions reporting work to meet annual reporting requirements, staff attended the Emission Inventory Technical Advisory Committee (EITAC) workshop hosted by CARB. Staff collaborated with the Engineering Division to submit a required annual emissions summary for AB 10X facilities (with 250 ton/year or more emissions of certain criteria pollutants) to CARB. Staff completed datasets, charts, tables, and summary slides for an updated base year emissions inventory.

Staff fulfilled data requests for emission estimates: from CARB for Bay Area airports and from the County of San Mateo for the Brisbane Landfill facility.

Air Quality Modeling and Analysis

Staff continued their involvement in AB 617 activities in the second quarter: staff planned, prepared, and participated in meetings regarding the technical assessment (TA) for the Path to Clean Air AB 617 community, including meetings of the TA Ad Hoc committee, monthly Path to Clean Air Community Steering Committee (CSC) meetings, and meetings to coordinate efforts between the TA Ad Hoc and the Community Description Ad Hoc. Additional meetings were held with staff from the Office of Environmental Health Hazards Assessment (OEHHA) and UC San Francisco on their presentations at the April CSC meeting on health effects of air pollution, with CARB staff to discuss statewide actions that will impact future year emissions in the Path to Clean Air study area, and with Community Co-leads for the Path to Clean Air AB 617 community to preview slides for the June CSC meeting.

Staff prepared a summary of modeled exposure findings for PM_{2.5}, cancer risk, and chronic hazard index for the Path to Clean Air AB 617 community, which was shared with the Rule Development Section to support upcoming rulemaking efforts. After participating in a call with planners from the City of Richmond and their consultants, staff assembled gridded emissions inventory data and air quality modeling results and delivered the information to the City of Richmond to support the EJ Element of their General Plan Update. Staff worked on the TA chapter of the Path to Clean Air Community Emissions Reduction Plan (CERP) and a supporting technical appendix.

To provide supplemental information for draft amendments to natural gas appliance rules (Rules 9-4 and 9-6), staff conducted regional air quality simulations to evaluate a scenario with increased power plant emissions. Modeling results were input to EPA's Environmental Benefits Mapping and Analysis Program (BenMAP) to evaluate and document health impacts of possible increased power plant emissions.

Staff continued efforts to configure the Intervention Model for Air Pollution (InMAP) model for the Bay Area; the InMAP model may allow staff to efficiently evaluate sources of air pollution contributing most to fine particulate matter in the Bay Area's most impacted communities. Staff prepared test inputs from the District's regional air quality and meteorological models for InMAP and uploaded the files for the InMAP project team to access.

Developing and evaluating updated emissions from Bay Area residential woodburning continued to be a focus: staff reviewed woodsmoke emissions estimates from a project contractor and began efforts to replicate their emissions estimates in-house.

RULES & STRATEGIC POLICY DIVISION E. YURA, DIRECTOR
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Rule 13-5: Industrial Hydrogen Plants:

Status / Next Milestones: Adopted by the Board of Directors at a Public Hearing on May 4, 2022:

- New Regulation 13: Climate Pollutants, Rule 5: Industrial Hydrogen Plants.
- Amendments to Regulation 8: Organic Compounds, Rule 2: Miscellaneous Operations.
- Environmental Impact Report Certification including Statement of Overriding Considerations.

Background: Facilities producing hydrogen using steam-methane reformation can release hydrogen containing methane and other organic gases. The Air District has prioritized reducing emissions of methane, a powerful climate pollutant, and staff is developing a rule to control methane emissions from hydrogen plants, one of the largest industrial sources of methane in the Bay Area.

In developing Rule 13-5: Refinery Hydrogen Plants, staff first held a public workshop in January 2020 to solicit comments from the Public and regulated community. Based on comments received and additional research, staff revised the draft rule significantly and posted a revised version of the draft rule on the Air District's web page in September 2020. During staff analysis of this sector, the issue of flaring as one of the possible abatement methods, arose as a concern since a flare may emit oxides of nitrogen and volatile organic compounds in quantities sufficient to potentially exceed that Air District's California Environmental Quality Act (CEQA) threshold. Staff conducted a thorough environmental analysis to determine if an Environmental Impact Report would be required under CEQA for this rule development effort. On June 30, 2022, a revised draft rule and a Notice of Preparation and Initial Study (NOP/IS) was posted to the Air District Rule 13-5 webpage. Staff held a scoping meeting on July 27, 2021, to solicit public comment regarding the scope and content of the environmental information to be included in the Draft Environmental Impact Report. Staff also updated the Stationary Source and Climate Impacts Committee on rule development activities for Rule 13-5 on July 19, 2021. The issue of flaring was raised as a concern by members of the committee at that meeting. Staff met with industry representatives to explore alternative emission reduction methods and revised rule language to allow compliance through submittal and approval of an Alternative Compliance Plan. Staff updated the Stationary Source and Climate Impacts Committee on the revised proposal on February 28, 2022.

Staff provided an update on this rule development effort to the Stationary Source and Climate Impacts Committee on September 27, 2021. One area of concern raised by committee members was the potential for the use of flares as a means of compliance. Staff has also engaged industry stakeholders on alternative methods to comply with the draft rule, ways to avoid building new flares, and environmental impacts associated with potential new flares. Staff incorporated an Alternative Compliance Plan option into the rule whereby GHG emissions reductions may be achieved equivalent to that in the emissions standard. This was shared with the Public January 24, 2022, and in response to comments received, further revisions were made to the regulatory language and a new revised draft was published on March 25, 2022. In order allow time for public review and comment, the Public Hearing was rescheduled from April 6, 2022 to May 4, 2022.

Key Updates: Finalized versions of the Rules and supporting rule development documents including the Staff Report and Final Environmental Impact Report will be posted to the Air District website and notification will be provided to local governments and the Air Resources Board.

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

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

Status / Next Milestones:

- Update to SSCI Committee on Implementation Working Group – Q4 2022.
- Release of final rule package – Q4 2022.

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

Staff presented initial rule development concepts to the Stationary Source and Climate Impacts Committee and public stakeholders in the spring of 2021. The Board and public both expressed general support for staff's proposed concepts and emphasized the need for swift action in this space but also noted the importance of balancing complicating factors, such as equity and the availability of funding mechanisms for incentives and subsidies. Staff met with a wide spectrum of stakeholders in the form of an external working group throughout the summer and fall of 2021 to receive input on rule development concepts.

On September 30, 2021, staff released draft amendments to Rules 9-4 and 9-6 as well as a workshop report for public review. Staff then held a virtual public workshop on the evening of October 7, 2021, to discuss and receive feedback on the draft amendments. The workshop was attended by over 40 stakeholders and members of the public and staff received valuable feedback for consideration. Staff additionally presented to the Stationary Source and Climate Impacts committee on October 18, 2021 to discuss the draft amendments. The committee directed staff to continue in the current direction of rulemaking, with additional considerations for community and stakeholder involvement following potential rule amendment adoption. Staff updated the Stationary Source and Climate Impacts Committee on November 15, 2021, on public comments received and proposed an alternate schedule to allow for additional stakeholder engagement, environmental review, and cost analysis. Staff presented to the committee in April 2022 and provided updates on project timelines and recent work on this effort.

Key Updates: Staff released the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) and Initial Study (IS) in May 2022 and held a scoping meeting and received eight comment letters and emails on the revised draft rules and CEQA NOP/IS. Staff intends to complete an additional analysis of grid capacity as well as a full Environmental Impact Report to support the proposed amendments. Staff received eight written comments in response to this release, which are posted to the Air District website. Staff anticipates presenting the proposed rule amendments for potential board approval of the rule in Q4 2022.

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

Status / Next Milestones:

- Engage with stakeholders on emissions inventory – Q2 2022.

Background: Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems (Rule 8-8) was selected as one of the six high-priority rule development projects in the AB 617 Expedited BARCT Implementation Schedule based on high emissions of volatile organic compounds per year, based on the Air District's emissions inventory. Air District staff conducted early stakeholder outreach on this rule development effort in meetings of the Refinery Rules Technical Working Group in 2020.

Currently, staff is working on amending Rule 8-8 only focusing on reducing the front-end emissions related to collection and separation systems. The secondary or back-end emissions and potential emission reductions are at this time poorly understood and need to be better characterized. Staff focused on characterizing emissions from petroleum refinery wastewater treatment plants as part of the Air District's internal Organics Emission Estimation Project. The knowledge assessment phase of this process was completed in March 2021, and staff is currently working on identifying potential monitoring, sampling, and modeling efforts to better characterize and quantify these emissions.

Staff began stakeholder engagement with potentially affected facilities to ensure that the best available source information and emission estimates can be considered in the rule development process. Staff submitted a data request to the refineries on April 22, 2022, requesting a completed response by May 13, 2022, that was extended to May 31, 2022.

Key Updates: Staff received the requested data at the end of May and is currently developing a workshop report for public release later this summer.

Visit this webpage for more information on the AB 617 Expedited BARCT Implementation Schedule: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

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

Status / Next Milestones:

- Stationary Source and Climate Impacts Committee—Q3 2022.

Background: This rule development project would address emissions of reactive organic gases (ROG) from petroleum refineries, chemical plants, bulk terminals and bulk plants, and other facilities that store, transport, and use organic liquids. Amendments to Regulation 8, Rule 18: Equipment Leaks (Rule 8-18) in December 2015 addressed equipment that service heavy liquids at these sources, but those amendments have not yet been fully implemented due to uncertainty regarding proper emissions factors for heavy liquid fugitive emissions. Air District staff coordinated with each of the five Bay Area refineries to conduct a Heavy Liquid Leak Study. These studies are designed to determine appropriate emission factors for heavy liquid leaks. The results of these studies are currently being finalized. Staff recommends using results of the Heavy Liquid Leak Study to amend Rule 8-18 and address the current issues with the 2015 amendments. Any recommended and implemented requirements to address reactive organic compound emissions from these sources are also anticipated to reduce toxic air contaminant (TAC) emissions. Once the results of the heavy liquids study are finalized, the results will be used to complete rulemaking for emissions of organics

from equipment that service heavy liquid. Staff anticipates updating the Stationary Source and Climate Impacts Committee in the third quarter of 2022 and tentatively presenting this effort at a Board Hearing in 2023.

The heavy liquids study was finalized in April 2022, and is available here: https://www.baaqmd.gov/~media/files/engineering/refinery-emissions-inventory-guidelines/heavy-liquids-study-report-april2022_-final-pdf.pdf?la=en

Key Updates: Staff is in early stages of developing amendments to Rule 8-18 to incorporate the results of the heavy liquid study.

Visit this webpage for more information on the AB 617 Expedited BARCT Implementation Schedule: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

Path to Clean Air – Richmond San Pablo CERP – Rule Development:

Status / Next Milestones:

- June 2022 “Problems to Strategies” Presentation
 - Rules will be presenting at the June 27, 2022 CSC Meeting, as part of an interdivisional presentation focused on “Problems to Solutions”, which is a discussion of potential strategies and actions, within the realm of Air District authority, that could be considered for the Path to Clean Air CERP.
- Community-led Strategy Development
 - Rules is working with Planning, CE, and the Community Steering Committee (CSC), to identify a path forward for discussing, identifying, and writing CERP Strategies and Actions (within the structure of the Brown Act).
 - Simultaneously, internal staff are meeting to brainstorm relevant strategy/action ideas that can be shared with the CSC to support community-led strategy identification.

Background: The Richmond, North Richmond, San Pablo community was designated as the second Bay Area community to develop a Community Emissions Reduction Plan under AB617. A Community Steering Committee has been selected to co-lead the effort and Air District staff are working internally to guide and support the community led process. A cross-divisional team, referred to as the Internal Path group, meets biweekly to discuss the path to successfully develop the CERP.

- Rules is participating in the cross-divisional Internal Path group (led by Planning and Community Engagement) and weighing in bi-weekly.
- The Internal Path group has created agenda topics for Community Steering Committee (CSC) meetings through 2022.
 - Plans for the July-December 2022 agendas are still in discussion.
- Rules is participating in the cross-divisional Core Group (an internal group to strategize about the CERP development process), which meets weekly.

Key Updates:

Technical Assessment Discussions: Rules attended the final ad hoc Technical Assessment CSC subgroup meeting in May. The ad hoc technical assessment group was an opportunity for interested CSC members to dive into technical pieces of the CERP in greater depth and/or earlier in the process, in order to provide the CSC with the best information to use in selecting strategies for the CERP. Rule Development participated with respect to developing and prioritizing regulatory strategies.

Community-led Strategy Development: Planning is working with the CSC co-leads and the CSC to determine how best to organize meetings to develop CERP strategies following the June 27, 2022 ‘Problems to Solutions’ presentation. Strategies and actions are envisioned to be built around the Key Issues framework that has been developed with community, which includes Six Key Issue community concerns (see bulleted list below). Following June, the CSC meetings are intended to dive deeper into the key issues and help identify specific strategies and actions to address the problems the community has identified. The Six Key Issues categories, as currently drafted with community, are the following:

- Fuel Refining, Support Facilities, Storage, and Distribution.
- Industrial and Commercial Sources Near Communities.
- Odors and Smells.
- Vehicles and Trucks, Streets and Freeways, and Logistics.
- Marine and Rail.
- Addressing Public Health and Reducing Exposure.

Amendments to Regulation 2: Permits (Rules 2-1 and 2-5):

Status / Next Milestones:

- ‘Permit Reform’ Phase II is on hold pending further direction from community and a methodology to more adequately account for the health impacts of localized exposure to fine particulate matter (PM_{2.5}).

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

The Board of Directors adopted the proposed amendments and CEQA Negative Declaration at the December 15, 2021, Public Hearing. As committed in the Board resolution, staff will continue engagement with community stakeholders and wastewater operators on implementation of the adopted amendments and consideration of additional future amendments to the Permitting Regulations.

On February 9, 2022, the Air District received a letter from the Golden Gate University School of Law, who was writing on the behalf of frontline communities to address the matter of how to proceed with discussions on further amendments to the permitting regulations and additional environmental justice considerations in the permitting process. The letter prioritized a list of actions and requested that the Air District focus on the items that could be accomplished in the short term.

Staff presented a mid-year update on rule development activities, including further permitting rule amendment efforts, to the Stationary Source and Climate Impacts Committee on June 13, 2022.

Key Updates: None.

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

Rule Development Source Prioritization Framework

Status / Next Milestones:

- On hold pending engagement with the Community Advisory Council (CAC).

Background: The Air District recognized that changes needed to be made to the rule development process to improve transparency with the Board of Directors, advocates, and the regulated community. Changes also need to be made to ensure a more predictable and regular rule development schedule.

In response to these needed changes, staff proposed several strategic actions at the Stationary Source and Climate Impacts Committee Meeting on June 21, 2021. These actions included developing detailed White Papers before initiating the rulemaking process and creating a more transparent process for prioritizing rulemaking efforts. At the October 18, 2021, Stationary Source and Climate Impacts Committee Meeting, staff presented further on the White Paper process, and discussed the developing of the Source Prioritization Framework to prioritize the long list of sources and rules currently identified as needing further research and/or development. This framework was born out of the multi-divisional work being done for the AB 617 Richmond-North Richmond-San Pablo CERP, and began with a list of prioritization factors, shown below, that will guide the selection of priorities. For deciding which factors are “key”, or weighted more heavily throughout the process, staff is proposing to lead with health, and to also place importance on meeting legal mandates and previous commitments.

Mandate/Commitment	<ul style="list-style-type: none"> • Legal/prior commitments
Environmental/Health Impact	<ul style="list-style-type: none"> • Magnitude of emissions, relative potency of pollutant (e.g., GWP, toxicity), and/or exposure potential
Authority/Purview	<ul style="list-style-type: none"> • Air District's statutory authority or purview to regulate/reduce emissions
Control/Reduction Potential	<ul style="list-style-type: none"> • Availability and feasibility of controls, and/or achieved and demonstrated performance levels
Other Feasibility Considerations/Impacts	<ul style="list-style-type: none"> • Economic, socioeconomic, other environmental, and equity impacts

Staff then presented the proposed Source Prioritization Framework at the November 4, 2021, Community Equity, and Health and Justice Committee Meeting. At this meeting, community advocates asked staff to bring this framework through a more thorough community process, and the Committee agreed. Earlier this year, staff developed a plan for more robust community engagement on the proposed Source Prioritization Framework. However, this plan was placed on hold so feedback can be given by the new APCO, once in place.

Staff presented a mid-year update on rule development activities, including the development of the Source Prioritization Framework, to the Stationary Source and Climate Impacts Committee on June 13, 2022.

Key Updates: None.

White Paper: Particulate Matter (PM) Reduction Efforts:

Status / Next Milestones:

- PM emission reduction white paper – Q2/Q3 2022.

Background:

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

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

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

In addition, the impacts of PM were a focus during the AB 617 Community Emission Reduction Planning (CERP) Process in West Oakland. The CERP, *Owning Our Air: The West Oakland Community Action Plan*, included a Further Study Measure that states that “The Air District will investigate potential rulemaking to limit fugitive dust from construction activity.”

Staff is currently investigating ways to further reduce particulate matter emissions that are consistent with the Air District’s authority under that California Health and Safety Code, including potential measures to further reduce emissions and public exposure from particulate matter sources, such as construction sites and concrete batch plants. A white paper will be published this summer which will identify potential measures to update the Air District’s rules and regulations to be more health protective.

Key Updates: None.

Clean-Up Rule

Status / Next Milestones:

- Begin internal working group to discuss potential amendments.

Background: As part of the Rules Source Prioritization Process, staff proposed including at least one “clean-up” effort within the team’s objectives each year. The clean-up effort will focus on updating outdated procedures/methods, clarifying rules to improve enforceability, or closing compliance loopholes. These updates will help ensure the effectiveness of current rules and make processes more efficient for the teams enforcing and monitoring compliance.

At the end of 2021/beginning of 2022, staff worked to compile a list of potential rules for the clean-up list.

At the Stationary Source and Climate Impacts Committee on February 28, 2022, staff gave a presentation on the implementation status of Regulation 11, Rule 18 (Rule 11-18): “Reduction of Risk from Air Toxic Emissions at Existing Facilities.” At the meeting, Committee and staff discussed potential strategies to accelerate implementation of Rule 11-18, and the consensus of the Committee members present was to recommend that Air District staff recommend to the Board that additional staff be hired to shorten the estimated time of completion of Health Risk Analyses. In addition, the Committee recommended that staff bring back a discussion on how potential Rule 11-18 amendments fit within staff’s current rulemaking priorities.

Staff presented a mid-year update on rule development efforts, including Rule 11-18 amendment efforts, to the Stationary Source and Climate Impacts Committee on June 13, 2022. After reviewing current priorities, staff recommends moving forward with potential amendments to Rule 11-18 as a “cleanup” rule. Staff is proposing to limit the scope of the amendments on opportunities for reducing implementation timelines.

Key Updates: None.

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

Status / Next Milestones:

- Removed from AB 617 BARCT Schedule.

Background: Potential emissions reductions from Cement Manufacturing were identified as part of the AB 617 Expedited BARCT Implementation Schedule. In the Rule Development Project Scope, staff estimated that application of BARCT may result in emissions reductions of particulate matter (PM) and sulfur dioxide (SO₂). Emissions of oxides of nitrogen (NO_x), and reactive organic gases (ROG) were addressed by the 2012 adoption of Regulation 9, Rule 13, so rulemaking for those emissions was not anticipated. Regulation 9, Rule 13 also addressed emissions of PM but specified the use of accepted source test methods at the time which only account for filterable particulate matter. Source test methodology adopted by US Environmental Protection Agency (US EPA) in 2016 now allows for measurement of condensable particulate matter through use of dry impingement.

The Lehigh Cement Company LLC (Lehigh) facility in Cupertino is the only Portland cement manufacturing facility currently operating within Air District jurisdiction and is thereby the only facility subject to the requirements of Rule 9-13. On Nov 18th of 2020, a consent decree (CD) was entered into federal Court between Lehigh Cement Company and US EPA, the Air District, and other environmental jurisdictions throughout the United States. This CD compels Lehigh to implement modifications for enhanced control of NO_x and SO₂ emissions at several facilities including the kiln in Cupertino. The CD requires Lehigh to enter into a “test and set” procedure to establish the lowest achievable SO₂ emission level for the Cupertino kiln. The “test and set” process may take between two and three years and includes time for preparation, submittal and approval of a design and optimization plan, optimization report, and demonstration report, along with a period to design and install equipment and operational modifications, an optimization period, and a demonstration period. Review and approval periods for US EPA are not set and there may be extensions due to non-operation of the kiln, required permitting, or other reasons.

The cement kiln at the Lehigh Cupertino facility has not been operated for well over a year and there are currently no confirmed plans for restart. Should operations begin in the future, staff will coordinate with Lehigh Cupertino to conduct a series of source tests during the demonstration period as proscribed in the consent decree to measure and characterize the back half (condensable fraction) particulate matter, along with oxides of nitrogen, sulfur dioxide, total organic compounds, and ammonia (measurements for these emissions may be corroborated by continuous emissions monitoring systems). Staff will evaluate the effectiveness of the consent decree in reducing particulate matter emissions and will determine if additional rulemaking is needed to ensure adequate control of this pollutant. Active rule development currently on hold pending data gathering efforts, including determining the impacts of the Consent Decree.

Key Updates: Staff discussed the removal of this rule from the AB 617 BARCT Schedule with the Stationary Source and Climate Impacts Committee as part of the Rule’s mid-year update. The Committee supported staff’s proposal to remove this item.

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

Status / Next Milestones:

- Removed from the AB 617 BARCT Schedule.

Background: This rule limits sulfur dioxide emissions from coke calcining kilns; of which there is only one in the Air District operated by Phillip 66. The amendments to Rule 9-14 would address oxide of nitrogen emissions from the coke calciner. However, Phillip 66 has announced that it will convert to a renewable fuels production operation. This announcement leaves in doubt the future of the coke calciner. Staff believes there are three potential outcomes: 1) With the conversion of Phillip 66 to renewable fuels production, the refinery could shut down the operation of the coke calciner; 2) Phillip 66 could continue operation of the calciner by accepting and processing green coke from another source; or 3) Phillip 66 could resume petroleum refining and continue operations of the coke calciner. Until one of the above outcomes is decided upon, the impacts of coke plant operation remain unknown.

Key Updates: Staff discussed the removal of this rule from the AB 617 BARCT Schedule with the Stationary Source and Climate Impacts Committee as part of the Rule's mid-year update. The Committee supported staff's proposal to remove this item.

Visit this webpage for more information on the AB 617 Expedited BARCT Implementation Schedule: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

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

Status / Next Milestones:

- Removed from the AB 617 BARCT Schedule.

Background: Regulation 8: Organic Compounds, Rule 5: Storage of Organic Liquids (Rule 8-5) was selected as one of the six high-priority rule development projects in the AB 617 BARCT Schedule because stored organic liquids emit volatile organic compounds and toxic air contaminants, such as benzene, toluene, ethylbenzene, and xylene. Storage tank designs used for organic liquid storage vessels include fixed roof tank (vertical and horizontal), external floating roof tank, domed external (or covered) floating roof tank, internal floating roof tank, variable vapor space tank, and pressure tanks (low and high).

Since the adoption of the BARCT Schedule, staff has conducted further analyses and research to evaluate potential amendments to Rule 8-5, including more recent and refined information on volatile organic compound (VOC) emissions and potential controls.

Best available information currently indicates that at the five Bay Area petroleum refineries, the population of potentially affected tanks includes 83 organic liquid storage tanks that emit a total of approximately 300 tons of VOCs per year. This total emissions estimate is substantially lower than the previous emissions estimate of 840 tons of VOC per year. This change is a result of a number of factors, including corrections and updates to source information, control/abatement information, and emission calculation methodologies. Based on this updated information and further research, BARCT rulemaking to control VOCs from tanks may have limited potential to effectively achieve substantial VOC emission reductions.

Although VOC emissions are lower than previously estimated, toxic emissions from select tank sources may still present substantial exposure risks to nearby communities. Toxic emissions and potential community exposures from tank sources remain a concern but are potentially better addressed through implementation of Rule 11-18. While amendments to Rule 8-5 would focus on controls to reduce VOC emissions, Rule 11-18 is a health risk-based rule that specifically addresses toxic emissions and community exposures. Pursuing reductions in toxic emissions through Rule 8-5 would be duplicative to Rule 11-18 and would also put further strain on the staff implementing Rule 11-18, as their toxics expertise would be needed in the development of these amendments.

Due to the limited potential of VOC reductions and the duplicity of pursuing toxics reductions under Rule 8-5, staff recommends removing this rule from the BARCT Schedule.

Key Updates: Staff discussed the removal of this rule from the AB 617 BARCT Schedule with the Stationary Source and Climate Impacts Committee as part of the Rule's mid-year update. The Committee supported staff's proposal to remove this item.

Visit this webpage for more information on the AB 617 Expedited BARCT Implementation Schedule: <https://www.baaqmd.gov/rules-and-compliance/rule-development/barct-implementation-schedule>.

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

Community Engagement and Outreach Programs

West Oakland AB 617

- Staff continue to meet with our West Oakland Co-Leads (WOEIP) on a weekly basis to discuss next steps for implementation of the Community Action Plan and design the following month's Steering Committee meeting.
- **Wednesday, June 1, 2022 – WOCAP Steering Committee Meeting** - WOEIP and the Air District updated attendees on WOCAP project implementation progress. ACLIMA led hyperlocal air pollution measurements were announced at the meeting. WOEIP briefed the Steering Committee on the newly awarded CARB STEP grant slated for West Oakland transit related improvements. The Steering Committee discussed 13 emission reduction strategies that dovetail with the City of Oakland General Plan.
- **Wednesday, May 4, 2022 – Owning Our Air Steering Committee Meeting** – WOEIP and the Air District hosted the monthly Steering Committee meeting. Staff from the City of Oakland joined us to discuss the General Plan and its implications for the West Oakland CERP. WOEIP and our consultant support shared outreach and recruitment strategy plans for 2022. New Steering Committee members introduced themselves and were welcomed at this meeting.
- **Wednesday, April 6, 2022 – Owning Our Air Steering Committee Meeting** – WOEIP and Air District staff updated the steering committee on implementation and outreach plans. Staff from the City of Oakland discussed building electrification and truck traffic management projects that dovetail with the emission reduction strategies in the plan. The Health Equity Advisory Committee presented findings and

recommendations. Our Steering Committee opened with a special presentation in recognition of Women's History Month.

Richmond/San Pablo AB 617

- **Thursday, June 30, 2022** – Staff met with Path to Clean Air (PTCA) Co-chairs to de-brief the June meeting and prepare for the July PTCA Steering Committee meeting.
- **Monday, June 27, 2022** – Staff held the 15th PTCA Steering Committee meeting via web. This meeting focused on the following topics: Air District Problems to Solutions Presentation #2 and Strategy Development Process and Ad Hoc Co-leads Selection Presentation.
- **Friday, June 24, 2022** – Staff met with Director Gioia to discuss planning efforts for the future PTCA meetings and other related topics.
- **Thursday, June 16, 2022** – Staff met with the PTCA Co-Chairs to review and discuss the dry-run for the June 27 PTCA Meeting.
- **Wednesday, June 15, 2022** – Staff met with the Community Description Ad Hoc Working Group to review and discuss any remaining details on the Community Description document.
- **Wednesday, June 1, 2022** – Staff met with the Community Description Ad Hoc to finalize the timeline for the community description final review process.
- **Thursday, June 2, 2022** – Staff met with the Co-chairs to prepare for the introduction to strategy development presentation for the June 27, 2022, PTCA meeting.
- **Wednesday, May 25, 2022 – Community Description Ad Hoc Working Group Meeting** – Ad Hoc members reviewed a draft of the Community Description document and discussed the process for staff and the full Steering Committee to review it before the document is finalized.
- **Thursday, May 19, 2022 – PTCA Co-Chairs Meeting** – Staff and PTCA Co-chairs (Y'Anad Burrell and Alfredo Angulo) met to discuss the 14th Steering Committee meeting and other related topics to upcoming meetings.
- **Monday, May 16, 2022 – Path to Clean Air Steering Committee Meeting** – The CSC held its 14th PTCA SC Meeting which included a presentation led by staff on the Technical Assessment Insights Part II.
- **Thursday, May 12, 2022** – Staff met with the Co-chairs for a dry run and preparation for the May Steering Committee meeting.
- **Monday, May 9, 2022** – Staff met with Director Gioia for a weekly briefing on the status of the Steering Committee meetings and CERP development.
- Staff met individually with members of the Community Description Ad Hoc to help support writing of sections of CERP report.
- **Monday, April 25, 2022 – Path to Clean Air Steering Committee Meeting** – The CSC held its monthly meeting, where topics related to health and air pollution, as well as CERP strategies planning were discussed.
- **Thursday, April 21, 2022 – Technical Assessment Ad Hoc Meeting** – Staff met with the TA Ad Hoc to preview and get feedback on the May Community Steering Committee presentation and discuss the requests for data and information.
- **Thursday, April 7, 2022 – PTCA CERP Steering Committee TA Ad Hoc Working Group Meeting**: Staff met with steering committee members to discuss the ongoing efforts on the technical assessment.

- **Wednesday, April 6, 2022** – Meeting to Discuss Presentation for March Steering Committee Meeting: Staff met with Path to Clean Air Steering Committee members (Dr. Omotoso and Luz Gomez), and Dr. Neeta Thakur to discuss their health presentation for the April Steering Committee meeting.
- **Monday, April 4, 2022** – TA Ad Hoc Standing Prep Meeting: Staff met with Steering Committee members (Nancy Pearce and Jeff Kilbreth) to prepare for the bi-weekly TA Ad Hoc working group meeting.

East Oakland AB 617

- Staff continue to meet weekly with CBE to discuss the ongoing work around the Steering Committee application, agenda planning, youth committee proposal, and Steering Committee Kick-Off Meeting Planning.
- **Wednesday, June 29, 2022** – Staff met with CBE Project Coordinator, Lujain, to discuss the MSA and Partnership Agreement with CBE for the AB 617 work.
- Staff continues to meet with our partner organization, Communities for a Better Environment (CBE), to execute the hybrid meeting strategy and finalize the steering committee application review criteria. The call for Steering Committee applications closed June 15 at 5 p.m. Staff is now only accepting applications on a rolling basis to ensure that all established categories in the agreed upon committee composition are met.
- **Wednesday, June 22, 2022** – staff attended a briefing with Communities for a Better Environment and Legal Staff on the Green Sage Abatement Order Case
- The deadline for the Steering Committee application has been extended to June 15, 2022. Staff conducted robust outreach via social media, email, virtual meetings, and in-person meetings in partnership with Communities for a Better Environment (CBE). Staff is currently working on finalizing the scoring sheet/application review materials and considering hosting the steering committee meetings through a hybrid approach.
- The East Oakland Steering Committee (18-25 members) application launched May 5, 2022, on the East Oakland [website](#) and will close June 1, 2022 but may be extended depending on the number of applications we receive. The application is now live in Spanish and English and will also be available in Farsi and Mandarin. The review process will occur between June 1, 2022 and June 15, 2022. We hope to onboard members between June 20, 2022 and July 7, 2022. After which, the Steering Committee will launch. We have received two applications so far.
- We have done robust outreach via Instagram, Facebook, LinkedIn. Our partner organization, CBE, has created fliers, conducted tabling events, and will be sending out mailers.
- **Thursday, May 5, 2022** – The East Oakland AB 617 website launched along with the Steering Committee Application. The deadline for Steering Committee applications is June 1. Outreach is being conducted in partnership with Communities for a Better Environment (CBE) via targeted outreach to community members and organizations, City and County agencies; social media (Twitter, Facebook, LinkedIn), tabling at community events, mailers, and flyers.
- Staff continues to meet weekly with Communities for a Better Environment (CBE) and aims to launch the Steering Committee application on April 29, 2022. The website, application, and social medial strategy (flyers, mailers, Instagram, and LinkedIn) are being finalized.

- Staff continues to work with CBE to draft and edit the Steering Committee onboarding documents (application and other materials). Staff expects a decision from CBE on the composition of the Committee (Brown Act Committee or Charter) in the next few days.
- **Wednesday, April 6, 2022** - Staff met with CBE to discuss the Draft Partnership Agreement.

Spare the Air Resource Teams

- **Friday, June 3, 2022 – Napa County Clean Air Coalition Team Meeting** – The Napa Valley Clean Air Coalition ended their program with a lunch meeting at The Lunch Box at Copia.
- **Thursday, June 2, 2022 – Santa Clara County/San Mateo County Spare the Air Teams Meeting** – The Santa Clara and San Mateo County Spare the Air Teams met to take a tour of The Hub, located in Stanford Research Park.
- The staff review panel recommended selection of a new Spare the Air Resource Teams contractor to assist the Air District in relaunching the Resource Teams towards environmental justice goals and are preparing for the transition.
- **Thursday, May 11, 2022** – Staff and Kearns and West met with Canal Alliance as part of the work for the Marin Spare the Air Resource Team to establish a relationship with Canal Alliance and possibly partner with them on a needs assessment of public transportation gaps in the Canal region of Marin County.
- **Thursday, May 5, 2022 – Southern Alameda County Spare the Air Resource Team** met to discuss the utility bill insert they are developing to promote Clean Cars for All.
- **Thursday, May 12, 2022—Contra Costa Spare the Air Team** met to put the finishing touches on their Clipper START outreach project.
- Staff held two interviews with two new potential Spare the Air contractors who had sent in submissions for the Air District’s RFP for the Spare the Air Resources Teams.
- **Thursday, April 21, 2022 – Spare the Air Appearance at USF Earth Day** – Community Engagement staff represented the Air District and the Spare the Air Resources Teams at an Earth Day event at the University of San Francisco. Staff interacted with students, explained Air District history, distributed information on Spare the Air days, and encouraged students to download the Spare the Air app.
- **Tuesday, April 19, 2022 – San Mateo Spare the Air Team Meeting** – The San Mateo Spare the Air team met to debrief on the SHRM TDM webinar and discussed plans for the follow-up Virtual Discussion scheduled for May 3, 2022.
- Staff continues to work with Kearns and West to develop a final needs assessment/focus group project for the Marin Spare the Air Resource Team. The project will look to interview and survey youth in the Canal area of San Rafael about air quality, public transit, and health concerns.
- **Friday, April 15, 2022 – Napa Valley Clean Air Coalition** – Staff attended the Napa Valley Clean Air Coalition meeting, where attendees discussed how to enhance the impact of Regeneration Napa County and expand the reach of V-Commute.
- **Friday, April 8, 2022 – Sonoma County Spare the Air Resource Team** – Staff attended the Sonoma County Spare the Air Resource team meeting, where attendees discussed outreach tactics for their Idle Free program, an action plan for the Bike2It program, and SCTA’s plan for promoting their bikeshare and commuter programs.

- **Thursday, April 7, 2022 – Contra Costa County Spare the Air Resource Team** – Staff attended the Contra Costa Spare the Air Resource Team meeting, where attendees recapped the March Idle Free pledge promotion, reviewed the latest Idle Free efforts in Walnut Creek and Antioch, and revisited their Clipper card promotional campaign.
- **Thursday, April 7, 2022 – Southern Alameda Spare the Air Resource Team** – Staff attended the Southern Alameda Spare the Air Resource Team meeting, where attendees recapped their promotion of the Idle Free program and discussed promotional tactics, graphics, and costs for the Clean Cars for All program.

Community Grant Program

- James Cary Smith Community Grantees submitted quarterly reports and deliverables demonstrating their progress toward grant objectives.
- Staff are working with the new cohort of James Cary Smith Community Grantees to answer questions, provide information, and share available resources.
- **Tuesday, May 10, 2022 – JCS Grant Program Kickoff Event** – Staff hosted a virtual kickoff event to share grant program information, introduce grantees to the teams at InterEthnica and Resource Development Associates who are providing technical assistance and evaluating the grant program, and offer grantees the opportunity to learn about each other’s work. Representatives from 30 grantee organizations attended the event.
- Staff continue to work with the new cohort of James Cary Smith Community Grantees to finalize scopes of work, share available resources, and act as the liaison between the business and legal offices and grantees to ensure contracts are finalized.

Community Advisory Council

- **Thursday, June 30, 2022** – The CAC successfully held its third council meeting. During the meeting, the CAC developed a list of their desired qualifications for the new APCO. The CAC will send those qualifications to the Board of Directors for consideration.
- **Tuesday, June 28, 2022** – Staff met with CAC meeting facilitator, Randolph Belle, and CAC meeting technical support, InterEthnica, to review the June 30, 2022, CAC meeting facilitation agenda.
- **Monday, June 27, 2022** – Staff held a Brown Act training for several CAC members. This training provided helpful tips and how to avoid common Brown Act and Roberts Rules of Order mistakes.
- **Thursday, June 16, 2022** – A dry run took place. Those in attendance were the CAC Co-Chairs, Air District leadership, staff, and facilitators. CAC Co-Chairs offered advice on how to improve the process for future meetings.
- Staff continue to meet with the CAC Co-Chairs each week on Thursdays. The Co-Chairs met on June 2, 2022, and June 9, 2022, to discuss the budget, civility training, formation of ad hoc committees, and to prepare for the meeting with leadership (discussion of APCO selection).
- The draft materials for the June 30, 2022, CAC meeting are currently being reviewed by the CAC Co-Chairs and they have until June 9, 2022, to provide their feedback.

- Staff have scheduled a series of Brown Act “Office Hours” ahead of the June 30, 2022, CAC meeting to further familiarize CAC members on the Brown Act and Roberts Rules of Order. These “Office Hours” will be held on June 13, 2022 at 4:30 p.m.-5:30 p.m., June 21 at 10:00 a.m.-11:00 a.m., June 23, 2022 at 5:30 p.m.-6:30 p.m., and June 27, 2022 at 11:00 a.m.-12:00 p.m.
- Staff have scheduled three meeting dry runs with the facilitation and tech teams (June 9, 2022, June 16, 2022, and June 23, 2022).
- Staff continue to meet weekly with the CAC Co-Chairs and finalize the agenda for the upcoming meeting on June 30, 2022, from 6-9 p.m. Staff have scheduled three (3) dry runs with the facilitation and tech teams (June 9, 2022, June 16, 2022, and June 23, 2022).
- Staff continue to meet with the three CAC Co-Chairs every Thursday. The Co-Chairs scheduled the next CAC meeting for June 30, 2022, from 6-9pm, and confirmed the agenda. Currently, the CAC agenda includes a discussion regarding incorporating a Land Acknowledgement statement at the beginning of each meeting; a presentation and discussion on Wildfire Mitigation and Home Air Filtration Program; a discussion on the selection of the Air District’s Air Pollution Control Officer; a presentation on Air Quality issues at the Alice Griffith Housing Development in San Francisco; a presentation on the Air District’s Services to address community-identified air quality concerns; and selecting an ad hoc committee to develop the CAC work plan for Fiscal Year Ending 2023.
- Staff are working to develop presentations and to identify speakers for each agenda item
- Staff confirmed the Board Chair and Secretary are available to attend the next CAC meeting on June 30, 2022.
- Staff is meeting weekly with the three CAC Co-Chairs to determine the agenda items for the next CAC meeting. Staff has also sent out the Doodle poll to the Councilmembers to determine the next meeting date.
- **Thursday, April 14, 2022** - Staff met with the new Co-Chairs (Councilmembers Gordon, Jefferson, and Washington) to discuss division of work, review of responsibilities, review of agenda items, and other items.

Home Air Filtration Program

- **Thursday, June 30, 2022** – Community Engagement staff presented the Home Air Filtration Program Proposal to the CAC. The proposal was approved unanimously.
- Staff will then present to the Community Equity, Health, and Justice (CEHJ) Committee on July 7, 2022 before presenting to the Board on July 20, 2022.
- **Tuesday, June 14, 2022** - Staff met with La Clinica staff to continue discussions about partnership to distribute air filters to clients with asthma.
- **Tuesday, June 7, 2022** – Staff gave a presentation to La Clinica staff in order to continue discussions about their partnership on the Home Air Filtration Program. Staff are also reaching out to other interested local health centers.

Training

- **Thursday, April 7, 2022** – Staff attended Module 2: Navigating the Modern Workplace as part of Women’s History Month. The training focused on mentorship, work/life balance, and other topics.

Other

- **Thursday, April 21, 2022** – Staff attended a meeting with Lonnie Mason (First Generations), Dr. Raymond Tompkins and LaDonna Williams (All Positives Possible) and other community members to discuss issues in Eastern San Francisco and their collective interest in funding from the District and air filtration distribution. Staff shared that the wildfire mitigation and home air filtration program will be brought to the Board for consideration.
- **Friday, April 29, 2022** – Staff attended the Bayview Hunters Point Inter-Agency Quarterly Meeting, which was convened by the District, and attended by Directors Walton and Jue, City and County of San Francisco, CARB, DTSC, US Navy, US EPA and San Francisco Department of Public Works.
- **Wednesday, April 6, 2022** - Staff met with Rose Foundation/New Voices Are Rising to discuss creation of a youth strategy through a collaborative process.
- **Friday, April 1, 2022** – **EPA Grant for the Contra Costa County Asthma Home Visiting Project** – Staff met with partners at Contra Costa Health Services, La Clinica, and LifeLong Medical to discuss the timeline and next steps for the EPA’s State Environmental Justice Cooperative Agreement (SEJCA) grant for the Asthma Home Visiting Project.

**OFFICE OF DIVERSITY, EQUITY, AND INCLUSION
T. WILLIAMS, MANAGER**

During the second quarter of 2022, the Office of Diversity, Equity, and Inclusion (DE&I Office) focused on six (6) functional areas; Board of Directors/Community Equity, Health, and Justice Committee Support, DEI Strategies/Activities, Community Engagement/DEI Strategies, Human Resources/DEI Strategies, Trainings, and Communications.

Board of Directors and Community Equity, Health, and Justice Committee –

The DE&I Office supports the Community Equity Health and Justice meetings in various ways including identifying and coordinating speaking opportunities for local and regional community environmental justice advocates and local leaders to present and share their community perspectives with the Committee. Specific subjects/topics vary based upon each community perspective member’s unique experience. In the second quarter Community Advisory Council members, Cecilia Mejia, Program Coordinator, Brightline Defense, Ariann Harrison, Executive Director, Marie Harrison Community Foundation, and Ken Szutu, Director, Citizen Air Monitoring Network shared their perspectives and insights about their programs and an array of air quality related topics.

DE&I Strategies/Activities –

During the second quarter of 2022, the DE&I Office updated its demographic analysis report that includes all Air District employees by gender and race/ethnicity compared to the Bay Area working age adults ages 18-64. Below is a snapshot of the data within the report:

*Bay Area - ACS

Gender	
F	50%
M	50%

Air District

Gender	
F	43%
M	57%

*Bay Area - ACS

Ethnicity/Race	
American Indian/Alaskan Native	1%
Asian	24%
Black or AA	5%
Hispanic or Latino	20%
Unknown or Other	4%
White	47%

Air District

Ethnicity/Race - All Air District	
American Indian/Alaskan Native	1%
Asian	40%
Black or AA	8%
Hispanic or Latino	9%
Unknown or Other	2%
White	40%

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

**ACS is the American Community Survey Census Bureau's 5 yr. average (age 18-64) for the SF Bay Area*

Throughout the quarter, the DE&I Office led biweekly Equity Resource Team meetings. The team consists of staff from across the agency. The meeting continued the discussion on the usage of the Racial Equity Toolkit. The Human Resources Department will pilot a version of the tool for use. The anticipated outcome will be that Divisions will apply an equity lens in decision making, when applicable. The results of this exercise will be included in future staff training.

The DE&I Office met with a subcommittee of staff to organize and launch an employee volunteer program. As a soft launch, volunteer opportunities throughout the Bay Area will be shared with employees via the newsletter and employee bulletin board listing opportunities.

As part of the celebration for Asian and Pacific Islander Heritage Month, the DE&I Office presented, Chop It Up with Chef Tu. Top Chef Alumnus, Tu David Phu, is a Vietnamese American and SF Chronicle Rising Star Chef from Oakland. Chef Tu shared his experiences as an Asian American growing up in the Bay Area and answered questions related to the tie between food and culture. Staff members from the Air District and MTC participated in this event.

As part of the celebration for Asian and Pacific Islander Heritage Month, the DE&I Office invited Dr. Lok Siu, Associate Professor at UC Berkeley's Department of Ethnic Studies and Lisa Ng, PhD Candidate for a presentation and discussion with staff. Our guest speakers focused their discussion on the Asian Pacific Islander (API) diaspora, the tie of food to culture, immigration, and environmental justice through an API lens.

In addition, for Asian and Pacific Islander Heritage Month, the DE&I Office invited Chef Reina for a virtual cooking demonstration for staff. As a tenacious entrepreneur, Chef Reina is paving the way for a healthier and more sustainable alternative to meat-heavy Filipino food. She considers herself a culinary activist and shared with us how we can lower our own carbon footprint through food selection. Air District and MTC staff were invited to attend and ask questions during the event.

In June 2022, for LGBTQ+ Pride Month, the DE&I Office organized a Coffee Chat. The conversation focused on the birthplace of San Francisco Pride with a conversation with Gerard Koskovich, a historian with and founding member of the San Francisco GLBT Historical Society.

Also in June 2022, the DE&I Office led a session for all staff about utilizing gender specific and gender-neutral pronouns in the workplace. The guest speaker was Geena Rocero, award winning producer, writer, director, model, public speaker, trans rights advocate and co-host of the Webby Awards honoree TV Show ASPIREist, broadcasted on HLN/CNN. She is one of "Top 25 Transgender Person Who Influences Culture" as recognized by TIME Magazine.

Community Engagement/DEI Strategies –

The DE&I Office met with the Community Stipend Policy Team to discuss next steps in the stipend policy approval process. Stakeholders will be Officer Peesapati, Sr. Deputy Executive Officers Eady and Breen, the Executive Council, community members, the CEHJ Committee, and Legal for final review. The Air District's Community Stipend Policy will serve as a guide for all Air District divisions to provide community stipends in a consistent, transparent, and equitable manner. This policy focuses on stipends to community members residing within the Air District's jurisdiction. The DE&I Office later met with Interim Executive Officer/APCO, Sharon Landers, to review the drafted policy. The Air District values, and intentionally seeks, opportunities to connect with community members. The Air District's goal is to ensure that those communities can participate, provide feedback, and shape the decisions that impact their lives. One critical component of inclusive and equitable action is the practice of offering compensation to community members who provide their valuable time and expertise.

As part of the EPA's recommendation related to Title VI of the Civil Rights Act of 1964, the DE&I Office discussed with MTC potential partnership opportunities regarding updating the Air District's Language Access Plan. The updated plan will include an overlay map identifying languages spoken at home data as provided by the latest Census data over population demographic mapping. The DE&I Office met with Michael Brinton from MTC to discuss a potential resources partnership between the agencies to update the respective Language Access Plans.

Human Resources/DEI Strategies -

The DE&I Office met with Human Resources representatives to discuss the creation of a formalized mentorship program at the Air District. Initial planning discussions will include members from the Cultural Advisory Team and the Equity Resource Team.

The DE&I Office met with the Human Resources Department to address current and future workforce needs in the DE&I Division. The key areas of focus during this meeting included:

- Staffing, Recruitment and Succession Planning
- Training and Employee Development
- Wellness and Safety

Trainings –

During the second quarter, the DE&I Office provided a training module to staff entitled, Navigating the Modern Workplace. Components included negotiating strategies in the workplace, supporting other women in the workplace, confronting bias, the power of mentorship and work/life balance.

The DE&I Office organized and facilitated, The State of Women in the Workplace, event for staff. The event featured keynote speaker, Dominique Hollins, CEO of WE 360 and a panel discussion consisting of employees from the Air District and MTC. Topics discussed included, how the barriers women face are exacerbated by intersectional identities, how to advocate for yourself and your work, how to leverage mentors/allies/sponsors, gender inequities and how to circumvent, how to overcome barriers, and the roles of allies.

DE&I Communications/Newsletter –

The DE&I Office continued to provide educational and informational content on the Public Bulletin Board and within the Air District Employee Newsletter. Communication covered a range of topics and events such as employee volunteer opportunities within the community, The State of Women in the Workplace seminar, recognition for Asian American and Pacific Islander Heritage Month, and the Pronouns: What’s in a Name event for LGBTQ+ Pride Month.

Sample Communications:



STRATEGIC INCENTIVES DIVISION
K. SCHKOLNICK, DIRECTOR

Key Performance Indicators

Key Performance Indicators for the period of April 1, 2022 to June 30, 2022.

<i>Project Activity</i>	<i>Qty.</i>	<i>Total Amount</i>
Applications Evaluated	36	\$11,590,916
Contracts Executed	19	\$10,178,653
Contracts Amended	64	n/a
Payments Processed	41	\$11,432,849

<i>Program Activity</i>	<i>Qty.</i>	<i>Description</i>
New Revenue Awarded to District	2	\$4,800,000 – CMP Yr 24 State Reserve \$37,800,924 – CAP Year 5

			\$3,756,900 – FARMER 4
Disbursement Requests Submitted to the Funding Agency	1		\$875,000 VW ZEFM
Disbursements Received	2		\$5,325,677 VW ZEFM, CMP Year 24
Comment Letters Submitted	2		CHC Regulation Amendment to CARB
Reports:	Submitted to CARB	5	GMP Quarterly FARMER Semi-Annual CAP Semi-Annual ZE Ferry Quarterly/Semi-Annual
	Submitted to EPA	1	Woodsmoke Program Quarterly
Outreach:	Presentations	1	AB 617 Richmond-San Pablo Steering Committee
	e-Blast	1	CMP Solicitation Closing

Key Accomplishments and Milestones

Heavy-duty Diesel Emissions Reductions Grant Programs – In cooperation with the California Air Resources Board (CARB), the Air District administers revenues and guidelines that are established by CARB for the following programs /grant revenue sources:

- **Carl Moyer Program (CMP)**
- **Mobile Source Incentive Fund (MSIF)**
- **Funding Agricultural Replacement Measures for Emission Reductions (FARMER)**
- **Community Air Protection – Incentives (CAP)**

Collectively referred to as Carl Moyer program grants, these programs provide funding to reduce emissions from existing heavy-duty engines, primarily in the mobile source sector, including on-road trucks and buses, school buses, off-road, agricultural, and marine equipment, and locomotives by replacing these with cleaner new equipment including zero emission equipment and supporting infrastructure when eligible. Applications are accepted through an online CMP application portal on a first come, first-served basis.

During this period, staff evaluated new applications, drafted contracts for awarded projects, conducted outreach and webinars to promote funding opportunities, submitted disbursement requests and progress reports to CARB, and participated in coordination meetings and educational/informational events. Staff also continued to process payment requests, monitor projects that are in the operational phase, and close out projects that completed their contractual obligations.

The deadline to submit new applications for Year 22 CMP funding was May 18, 2022, and the program’s closure was announced via e-blasts with notifications to stakeholders and updates to the Moyer and CAP incentive program webpages. Staff anticipates opening the next solicitation for the next cycle in fall 2022, which will involve general and targeted outreach region-wide, and additional focused outreach targeting fleet owners who operate eligible equipment in the Bay Area’s communities most impacted by air pollution.

Administrative Activities and Reports:

- Executed grant agreement with CARB for award of \$3,756,900 in FARMER 4 funds (FY 2021-2022) to be used for offering grants under the CMP and administrative costs, April 8, 2022.
- Submitted the CAP program semi-annual report for CAP Years 1, 2, and 3 to CARB, May 27, 2022.
- Executed grant agreement with CARB for award of \$4.8M in Year 24 State Reserve revenue to be used for offering grants under the CMP and administrative costs, May 28, 2022.
- Executed grant agreement with CARB for award of \$37.8 million in Community Air Protection Program Incentives revenue to be used for offering grants under the CMP and administrative cost, June 23, 2022.
- Executed amendments to contracts with three vendors who provide services for the Vehicle Buy Back Program totaling \$12.4 million annually, June 26, 2022 – June 30, 2022.

Coordination Meetings, Events, and Other Activities:

- Met with CARB to discuss the CHC Regulation Amendment and the eligibility implications for several pilot vessel and marine ferry repower projects, April 6, 2022.
- Attended meetings, trainings, workshops, and webinars on:
 - Off-Road Diesel Vehicle Regulation.
 - Diesel Particulate Filter (DPF) Operation & Maintenance.
 - State Reserve FY 21-22 and CORE.
 - Commercial Harbor Craft Regulation Amendments.
 - In-Use Off-Road Diesel-Fueled Fleets Regulation Amendments.
 - CAP Incentives Reporting.
 - Technology Assessment for Non-Truck Transport Refrigeration Units (TRU).
 - Large Spark Ignition (LSI) fleet Regulations.
 - CORE Workgroup Meeting (SB170) #2.

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

- **Audit #23:** The authorizing legislation for this revenue requires audits be conducted at least bi-annually to determine whether funds were used to implement the approved projects in accordance with applicable State law and the Air District’s Administrative Code requires a competitive bid for audit services be issue at least every five years. On January 3, 2022, the Air District issued a Request for Proposals for audit services and the deadline to submit proposals was February 16, 2022. Proposals were evaluated during this period and interviews with the two bidders were held on April 18, 2022, and April 21, 2022.
- **County Program Manager (CPM) Fund:**
 - Hosted a virtual CPM Work Group meeting to discuss updates to the Program, such as updates to the contract and to the Expenditure Plan Application form, May 25, 2022.
 - Received Biannual Reporting and Final Reports for CPM projects, May 31, 2022.
 - Opened comment period for FYE 2024 Proposed Policies for CPM Program, June 14, 2022.

- **Regional Fund:** Posted Board-approved FYE 22 Regional Policies on website, June 14, 2022.

Proposition 1B Goods Movement Program (GMP) – The GMP is a partnership between the CARB and local agencies that was created in 2008 that works to reduce diesel emissions and health risk from freight movement vehicles and equipment that operate along the California trade corridors by providing grants to vehicle and equipment owners for upgrades and replacement of diesel trucks, locomotives, transportation refrigeration units (TRUs), cargo handling equipment, and for the installation of shore power equipment. Grants are awarded through a competitive process whereby the Air District evaluates applications and generates a ranking list based on the state adopted guidelines, and CARB provides oversight and approval of recommended projects.

The program has approximately \$20 million in remaining funds. Staff conducted outreach efforts during the open solicitation, continued to contract on- and off-road projects in the ranking lists approved by CARB, completed inspections, processed reimbursement requests, monitored projects that are in the operational phase, and closed out projects that have completed their contracted project life. Staff announced the reopening of new solicitations for off-road projects on 5/16 and on-road projects on 5/1 via email blasts. The solicitation for on-road category closed in June and off-road applications are being accepted until August 1st. Staff also submitted a new ranking list of eligible Cargo Handling Equipment projects to CARB for their review.

Volkswagen (VW) Environmental Mitigation Trust Fund Program - The VW Environmental Mitigation Trust is a national program that in California will award approximately \$360M to mitigate the excess nitrogen oxide emissions caused by VW’s use of illegal emissions testing defeat devices. Under contract to CARB, the San Joaquin Valley, South Coast, and Bay Area air districts are administering VW Program funding, with the Bay Area Air District responsible for administering two VW-funded programs:

- \$10 million for the installation of new public light duty vehicle infrastructure (LDI), including electric and hydrogen fueling stations.
- \$70 million for the scrap and replacement of heavy-duty forklifts, airport ground support equipment, port cargo-handling equipment, engines of marine vessels, and the installation of shore power systems for ocean going vessels to be awarded in two installments through the Zero-Emission Freight and Marine (ZEFM) Program.

Staff conducted outreach, worked to update program solicitation materials and resources, and participated in coordination meetings with the other administering air districts and CARB. Staff also submitted Quarterly and semi-annual progress reports, and a disbursement request to CARB for \$875,000 in administrative costs.

- **LDI – Hydrogen-Fueling Stations** – \$5 million was awarded under a contract with the California Energy Commission (CEC) through a competitive solicitation that closed on May 22, 2020. On December 9, 2020, the CEC approved award of \$1 million in VW funds each to five stations. Two of these stations will be in the Bay Area and construction is anticipated to be completed in 2022. During this quarter, staff continued to coordinate with the CEC and routinely met with project partners to discuss the progress and status of construction on the funded stations.

- ***LDI – Electric Vehicle (EV) Stations*** - A competitive solicitation offering the available \$5 million was conducted May 11 through August 18, 2021. Eighteen applications were received by the deadline requesting over \$40 million. In April 2022, staff issued a ranking list of 100 eligible charging sites to California air districts to check for the applicants' compliance with local air quality regulations. Staff also begin drafting contracts for the recommended projects.
- ***ZEFM Program*** – A first-come, first-served solicitation seeking to award the remaining ~ \$34 million was conducted May 25, 2021 through March 22, 2022 and 35 applications requesting more than \$26 million in funding were received by the deadline. Staff evaluated and awarded eligible projects on a first-come, first-served basis, conducted inspections, and monitored previously awarded projects' progress. Staff also continued to work with CARB to update the program guidance materials and plans to open the next solicitation in Fall 2022.

Zero-Emission Hydrogen Ferry Demonstration Project – This Project, funded by CARB in 2018 and administered by the Air District, will demonstrate the feasibility of hydrogen fuel-cell technology for use in the commercial maritime industry by deploying a zero-emission hydrogen ferry in the San Francisco Bay. Construction on the ferry began in November 2018 and is planned to be completed by Q3 of 2022. This period, staff hosted monthly meetings with project partners to discuss the project's status and technological/regulatory/funding issues.

Woodsmoke Reduction Incentive Program – This Environmental Protection Agency (EPA) Targeted Airshed Grant (TAG) funded program is tentatively scheduled to open in early 2023 and will offer homeowners grant funding to offset a portion of the cost to replace approximately 325 woodstoves & fireplace-inserts with zero-emission heat pumps. All homeowners in communities with the highest rates of air pollution will be eligible and funding will be prioritized for homes located in West Oakland and Richmond-San Pablo

During this period staff continued to develop program materials, research other existing similar programs that can be leveraged for outreach, and work with IT contractor for needed enhancements to the grants data management system.

- Attended EPA's monthly residential woodsmoke working group calls on April 26, 2022, May 25, 2022, and June 29, 2022.
- Submitted quarterly report to EPA for period January 1, 2022 – March 30, 2022 on April 27, 2022.

Other SI Coordination Meetings, Events, and Activities

- AB617:
 - Participated in internal Richmond/San Pablo Path to Clean Air bi-weekly team meetings.
 - Attended BAAQMD/CARB AB617 bi-weekly coordination call.
 - Met with WOEIP leads to solicit feedback on the developing woodsmoke program, June 22, 2022.
 - Presented to the Richmond-San Pablo Path to Clean Air Steering Committee on potential incentives solutions for a community emissions reduction plan, June 27, 2022.
- Led and attended CAPCOA Mobile Source and Grants Committee Monthly Meetings.

- Submitted a Letter of Support to the City of Fairfield regarding FTA’s Low or No Emission and Buses and Bus Facilities Competitive Programs
- Attended the following program webinars, workshops, and meetings:
 - Monthly meetings with regional, state, and federal government staff to discuss updates on the development of hydrogen stations in California
 - Metropolitan Transportation Commission’s Active Transportation Working Group Meeting
 - Bay Area County Transportation Agencies Executive Round Table
 - Monthly Bay Area County Transportation Agency Meeting
 - Transportation Managers for the I-80 and I-680 Corridor Partnership Meeting
 - 2020 and Beyond Technical Work Group with the Port of Oakland Monthly Meeting
 - Clean Mobility Investment Projects and the FY 2022-23 Update to the Three-Year Plan for Clean Transportation Equity Investments
 - EV Coordinating Council Meeting
 - EPA’s 2022 Environmental Finance Centers Grant Program: Informational Webinar
 - EPA’s Electrifying America’s Ports webinar
 - U.S. Department of Energy Hydrogen Program 2022 Annual Merit Review and Peer Evaluation Meeting
- CARB’s:
 - Clean Off-Road Equipment Working Group meeting
 - Commercial Harbor Craft Regulation Webinar
 - Electric Bike Incentive Project Solicitation Teleconference
 - Incentive Program Advisory Group Public Meeting for On-Road Vehicles (IPAG)
 - Clean Fleets Rulemaking Meetings
 - Advanced Clean Fleets Rulemaking Workshop
 - Incentive Program Advisory Group (IPAG) public meeting
- Attended the following trainings:
 - Navigating the Modern Workplace Training
 - The State of Women in the Workplace Training

EXTERNAL AFFAIRS
L. FASANO, OFFICER

Commuter Benefits Program

April 2022

- On Wednesday, April 6, 2022, External Affairs participated in a Joint Procurement Planning Kickoff Meeting with the Metropolitan Transportation Commission (MTC) staff to begin development of a scope of work and procurement for a One Bay Area Grant (OBAG 3) for years 2023-2026 relative to the Commuter Benefits Program. OBAG 3 now in its third iteration, guides how MTC distributes federal transportation funding from the Federal Highway Administration to projects and programs that improve safety, spur economic development, and help the Bay Area meet climate change and air quality improvement goals.

The Working Group meets on a bi-weekly basis to jointly develop a work plan; define the scope of work for the procurement of a firm to administer and support the Commuter Benefits Program. Communications, Advertisement, and outreach for the program will be messaged through the Flex Your Commute program.

- External Affairs met April 14, 2022, with MTC's Commuter Benefits Team and vendor, WSP to discuss the following:
 - Document updates, draft press release messaging through the Flex Your Commute Program encouraging employers to partner with their employees to reduce single occupancy driving as the state plans to reintroduce employees back into the office.
 - Prioritization of database management enhancement recommendations from Media Beef; prioritization of various updates.
 - Discussion and review of database needs list prioritized by and WSP relative to implementation based on FYE 2023. MTC will review the Air District's requests for current FYE 2023 database needs to determine inclusion in current WSP scope of work.

May 2022

- The External Affairs Commuter Benefits Program team met on May 10, 2022, to discuss the following:
 - Update on Title V and Synthetic Minor Employer review for compliance with Reg 14:1. Next step is to confirm the number of employees at each site and development of a process and procedure for the Commuter Benefits Program internal compliance manual.
 - Discussion of near and long-term enforcement strategy development.
- External Affairs met with the MTC Commuter Benefits Program team on Thursday, May 12, to discuss:
 - Final review of updates to the Commuter Benefits Program website documents, confirming changes and edits.
 - Database management update relative to quality assurance and quality control of 2014 data.
 - Parameters for automated employee tags, a timeline for upgrades.
 - Enforcement strategies. and
 - Regularly scheduled bi-weekly meetings were moved to monthly meetings because of the Working Groups bi-weekly meetings.
 - Staff is currently conducting a Commuter Benefits Program compliance review of Synthetic Minor facilities.
- On Wednesday, May 25, 2022, the External Affairs management staff met with Compliance and Enforcement management staff to discuss the One Bay Area Grant 3 funding to enhance the compliance and enforcement efforts relative to the Commuter Benefits Program.
- Staff in coordination with MTC, updated future data set requirements for the registration system.

June 2022

- External Affairs staff met with WayMo on innovative approaches to incorporating self-drive vehicle technology into the Commuter Benefits Program.
- External Affairs staff onboarded a Compliance & Enforcement intern to assist with the Commuter Benefits Program. The primary goal of the intern is to begin a review of permitted facilities compliance with the Commuter Benefits Program requirements.
- External Affairs staff provided feedback to Legislation Officer Allan Abbs regarding AB 2206 and SB 457.
- On June 23, 2022, External Affairs completed a recommendation memorandum outlining the operational and programmatic structure of the Commuter Benefits Program for discussion

and approval. The Commuter Benefits Program has grown beyond the initial limited scope of administering the compliance and enforcement aspect of the program relative to Regulation 14: Mobile Source Emissions Reduction Measure Rule 1: Bay Area Commuter Benefits Program adopted in 2014.

- Over the last six months, in partnership with the Metropolitan Transportation Commission, External Affairs began a joint work plan and a scope of work for One Bay Area Grant (OBAG 3) funding. OBAG is now in its third year of funding with a budget of \$750 million in federal funding for FY (Fiscal Year) 2023-2026.
- External Affairs finalized development, review, and comments in coordination with the MTC, deliverables relative to the expanded roles and responsibilities for each agency; a joint scope of work and a proposed scope of work for consultants to administer certain functions of the Commuter Benefits Program will be part of an RFP to be issued by MTC in mid-October.
- External Affairs completed a review of 25% of the 2014 Commuter Benefits Program employer viability list; the 2014 viability list is comprised of employers who have failed to respond to the program enrollment and renewals. The project was initiated to determine if employers, in the programs database system are still operating in the Bay Area.
- External Affairs in coordination with MTC, updated future dataset requirements for the Commuter Benefits Program database system to include in the request for proposal for a consultant to administer the system.
- External Affairs staff presented and discussed concepts for amendments to Regulation 14-1 or legislation to address mobile source emissions for future consideration.

Flex Your Commute Program

- External Affairs in April developed a Request for Proposal for Strategic Communications and Evaluation of the Flex Your Commute Program for internal review.
- External Affairs in May developed and issued a press release encouraging employers to partner with employees as they begin their return to the workplace planning, to reduce single occupancy vehicles by promoting commute modes such as carpooling, vanpooling, biking, walking, and telecommuting.
- On May 31, 2022, a Request for Proposals was issued to assist External Affairs with Strategic Communications and Evaluation of the Flex Your Commute program. The RFP closed June 21, 2022; the Air District received two proposals for evaluation.

Distributed Work Policy Efforts

Distributed Work Policy App in development/update stage.

- The team reviewed updates on May 31, 2022, and is ongoing
- BUG testing began in June 2022.
- The team is preparing an email message to staff once approved by management, when the app is ready distribution to all Air District

Events/Conferences/Webinars/Sponsorships

<p>April 2022</p>	<p>Talking points for April 20, 2022, Board of Directors meeting for Chair Mitchoff and Acting APCO Crockett were finalized. Staff worked with the Executive Office on agenda items for the retirement of Mr. Broadbent.</p> <p>Attendance at the Bay Area County Transportation Agencies: April 28, 2022, May 27, 2022, and June 24, 2022.</p> <p>External Affairs staff attended the We Love the Earth Festival event on April 16, 2022. The event was well attended with over 500 guests. The booth had many interactions with community members on air quality issues such as wood burning, boiler rule and other general air quality questions.</p>
<p>May 2022</p>	<p>Staff coordinated presentation logistics with Marin Clean Energy (MCE) regarding the Spare the Air Leadership Award presentation at the MCE Board meeting.</p> <p>On Thursday, May 19, 2022, staff attended the Spare the Air Leadership Award presentation at the MCE Board meeting where Director Rice provided remarks and awarded the trophy to Marin Clean Energy.</p> <p>External Affairs staff attended the following webinars:</p> <ul style="list-style-type: none"> o Greenbelt’s Alliance’s Webinar – Saving Millions with Smart Parking and Transportation Strategies. o Module 2 Series of Navigating the Modern Workplace Seminar - Key objectives of the seminar included negotiating strategies in the workplace, supporting women in the workplace, tips for confronting bias, the power of mentorship, and work-life balance.
<p>June 2022</p>	<p>The External Affairs Office in coordination with the Communication Division finalized the Air & Waste Management Association’s Annual Conference and Exhibition booth set up for the conference held at the Hyatt Regency in San Francisco, June 27, 2022 – June 30, 2022. Staff moved into the booth on Monday, June 27, 2022 at 2:30 p.m.</p> <p>External Affairs did a walkthrough for set up for the Air District sponsored AWMA Environmental Protection Agency Alumni Reception. The Air District provided access to the Temescal Room and paid for the cleanup as part of our sponsorship of the AWMA Conference. The EPA Alumni reception was held on Monday, June 27th at 375 Beale Street from 5:00 pm – 6:30 pm. Lisa Fasano was onsite to coordinate with the vendor and the EPA Alumni committee. Up to 20 guests participated in the reception.</p> <p>External Affairs staff is representing the Air District as part of the Coalition for Clean Air program in preparation for Clean Air Day in October 2022.</p> <p>External Affairs finalized the sponsorship agreement with Veloz relative to its Clean Cars for All program in the amount of \$50,000.</p>

	External Affairs finalized the sponsorship agreement with the Coalition for Clean Air in the amount of \$10,000.00.
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**METEOROLOGY & MEASUREMENT DIVISION
R. CHIANG, DIRECTOR**

Air Quality Forecasting

	# of Days	Dates
Spare the Air alerts called for ozone	2	6/10, 6/21
Spare the Air Alerts called for PM _{2.5}	0	
Exceedances of the national 8-hour ozone standard (70 ppb)	2	4/7, 5/23
Exceedances of the national 24-hour PM _{2.5} standard (35 µg/m ³)	0	

On April 7, 2022, and May 23, 2022, high pressure over the Bay Area lead to hot inland temperatures (near 100°F) and light winds, leading to exceedances of the federal eight-hour ozone standard. Spare the Air alerts were declared on June 10, 2022, and June 21, 2022, when high pressure over the Bay Area lead to hot inland temperatures (near 100°F). However, the afternoon sea breeze arrived early on both days, leading to no exceedances.

Air quality advisories have been issued due to various brush fires during May 2022 and June 2022.

Laboratory

Due to COVID-19, the laboratory continues to operate on a rotation, performing support for critical ambient air monitoring programs including PM₁₀, PM_{2.5}, PM_{coarse}, SASS, toxics canisters, and aldehydes.

During the second quarter the laboratory has continued to bring other instrumentation online and has continued to focus on document revision, method, and systems evaluation, and modernizing procedures amenable to digitalization. This quarter the laboratory also analyzed a set of samples from Source Test and performed a remote tour to introduce the summer intern cohort to the laboratory.

Regulatory Air Monitoring

Twenty-nine air monitoring sites were operational during the second quarter 2022. Operations were adjusted to ensure staff safety and compliance with applicable county health directives pertaining to COVID-19 response. Despite having to adapt to the logistical challenges posed by the shelter-in-place directives, staff continued to exceed all quality objectives while maintaining an average data capture rate for continuous criteria pollutant measurements of **88.89%**.

Napa – 1732 Jefferson lease was approved in March 2022. In April 2022, District staff began working with a District approved contractor to draft site modifications for equipment installations.

Berkeley Aquatic Park station was vandalized on October 1, 2021 and was offline until necessary repairs are complete. Electrical lines were replaced in January 2022 and employees continue to restore the damaged station equipment and safety infrastructure.

Refinery Community Monitoring in Fenceline Communities - District employees identified and secured a new site location to install a new community air monitoring station in Benicia. District staff began working with the City of Benicia to execute the necessary electrical connections for a mobile air monitoring station.

Quality Assurance

Certification of the Air District's 2021 ambient air quality data and related quality assurance statistics was completed and submitted to the EPA.

Community Monitoring

Staff continued in-motion data collection with the Air Monitoring Van, completing data collection for the air toxics monitoring project described in the AB 617 Richmond-San Pablo Monitoring Air Monitoring Plan.

Performance Evaluation

All gas analyzers and particulate samplers were found to be operating within the Air District's established accuracy limits (25 monitoring stations, 86 parameters).

- The section has been conducting as many audits as possible, while still respecting social-distancing guidelines, as well as everyone's personal-parameter requests for health and safety needs.
- The section completed the TVA QC Check/Calibration System for the Compliance and Enforcement Division. The section calibrated 18 of the C&E Division's (18) TVAs (Toxic Vapor Analyzers). The PE Section, working with the C&E Division, developed a schedule so that six (6) TVAs are calibrated by our section each month.
- First quarter audit results were compiled and uploaded to AQS. All the first quarter official audit reports were compiled, reviewed, and completed as well.
- Several auditing standards were transported to CARB for regularly scheduled certification.
- Ground-Level Monitoring (GLM) audits of hydrogen sulfide (H₂S) and sulfur dioxide (SO₂) gas-analyzers were conducted at Shell Refinery. All gas-analyzers met the Air District's performance evaluation (audit) acceptance criteria.
- Regular departmental duties continued, including audits; report processing and review; database management; and equipment testing and maintenance.
- The supervisor is consolidating and identifying stored equipment, categorizing essential and surplus items, in anticipation of the section's move to the new location on Lakeside Drive (HQ East).

Air Quality Analysis

- Annual Air Monitoring Network Plan: Drafted 2022 annual monitoring network plan, posted the draft plan on the website for public comment and submitted the final plan to US EPA by July 1, 2022.
- Attended the Air Sensors International Conference in Pasadena (May 11, 2022 – May 13, 2022) and AWMA ACE (June 28, 2022 – June 30, 2022).

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

- Coordinated with Air Monitoring Projects and Technology (AMPT) section on status of data collection and review in support of air toxics mobile monitoring project in the Path to Clean Air study area. Data collection was completed in April 2022.
- Developed workplan for data analysis and reporting for the air toxics study. Data validation and analysis began in May 2022 and is expected to continue through Q3 2022, followed by reporting of analyses and insights in Q3-Q4 2022.

Support the Community Emissions Reduction Plan (CERP) Development

- Analyzed measurement datasets (including data from Air District long-term stations, refinery ground-level monitors, CARB Community Air Grant sensor networks, and Aclima's three-month study) to help inform community concerns as part of the CERP technical assessment
- Prepared materials for and held meetings of the Technical Assessment Ad Hoc workgroup (April 7, 2022, April 21, 2022, and May 19, 2022).
- Delivered Technical Assessment Insights, Part II presentation to the CERP CSC (May 16, 2022).

Technical Support to Bay Area Communities and Stakeholders

- Eastern SF / Bayview-Hunters Point
 - o Participated in the BVHP EJ Task Force Meetings (May 18, 2022 and June 15, 2022).
 - o Facilitated Bay Air Center support for Brightline Defense sensor network, including coordinating the collocation of the sensor verification system with Clarity sensors (April 13, 2022 through May 15, 2022) and providing validated data for the collocation period.
 - o Facilitated Bay Air Center support for Greenaction sensor network by working with Greenaction staff to scope Bay Air Center support. Bay Air Center staff also visited sensor network stations and provided summaries of siting and operations and recommendations for program improvements (May 16, 2022 and May 26, 2022).
- Belle Haven
 - o Facilitated Bay Air Center support for Belle Haven (Councilwoman Taylor), including the Bay Air Center presentation of Bay Air Center's air quality analysis findings to the Belle Haven Climate Change Community Team (June 16, 2022).

Technical Advising to Air District Divisions and other Stakeholders

- Naturally Occurring Asbestos Program Technical Support: Reviewed the monitoring design for seven (7) new and revised Asbestos Dust Monitoring Plans.
- Provide information and resources about air quality sensor network planning and data interpretation to Mr. Deo Okure of [AirQo](#), a group at Makerere University in Uganda closing the gaps in air quality monitoring in Africa, and Ms. Amy Zimpfer (an Air Quality Capacity Building Fellow at the U.S. State Department).
- Provided historical ozone and PM_{2.5} design value datasets and guidance on how to present air quality trends to MTC for Vital Signs website.
- In coordination with the Communications office, recorded an air monitoring video for social media.

- Reviewed recent ozone data and provided information about SF Bay Area’s designation status for the District’s comment letter in support of EPA’s proposed determination of attainment by the applicable attainment date for the 2015 8-hour ozone NAAQS and for the draft CEQA guidelines.
- Presented information about accessing and using publicly available air sensor data to local television meteorologists (June 28, 2022).

Source Test

- Evaluations and implementation of new measurement technologies and developed test procedures relevant to AB-617, Regulation 11-18 and emission inventory improvement.
- Oversight of the Regulation 12-15 fence line monitoring programs and implementation of hydrogen sulfide monitoring requirements.
- Continued refinery CEMS compliance audits in partnership with the Compliance and Enforcement Division.
- Attended workgroup meetings to review South Bay Odor Attribution Study draft reports.
- Attended South Bay Odor Stakeholder Group Quarterly Meeting and received presentations by Odor Study contractors.
- Collaborated with Compliance & Enforcement Division on development and release of two (2) source test advisories.
- Attended Air Sensors International Conference.
- Attended tour of the newly commissioned Benicia Community Air Monitoring Station operated by the Benicia Community Air Monitoring Program.
- Attended Milpitas City Council meeting in support of Odor Study presentation.
- Attended AWMA Annual Conference and Exhibition.
- Continued management review of Injury & Illness Prevention Plan (IIPP).
- Continued development of source test prioritization system and review of current practices.
- Source tests conducted:
 - Conducted FTIR field trial and expanded post-analysis software reference library.
 - Performance of source tests to determine emissions of precursor organic compounds, and toxic air contaminants.
 - Performance of source tests to determine emissions of particulate matter.
 - Performance of tests to assess the compliance status of gasoline cargo tanks, gasoline dispensing facilities, gasoline terminal loading and vapor recovery systems.
 - Evaluation of independent contractor conducted source tests to determine report acceptability and source compliance.
 - Evaluation of CEMS installations and ongoing compliance, including monitoring plan review and approval.
- Technical advising to Air District Divisions:
 - Advice and guidance to Engineering on emission data interpretation, permitting handbook condition revisions, Rule 11-18 health risk assessments and air toxics, permit development, and facility annual emission reporting.
 - Advice and guidance to Compliance and Enforcement and Legal on emission data interpretation, recommendations for further evaluation indicating potential violations, CEMS compliance audits, orders of abatement, and ongoing enforcement actions.
 - Advice to the Rules Section on upcoming rule development efforts.
 - Advice and meeting participation on AB-617 internal workgroups and knowledge gap analysis.

STATISTICS			
<u>Administrative Services:</u>		<u>Compliance Assistance and Operations Program:</u>	
<u>Accounting/Purchasing/Comm.</u>		Asbestos Plans Received	1702
General Checks Issued	1783	Coating and other Petitions Evaluated	5
Purchase Orders Issued	719	Open Burn Notifications Received	280
Checks/Credit Cards Processed	4969	Prescribed Burn Plans Evaluated	11
Contracts Completed	140	Tank/Soil Removal Notifications Received	19
RFP/RFQ	3	Compliance Assistance Inquiries Received	98
		Green Business Reviews	1
<u>Executive Office:</u>		Refinery Flare Notifications	3
APCO'S Meetings Attended	402	NOA Plans Received	9
Board Meetings Held (including Budget Hearing and CAF)	7	NOA Plans Approved	9
Committee Meetings Held (including Richmond Area CERP)	18	NOA Inspections Conducted	321
Advisory Council Meetings Held (including CAC)	2	<u>Compliance Assurance Program:</u>	
Hearing Board Meetings Held	4	Industrial Inspections Conducted	1391
New Variances Received	1	Gas Station Inspection Conducted	408
		Asbestos Inspections Conducted	506
<u>Information Systems:</u>		Open Burning Inspections Conducted	4
New Installation Completed	10	PERP Inspections Conducted	16
PC Upgrades Completed	27	PERP Inspections Requested	48
Service Calls Completed	802	BUGs Inspections Conducted (Airtable)	0
		Mobile Source Inspections	0
		Grant Inspections Conducted	109
<u>Human Resources:</u>			
Manager/Employee Consultation (Hrs.)	350	<u>Engineering Division:</u>	
Management Projects (Hrs.)	400	Annual Update Packages Completed	995
Employee/Benefit Transaction	600	New Applications Received	306
Training Sessions Conducted (Group)	4	Authorities to Construct Issued	240
Training Sessions Conducted (Individual)	8	Permits to Operate Issued (New and Modified)	192
Applications Processed	130	Permit Exemptions (Entire application deemed exempt)	0
Exams Conducted	9	New Facilities Added	88
New Hires	8	Registrations (New)	23
Promotions	2	Health Risk Assessments (HRA)	96
Separations	6		
Safety/Wellness Administration	150	<u>Communications and Public Information:</u>	
		Responses to Media Inquires	46
<u>Facility/Vehicle:</u>		Events Staffed with Air District Booth	19
Request for Facility Service	48		
Vehicle Request(s)	20	<u>Community Engagement:</u>	
Vehicle Maintenance/Service/Repair(s)	43	Presentations Made	10
		Visitors	0
		Air District Tours	0
		Community Meetings Attended	28

STATISTICS (continued)			
Compliance and Enforcement Division:		2nd Quarter 2022 Agricultural Burn Days	
Enforcement Program		Apr. – June Permissive Burn Days-North	63
Violations Resulting in Notices of Violations	251	Apr. – June No-Burn Days-North	28
Violations Resulting in Notice to Comply	16	Apr. – June Permissive Burn Days-South	67
New Hearing Board Cases Reviewed	2	Apr. – June No-Burn Days-South	24
Reportable Compliance Activity Investigated	203	Apr. – June Permissive Burn Days-Coastal	67
General Complaints Investigated	611	Apr. – June No Burn Days-Coastal	24
Wood Smoke Complaints Received	122		
Mobile Source Violations	0	Laboratory	
		Analyses Performed	1362
Meteorology Measurements & Rules:		Inter-Laboratory Analyses	0
2nd Quarter 2022 Ambient Air Monitoring			
Days Exceeding Nat'l 24-Hour PM _{2.5} Std.	0	Technical Library	
Days Exceeding Nat'l 24-Hour PM ₁₀ Std.	0	Titles Indexed/Cataloged	0
Days Exceeding State 24-Hour PM ₁₀ Std.	0	Periodicals Received/Routed	0
Days Exceeding the Nat'l 8-Hour Ozone Std.	2	Reportable Compliance Activity Investigated	0
Days Exceeding the State 1-Hour Ozone Std.	0	Source Test	
Days Exceeding the State 8-Hour Ozone Std.	2	Cargo Tank Tests Performed	0
		Total Source Tests	37
Ozone Totals, Year to Date 2022		Pending Source Tests	2
Days Exceeding State 1-Hour Ozone Std.	0	Further Evaluation Notices Recommended	12
Days Exceeding Nat'l 8-Hour Ozone Std.	2	Contractor Source Tests Reviewed	4,414
Days Exceeding State 8-Hour Ozone Std.	2	Outside Test Observed	25
		Further Evaluation Notices Recommended After Review	26
Particulate Totals, Year to Date 2022		Contractor Source Test Protocols Reviewed	45
Days Exceeding Nat'l 24-Hour PM _{2.5} Std.	0	Contractor Source Tests invalidated	75
Days Exceeding Nat'l 24-Hour PM ₁₀ Std.	0		
Days Exceeding State 24-Hour PM ₁₀ Std.	0	Continuous Emissions Monitoring (CEM)	
		Indicated Excesses Emission Reports Evaluated	21
Ground Level Monitoring (GLM)		Monthly CEM Reports Reviewed	102
Apr. – June Ground Level Monitoring SO ₂ Excess Reports	0	Indicated Excess from CEM	42
Apr. – June Ground Level Monitoring H ₂ S Excess Reports	0	Field Accuracy Tests Performed	0

These facilities have received one or more Notices of Violations
Report period: April 1, 2022 –June 30, 2022

Alameda County				
Status Date	Site #	Site Name	City	Regulation Title
6/6/2022	A3590	City of Berkeley/Engr Div/Public Works	Berkeley	Standards for New Stationary Sources
6/6/2022	A3590	City of Berkeley/Engr Div/Public Works	Berkeley	Landfill Emission Control System Requirement
6/6/2022	A3590	City of Berkeley/Engr Div/Public Works	Berkeley	Standards for New Stationary Sources
6/6/2022	A3590	City of Berkeley/Engr Div/Public Works	Berkeley	Landfill Emission Control System Requirement
5/18/2022	FA728	Dublin Toyota	Dublin	Failure to Meet Permit Conditions
4/25/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
4/25/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
4/28/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
4/28/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
4/28/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
5/2/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
5/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/1/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/1/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/16/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/16/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/16/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
6/27/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
5/25/2022	A1814	Bay Area Rapid Transit District	Hayward	Failure to Meet Permit Conditions
4/27/2022	A9452	Healthy Coffee Lifestyles Inc	Livermore	No Permit to Operate
4/12/2022	A0094	Cargill Salt	Newark	No Authority to Construct
4/12/2022	A0094	Cargill Salt	Newark	No Permit to Operate
5/16/2022	B7543	Aspire Bakeries LLC	Newark	No Authority to Construct
5/16/2022	B7543	Aspire Bakeries LLC	Newark	No Permit to Operate
5/25/2022	A0094	Cargill Salt	Newark	No Authority to Construct
5/25/2022	A0094	Cargill Salt	Newark	No Permit to Operate
4/13/2022	FA627	SF Fuels, Inc	Oakland	GDF Operating Practices
4/19/2022	Z6202	Tony Star Gas	Oakland	Failure to Meet Permit Conditions
4/26/2022	FA635	Grand Gas Oakland	Oakland	GDF Phase I Requirements
4/26/2022	FA635	Grand Gas Oakland	Oakland	GDF Phase II Requirements
4/27/2022	FA655	Ken Betts Chevron	Oakland	GDF Phase I Requirements
4/27/2022	FA655	Ken Betts Chevron	Oakland	GDF Phase II Requirements
4/29/2022	FA658	MFD	Oakland	Asbestos; Written Plan or Notification
4/29/2022	FA658	MFD	Oakland	Improper Demolition, Renovation and Removal
4/29/2022	FA658	MFD	Oakland	Waste Disposal Procedures
4/29/2022	FA668	Tosco Northwest Company	Oakland	GDF Phase I Requirements
5/3/2022	FA654	Meadows in Bloom	Oakland	No Authority to Construct
5/3/2022	FA654	Meadows in Bloom	Oakland	No Permit to Operate
5/11/2022	Z8092	Dynegy Oakland LLC	Oakland	Non-Compliance; Major Facility Review
5/18/2022	FA724	Grand Mandana Gas Station Inc	Oakland	GDF Operating Practices
5/18/2022	FA627	SF Fuels, Inc	Oakland	Failure to Meet Permit Conditions
5/24/2022	FA635	Grand Gas Oakland	Oakland	Failure to Meet Permit Conditions
5/24/2022	FA668	Tosco Northwest Company	Oakland	Failure to Meet Permit Conditions
5/25/2022	FA742	Stop N Go Gas Station	Oakland	Failure to Meet Permit Conditions
6/22/2022	X8995	SF Oakland Truck Stop	Oakland	Failure to Meet Permit Conditions
4/11/2022	A0705	Vulcan Materials, Western Division	Pleasanton	Failure to Meet Permit Conditions
4/18/2022	FA739	Caltrans - San Leandro Maintenance Station	San Leandro	Failure to Meet Permit Conditions
6/2/2022	B5675	City of San Leandro Fire Station #10	San Leandro	Failure to Meet Permit Conditions
4/7/2022	FA618	United Rentals Branch 67F	San Lorenzo	GDF Phase I Equipment Not Maintained
6/22/2022	E4975	Vision Recycling San Lorenzo	San Lorenzo	No Permit to Operate
4/25/2022	FA634	Southern Counties Oil Company	Union City	Failure to Meet Permit Conditions
4/25/2022	FA634	Southern Counties Oil Company	Union City	GDF Phase II Requirements
5/18/2022	A3256	Turk Island Solid Waste Disposal Site	Union City	Landfill Gas Collection & Emission Control System Requirements
5/18/2022	A3256	Turk Island Solid Waste Disposal Site	Union City	Landfill Surface Requirements

These facilities have received one or more Notices of Violations
Report period: April 1, 2022 –June 30, 2022
(continued)

Contra Costa County				
Status Date	Site #	Site Name	City	Regulation Title
5/12/2022	E3796	Concord Ready Mix Inc	Antioch	No Permit to Operate
5/18/2022	E3796	Concord Ready Mix Inc	Antioch	Failure to Meet Permit Conditions
4/5/2022	FA637	Circle "A" Foodmart GDF	Brentwood	GDF Phase I Equipment Not Maintained
4/5/2022	FA599	Mobil Gas	Concord	Failure to Meet Permit Conditions
4/5/2022	FA599	Mobil Gas	Concord	No Permit to Operate
5/25/2022	A0541	Pacific Gas & Electric Co	Concord	Failure to Meet Permit Conditions
6/1/2022	B2769	Military Ocean Terminal Concord	Concord	Open Burning; Prohibition of Fires
6/9/2022	FA786	San Ramon Valley FPD STA #35	Danville	Failure to Meet Permit Conditions
6/15/2022	FA805	San Ramon Valley Fire District #33	Danville	Failure to Meet Permit Conditions
6/15/2022	B9903	S R Valley Fire Protection Dist Fir Station #36	Danville	Failure to Meet Permit Conditions
6/8/2022	FA772	Southern Counties Oil Company	Lafayette	GDF Operating Practices
6/9/2022	FA799	Chevron SS #9-5890	Lafayette	GDF Operating Practices
6/22/2022	FA799	Chevron SS #9-5890	Lafayette	Failure to Meet Permit Conditions
6/24/2022	FA844	Cresco	Lafayette	GDF Phase I Requirements
6/24/2022	FA844	Cresco	Lafayette	GDF Phase I Requirements
4/4/2022	A0011	Martinez Refining Company LLC	Martinez	California Code of Regulations
4/12/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Floating Roof Tank Fitting Requirements
4/12/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	California Code of Regulations
4/12/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Code of Federal Regulations
4/12/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Organic Compounds Equipment Leak Monitoring Reports
4/20/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Vapor Storage Tank Requirements
4/20/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Vapor Storage Tank Requirements
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Code of Federal Regulations
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
4/21/2022	A0011	Martinez Refining Company LLC	Martinez	Code of Federal Regulations
4/26/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
4/26/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
4/26/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
5/3/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Secondary Seal Requirements
5/3/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Total Hydrocarbon Leak Monitoring Requirement
5/3/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Primary Seal Requirements
5/5/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
5/5/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
5/5/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
5/10/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Vessel Monitoring
5/10/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Process Vessel Depressurization Records Requirement
5/10/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Non-Compliance; Major Facility Review
5/10/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	NOx & CO Quarterly Demonstration of Compliance
5/12/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
5/20/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Floating Roof Tank Fitting Requirements
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Standards for New Stationary Sources
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	California Code of Regulations
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Standards for New Stationary Sources
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	California Code of Regulations
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Standards for New Stationary Sources
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Standards for New Stationary Sources
6/2/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	California Code of Regulations
6/7/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
6/7/2022	A0011	Martinez Refining Company LLC	Martinez	Emission Limitations for Sulfur Recovery Plants
6/14/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Not Gas Tight
6/14/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Not Gas Tight
6/22/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
6/22/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
6/22/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
6/28/2022	FA887	Star Holdings, LLC	Moraga	GDF Phase II Requirements
6/16/2022	C1452	Chevron Station #97407	Orinda	GDF Phase I Requirements
6/6/2022	FA798	A-1 Liquor & Food	Pacheco	GDF Record Keeping Requirements
4/12/2022	A0031	Corteva Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review

These facilities have received one or more Notices of Violations
Report period: April 1, 2022 –June 30, 2022
(continued)

Contra Costa County Continued				
Status Date	Site #	Site Name	City	Regulation Title
4/12/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Continuous Emission Monitoring and Recordkeeping
4/12/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Continuous Emission Monitoring and Recordkeeping
4/12/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Organic Compounds Equipment Leak Valve Standards
4/12/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Organic Compounds Equipment Leak Connection Standards
4/12/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
4/25/2022	B0913	HASA Inc	Pittsburg	Failure to Meet Permit Conditions
4/26/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
5/17/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
5/17/2022	A0031	Corteve Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
4/19/2022	A0010	Chevron Products Company	Richmond	Floating Roof Tank Fitting Requirements
4/19/2022	A0010	Chevron Products Company	Richmond	Floating Roof Tank Fitting Requirements
4/26/2022	A0706	Gold Bond Building Products, LLC	Richmond	Excessive Visible Emissions
5/4/2022	A0023	Chemtrade West US LLC	Richmond	Right to Access to Information
5/4/2022	A0706	Gold Bond Building Products, LLC	Richmond	Public Nuisance
5/4/2022	A0706	Gold Bond Building Products, LLC	Richmond	Public Nuisance
5/4/2022	A0706	Gold Bond Building Products, LLC	Richmond	Public Nuisance
5/10/2022	FA730	Arco Facility 07127	Richmond	Failure to Meet Permit Conditions
5/19/2022	A0023	Chemtrade West US LLC	Richmond	Non-Compliance; Major Facility Review
5/20/2022	A0010	Chevron Products Company	Richmond	Vessel Monitoring
6/10/2022	A0010	Chevron Products Company	Richmond	No Authority to Construct
6/14/2022	A0010	Chevron Products Company	Richmond	Parametric Monitoring and Recordkeeping Procedures
6/14/2022	A0010	Chevron Products Company	Richmond	Parametric Monitoring and Recordkeeping Procedures
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/16/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
6/17/2022	A0010	Chevron Products Company	Richmond	Flare Monitoring Vent Gas Composition Monitoring
4/4/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	No Authority to Construct
4/4/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	No Permit to Operate
4/20/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Emission Limitations for Sulfur Recovery Plants
5/2/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Emission Limitations for Sulfur Recovery Plants
5/2/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Non-Compliance; Major Facility Review
5/2/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Non-Compliance; Major Facility Review
6/8/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Non-Compliance; Major Facility Review
6/8/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
4/20/2022	B4024	San Ramon Valley Fire District - Station #34	San Ramon	Failure to Meet Permit Conditions
4/20/2022	B4022	San Ramon Valley Fire District - Station 38	San Ramon	Failure to Meet Permit Conditions
Marin County				
Status Date	Site #	Site Name	City	Regulation Title
4/4/2022	A3881	Marin Acura	Corte Madera	Failure to Meet Permit Conditions
4/27/2022	A1275	Novato Sanitary District	Novato	Failure to Meet Permit Conditions
5/5/2022	FA731	Navato Shell	Novato	Failure to Meet Permit Conditions
5/5/2022	FA731	Navato Shell	Novato	GDF Phase II Requirements
5/3/2022	FA653	Bauman Landscaping	San Rafael	No Authority to Construct
5/3/2022	FA653	Bauman Landscaping	San Rafael	No Permit to Operate
Napa County				
Status Date	Site #	Site Name	City	Regulation Title
4/27/2022	A1082	Queen of the Valley Medical Center	Napa	No Permit to Operate
4/27/2022	A1082	Queen of the Valley Medical Center	Napa	Failure to Meet Permit Conditions
5/2/2022	FA744	Brown's Valley Chevron GDF	Napa	GDF Phase I Requirements
6/6/2022	Z7168	KAFV, Inc	Napa	Failure to Meet Permit Conditions
6/6/2022	Z7168	KAFV, Inc	Napa	GDF Record Keeping Requirements
6/6/2022	Z7168	KAFV, Inc	Napa	GDF Record Keeping Requirements
6/9/2022	FA744	Brown's Valley Chevron GDF	Napa	GDF Phase I Equipment Not Maintained

These facilities have received one or more Notices of Violations
Report period: April 1, 2022 –June 30, 2022
(continued)

San Francisco County				
Status				
Date	Site #	Site Name	City	Regulation Title
4/28/2022	Z6010	Herc Rentals	San Francisco	GDF Phase I Equipment Not Maintained
5/5/2022	A0568	San Francisco South East Treatment Plant	San Francisco	Failure to Meet Permit Conditions
5/5/2022	A0568	San Francisco South East Treatment Plant	San Francisco	Failure to Meet Permit Conditions
5/5/2022	A0568	San Francisco South East Treatment Plant	San Francisco	Periodic Testing
5/5/2022	A0568	San Francisco South East Treatment Plant	San Francisco	Periodic Testing
5/5/2022	A0568	San Francisco South East Treatment Plant	San Francisco	Periodic Testing
6/14/2022	FA793	SCH	San Francisco	Asbestos; Containment Requirement
6/27/2022	FA885	Concrete Plant	San Francisco	No Authority to Construct
6/27/2022	FA885	Concrete Plant	San Francisco	No Permit to Operate
6/27/2022	FA885	Concrete Plant	San Francisco	Standards for New Stationary Sources
6/27/2022	FA885	Concrete Plant	San Francisco	No Authority to Construct
6/27/2022	FA885	Concrete Plant	San Francisco	No Permit to Operate
San Mateo County				
Status				
Date	Site #	Site Name	City	Regulation Title
4/12/2022	FA617	SFD	Foster City	Asbestos; Written Plan or Notification
4/28/2022	A2266	Browning-Ferris Industries of CA Inc	Half Moon Bay	No Authority to Construct
4/28/2022	A2266	Browning-Ferris Industries of CA Inc	Half Moon Bay	No Permit to Operate
6/6/2022	B9057	Equilon Enterprises LLC	San Carlos	Failure to Meet Permit Conditions
5/10/2022	A0861	San Mateo Water Quality Control Plant	San Mateo	Failure to Meet Permit Conditions
5/4/2022	FA671	Gateway Pacific Development (GOP 5)	South San Fra	Standards for New Stationary Sources
Santa Clara County				
Status				
Date	Site #	Site Name	City	Regulation Title
5/16/2022	FA738	Cupertino Beacon	Cupertino	GDF Phase II Requirements
5/25/2022	FA729	Fifth St Coffee Roasting Co	Gilroy	No Authority to Construct
5/25/2022	FA729	Fifth St Coffee Roasting Co	Gilroy	No Permit to Operate
5/11/2022	FA874	Los Gatos Mobile	Los Gatos	Failure to Meet Permit Conditions
6/6/2022	FA797	AnthonyKandahari - Union 76 GDF	Los Gatos	Failure to Meet Permit Conditions
6/9/2022	FA797	AnthonyKandahari - Union 76 GDF	Los Gatos	Failure to Meet Permit Conditions
6/1/2022	A9013	International Disposal Corp of CA	Milpitas	Standards for New Stationary Sources
6/1/2022	A9013	International Disposal Corp of CA	Milpitas	Landfill Emission Control System Requirement
6/1/2022	A9013	International Disposal Corp of CA	Milpitas	Landfill Surface Requirements
4/19/2022	FA621	SFD	Mountain View	Asbestos; Written Plan or Notification
5/5/2022	FA673	MFD	Mountain View	Asbestos; Containment Requirement
4/14/2022	E4717	Alzeta Corporation	San Jose	Parametric Monitoring and Recordkeeping Procedures
4/14/2022	E4717	Alzeta Corporation	San Jose	Failure to Meet Permit Conditions
4/29/2022	FA644	COM	San Jose	Standards for New Stationary Sources
5/3/2022	FA700	Adobe North Tower	San Jose	California Code of Regulations
5/17/2022	Y2310	Alum Rock Chevron	San Jose	No Permit to Operate
5/23/2022	FA747	Silicon Valley Gas GDF	San Jose	Failure to Meet Permit Conditions
5/23/2022	FA747	Silicon Valley Gas GDF	San Jose	GDF Phase II Requirements
5/23/2022	FA747	Silicon Valley Gas GDF	San Jose	GDF Operating Practices
6/1/2022	A5582	Eggo Company	San Jose	Failure to Meet Permit Conditions
6/7/2022	A1502	O'Connor Hospital	San Jose	No Permit to Operate
6/8/2022	FA796	Precise Auto DBAPrecise	San Jose	GDF Phase II Requirements
6/14/2022	FA809	Excel Gas & Mart	San Jose	Failure to Meet Permit Conditions
6/16/2022	Y9204	Arco #06223	San Jose	Failure to Meet Permit Conditions
6/16/2022	Y9204	Arco #06223	San Jose	GDF Phase II Requirements
6/16/2022	E4000	Pick N Pull Auto Dismantlers	San Jose	Failure to Meet Permit Conditions
4/15/2022	FA610	Commercial	Santa Clara	Asbestos; Schedule Changes and Updates
5/12/2022	A9315	Scientific Metal Finishing Inc	Santa Clara	Failure to Meet Permit Conditions
5/25/2022	A0633	Intel Corporation	Santa Clara	Failure to Meet Permit Conditions
6/2/2022	A2206	Streamline Circuits LLC dba Summit Interconnect	Santa Clara	Failure to Meet Permit Conditions
6/24/2022	A7638	APCT, Inc	Santa Clara	No Authority to Construct
6/24/2022	A7638	APCT, Inc	Santa Clara	No Permit to Operate
6/16/2022	FA838	Atam Sandhu	Saratoga	GDF Phase II Equipment Not Maintained
4/19/2022	FA620	Mathilda Shell	Sunnyvale	GDF Operating Practices
5/3/2022	FA701	Bayside Petroleum	Sunnyvale	GDF Phase II Requirements
5/3/2022	FA669	CND	Sunnyvale	Asbestos; Wetting Method
5/3/2022	FA669	CND	Sunnyvale	Asbestos; Containment Requirement
5/12/2022	FA698	SFD	Sunnyvale	Asbestos; Schedule Changes and Updates

These facilities have received one or more Notices of Violations
Report period: April 1, 2022 –June 30, 2022
(continued)

Solano County				
Status Date	Site #	Site Name	City	Regulation Title
5/17/2022	A8917	Amcor American Canyon LLC	American Canyon	Parametric Monitoring and Recordkeeping Procedures
5/17/2022	A8917	Amcor American Canyon LLC	American Canyon	Failure to Meet Permit Conditions
6/27/2022	B2852	William Kreysler & Assoc Inc	American Canyon	Failure to Meet Permit Conditions
4/26/2022	B2626	Valero Refining Company - California	Benicia	Emission Limitations for Sulfur Recovery Plants
5/31/2022	B2626	Valero Refining Company - California	Benicia	Standards for New Stationary Sources
5/31/2022	B2626	Valero Refining Company - California	Benicia	Emission Limitations for Sulfur Recovery Plants
5/31/2022	B2626	Valero Refining Company - California	Benicia	Excessive Visible Emissions
5/31/2022	B2626	Valero Refining Company - California	Benicia	Public Nuisance
5/31/2022	B2626	Valero Refining Company - California	Benicia	Non-Compliance; Major Facility Review
5/31/2022	B2626	Valero Refining Company - California	Benicia	Non-Compliance; Major Facility Review
6/22/2022	B2626	Valero Refining Company - California	Benicia	Standards for New Stationary Sources
6/22/2022	B2626	Valero Refining Company - California	Benicia	Organic Compounds Equipment Leak Open-Ended Line/Valve
6/27/2022	B2626	Valero Refining Company - California	Benicia	NOx & CO Monitoring
5/31/2022	A6426	Solano County Transit Operations	Vallejo	Failure to Meet Permit Conditions
6/29/2022	A3319	Vallejo Flood and Wastewater District	Vallejo	Failure to Meet Permit Conditions
Sonoma County				
Status Date	Site #	Site Name	City	Regulation Title
5/2/2022	FA748	Petaluma Shell-Petaluma Ventures GDF	Petaluma	Failure to Meet Permit Conditions
6/15/2022	E2538	Molecular BioProducts, Inc - ThermoFisher	Petaluma	No Permit to Operate
4/29/2022	Y7760	Keith & Don's Flying A Gas	Santa Rosa	GDF Phase I Equipment Not Maintained
4/29/2022	Y7760	Keith & Don's Flying A Gas	Santa Rosa	GDF Phase I Requirements
5/25/2022	A1403	Santa Rosa Water - Laguna Treatment Plant	Santa Rosa	Failure to Meet Permit Conditions
6/29/2022	A7974	Western Fiberglass, Inc	Santa Rosa	No Permit to Operate
5/27/2022	FA732	SFD	Sebastopol	Open Burning; Prohibition of Fires

**Closed Notice of Violations with Penalties by County
April 1, 2022 – June 30, 2022**

Alameda

Site Name	Site #	City	Penalty Amount	# of Violations Closed
76 Gas Station	Z4759	Hayward	\$375	1
Anthony Rillera	Z9441	Hayward	\$250	1
Bay Ship & Yacht Co	A9684	Alameda	\$5,000	1
Benjamin Ge	Z9884	Union City	\$500	1
City of Berkeley Transfer Station	A2309	Berkeley	\$500	1
City of Livermore	Z4977	Livermore	\$1,000	1
Clear Sky Construction	FA215	Alameda	\$750	1
Electro-Coatings of California Inc	A4449	Berkeley	\$1,000	1
FBD Vanguard Construction	Z9730	Livermore	\$1,000	1
Five Rivers Aviation	Z9813	Livermore	\$500	1
Kash Petroleum Inc.	Z8354	San Leandro	\$500	1
Master Builders Solutions Construction Systems US	A2513	Newark	\$10,000	1
Millennium Metalcraft Inc	B6088	Fremont	\$1,500	1
Piedmont Shell #135765	Z8270	Oakland	\$1,000	3
Specialized Coating Services	B9501	Fremont	\$30,000	1
Sterling Incorporated	Z5113	Oakland	\$500	1
Stonebrae Country Club	Z9589	Hayward	\$3,000	1
Western Digital Technologies	A8391	Fremont	\$2,500	1

Total Violations Closed: 20

Contra Costa

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Alhambra Petroleum, Inc	Z9452	Martinez	\$2,250	4
ARB, Inc	FA069	Pittsburg	\$500	1
Chemtrade West US LLC	A0023	Richmond	\$8,000	1
Chevron Products Company	Y2653	San Ramon	\$7,500	3
Clayton Valley Shell	FA274	Concord	\$2,000	1
Mt View Sanitary District	A4408	Martinez	\$3,000	1
Sugar Barge Marina GDF	Z9844	Bethel Island	\$500	1

Total Violations Closed: 12

**Closed Notice of Violations with Penalties by County
April 1, 2022 – June 30, 2022 (continued)**

Marin

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Golden Gate Bridge & Transit District	A1793	San Rafael	\$2,500	1

Total Violations Closed: 1

Napa

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Beacon GDF	FA212	Napa	\$250	1
Jefferson Car Wash	FA126	Napa	\$1,000	1
St. Helena High School Maintenance & Operations	E3763	Saint Helena	\$500	1

Total Violations Closed: 3

San Francisco

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Laguna Honda Hospital	A1860	San Francisco	\$8,000	5
Pacific Gas & Electric	H1945	San Francisco	\$500	1
The Presidio Trust	B2517	San Francisco	\$2,000	2
Veterans Administration Health Care System	A0459	San Francisco	\$1,000	1

Total Violations Closed: 9

San Mateo

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Browning-Ferris Industries of CA Inc	A2266	Half Moon Bay	\$70,000	8
CEMEX Construction Materials Pacific, LLC	B2652	Redwood City	\$1,000	1
Dept of Transportation Redwood City	Z8256	Redwood City	\$2,000	1
Enrique/Maria Perez	W3195	Menlo Park	\$550	1
Excel Site Services Inc.	V1204	South San Francisco	\$1,000	2
Sewer Authority Mid-Coastside	A1533	Half Moon Bay	\$1,000	1
State of California - CALTRANS	V7403	Foster City	\$2,000	1

Total Violations Closed: 15

**Closed Notice of Violations with Penalties by County
April 1, 2022 – June 30, 2022 (continued)**

Santa Clara

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Almaden Golf & Country Club	Z9007	San Jose	\$3,000	1
F & F Steel & Stairway Inc	A5149	San Jose	\$500	1
Planetary Ventures	FA482	Mountain View	\$1,000	1
San Jose State University (Cogen Plant)	A7265	San Jose	\$1,000	1
Sigma Property Ventures	FA402	Cupertino	\$250	1
Stanford University	A0639	Palo Alto	\$1,000	1

Total Violations Closed: 6

Solano

Site Name	Site #	City	Penalty Amount	# of Violations Closed
City of Benicia - Corporation Yard	FA204	Benicia	\$2,500	1
County of Solano	FA105	Fairfield	\$1,500	2
Flavor Insights	E3642	Benicia	\$3,000	1
Travis Unified School District	FA291	Fairfield	\$1,000	1
Valero Refining Company	B5574	Benicia	\$9,000	1
Valero Refining Company - California	B2626	Benicia	\$336,000	25

Total Violations Closed: 31

Sonoma

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Herc Rentals	Z6009	Rohnert Park	\$500	1

Total Violations Closed: 1

Company Address Outside Bay Area

Site Name	Site #	City	Penalty Amount	# of Violations Closed
7-Eleven Inc.	Z8587	District Wide	\$3,000	3
Belmont Village Senior Living	Z9585	District Wide	\$1,500	2
BP Products North America, Inc	FA103	District Wide	\$2,000	1
Lawton Construction & Restoration	FA183	District Wide	\$500	1
Ocean Shipholdings Inc (USS John Glenn)	FA197	District Wide	\$1,500	1

Total Violations Closed: 8

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Memorandum

To: Chairperson John J. Bauters and Members
 of the Board of Directors

From: Sharon L. Landers
 Interim Executive Officer/APCO

Date: September 7, 2022

Re: Authorization to Execute a Purchase Order with Teledyne Inc.

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute a purchase order with the following vendor in the amount listed below:

Vendor	Amount	Purchase Description
Teledyne Inc.	\$115,402.76	Purchase a Forward Looking Infrared (FLIR) Camera Model GFx320 for purposes of detecting hydrocarbon leaks.

BACKGROUND

The FLIR Model GFx320 optical gas imaging camera allows inspectors to safely and efficiently detect hydrocarbon leaks from various sources. Staff can identify inaccessible hydrocarbon leaks commonly out of reach during routing inspections/investigations. In addition, it allows staff to monitor hydrocarbon leaks from a safe distance and avoid entry into a hazardous environment. The Air District currently owns one of these cameras. This means there is limited availability of the current camera for all staff. The current camera commonly resides in the North Bay for use at petroleum refineries and fuel terminals. Due to the high demand for the camera in the North Bay, it is rarely available when needed for inspections in the southern portion of the Air District. Adding the second FLIR camera will allow for more opportunities for increased use at additional sites.

DISCUSSION

As stated above, the Air District has already purchased one FLIR GFx320. At that time, we received quotes and evaluated multiple optical gas cameras. The FLIR GFx320 was chosen because it is certified as intrinsically safe, which is a requirement for facilities where field staff would utilize this camera. In many cases, there is a need for field staff to utilize the FLIR camera in more than one location, at the same time. Having a second camera would allow staff to provide that capability.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The total cost of the purchase request is \$115,402.76. This is a capital investment. The Air District will fund this purchase using capital money from the Compliance Assurance Program (403) Account 60125, Lab and Monitoring Equipment. Funding sources have been verified to ensure there are enough funds to complete this purchase.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Ed Giacometti

Reviewed by: Damian Breen

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Authorization to Execute Contract Amendment with Kadash & Associates, LLC

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute contract amendment for Kadash & Associates, LLC in an amount not to exceed \$243,600.

BACKGROUND

The Air District completed a Request for Proposal (RFP) for federal legislative advocacy in the summer of 2021 that concluded with the award to Kadash & Associates, LLC.

DISCUSSION

Kadash & Associates, LLC contract No. 2021.180 is set to expire on September 30, 2022. Staff is requesting a one-year extension with a monthly retainer increase of 3% to account for inflation, totaling \$243,600 (\$120,000 for year one and \$123,600 for year two).

Continuing the Air District's legislative advocacy at the federal level could yield significant benefits for the Air District and for the residents in the Bay Area Region. While it is a politically divisive environment at the federal level, there are many benefits in promoting the work of the Air District, and in requesting legislative and fiscal support for programs that benefit our residents. California has the largest federal delegation and is incredibly fortunate to have important members on all the key Congressional committees, such as Energy & Commerce; Transportation and Infrastructure; Ways and Means; and, of course, significantly, the Speaker of the House.

Participating in the federal legislative process will provide opportunities to benefit more from upcoming federal legislative efforts, and in the annual federal budget process. The Air District also has expertise that can be shared at the national level. To name a few examples, the Air District has been early adopters of programs related to wildfire smoke response, clean technology, and community scale programs.

Kadesh & Associates, LLC has extensive experience in appropriations, transportation, energy, and environmental issues, and has been successful in working effectively with the Executive Branch, government agencies, and regulatory bodies in advancing their clients' priorities. Kadesh & Associates, LLC specializes in representing California agencies, and its staff includes recent high-level staff members from prominent California legislators. The Air District has been very satisfied with our advocacy results to date and with the work of Kadesh & Associates, LLC in that regard.

The Air District has contracted with Kadesh & Associates, LLC since 2019.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District's approved budget for Fiscal Year Ending (FYE) 2022-23 includes \$120,000 for federal legislative advocacy services. Due to the proposed 3% inflation increase in the amended contract, the months of October 2022 through June 2023 will have an additional cost of \$300 per month, totaling \$2,700 that was not previously budgeted for. The cost for the remaining months of the amended contract will be included in the Air District's proposed budget for FYE 2023-24.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

- 1. Executed Original Contract: Kadesh & Associates - Contract No. 2021.180
- 2. Draft Contract Amendment 1: Kadesh & Associates - Contract No. 2021.180

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PROFESSIONAL SERVICES CONTRACT

CONTRACT NO. 2021.180

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 **Kadesh & Associates, LLC** (“CONTRACTOR”) whose address is 230 Second Street SE, Washington, DC 20003.

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 described in the Scope of Work, attached hereto as Attachment A and made a part hereof by this reference. 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. 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 paragraphs A-E above.

4. TERM – The term of this Contract is from October 1, 2021 to September 30, 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.

5. 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 10 below. Immediately upon receipt of the notice of termination, CONTRACTOR shall cease all work under this Contract, except such work as is specified in the notice of termination. CONTRACTOR shall deliver a final invoice for all remaining work performed but not billed, including any work 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 perform 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 10.
 - v) The non-breaching party reserves all rights under law and equity to enforce this Contract and recover any damages.

6. 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.

- iv) Professional liability insurance with limits not less than one million dollars (\$1,000,000) each claim.
- 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.

7. 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.

8. PAYMENT

- A. DISTRICT shall pay CONTRACTOR for services in accordance with the terms set forth in the Cost Schedule, which is attached hereto as Attachment B and incorporated herein by this reference.
- B. CONTRACTOR shall submit invoice(s) to DISTRICT for services performed. Each invoice shall specify the total cost of the services for which the invoice is submitted, shall reference tasks shown in the Scope of Work, the hours associated with same, or percentage completion thereof, and the amount of charge claimed, and, as appropriate, shall list any charges for equipment, material, supplies, travel, and subcontractors' services.
- C. DISTRICT's payment of invoices shall be subject to the following limitations and requirements:
 - i) Each invoice, including supporting documentation, shall be prepared in duplicate on CONTRACTOR's letterhead; shall list DISTRICT's contract number, the period covered by the invoice, and the CONTRACTOR's Social Security Number or Federal Employer Identification Number; and shall be submitted to: Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA 94105, Attn: Alan Abbs.
 - ii) DISTRICT shall not pay interest, fees, handling charges, or the cost of money on the Contract.

- iii) DISTRICT shall pay CONTRACTOR within thirty (30) calendar days after approval by DISTRICT of an itemized invoice.
 - D. The total amount for which DISTRICT may be held liable for the performance of services specified in this Contract shall not exceed \$120,000.
9. 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 \$120,000. The mediation costs shall not reduce the maximum amount recoverable under this section.
10. 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: Alan Abbs

CONTRACTOR: Kadesh & Associates, LLC
230 Second Street SE
Washington, DC, 20003
Attn: Mark Kadesh

11. 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.

12. 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. DISTRICT reserves the right to review the credentials to perform the work of 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.

13. 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.

14. 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.

15. 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.

16. 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 work 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.

17. 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.

18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
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25. 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.

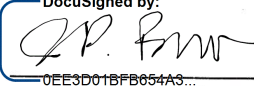
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27. SURVIVAL OF TERMS – The provisions of sections 7 (Indemnification), 13 (Confidentiality), 14 (Intellectual Property Rights), and 15 (Publication) shall survive the expiration or termination of this Contract.

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

KADESH & ASSOCIATES, LLC

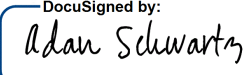
By: 
DocuSigned by:
0EE3D01BFB654A3...
Jack P. Broadbent
Executive Officer/APCO

By: 
Mark Kadesh
President

Date: 10/21/2021

Date: 10/18/21

Approved as to form:
District Counsel

By: 
DocuSigned by:
150A910F907E4D3...
Adan Schwartz
Acting District Counsel

ATTACHMENT A

SCOPE OF WORK

CONTRACTOR shall assist with DISTRICT's federal advocacy efforts in Washington, D.C. Work will include the following:

1. Work with DISTRICT to develop and execute a results-oriented federal advocacy and funding agenda;
2. Align DISTRICT priorities with the priorities and interests of key members of Congress;
3. Ensure the entire California Congressional delegation has an understanding of DISTRICT needs and priorities, and develop champions among the Bay Area delegation;
4. Determine the best way to frame DISTRICT actions and proposals to achieve the most promising strategy for the DISTRICT's desired policy and funding goals;
5. Assist DISTRICT in obtaining federal funding to support DISTRICT efforts related to the reduction of, and exposure to ozone, particulate matter, toxic air contaminants, and other emissions;
6. Work with Congress, particularly California delegation, to secure funding for clean technology development and deployment to address mobile source emissions; and
7. Work with Congressional staff to expand and increase funding to the Environmental Protection Agency, United States Department of Energy, and other agencies to support DISTRICT goals and efforts regarding policy and funding.

ATTACHMENT B

COST SCHEDULE

DISTRICT shall pay CONTRACTOR a fixed monthly retainer fee of \$10,000 per month for the work outlined in Attachment A, Scope of Work. Payments will be made in accordance with Section 8, Payment, of this Contract.

Total cost of Contract not to exceed \$120,000.

AMENDMENT NO. 1 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2021.180

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, July 28, 2022.

RECITALS:

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Kadesh & Associates, LLC** (“CONTRACTOR”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled contract for federal advocacy services (the “Contract”), which Contract was executed on behalf of CONTRACTOR on October 18, 2021, and on behalf of DISTRICT on October 21, 2021.
2. The PARTIES seek to amend the term and total cost to the Contract because the DISTRICT seeks to continue receiving services from CONTRACTOR prescribed in the Contract and CONTRACTOR desires to provide those services.
3. In accordance with Section 26 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 4, “Term.” The term of the Contract shall be extended so that the termination date of the Contract is now September 30, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph D of Section 8, “Payment,” of the Contract to replace “\$120,000” with “\$243,600.”
3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph F of Section 9, “Dispute Resolution,” of the Contract to replace “\$120,000” with “\$243,600.”
4. By this Contract Amendment, DISTRICT and CONTRACTOR replace Attachment B, Cost Schedule, with the attached “Attachment B-1, Cost Schedule” and agree that all references in the Contract to Attachment B shall be deemed to refer to Attachment B-1, Cost Schedule.
5. 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

KADESH & ASSOCIATES, LLC

By: _____
Veronica Eady
Acting Executive Officer/APCO

By: _____
Mark Kadesh
President

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

ATTACHMENT B-1

COST SCHEDULE

DISTRICT shall pay CONTRACTOR a fixed monthly retainer fee of \$10,000 per month for the work outlined in Attachment A, Scope of Work. Payments will be made in accordance with Section 8, Payment, of this Contract.

Effective October 1, 2022, DISTRICT shall pay CONTRACTOR a fixed monthly retainer fee of \$10,300 per month for the work outlined in Attachment A, Scope of Work. Payments will be made in accordance with Section 8, Payment, of this Contract.

Total cost of Contract not to exceed \$~~120,000~~243,600.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Authorization to Execute Contract Amendment with Enforce LLC

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to extend the terms of the contract with Enforce LLC for a one-year term at a total cost of \$84,000 during fiscal year ending 2023.

BACKGROUND

In October 2019, the Air District implemented an upgrade to the payroll system with Ceridian Payroll Services. Enforce, LLC was the consulting firm that Ceridian used to program and customize the payroll system per the Air District's pay requirements. Enforce, LLC consultants worked closely with Air District staff on the design and implementation of the upgraded system.

The system required customization for specific maintenance and customization past the implementation agreement with Ceridian Payroll Services, so the Air District contracted directly with Enforce, LLC to provide ongoing maintenance and customization for the system post-implementation.

Enforce, LLC is familiar with the intricacies, complex design, and payroll rules that are unique to the Air District's payroll program and are experts in the Ceridian Payroll Services product. Because of this expertise, Enforce, LLC has been able to execute maintenance activities and provide technical support without the cost that any other vendor would incur to learn the programming of the Ceridian system and the Air District's custom programming. In seeking contractors for this work, it was determined that Enforce, LLC was one of only a few contractors that were recommended by Ceridian to provide programming for the Ceridian system. Since Enforce, LLC was already familiar with the Air District's custom programming, the firm was selected to continue doing this work.

DISCUSSION

This contract amendment will allow the Air District to continue the essential and timely administration of the Air District's payroll and human resources programs by implementing customization requirements and maintenance for regulatory and policy changes.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The costs for this contract are included in the Fiscal Year Ending 2023 budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: David Minuk
Reviewed by: Judy Yu and Terri Levels

ATTACHMENTS:

1. Original Executed Contract - Enforce LLC Contract No. 2020.097
2. Draft Amendment 2 Contract - Enforce LLC Contract No. 2020.097

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PROFESSIONAL SERVICES CONTRACT

CONTRACT NO. 2020.097

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 **Enforce, LLC** (“CONTRACTOR”) whose address is 505 Sansome Street, #2025, San Francisco, CA 94111.
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 described in the Scope of Work, attached hereto as Attachment A and made a part hereof by this reference. 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. 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 D above.
4. TERM – The term of this Contract is from date of Contract execution to June 1, 2021, 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.
5. TERMINATION

- A. 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 perform 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 10.
 - v) The non-breaching party reserves all rights under law and equity to enforce this Contract and recover any damages.

6. 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.

7. 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.

8. PAYMENT

- A. DISTRICT shall pay CONTRACTOR for services in accordance with the terms set forth in the Cost Schedule, which is attached hereto as Attachment B and incorporated herein by this reference.
- B. CONTRACTOR shall submit invoice(s) monthly to DISTRICT for services performed. Each invoice shall reference each task shown in the Scope of Work and specify: (i) the hours associated with each task; (ii) the percentage completed thereof; (iii) the total cost of services for which the invoice is submitted; (iv) the total Monthly Hours claimed and balance of Unused Monthly Hours; and (v) a detail list of charges for equipment, material, supplies, travel, and subcontractors' services, if any.
- C. DISTRICT's payment of invoices shall be subject to the following limitations and requirements:
 - i) Each invoice, including supporting documentation, shall be prepared in duplicate on CONTRACTOR's letterhead; shall list DISTRICT's contract number, the period covered by the invoice, and the CONTRACTOR's Social Security Number or Federal Employer Identification Number; and shall be submitted to: Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA 94105, Attn: Judy Yu.
 - ii) DISTRICT shall not pay interest, fees, handling charges, or the cost of money on the Contract.
 - iii) DISTRICT shall pay CONTRACTOR within thirty (30) calendar days after approval by DISTRICT of an itemized invoice.
- D. The total amount for which DISTRICT may be held liable for the performance of services specified in this Contract shall not exceed \$96,000.

9. 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 \$96,000. The mediation costs shall not reduce the maximum amount recoverable under this section.
10. 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: Judy Yu

CONTRACTOR: Enforce LLC
505 Sansome Street #2025
San Francisco, CA 94111
Attn: Michael McKay

11. 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.
12. 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.

13. 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.
14. 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.
15. 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.

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- 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.
16. 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 work 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.
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21. 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.
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25. 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.
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27. SURVIVAL OF TERMS – The provisions of sections 7 (Indemnification), 13 (Confidentiality), 14 (Intellectual Property Rights), and 15 (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

ENFORCE, LLC

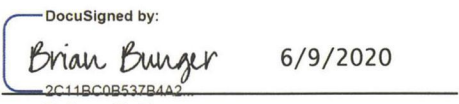
By: 
Jack P. Broadbent
Executive Officer/APCO

By: 
Michael McKay
Chief Operations Officer

Date: 6/11/20

Date: 6/3/2020

Approved as to form:
District Counsel

By:  6/9/2020
Brian C. Bunger
District Counsel

ATTACHMENT A

SCOPE OF WORK

1. Overview

DISTRICT has requested services to improve DISTRICT's Ceridian Dayforce Human Capital Management System ("**Ceridian Service**" or "**Dayforce**") from CONTRACTOR through CONTRACTOR's Technical Account Management Plus ("**TAM+**") services. The goal is to improve Dayforce's overall performance and value.

2. Objectives

DISTRICT has requested that CONTRACTOR provide resources to augment the DISTRICT's resource capability and capacity with efforts of the Ceridian Service (the "**Project**"). CONTRACTOR and DISTRICT shall commit resources to work on the Project as set forth below (the "**Project Team**") to complete the activities within this Scope of Work ("**SOW**"). CONTRACTOR will leverage existing Dayforce implementation project experiences as a foundation for all TAM+ related activities. It is CONTRACTOR's desire to perform services in an efficient and effective manner. CONTRACTOR's primary objective is to assist the DISTRICT in realizing its desired return on investment objectives from the Dayforce application. CONTRACTOR's team will assess issues and seek to resolve them in a prompt and accurate manner.

3. Scope

CONTRACTOR shall provide the Professional Services described below. The scope of the Project will include (i) Dayforce configuration; (ii) custom Dayforce reporting including, but not limited to, general ledger reports; (iii) insights & analytics leveraging Dayforce data; (iv) Dayforce organization structure best practice input; (v) executive solution consulting input; and (vi) Dayforce new release support. CONTRACTOR shall provide a TAM+ trouble ticket system to capture the DISTRICT's Dayforce issues.

The DISTRICT and CONTRACTOR will hold regular Project status meetings with full Project Team to facilitate the implementation of this SOW.

CONTRACTOR will have a fixed number of hours ("**Monthly Hours**") per month that are available upon request from the DISTRICT to perform these Dayforce related tasks. The Monthly Hours available to the DISTRICT shall be up to 42 hours per month, and will be allocated to the following tasks in approximately the associated percentages ("**Suggested Allocations**"):

- ✦ 60% - TAM+ Support/Configuration Fixes including DISTRICT trouble ticket monitoring & resolution, where possible (excludes Dayforce product related support)
- ✦ 30% - Custom Reporting
- ✦ 5% - Insights & Analytics
- ✦ 5% - TAM+ Project Management
- ✦ (pending allocation, subject to release schedule) - New Release Support

DISTRICT may elect to change the Monthly Hours percentage allocations from the Suggested Allocations, subject to DISTRICT communicating the change by email to CONTRACTOR. The Monthly Hours usage will be strictly limited to the tasks indicated above.

Unused Monthly Hours (“Unused Monthly Hours”) shall be permitted to carry forward into future months). The Unused Monthly Hours shall be strictly limited to the previous 3-month period and shall be capped at a maximum of 126 hours. Should DISTRICT choose to Terminate or not renew the Term of this Agreement, any Unused Monthly Hours will be void.

Should the DISTRICT desire to add additional hours during a given month or add additional tasks, the process outlined below in Section 5, “Changes to Project Scope” shall be followed.

CONTRACTOR shall add and invoice additional requested hours at a rate of \$200/hour.

The following are out of scope for this SOW:

- Ceridian Dayforce product related issues that require changes to the Ceridian Dayforce product source code are not within the scope and will require the DISTRICT to seek Dayforce product support directly from Ceridian.

4. Staffing

CONTRACTOR will assign a single point of contact to the DISTRICT for all activities within the scope of this SOW. CONTRACTOR will provide up to five (5) implementation consultants to work with the DISTRICT during the TAM Project. The specific resource staffing and schedule will be maintained by the CONTRACTOR’s point person and will be adjusted based on the specific task needs during the month.

5. Changes to Project Scope

Any requests to change the Scope of the Project, as detailed in Section 3, Scope, or requests to add additional hours beyond the 42 hours per month, as detailed in Section 3, Scope, must be made in accordance with Section 26 of the Contract, Entire Contract and Modification.

ATTACHMENT B

COST SCHEDULE

Fees and Expenses

CONTRACTOR will perform the Professional Services outlined in Attachment A, Scope of Work, on a fixed fee basis as outlined below.

Services Fees

CONTRACTOR’s Professional Services Fees shall be invoiced in accordance with Section 8, Payment and the payment schedule below.

Payment Schedule for Technical Account Management Plus	Amount Due
Payments due within thirty (30) days upon DISTRICT receipt of a monthly invoice <i>Note: Initial Payment shall be due within thirty (30) days upon DISTRICT receipt of an invoice and following Contract Execution.</i>	\$8,000

CONTRACTOR shall add and invoice additional requested hours at a rate of \$200/hour.

CONTRACTOR shall direct Invoices to

Contact Name: Judy Yu

Email Address: jyu@baaqmd.gov

Phone Number: 415 749-4626

Billing Address: 375 Beale Street, Ste 600, San Francisco, CA 94105

The DISTRICT PO (if required): _____

Travel Expenses

Any travel, Per Diem and project expenses incurred will be the responsibility of the DISTRICT. For any travel and accommodations, DISTRICT will pay CONTRACTOR for reasonable transportation, hotel and incidental costs in accordance with Attachment C, Contractor Travel Policy.

Total cost of Contract not to exceed \$96,000.



Committed to Achieving Clean Air to Protect
the Public's Health and the Environment

Attachment C Contractor Travel Policy

Contractors who are under agreement with the District and who plan to bill the District for travel expenses per the terms of their Contract must adhere to this Contractor Travel Policy.

GUIDELINES

Making Travel Arrangements

When making travel arrangements, Contractor should take reasonable measures to secure the lowest fares and prices for transportation, lodging, and food. Documentation of this research will be required to receive reimbursement. **Please note that booking travel and hotel arrangements at the same time can result in significant savings to the District and therefore is encouraged.**

1. The Bay Area Air Quality Management District shall reimburse travel-related expenses to cover lodging, meals, other incidental expenses and costs of transportation subject to the following limitations:
 - **Air Transportation** - Coach class rate for all flights. If coach is not available, business class rate is permissible only with prior written client approval.
 - **Car Rental** – A compact car rental. Mid-size cars rentals are permissible if the rental is shared by three or more individuals.
 - **Lodging** – Holiday Inn will be used up to the [federal GSA FTR rates](#) for San Francisco, California. If Holiday Inn is not used then reimbursement will be at the [current rate for a standard room at Holiday Inn](#).
 - **Meals** – Up to the [federal GSA FTR rates](#) for San Francisco, California.
 - **Incidentals** – Up to the [federal GSA FTR rates](#) for San Francisco, California.
 - **Mileage** – Reimbursement will be provided at the [current reimbursement rate](#) for each mile, or the equivalent of the IRS Mileage rate, whichever is greater.
 - **Parking** - Travelers will be reimbursed for airport parking or nearby lots for overnight or day trips. For trips ranging from 2-7 days, outlying or long-term lots are recommended. For trips of longer duration, the cost of shuttle service in lieu of parking charges shall be considered. Travelers will be reimbursed for parking near the BAAQMD office for meetings.
 - **Ground Transportation** – The least expensive means of transportation shall be used within the Bay Area, considering time and other constraints. Travelers not affiliated with the San Francisco or Oakland office will be reimbursed for public transportation and taxis, provided they do not have a rental car

2. Supporting documentation shall be provided for travel-related expenses in accordance with the following requirements:
 - **Airfare, Car Rentals, Lodging** – Bills for actual expenses incurred.
 - **Meals** – Meals billed in excess of \$25.00 each day require receipts or other supporting documentation for the total amount of the bill to be approved by the DISTRICT.
 - **Other Travel Related Expenses** – Receipts are required for all individual items in excess of twenty five dollars (\$25.00).
3. Travel Time Charging
 - Contractor employees (and subcontractors) are to record hours actually worked (those in which a benefit to the DISTRICT was provided during travel) when traveling on business for the firm. This normally will not include all hours during travel, except when all travel is within the normal business day (8:00 AM – 5:00 PM). If travel is on a normal business day, then travel will be arranged for morning or evening so as to minimize travel during working hours (8:00 AM – 5:00 PM) and maximize on-site time on the day of travel. Time that is incurred because of personal preference or combining personal travel with business is not to be charged to the DISTRICT.

AMENDMENT NO. 2 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2020.097

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

RECITALS:

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Enforce, LLC** (“CONTRACTOR”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled contract for technical account management services to configure, improve, and customize DISTRICT’s Ceridian/Dayforce System (the “Contract”), which Contract was executed on behalf of CONTRACTOR on June 3, 2020, and on behalf of DISTRICT on June 11, 2020.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated May 17, 2021, for reference purposes only, to extend, total cost, Scope of Work, and the Cost Schedule the term of the Contract.
3. The PARTIES seek to amend the term and total cost to the Contract because the DISTRICT seeks to continue receiving services from CONTRACTOR prescribed in the Contract and CONTRACTOR desires to provide those services.
4. In accordance with Section 26 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 4, “Term.” The term of this Contract shall be extended so that the termination date of the Contract is now June 30, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph D of Section 8, “Payment,” of the Contract to replace “\$180,000” with “\$264,000.”
3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph F of Section 9, “Dispute Resolution,” of the Contract to replace “\$180,000” with “\$264,000.”

4. 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

ENFORCE, LLC

By: _____
Sharon L. Landers
Interim Executive Officer/APCO

By: _____
Michael McKay
Chief Operations Officer

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander G. Crockett
District Counsel

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Authorization to Execute a Legal Services Agreement with Woodruff, Spradlin & Smart to Represent the Air District in *The Athletics Investment Group LLC v. Bay Area Air Quality Management District et al.*

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute a legal services agreement with Woodruff, Spradlin & Smart, in an amount not to exceed \$400,000 to represent the Air District in the matter of *The Athletics Investment Group LLC v. Bay Area Air Quality Management District et al.*; and authorize the transfer of \$400,000 from the Litigation Contingency General Fund Reserves to amend the Fiscal Year 2022-2023 Legal Office's Litigation program budget. (Note that there is also a Closed Session item on today's agenda to discuss this case with legal counsel.)

BACKGROUND

The owners of the Oakland As baseball club have filed a lawsuit alleging that the Air District has improperly issued permits to Schnitzer Steel Industries, Inc., for Schnitzer's metal shredding and recycling facility in Oakland. The lawsuit seeks an order requiring the Air District to revoke the facility's permit to operate. The lawsuit is part of a larger ongoing legal and political dispute between the As on one side and the Port of Oakland and related industrial facilities on the other side about whether the As should be allowed to build their new ballpark stadium project at Howard Terminal, which is adjacent to the Schnitzer facility. The Air District denies that it has improperly issued any permits and is vigorously contesting the case.

After being served with the lawsuit, the District Counsel's Office determined that this litigation needs to be handled by qualified outside counsel because of the high-profile nature and importance of the case, the highly complex nature of the legal issues involved (involving the nuances of the Air District's New Source Review and Title V permitting regulations), and the current staffing needs and workload in the Legal Division.

The Air District needed to retain counsel immediately in order to respond to the lawsuit within the applicable deadlines. Moreover, there are only a small number of law firms in California that have the expertise, experience and ability to litigate complex cases involving state and federal Clean Air Act regulatory issues on behalf of a public agency, and these firms are already well-known within the small circle of California air quality lawyers. Given this situation, the District Counsel's office did not undertake a formal public bid process. Instead, it contacted the firms with expertise in this area to determine what outside counsel would be best to handle this case. The District Counsel's office contacted firms that its attorneys already had relationships with, and also reached out to our sibling air districts to inquire about firms that these agencies have used for similar work.

The District Counsel's office ultimately discussed potential representation with three firms with the requisite experience and abilities to handle this case, including Woodruff, Spradlin & Smart. One candidate firm discovered it had a conflict that could not be waived, and as between the two others, Woodruff, Spradlin & Smart, and its Director Bradley Hogin, Esq., had more experience representing agencies like the Air District in situations where a permit issued to a regulated entity is being challenged by a third party. Mr. Hogin has in fact represented other California air districts in permit challenges highly similar to this one, among other similar matters. Woodruff, Spradlin & Smart therefore seemed better suited to handle this case, and there was essentially no difference in the hourly rates charged by the firms. The Air District therefore decided to retain Woodruff, Spradlin & Smart to respond to the lawsuit.

Staff initially entered into an engagement letter with Woodruff, Spradlin & Smart for work up to \$30,000 to cover responding to the lawsuit and related work for the initial phase of the case. After the Air District filed its answer, Staff then amended that initial engagement letter to authorize further work up to \$95,000 to cover removing the case to federal court and the preparation of the administrative record on which the case will be decided. This initial engagement was within the contracting authority of the Executive Officer/APCO without the need for approval by the Board of Directors, per Division II, Section 4.3 of the Administrative Code. Staff now seek approval from the Board of Directors to authorize a further amendment to cover work through the remainder of the litigation in the trial court.

DISCUSSION

Woodruff, Spradlin & Smart has been highly effective in representing the Air District thus far in this matter, and the decision to retain this firm appears to have been a good one. Staff therefore recommend continuing with this representation throughout the rest of the case in the trial court. Staff recommend authorizing work up to a limit of \$400,000 to cover work through conclusion of the trial court proceedings, which is Woodruff, Spradlin & Smart's estimate of the costs to complete that work based on the firm's experience in defending public agencies in comparable litigation. This is only an estimate, as litigation costs cannot be predicted with certainty. Accordingly, it is possible that litigation expenses could exceed the projected estimate. Woodruff, Spradlin & Smart will provide the District with advance notice if it expects the total litigation costs to exceed \$400,000. In the event that it looks like costs could exceed this amount, staff will come back to the Board to seek a supplemental authorization before exceeding the authorized limit of \$400,000.

This agenda item is just to authorize a legal services agreement to retain Woodruff, Spradlin & Smart for the litigation. There is also a Closed Session item on today’s agenda in which Mr. Hogin will discuss the case with the Board in a confidential setting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Fiscal Year Ending (FYE) 2023 Approved Budget included \$3 million for litigation contingencies. This budget allocation is sufficient to cover the anticipated costs of this litigation. If authorized, the FYE 2023 Legal Office’s Program 205 – Litigation will be amended by \$400,000 with a transfer of \$400,000 from the Litigation Contingency General Fund Reserves.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander Crockett
Reviewed by: N/A

ATTACHMENTS:

- 1. Amendment to Engagement Letter - Woodruff Spradlin & Smart

BRADLEY R. HOGIN
DIRECT DIAL: (714) 415-1006
DIRECT FAX: (714) 415-1106
E-MAIL: BHOGIN@WSS-LAW.COM

July 29, 2022

ELECTRONIC MAIL

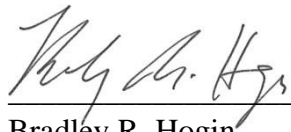
Alexander Crockett, Esq.
District Counsel
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
ACrockett@baaqmd.gov

Re: *The Athletics Investment Group, LLC v. Bay Area Air Quality Management District*

Dear Sandy:

As we have discussed, this letter is to amend the existing Legal Services Agreement between our firm and the Bay Area Air Quality Management District to increase the cap on fees from \$95,000 to \$400,000. Our fees will not exceed \$400,000 without further authorization from you. We will notify you if and when the budget is exhausted. All other provisions of the Agreement remain the same.

Very truly yours,



Bradley R. Hogin
WOODRUFF, SPRADLIN & SMART
A Professional Corporation

ACCEPTED AND AGREED TO:

Sharon Landers
Interim Executive Officer/APCO
Bay Area Air Quality Management District

Alexander Crockett
District Counsel
Bay Area Air Quality Management District



BRADLEY R. HOGIN
DIRECT DIAL: (714) 415-1006
DIRECT FAX: (714) 415-1106
E-MAIL: BHOGIN@WSS-LAW.COM

May 26, 2022

VIA FIRST CLASS AND ELECTRONIC MAIL

Alexander Crockett
Interim Executive Officer/APCO
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
ACrockett@baaqmd.gov

Re: *The Athletics Investment Group, LLC v. Bay Area Air Quality Management District*

Dear Sandy:

You have asked us to represent and advise the Bay Area Air Quality Management District (the "District") in connection with *The Athletics Investment Group, LLC v. Bay Area Air Quality Management District* case.

Scope of the Engagement. You have requested our advice in connection with the above-referenced matter.

Professional Services and Fees. Our professional fees for legal services will be determined by the amount of time our attorneys and paralegals spend on this engagement based on their applicable hourly rates in effect at the time our invoices are rendered. The applicable hourly rates for attorneys and paralegals are listed on the attached Rate Schedule. As indicated on the Rate Schedule, our hourly rates may be adjusted from time to time.

Expenses and Other Charges. In addition to fees for our professional services, there will be charges for expenses which we incur such as court costs, long distance telephone charges, computerized legal research, copying, and faxes. Expenses incurred will be billed at amounts that are competitive with other sources of the same products or services.

Invoices and Payments. We will render our invoices to you monthly for legal services, expenses and other charges. Our invoices are payable upon receipt and are considered overdue if not paid within thirty (30) days. Any statement not paid within sixty (60) days of the date of the statement will incur finance charges at the rate of one and one-half percent (1½ %) per month, compounded monthly.

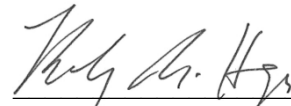
Termination of Agreement. The District has the right to terminate the services of our firm at any time for any reason. The firm also retains the right to terminate this agreement at any time for any reason.

Budget. We understand that there is an initial budget of \$30,000. Our fees will not exceed that amount without further authorization from you. We will notify you if and when the budget is exhausted.

Acceptance of Engagement. If the terms as set forth in this letter are acceptable to you, please execute the enclosed copy and return it to us. Upon our receipt of the executed copy we will be pleased to commence our engagement.

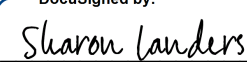
We are pleased that you have selected Woodruff, Spradlin & Smart to represent the District in this matter.

Very truly yours,



Bradley R. Hogin
WOODRUFF, SPRADLIN & SMART
A Professional Corporation

ACCEPTED AND AGREED TO:

DocuSigned by:


522CD4246A5149B... (Signature)

Sharon Landers
Interim Executive Officer/APCO
Bay Area Air Quality Management District

DocuSigned by:


B5AE1A26FCA4453... (Signature)

Alexander Crockett
Counsel
Bay Area Air Quality Management District

**WOODRUFF, SPRADLIN & SMART
RATE SCHEDULE**

Identification

Client: Bay Area Air Quality Management District
Matter: *Oakland A's v. Bay Area Air Quality Management District*

Hourly Rates for Legal Personnel

Directors: \$425 per hour
Associates: \$325 per hour
Paralegals: \$170 per hour

Standard Charges

Attorney charges for Attorney's time in minimum units of six minutes.

Costs and Expenses

Costs advanced will be charged at rates which are competitive with other sources of the same products or services. Rates for in-house costs are currently:

In-office photocopying \$0.25 per page
Clerical staff overtime \$55.00 per hour

Subject to Change

The rates on this schedule are subject to change on 30 days' written notice.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Participation in Community Air Protection Program Fiscal Year Ending (FYE) 2022

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Approve the Air District's acceptance of the Fiscal Year Ending (FYE) 2022 Community Air Protection Program funds; and
2. Authorize the Executive Officer/APCO to execute all necessary agreements with the California Air Resources Board (CARB) to implement the program.

BACKGROUND

Senate Bill 170 (Chapter 240, Budget Act of 2021) provides funds for CARB to allocate to local air quality districts for expenses related to implementation of Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017). The California Air Pollution Control Officers Association (CAPCOA) Board approved an allocation plan for distribution of available funds to the air quality districts.

DISCUSSION

CARB has requested that the Air District's Board of Directors execute a resolution (see Attachment) to accept this funding.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The \$9 million in CAPP-21 funds will support the ongoing Air District's AB617 implementation program and is included in the Air District's FYE 2023 Approved Budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Christy Riviere
Reviewed by: Suma Peesapati

ATTACHMENTS:

1. Draft 21CAPP Acceptance Resolution_clean

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2022 – XX

**A RESOLUTION ACCEPTING COMMUNITY AIR PROTECTION PROGRAM FUNDS
FROM THE CALIFORNIA AIR RESOURCES BOARD**

WHEREAS, Senate Bill 170 (Chapter 240, Budget Act of 2021) provides funds for the California Air Resources Board (CARB) to allocate to local air quality districts;

WHEREAS, Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) directs air districts to implement a Community Air Protection Program;

WHEREAS, the Bay Area Air Quality Management District (District) has been approved by CARB for a grant under the Community Air Protection Program for Fiscal Year 2021-2022;

WHEREAS, the California Air Pollution Control Officers Association Board approved an allocation plan for the available funds;

WHEREAS, CARB will authorize a grant to the District to implement the Community Air Protection Program upon approval by the Board of Directors to accept such grant of funds;

WHEREAS, CARB will award a grant in the amount of \$9,000,000 for Fiscal Year Ending 2021-2022.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's acceptance of the Fiscal Year Ending 2021-2022, Community Air Protection Program funds, to be awarded to eligible District projects in accordance with the CARB Community Air Protection Program guidelines.

BE IT FURTHER RESOLVED, the Executive Officer/ Air Pollution Control Officer is hereby authorized and empowered to execute on behalf of the District all necessary agreements with CARB 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 _____, seconded by _____, on the 7th day of SEPTEMBER, 2022 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

John J. Bauters
Chairperson of the Board of Directors

ATTEST:

Teresa Barrett
Secretary of the Board of Directors

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Report of the Advisory Council Meeting of July 11, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Advisory Council met on Monday, July 11, 2022, and approved the minutes of April 11, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Council participated by teleconference.

The Council then received and discussed the staff presentation Particulate Matter Modeling: Context, Products, and Progress, presenting the context for the Air District's upcoming Particulate Matter modeling work.

The Council then received and discussed the staff presentation Fine Particulate Matter Local Risk Methodology: Update and Key Questions. Staff presented updates to the methodology that are responsive to Advisory Council feedback. Specifically, these respond to feedback concerning: (1) the significance of morbidity endpoints and (2) consideration of at-risk populations. At previous meetings, staff presented results only for the annual risk of mortality for a statistically average Bay Area adult.

The next meeting of the Council will be held on September 12, 2022 at 8:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair Report of the Advisory Council meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Advisory Council July 11, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 11, 2022

Re: Particulate Matter Modeling: Context, Products and Progress

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

At the April 11, 2022 Advisory Council meeting, Air District staff presented four topics related to particulate matter. Three of the four presentations focused on PM modeling, while one focused on the status of implementing recommendations in the Advisory Council's *PM Strategy Reduction Report* and next steps, which were predominately about upcoming modeling work. This report presents the larger context for the Air District's PM modeling work, demonstrates their connections, and summarizes modeling outcomes and timelines.

DISCUSSION

The Air District presented four topics for discussion at the April 11, 2022 Advisory Council meeting: Building Appliance Rules: Exposure and Equity Assessment; Fine Particulate Matter Local Risk Methodology: Key Questions; Combustion Analysis Proposal; and the PM Reduction Strategy Progress Report. The common thread among these various reports was the PM modeling work, which was the core reason for these items to be presented to the Advisory Council.

Building Appliances Rules Exposure and Equity Assessment

Staff presented the model-based evaluation of the impacts of natural gas combustion from residential and commercial space and water heating appliances. The modeling analysis supports the development of draft amendments to Regulation 9, Rule 4: Nitrogen Oxides from Fan Type Residential Central Furnaces ("Rule 9-4") and Regulation 9, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters ("Rule 9-6").

Fine Particulate Matter Local Risk Methodology

The PM_{2.5} Local Risk Methodology was presented to demonstrate its broader regulatory framework, the gap the risk method is intended to fill, to offer examples of source types likely to be covered, and application. Key questions about the PM_{2.5} local risk methodology were discussed, including trade-offs between simplicity and complexity.

Combustion Analysis

Staff presented the idea of doing analyses of all combustion sources in the Bay Area. Analyses would explore health, equity, and possibly climate impacts of combustion. The analyses would also track particulate matter concentrations back to individual source categories of PM. Staff proposed using different, yet compatible, models: the Intervention Model for Air Pollution (InMAP), the Air District's traditional, regulatory-grade, full-chemistry model and US EPA's Benefits Mapping and Analysis Program (BenMAP) to evaluate concentrations and health impacts from selected source categories.

PM Reduction Strategy Update

Staff presented the status of various Air District PM-related work efforts, as they relate to the Advisory Council's *PM Reduction Strategy*. Next steps were also provided, including the evaluation of PM sources identified in the emissions inventory and as key community concern, source prioritization and changes to PM permitting rules, each of which require a better understanding of PM, which PM modeling provides.

The Connections and Larger Context

The common thread amongst each of these presentations is the PM modeling work. In short, two major modeling efforts are underway to inform regional and community strategies and prioritization: the PM_{2.5} Local Risk Methodology and the Combustion Analysis. Each of the presentations summarized above were in reference to one or both efforts. Two of the presentations focused on the individual modeling efforts. The presentation on building appliances rule exposure and equity analysis was an early example of the work that can be done via the Combustion Analysis, while work summarized as "next steps" in the *PM Reduction Strategy Report* update was largely work related to both the combustion analysis and the local risk method, as each will inform strategies and prioritization.

The PM_{2.5} Risk Method, as stated above, is a method to evaluate localized PM_{2.5} health impacts via local-scale modeling of PM_{2.5} concentrations and exposures using a new method. Such evaluations allow for consideration of local PM_{2.5} health impacts in new permitting and CEQA thresholds. The combustion analysis is an assessment of health and equity impacts of PM_{2.5} at regional and local scales. This work will be done via an analysis of individual and combined PM sources, including combustion, using traditional models and the reduced complexity InMap model. The combustion analysis will help us to better understand combustion sources, which will inform rules, such as building appliance Rules 6-4 and 6-5, prioritization, community impacts and emission reduction strategies.

The larger context can be viewed through the lens of the overall objective for PM, and broadly how to achieve it. The overall objective is to reduce PM exposure where it matters most. To

accomplish this objective, the Air District must first identify and adopt policies and/or strategies that effectively reduce particulate matter, i.e., where it matters most. Modeling helps us to determine which policies will be most impactful, or to better understand the health and equity implications of actions we take to reduce particulate matter emissions and exposure. Once effective policies are identified, the Air District takes action via the various tools in its “toolbox.” Tools include rules, permitting, enforcement, incentives, CEQA thresholds and guidance, advocacy and legislation. Lastly, we ought to assess our progress in meeting the greater objective, another area for which modeling may be helpful.

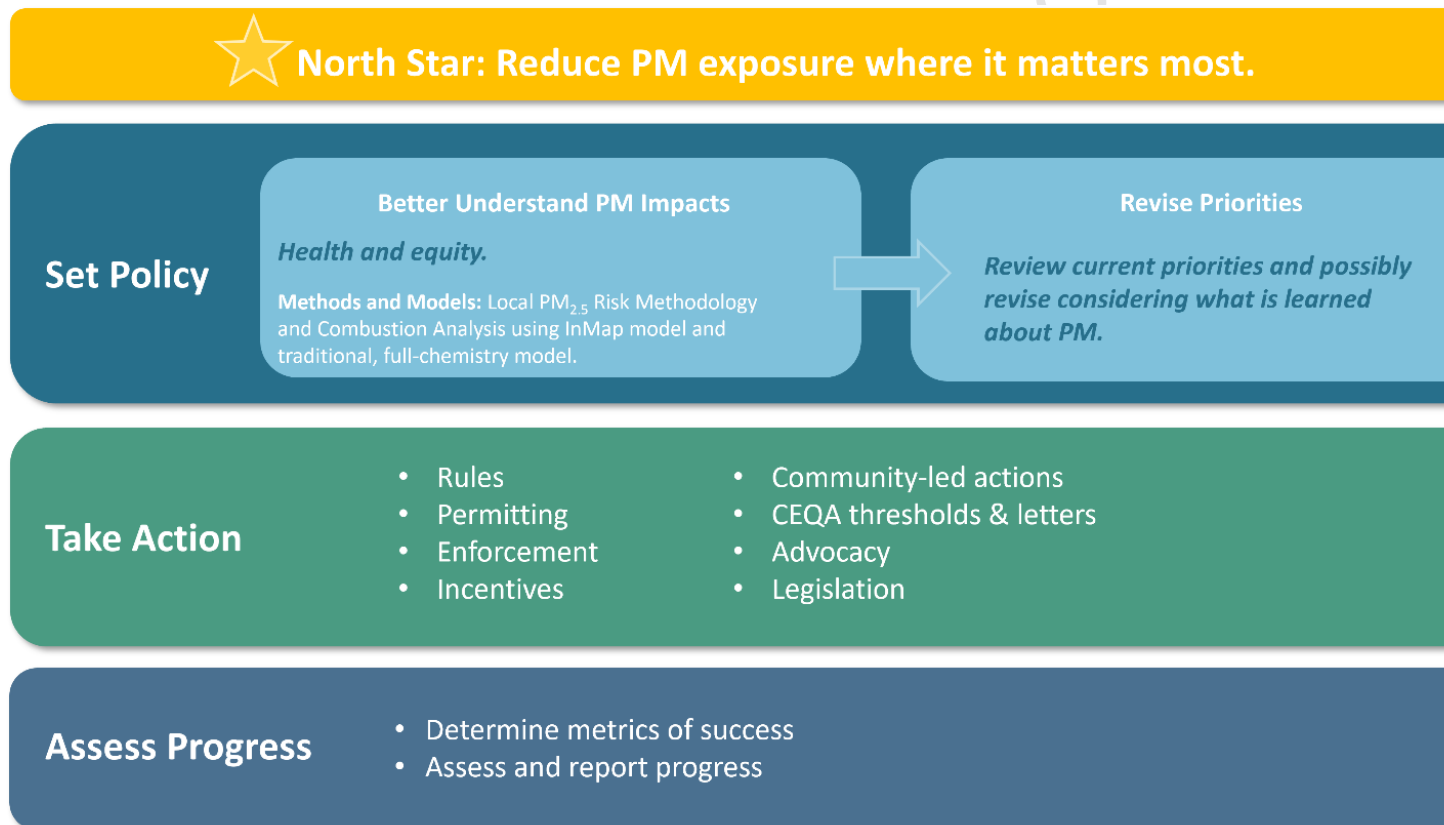


Figure 1: PM Modeling in Context

Modeling Products and Timeline

Over the next year and into 2023, staff will produce three products with the PM_{2.5} Risk Method, and four via the Combustion Analysis.

Local Risk Method

- White paper summarizing evaluation of localized health impacts of PM_{2.5}. (Dec 2022)
- Rule amendments that consider local PM health impacts. (Beginning 2023)
- Updated CEQA guidelines reflecting new information on local PM health impacts. (Beginning 2023)

Combustion Analysis

- Appendices in staff reports for residential wood burning (Sept 2022) and building appliance (Oct 2022) rules.
- All-source assessment report on health and equity impacts of PM_{2.5}. (Winter 2022)
- Richmond-North Richmond-San Pablo community-wide source apportionment and individual source impacts of PM_{2.5} and toxics. (Winter 2022)
- East Oakland community-wide source apportionment and individual source impacts of PM_{2.5} and toxics. (Winter 2023)

Modeling Progress/Update

Staff has made progress on both the PM_{2.5} Risk Method and the Combustion Analysis. Current work related to the PM_{2.5} Risk Method is presented in a separate memo for the July 11, 2022 Advisory Council meeting. Regarding the Combustion Analysis, staff has made progress on both the analysis of building appliances for Rules 9-4 and 9-6, and on the all-source assessment.

Building Appliances

Staff is currently modeling the health impacts of emissions from power plants, as there is some concern that there may be an increase in the use of electricity, due to the passage of the rules. Staff is incorporating consultant work on potential additional electrical power demand. This work is nearly complete. The draft rules, along with the health and equity analysis, will be presented to the Air District Board in October of this year.

All-Source Assessment

Staff is partnering with researchers at the University of Washington and UC Berkeley to build the Intervention Model for Air Pollution (InMAP) for the Bay Area. The model will link PM exposures to sources of PM and PM precursors. Current major outstanding tasks include data format translation and Air District regional modeling to InMAP. This work is approximately 30 percent complete, with more progress expected this summer.

Next Steps

Local Risk Method

- Update the Advisory Council on progress and key questions since April. (July 2022)
- Finalize draft whitepaper with updates and circulate for comments. (September 2022)
- Summarize and address comments received. (November 2022)

Combustion Analysis

- Report to Advisory Council on wood burning impacts and on updates to building appliance rule assessments. (November 2022)
- Report to Advisory Council on all-source assessment report on health and equity impacts of PM_{2.5}. (December 2022)

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Christy Riviere
Reviewed by: Phil Martien and Greg Nudd

ATTACHMENTS:

None

ADVISORY COUNCIL MEETING OF
JULY 11, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 11, 2022

Re: Fine Particulate Matter Local Risk Methodology: Update and Key Questions

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

A regional regulatory framework has been successful in reducing PM_{2.5} exposures for the Bay Area population overall, but an expanded toolset is warranted to accelerate exposure reductions for the most impacted communities and populations. Responding to the Advisory Council's 2020 *Particulate Matter Reduction Strategy Report PM Reduction Strategy Report*, staff have assembled a draft methodology for use in managing health risks posed by specific sources of PM_{2.5} at a local level.

At the Advisory Council Meeting on April 11, 2022, Agenda Item 5 ("Fine Particulate Matter Local Risk Methodology: Key Questions") discussed the draft methodology and considerations related to its implementation. This agenda item continues that earlier discussion, provides a review and update on Air District staff's work related to this effort, and poses additional key questions to the Advisory Council.

DISCUSSION

Staff will present updates to the methodology that are responsive to Advisory Council feedback. Specifically, these respond to feedback concerning: (1) the significance of morbidity endpoints and (2) consideration of at-risk populations. At previous meetings, staff presented results only for the annual risk of mortality for a statistically average Bay Area adult.

Staff will present a revised approach that aligns closely with that of traditional health risk assessments (HRAs) conducted by the Air District. Facility-specific or other source-specific risk metrics are calculated using modeled impacts corresponding to maximally exposed individual (MEI) receptors. The approach assumes a multi-year exposure window that maximizes age sensitivity for the modeled population and health endpoint. Draft results will illustrate its

application to the risk of premature mortality for working-age adults and seniors, as well as to the risk of asthma onset in children.

Staff will present information from current scientific literature concerning selected dimensions of variation, other than age-sensitivity, in estimated effect sizes for PM_{2.5} and adult mortality. These dimensions include: (1) individual data on socioeconomic status (SES) and race/ethnicity, (2) group-level indicators of SES, and (3) lower annual average baseline concentrations of PM_{2.5}. Key questions for the Council will concern the applicability of safety/uncertainty factors that take available evidence into account.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: David Holstius
Reviewed by: Phil Martien and Greg Nudd

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Report of the Legislative Committee Meeting of July 11, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Legislative Committee met on Monday, July 11, 2022, and approved the minutes of June 13, 2022. This meeting was conducted under procedures in accordance with Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received and discussed the staff presentation *State Legislative Budget Update*, capturing statewide funding amounts for the 2022-23 State Budget versus those from the previous year.

The Committee then received and discussed the staff presentation *Air District-Sponsored Bills*, summarizing bills that are being sponsored by the Air District. These bills included:

- Assembly Bill 1897 (Wicks) - Nonvehicular air pollution control: civil penalties: refineries;
- Assembly Bill 2214 (C. Garcia) - California Environmental Quality Act: schoolsites: acquisition of property; school districts, charter schools, and private schools;
- Assembly Bill 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation; and
- Assembly Bill 2836 (E. Garcia) - Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

Finally, the Committee received and discussed an oral presentation from Alan Abbs, Legislative Officer, regarding the following legislation:

- Assembly Bill 2910 (Santiago) - Nonvehicular air pollution: civil penalties;
- Senate Bill 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption; and
- California Proposition 30 – Sales and Income Tax Increase Initiative (2012). This is also known as the “Tax on Income Above \$2 Million for Zero-Emissions Vehicles and Wildfire Prevention Initiative.”

The next meeting of this Committee will be held on Monday, October 10, 2022 at 1:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair’s Report of the Legislative Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Legislative Committee July 11, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 11, 2022

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

- January 10, 2022 – Governor Newsom released his initial proposal for the fiscal year (FY) 2022-23 Budget.
- May 13, 2022 – Governor released the May Revision (May Revise) to the proposed 2022-23 Budget.
- June 13, 2022 – Budget bill Senate Bill (SB) 154 (Skinner) was passed by the Legislature and sent to the Governor.
- June 27, 2022 – SB 154 (Skinner) was signed by the Governor.
- June 30, 2022
 - Assembly Bill (AB) 178 (Ting) – Budget Bill Jr, which amends SB 154 – signed by the Governor.
 - AB 180 (Ting) – Budget Bill Jr, which amends the FY 2021-22 budget to make current year allocations – signed by the Governor.
- There is also a substantial trailer bill package to make statutory changes needed to implement the budget agreement.

DISCUSSION

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

Attached is a table of programs significant to the Air District, along with budget data from the previous year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

1. 2022-23 State Budget vs. Previous Year

LEGISLATIVE COMMITTEE
MEETING OF JULY 11, 2022

**2022-23 State Budget vs. Previous Year
Statewide Funding Amounts**

Program	FY 21/22 Approved Budget	FY 22/23 Approved Budget and Trailer Bills (As of 7/5/2022)
AB 617 – Implementation	\$50M	\$50M
AB 617 – Incentives	\$260M	\$240M
AB 617 – Community Grants	\$10M	\$10M
Clean Vehicle Rebate	\$525M	TBD
Clean Truck & Bus	\$315M	\$600M
Ag Diesel Engine Replacement	\$213M	\$150M
Clean Cars For All/ School Bus/Equity	\$150M	\$201M
AB 836 – Clean Air Centers	\$25M	\$0
Prescribed Fire	\$2M	TBD
Carl Moyer Program	\$247M	\$130M
Zero-Emission Lawn and Garden	\$30M	\$0
Woodstove Replacement	\$5M	\$0
Port and Freight Goods Movement Infrastructure		\$1.2B
ZEV Port Equipment		TBD
ZEV Drayage/Transit/ School Bus		TBD
Long-Duration Energy Storage		TBD
Low-Income Residential Decarbonization		TBD
Consumer Rebates for Residential Decarbonization		TBD

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 11, 2022

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This year, the Air District is sponsoring the following three bills:

- Assembly Bill (AB) 1897 (Wicks) – Nonvehicular air pollution control: civil penalties: refineries.
- AB 2214 (C. Garcia and Lee) – California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.
- AB 2721 (Lee) – Bay Area Air Quality Management District: district board: compensation.

The Air District is also co-sponsoring the following bills:

- AB 2836 (E. Garcia) – Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

DISCUSSION

Staff will provide the Legislative Committee with a summary and status of the three Air District-sponsored bills and one co-sponsored bill.

AB 1897 (Wicks) - Nonvehicular air pollution control: civil penalties: refineries.

CapitolTrack Bill Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of those persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. Under current law, a person who violates this

provision, or any other statute, rule, regulation, permit, or order, as provided, is strictly liable for a civil penalty of not more than \$10,000, unless that person alleges by affirmative defense and establishes that the act was not the result of intentional or negligent conduct, in which case the person is strictly liable for a civil penalty of not more than \$5,000. A violator who acts negligently, knowingly, willfully and intentionally, or with reckless disregard, is liable for a civil penalty in a greater amount, as specified. Current law requires the civil penalties to be assessed and recovered in a court of competent jurisdiction through a civil action brought by the Attorney General, a district attorney, or the attorney for the district in which the violation occurs. Current law precludes prosecution under specified statutes if civil penalties are recovered for the same offense. This bill would make a person who violates the above provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, as defined, the discharge results in a disruption to the community, and the discharge contains or includes one or more toxic air contaminants, as specified.

Current Status: AB 1897 was introduced by Assemblymember Wicks on February 9, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 41:25. In the Senate, AB 1897 was double-referred to the Senate Environmental Quality Committee and the Senate Judiciary Committee and made it out of each committee favorably with a vote of 5:1 and 9:1, respectively. AB 1897 has since been referred to the Senate Appropriations Committee and is scheduled to be heard on August 1, 2022.

AB 2214 (C. Garcia and Lee) - California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.

CapitolTrack Bill Summary: Current law requires the governing board of a school district, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. Current law requires the planning commission to investigate the proposed site and submit a written report to the governing board of the school district, as provided. Current law prohibits the governing board from acquiring title to the property until the report of the planning commission has been received. This bill would impose those prohibitions, and related requirements, on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools, as provided. The bill would apply the Phase I environmental assessment requirements to charter schools and private schools, without conditioning the requirements on the receipt of state funds.

Current Status: AB 2214 was introduced by Assembly Members Cristina Garcia and Alex Lee on February 15, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 23, 2022, where it received a vote in favor of 50:19. In the Senate, AB 1897 was double-referred to the Senate Environmental Quality Committee and the Senate Education Committee and made it out of each committee favorably with a vote of 5:1 and 4:2, respectively. AB 2214 has since been referred to the Senate Appropriations Committee and is scheduled to be heard on August 1, 2022.

AB 2721 (Lee) - Bay Area Air Quality Management District: district board: compensation.

CapitolTrack Bill Summary: Current law establishes a district board to govern the Bay Area Air Quality Management District and prescribes the membership of the district board. Current law authorizes the district board to provide, by ordinance, compensation not to exceed \$100 per day for board members for attending meetings of the board or committees of the board or while on official business of the district and not to exceed \$6,000 per year. Existing law also requires board members to receive actual and necessary expenses incurred in the performance of their duties. This bill would revise the amount of compensation that a member of the board may receive for attending a meeting of the board or attending a meeting while on official business of the district to an amount not to exceed \$100 per meeting and \$200 per day. The bill would also authorize a member of the board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the \$6,000 total annual compensation limit.

Current Status: AB 2721 was introduced by Assemblymember Lee on February 18, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on April 18, 2022, where it received a vote in favor of 66:3. In the Senate, AB 2721 was double-referred to the Senate Environmental Quality Committee and the Senate Governance and Finance Committee and made it out of each committee favorably with a vote of 5:0 and 4:1, respectively. AB 2721 has since been ordered to the Senate Floor, date pending.

AB 2836 (E. Garcia) - Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.

CapitolTrack Summary: Existing law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board. Existing law, beginning January 1, 2024, limits the Carl Moyer Program to funding projects that reduce emissions of oxides of nitrogen (NOx) from covered sources. Existing law, until January 1, 2024, defines covered source for purposes of the Carl Moyer Program to include any marine vessel and any other category necessary for the state and air districts to meet air quality goals. This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2034. This bill contains other related provisions and other existing laws.

Current Status: AB 2836 was introduced by Assemblymember Eduardo Garcia on February 18, 2022. This bill made its way through the Assembly committee process and was voted on the Assembly Floor on May 25, 2022, where it received a vote in favor of 65:0. In the Senate, AB 2836 was double-referred to the Senate Transportation Committee and the Senate Environmental Quality Committee and made it out of each committee favorably with a vote of 14:0 and 7:0, respectively. AB 2836 has since been referred to the Senate Appropriations Committee and is scheduled to be heard on August 1, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

None

LEGISLATIVE COMMITTEE
MEETING OF JULY 11, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 11, 2022

Re: State Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Timeline for the remainder of the 2021-2022 Legislative Session:

- June 30th – Last day for ballot measures to qualify.
- July 1st – Last day for policy committees to meet and report bills | Summer recess begins.
- August 1st – Legislature reconvenes from summer recess.
- August 12th – Last day for fiscal committees to meet and report bills.
- August 15th – 30th – Floor sessions only
- August 31st – Last day to pass bills.
- September 30th – Last day for Governor to sign or veto bills.

DISCUSSION

Staff will provide the Legislative Committee (Committee) with a brief summary and status of bills listed on the attached list. Specifically, staff will discuss the following bills:

AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources. A person who violates these laws and who acts negligently is liable for a civil penalty in a greater amount, as specified. Current law annually adjusts the maximum penalties for violations of these laws based on the California Consumer Price Index. This bill would increase the maximum amount of those civil

penalties and would subject those maximum amounts to the annual adjustment based on the California Consumer Price Index, as specified.

Current Status: Made its way through the Assembly committee process and was voted on the Assembly Floor on May 26, 2022, where it received a vote in favor of 52:17. In the Senate, AB 2910 was double-referred to the Senate Environmental Quality Committee and the Senate Judiciary Committee and made it out of each committee favorably with a vote of 5:2 and 9:1, respectively. AB 2910 has since been referred to the Senate Appropriations Committee and is scheduled to be heard on August 1, 2022.

Position: Support

SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.

CapitolTrack Summary: Existing law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board. This bill would require the implementing regulations for the Clean Cars 4 All Program to additionally ensure that the state board coordinates with local air districts and local nonprofit and community organizations, as provided, to identify barriers to accessing the Clean Cars 4 All Program and to develop outreach protocols and metrics to assess the success of outreach across the districts. The bill would additionally require that the performance analysis include an assessment identifying populations that are eligible for, but underserved by the Clean Cars 4 All Program, as provided, and would require the assessment to identify barriers preventing the underserved populations from participating in the program and to propose strategies to overcome those barriers. This bill contains other related provisions and other existing laws.

Current Status: Made its way through the Senate committee process and was voted on the Senate Floor on May 26, 2022, where it received a vote in favor of 33:5. In the Assembly, SB 1382 was double-referred to the Assembly Transportation Committee and the Assembly Revenue and Taxation Committee and made it out of each committee favorably with a vote of 13:0 and 9:1, respectively. SB 1382 has since been ordered to the Assembly Appropriations Committee, hearing date pending.

Position: Support

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

1. Bills of Interest Matrix - As of July 6, 2022

LEGISLATIVE COMMITTEE
MEETING OF JULY 11, 2022

Bill #	Author	Subject	Last Amended	Last Status - As of 7/6/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1749	Garcia, Cristina	Community emissions reduction programs: toxic air contaminants and criteria air pollutants.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Medium	AB 617
AB 284	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	7/14/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/2/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	Climate Change
AB 1369	Bennett	Buy Clean California Act: eligible materials: product-specific global warming potential emissions.	6/8/2022	6/15/2022-From committee: Do pass and re-refer to Com. on E.Q. (Ayes 9. Noes 5.) (June 14). Re-referred to Com. on E.Q. From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (June 15). Re-referred to Com. on APPR.	6/14/2022-S. APPR.			Low	Climate Change
AB 1395	Muratsuchi	The California Climate Crisis Act.	9/3/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	Climate Change
AB 2442	Rivas, Robert	Climate change.	6/22/2022	6/30/2022-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 29).	6/30/2022-S. APPR.			Low	Climate Change
AB 2446	Holden	Embodied carbon emissions: construction materials.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	Climate Change
AB 2532	Bennett	Scoping plan: state agency, board, and department compliance and implementation: reports.	4/19/2022	6/15/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 15). Re-referred to Com. on APPR. From committee: Do pass and re-refer to Com. on E.Q. (Ayes 9. Noes 4.) (June 14). Re-referred to Com. on E.Q.	6/14/2022-S. E.Q.			Low	Climate Change
AB 2700	McCarty	Transportation electrification: electrical distribution grid upgrades.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	Climate Change
SB 260	Wiener	Climate Corporate Accountability Act.	6/22/2022	6/22/2022-Read second time and amended. Re-referred to Com. on APPR.	6/21/2022-A. APPR.			Medium	Climate Change
SB 852	Dodd	Climate resilience districts: formation: funding mechanisms.	6/6/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 1.) (June 27). Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Low	Climate Change
SB 905	Skinner	Decarbonized Cement and Geologic Carbon Sequestration Demonstration Act.	6/23/2022	6/23/2022-Read second time and amended. Re-referred to Com. on APPR.	6/20/2022-A. APPR.			Low	Climate Change
SB 1020	Laird	Clean Energy, Jobs, and Affordability Act of 2022.	5/23/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 3.) (June 27). Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Low	Climate Change
SB 1075	Skinner	Hydrogen: green hydrogen: emissions of greenhouse gases.	6/29/2022	6/29/2022-Read second time and amended. Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Low	Climate Change
SB 1101	Caballero	Carbon sequestration: Geologic Carbon Sequestration Group.	6/23/2022	6/23/2022-Read second time and amended. Re-referred to Com. on APPR.	6/20/2022-A. APPR.			Low	Climate Change
SB 1136	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	6/27/2022	6/27/2022-Read second time and amended. Re-referred to Com. on APPR.	6/23/2022-A. APPR.			Low	Climate Change
SB 1145	Laird	California Global Warming Solutions Act of 2006: greenhouse gas emissions: dashboard.	5/19/2022	6/29/2022-June 29 set for first hearing. Placed on suspense file.	6/29/2022-A. APPR. SUSPENSE FILE			Low	Climate Change
SB 1206	Skinner	Hydrofluorocarbon gases: sale or distribution.	6/15/2022	6/15/2022-Read second time and amended. Re-referred to Com. on APPR.	6/13/2022-A. APPR.			Low	Climate Change
SB 1230	Limón	Zero-emission and near-zero-emission vehicle incentive programs: requirements.	6/13/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 27). Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Low	Climate Change
SB 1297	Cortese	Low-embodied carbon building materials: carbon sequestration.	6/23/2022	6/23/2022-Read second time and amended. Re-referred to Com. on APPR.	6/20/2022-A. APPR.			Low	Climate Change
SB 1301	Becker	Corporation Tax Law: Personal Income Tax Law: credits: green energy: manufacturing.	6/9/2022	6/20/2022-June 20 hearing: Heard for testimony only.	6/2/2022-A. REV. & TAX			Low	Climate Change
SB 1347	Hueso	California Global Warming Solutions Act of 2006: renewable hydrogen production assessment.	6/29/2022	6/29/2022-Read second time and amended. Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Low	Climate Change
AB 2075	Ting	Energy: electric vehicle charging standards.	5/2/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar.	6/27/2022-S. APPR.			Low	Energy
AB 2204	Boerner Horvath	Clean energy: Office of Clean Energy Workforce.	5/19/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 2.) (June 27). Re-referred to Com. on APPR.	6/27/2022-S. APPR.			Low	Energy
AB 2316	Ward	Public Utilities Commission: community renewable energy program.	6/20/2022	6/30/2022-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 29).	6/29/2022-S. APPR.			Low	Energy
AB 2587	Garcia, Eduardo	Energy: firm renewable energy resources and firm zero-carbon resources: procurement.	5/19/2022	6/21/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (June 21). Re-referred to Com.	6/21/2022-S. APPR.			Low	Energy
AB 2892	Bigelow	Income taxes: credits: backup electricity generators.	4/18/2022	4/26/2022-In committee: Hearing for testimony only.	3/17/2022-A. REV. & TAX			Low	Energy
SB 1039	Wieckowski	Clean energy and pollution reduction objectives.		2/23/2022-Referred to Com. on RLS.	2/15/2022-S. RLS.			Low	Energy
SB 1063	Skinner	Energy: appliance standards and cost-effective measures.	6/20/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 2.) (June 29). Re-referred to Com. on APPR.	6/29/2022-A. APPR.			Low	Energy
SB 1112	Becker	Energy: building decarbonization: notice and recordation of a decarbonization charge.	6/27/2022	6/27/2022-Read second time and amended. Re-referred to Com. on APPR.	6/22/2022-A. APPR.			Low	Energy
SB 1156	Grove	Motor Vehicle Fuel Tax: Diesel Fuel Tax: inflation adjustment.		5/4/2022-May 4 set for first hearing. Failed passage in committee. (Ayes 2. Noes 2.) Reconsideration granted.	3/17/2022-S. GOV. & F.			Low	Energy
SB 1261	Stern	Energy: low-emissions buildings.	6/15/2022	6/27/2022-Re-referred to Com. on RLS pursuant to Assembly Rule 96.	6/27/2022-A. RLS.			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 7/6/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 1291	Archuleta	Hydrogen-fueling stations: administrative approval.	6/29/2022	6/29/2022-Read second time and amended. Re-referred to Com. on APPR.	6/28/2022-A. APPR.			Low	Energy
SB 1332	Becker	Building performance standards.	3/16/2022	3/16/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/18/2022-S. RLS.			Low	Energy
SB 1393	Archuleta	Energy: appliances: local requirements.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-A. APPR.		Oppose	Medium	Energy
AB 2419	Bryan	Environmental justice: federal Infrastructure Investment and Jobs Act: Justice40 Advisory Committee.	6/9/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 3.) (June 28). Re-referred to Com. on APPR.	6/28/2022-S. APPR.			Low	Environmental Justice
AB 1897	Wicks	Nonvehicular air pollution control: civil penalties: refineries.	6/23/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (June 28). Re-referred to Com. on APPR.	6/29/2022-S. APPR.		Air District-Sponsored	High	General-Air District
AB 2141	Garcia, Eduardo	Greenhouse Gas Reduction Fund: community projects: funding.	4/18/2022	6/1/2022-Referred to Com. on E.Q.	6/1/2022-S. E.Q.		Support	Medium	General-Air District
AB 2649	Garcia, Cristina	Natural Carbon Sequestration and Resilience Act of 2022.	6/16/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 2.) (June 29). Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Medium	General-Air District
AB 2721	Lee	Bay Area Air Quality Management District: district board: compensation.	3/10/2022	6/30/2022-From committee: Amend, and do pass as amended. (Ayes 4. Noes 1.) (June 29).	6/1/2022-S. GOV. & F.		Air District-Sponsored	High	General-Air District
AB 2836	Garcia, Eduardo	Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.	5/19/2022	6/22/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (June 22). Re-referred to Com. on APPR.	6/22/2022-S. APPR.		Air-District Co-Sponsor	High	General-Air District
AB 2910	Santiago	Nonvehicular air pollution: civil penalties.	6/23/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (June 28). Re-referred to Com. on APPR.	6/29/2022-S. APPR.		Support	Medium	General-Air District
AB 965	Levine	Building standards: electric vehicle charging infrastructure.	6/29/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/10/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1322	Rivas, Robert	California Global Warming Solutions Act of 2006: aviation greenhouse gas emissions reduction plan.	6/9/2022	6/14/2022-In committee: Set, first hearing. Hearing canceled at the request of author.	6/8/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1389	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	9/3/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022)	9/10/2021-S. 2 YEAR			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1644	Flora	Greenhouse Gas Reduction Fund: California Jobs Plan Act of 2021.	6/21/2022	6/21/2022-In committee: Hearing postponed by committee. From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.	6/8/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1738	Boerner Horvath	Building standards: installation of electric vehicle charging stations: existing buildings.	6/15/2022	6/20/2022-In committee: Referred to suspense file.	6/20/2022-S. APPR. SUSPENSE FILE			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1873	Boerner Horvath	Personal Income Tax Law: Corporation Tax Law: credits: electric vehicle charging stations.		3/22/2022-In committee: Hearing for testimony only.	2/18/2022-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2061	Ting	Transportation electrification: electric vehicle charging infrastructure.	4/18/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 17. Noes 0.) (June 28). Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2101	Flora	California Carbon Sequestration and Climate Resiliency Project Registry: whole orchard recycling projects.	4/5/2022	6/30/2022-Read third time. Passed. Ordered to the Assembly. (Ayes 37. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.	6/30/2022-A. ENROLLMENT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2197	Mullin	Caltrain electrification project: funding.		2/24/2022-Referred to Com. on TRANS.	2/24/2022-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2350	Wilson	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.	5/16/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 17. Noes 0.) (June 28). Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2622	Mullin	Sales and use taxes: exemptions: California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: transit buses.	6/9/2022	6/30/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 29). Re-referred to Com. on APPR.	6/30/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2703	Muratsuchi	Electric vehicle charging stations: reliability standards: low-income and disadvantaged community financial assistance.	6/13/2022	6/30/2022-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 14. Noes 2.) (June 28).	6/28/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2737	Carrillo	Air pollution: purchase of new drayage and short-haul trucks: incentive programs: lessees: labor standards.	4/7/2022	6/22/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (June 22). Re-referred to Com. on APPR.	6/22/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2798	Fong	Freight: development projects.	6/28/2022	6/28/2022-Read second time and amended. Re-referred to Com. on APPR.	6/22/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 2807	Bonta, Mia	Transportation funding programs: eligibility: commercial harbor craft: public transportation ferries.	6/21/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (June 29). Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 45	Portantino	Short-lived climate pollutants: organic waste reduction goals: local jurisdiction assistance.	1/3/2022	6/29/2022-June 29 set for first hearing. Placed on suspense file.	6/29/2022-A. APPR. SUSPENSE FILE			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 457	Portantino	Personal income taxes: credit: reduction in vehicles.	6/21/2022	6/30/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (June 30). Re-referred to Com. on APPR.	6/30/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 7/6/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 542	Limón	Sales and use taxes: exemption: medium- or heavy-duty zero-emission trucks.	6/22/2022	6/30/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (June 30). Re-referred to Com. on APPR.	6/30/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 726	Gonzalez	Alternative fuel and vehicle technologies: sustainable transportation.	8/30/2021	9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/7/2021)(May be acted upon Jan 2022)	9/10/2021-A. 2 YEAR			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 894	Jones	Off-highway vehicles.	3/28/2022	6/14/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 14. Noes 0.) (June 13). Re-referred to Com. on APPR.	6/13/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 922	Wiener	California Environmental Quality Act: exemptions: transportation-related projects.	5/11/2022	6/30/2022-Read second time. Ordered to third reading.	6/30/2022-A. THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 932	Portantino	General plans: circulation element: bicycle and pedestrian plans and traffic calming plans.	6/20/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 2.) (June 27). Re-referred to Com. on APPR.	6/28/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 942	Newman	Low Carbon Transit Operations Program: free or reduced fare transit program.	6/29/2022	6/29/2022-Read second time and amended. Re-referred to Com. on APPR.	6/28/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1010	Skinner	Air pollution: state vehicle fleet: zero-emission vehicles.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1104	Gonzalez	Governor's Office of Business and Economic Development: Office of Freight.	6/14/2022	6/28/2022-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (June 27). Re-referred to Com. on APPR.	6/28/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1203	Becker	Net-zero emissions of greenhouse gases: state agency operations.	6/22/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (June 29). Re-referred to Com. on APPR.	6/29/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1251	Gonzalez	Governor's Office of Business and Economic Development: Office of the Zero-Emission Vehicle Equity Advocate.	6/20/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (June 27). Re-referred to Com. on APPR.	6/28/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1258	Allen	Energy Commission: electric vehicle charging infrastructure: assessment.	6/29/2022	6/29/2022-Read second time and amended. Re-referred to Com. on APPR.	6/28/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1305	Laird	State vehicle fleet: alternative fuel vehicles.	4/19/2022	6/30/2022-Read second time. Ordered to third reading.	6/30/2022-A. THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1329	Newman	Publicly available hydrogen-fueling stations: electric vehicle charging stations.	6/13/2022	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (June 27). Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1382	Gonzalez	Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.	6/27/2022	6/30/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (June 30). Re-referred to Com. on APPR.	6/30/2022-A. APPR.		Support	Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1391	Kamlager	greenhouse gases: market-based compliance mechanism.	6/14/2022	6/21/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 3.) (June 20). Re-referred to Com. on APPR.	6/20/2022-A. APPR.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 1482	Allen	Building standards: electric vehicle charging infrastructure.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-A. APPR.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 154	Ting	Budget Act of 2022.	6/8/2022	6/13/2022-Read second time. Ordered to third reading.	6/13/2022-S. THIRD READING			High	Other
AB 178	Ting	Budget Act of 2022.	6/26/2022	6/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 45, Statutes of 2022.	6/30/2022-A. CHAPTERED			High	Other
AB 180	Ting	Budget Act of 2021.	6/26/2022	6/30/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 44, Statutes of 2022.	6/30/2022-A. CHAPTERED			High	Other
AB 1240	Ting	Indoor air pollution.	1/24/2022	6/20/2022-In committee: Referred to suspense file.	6/20/2022-S. APPR. SUSPENSE FILE			Medium	Other
AB 1624	Ting	Budget Act of 2022.		1/20/2022-Referred to Com. on BUDGET.	1/10/2022-A. BUDGET			High	Other
AB 1717	Aguiar-Curry	Public works: definition.	5/19/2022	6/27/2022-In committee: Referred to suspense file.	6/27/2022-S. APPR. SUSPENSE FILE			Low	Other
AB 1857	Garcia, Cristina	Solid waste.	6/23/2022	6/23/2022-Read second time and amended. Re-referred to Com. on APPR.	6/22/2022-S. APPR.			Low	Other
AB 2056	Grayson	Bar pilots: pilotage rates: pilot boat surcharge.	6/1/2022	6/28/2022-In committee: Hearing postponed by committee.	6/14/2022-S. APPR.			Low	Other
AB 2057	Carrillo	Transportation Agency: goods movement data.	6/22/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 1.) (June 29). Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	Other
AB 2076	Rivas, Luz	Extreme Heat and Community Resilience Program: Extreme Heat and Health Reporting System.	6/13/2022	6/23/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 22). Re-referred to Com. on APPR.	6/23/2022-S. APPR.			Low	Other
AB 2206	Lee	Nonattainment basins: employee parking: parking cash-out program.	6/30/2022	6/30/2022-Read second time and amended. Ordered to third reading.	6/30/2022-S. THIRD READING		Support	Medium	Other
AB 2214	Garcia, Cristina	California Environmental Quality Act: schoolsites: acquisition of property: school districts, charter schools, and private schools.	4/25/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 2.) (June 29). Re-referred to Com. on APPR.	6/29/2022-S. APPR.		Air District-Sponsored	High	Other
AB 2449	Rubio, Blanca	Open meetings: local agencies: teleconferences.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-S. APPR.			Low	Other
AB 2647	Levine	Local government: open meetings.	4/19/2022	6/30/2022-From committee: Amend, and do pass as amended. (Ayes 5. Noes 0.) (June 29).	5/25/2022-S. GOV. & F.			Low	Other
SB 154	Skinner	Budget Act of 2022.	6/8/2022	6/27/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 43, Statutes of 2022.	6/27/2022-S. CHAPTERED			High	Other
SB 560	Rubio	Climate Pollution Reduction in Homes Initiative: grants.	5/20/2021	6/28/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 27). Re-referred to Com. on APPR.	6/27/2022-A. APPR.			Medium	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 7/6/2022	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 833	Dodd	Community Energy Resilience Act of 2022.	6/30/2022	6/30/2022-Read second time and amended. Re-referred to Com. on APPR.	6/29/2022-A. APPR.			Low	Other
SB 840	Skinner	Budget Act of 2022.		1/11/2022-From printer.	1/10/2022-S. BUDGET & F.R.			High	Other
SB 1100	Cortese	Open meetings: orderly conduct.	6/6/2022	6/22/2022-Read second time. Ordered to third reading.	6/22/2022-A. THIRD READING			Low	Other
SB 1132	Wieckowski	Air quality health planning.		2/23/2022-Referred to Com. on RLS.	2/16/2022-S. RLS.			Low	Other
SB 1314	Limón	Oil and gas: Class II injection wells: enhanced oil recovery.	3/16/2022	6/21/2022-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 3.) (June 20). Re-referred to Com. on APPR.	6/20/2022-A. APPR.			Low	Other
SB 1319	Grove	Oil imports: air quality emissions data.	5/2/2022	6/14/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 10. Noes 0.) (June 13). Re-referred to Com. on APPR.	6/13/2022-A. APPR.			Low	Other
AB 2232	McCarty	School facilities: heating, ventilation, and air conditioning systems.	6/28/2022	6/28/2022-Read second time and amended. Re-referred to Com. on APPR.	6/22/2022-S. APPR.			Medium	Wildfire/PSPS
AB 2243	Garcia, Eduardo	Occupational safety and health standards: heat illness: wildfire smoke.	6/29/2022	6/29/2022-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.	6/23/2022-S. APPR.			Low	Wildfire/PSPS
AB 2550	Arambula	State Air Resources Board: San Joaquin Valley Air Pollution Control District: nonattainment.	6/21/2022	6/21/2022-Read second time and amended. Re-referred to Com. on APPR.	6/15/2022-S. APPR.			Medium	Wildfire/PSPS
AB 2645	Rodriguez	Local emergency plans: integration of access and functional needs: community resilience centers.	4/18/2022	6/29/2022-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 13. Noes 0.) (June 28). Re-referred to Com. on APPR.	6/28/2022-S. APPR.			Low	Wildfire/PSPS
SB 1266	Borgeas	Income taxes: credits: designated wildfire zones.	6/13/2022	6/20/2022-June 20 hearing: Heard for testimony only.	6/2/2022-A. REV. & TAX			Low	Wildfire/PSPS
Total Active Bills	101							Low: Medium: High:	76 15 10

LEGISLATIVE COUNCIL
MEETING OF JULY

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting of July 18, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, July 18, 2022, and approved the Minutes of June 27, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received the presentation *Path to Clean Air Community Description Ad Hoc Committee*, presented by both a member of the Community Description Ad Hoc Committee and Air District staff. The purpose of the Community Description Ad Hoc Committee is to convey the history of the community and its residents and describe the people who live in the community now and how air pollution impacts them. The Ad Hoc Committee's activities (since October 2021) were described, and staff requested that Steering Committee members submit feedback on the proposed community description by August 8.

The Committee then received the staff presentation *Key Issues Approach Discussion*, which encouraged Committee members to utilize the format of: "list a community concern, include what is known from assessments and information gathering, and state the consequences of that concern." Following the staff presentation, the Committee broke up into several groups to address various air pollution topics (odors; marine and rail; vehicles, trucks, streets, freeways; industrial/commercial sources; fuel refining; and addressing public health and reducing exposure) using the aforementioned format. Members of the public and Air District staff were

also invited to attend these group discussions. The Committee then reconvened to hear and discuss reports from the group discussions.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, August 15, 2022, at 5:30 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Path to Clean Air CERP July 18, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

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

Date: July 18, 2022

Re: Ad Hoc Updates

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

None.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

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

Date: July 18, 2022

Re: Draft Final Community Description from Ad Hoc

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Description Ad Hoc of the Community Steering Committee has been working together since October 2021 to develop an outline of the Community Description, which will be included as a chapter in the CERP. The Ad Hoc worked with Air District staff to collect, analyze, and summarize key data and information for the Community Description and worked together to co-write the draft final Community Description. The Ad Hoc is sharing their process, and the content of the final draft Community Description, and will be requesting that the Community Steering Committee provide a high-level review of the final draft in advance of the August 2022 Community Steering Committee meeting.

DISCUSSION

None.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR
STEERING COMMITTEE
MEETING OF JULY 18, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

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

Date: July 18, 2022

Re: Discussion of Key Issues Approach

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In October 2021, staff introduced the Key Issues Approach for strategy development.

DISCUSSION

The Steering Committee will review and discuss the Key Issues Approach for strategy development. Staff will review the approach, and then the Steering Committee will recess to provide an opportunity for ad-hoc small groups to discuss specific key issues. Members of the public will be invited to attend these small-group ad-hoc discussions. The Steering Committee will then reconvene to hear and discuss reports from the ad-hoc small group discussions and to review the Key Issues Approach for strategy development.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR
STEERING COMMITTEE
MEETING OF JULY 18, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

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

Date: July 18, 2022

Re: Environmental Justice Updates

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

None.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Report of the Mobile Source & Climate Impacts Committee Meeting of July 28, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Mobile Source & Climate Impacts Committee met on Thursday, July 28, 2022, and approved the minutes of May 26, 2022. 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 presentation *California Air Resources Board Freight Activities*, given by Cari Anderson, Branch Chief in the Transportation & Toxics Division at the California Air Resources Board.

The Committee then reviewed and discussed the staff presentation *Federal Mobile Sources Update*, providing updates on current US Environmental Protection Agency regulatory activities related to mobile sources for proposed rule for control of heavy-duty engine and vehicle standards, regulations for lead emissions from aircraft, and light-duty vehicle greenhouse gas emission standards and zero emission vehicle requirements.

The next meeting of the Mobile Source & Climate Impacts Committee will be on Thursday, September 22, 2022, at 9:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021.) This concludes the Chair Report of the Mobile Source & Climate Impacts Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Mobile Source and Climate Impacts Committee July 28, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Teresa Barrett and Members
of the Mobile Source and Climate Impacts Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 28, 2022

Re: California Air Resources Board Freight Activities

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The California Air Resources Board (CARB), like the Air District, is charged with protecting the community from the harmful effects of air pollution. CARB's jurisdiction extends throughout the state of California and their work is focused on mobile sources within the state. CARB is also the state's lead agency on climate change programs and initiatives.

DISCUSSION

California Air Resources Board staff will provide the Air District Board of Directors with background and information on CARB's freight activities, including regulations for trucks, buses, drayage trucks, transport refrigeration units (TRUs), cargo handling equipment, locomotives, and marine vessels. Cari Anderson, Branch Chief in the Transportation and Toxics Division at CARB, will provide this presentation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Elizabeth Yura & Sonam Shah-Paul
Reviewed by: Greg Nudd

ATTACHMENTS:

None

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF JULY 28, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Teresa Barrett and Members
of the Mobile Source and Climate Impacts Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: July 28, 2022

Re: Federal Mobile Source Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

As part of the regulatory framework governing air emissions under the Clean Air Act, authority to regulate various sources of pollution is delegated to separate agencies via the United States Environmental Protection Agency (EPA) to State, Tribal and regional agencies like the Air District. In California, local air districts regulate stationary sources of air pollution, with the State of California regulating mobile sources of air pollution and air pollution from consumer goods. However, EPA does retain authority to regulate emissions from certain mobile source categories that span international or multiple state borders such as ocean-going vessels, trains and passenger aircraft. EPA also sets emissions standards for trucks in other states and in conjunction with the National Highway Traffic Safety Administration (NHTSA) sets standards for overall passenger vehicle fleet fuel efficiency, both of the latter effecting emissions in California.

DISCUSSION

The Mobile Source and Climate Impacts Committee (Committee) will receive an update on current EPA regulatory activities related to mobile sources for the following:

Proposed Rule for Control of Heavy-Duty Engine and Vehicle Standards

On March 28, 2022, the EPA published a proposed rule that would set new, more stringent standards to reduce pollution from heavy-duty vehicles and engines starting in model year (MY) 2027. The proposed standards would significantly reduce emissions of smog- and soot-forming nitrogen oxides (NOx) from heavy-duty gasoline and diesel engines and set more stringent greenhouse gas (GHG) standards for certain commercial vehicle categories where electrification is advancing at a more rapid pace. These sectors include school buses, transit buses, commercial delivery trucks, and short-haul tractors. This proposal is consistent with President Biden's

Executive Order, “Strengthening American Leadership in Clean Cars and Trucks” and would ensure the heavy-duty vehicles and engines that drive American commerce are as clean as possible while charting a path to advance zero-emission vehicles in the heavy-duty fleet.

EPA held virtual public hearings in April 2022, and accepted written comments through mid-May 2022. The final rule is expected to be issued in late 2022.

In a separate action, EPA will be setting new GHG emissions standards for heavy-duty vehicles as soon as model year 2030. This action will more comprehensively address the long-term trend towards zero-emissions vehicles across the heavy-duty sector.

Regulations for Emissions from Aircraft Engines

EPA is proposing particulate matter (PM) emission standards and test procedures applicable to certain classes of engines used by civil subsonic jet airplanes, such as commercial passenger and freight aircraft and larger business jets. These proposed standards and test procedures match the aircraft engine standards adopted by the United Nations' International Civil Aviation Organization (ICAO) in 2017 and 2020.

The written comment period ended in April 2022. EPA has not announced a public hearing date yet.

Regulations for Lead Emissions from Aircraft

Protecting children’s health and reducing lead exposure are two of EPA’s top priorities. EPA has been investigating the air quality impact of lead emissions from piston-engine aircraft operating on leaded fuel, including assessment of lead concentrations in air near airports and evaluation of the potentially exposed population.

EPA is now evaluating, under the Clean Air Act, whether emissions of lead from piston-engine aircraft cause or contribute to air pollution that endangers public health or welfare. For convenience, we refer to this action collectively as the “endangerment finding.”

EPA currently plans to issue a proposed endangerment finding in 2022 which will undergo public notice and comment. After evaluating comments on the proposal, EPA plans to issue any final endangerment finding in 2023.

Light-Duty Vehicle Greenhouse Gas Emission Standards and Zero Emission Vehicle Requirements

On April 28, 2021, EPA issued a Federal Register notice soliciting public input on the reconsideration of EPA’s action under the joint EPA/National Highway Traffic Safety Administration (NHTSA) action titled: The Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program (SAFE-1), issued in September 2019. EPA’s reconsideration of SAFE-1 responds to petitions for reconsideration filed by states and other stakeholders, and is consistent with President Biden’s Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. The result of EPA’s reconsideration is to rescind the SAFE-1 action. This means that the Clean Air Act waiver granted to California to implement its Advanced Clean Car (ACC) program in 2013 is back in

force. The ACC program is a package of state regulations that set emissions standards for criteria pollutants and GHG emissions for light-duty vehicles and a zero-emission vehicle (ZEV) sales mandate. In this action, EPA is also withdrawing the SAFE-1 interpretation of the Clean Air Act that would prohibit other states from adopting the California GHG emission standards.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Sharon L. Landers

ATTACHMENTS:

1. Fact Sheet - Heavy-Duty 2027 and Beyond - Clean Trucks Proposed Rulemaking
2. Executive Order 14037 of August 5, 2021
3. Press Release - EPA to Evaluate Whether Lead Emissions from Piston-Engine Aircraft Endanger Human Health and Welfare
4. Fact Sheet - Notice of Decision: Reconsideration of a Previous Withdrawal of a Waiver for California's Advanced Clean Car Program
5. Executive Order 13990 of January 20, 2021

Heavy-Duty 2027 and Beyond: Clean Trucks Proposed Rulemaking

The Biden Administration's Clean Trucks Plan

Heavy-duty trucks and buses drive American commerce and connect people across the country. Creating cleaner trucks is an economic opportunity to support jobs and make more efficient vehicles while reducing harmful pollution. Heavy-duty trucks and buses continue to contribute significantly to air pollution at the local, regional, and national level, often disproportionately affecting communities of color and low-income populations. As identified in President Biden's Executive Order 14037, *Strengthening American Leadership in Clean Cars and Trucks*, EPA intends to issue a series of regulations over the next three years to reduce pollution from trucks and buses and to advance the transition to a zero-emissions transportation future. EPA's "Clean Trucks Plan" would result in significant emissions reductions from new medium- and heavy-duty vehicles and will be major steps towards improving air quality and addressing the climate crisis.

The regulatory actions that make up the Clean Trucks Plan are as follows:

- Setting stronger nitrogen oxide (NO_x) standards for heavy duty trucks beginning in model year (MY) 2027 and tightening the "Phase 2" greenhouse gas (GHG) emissions for MY 2027 and beyond. This fact sheet provides an overview of the proposal to address this first action.
- Setting stronger emissions standards for medium-duty commercial vehicles for MY 2027 and later. These revised standards will be proposed in combination with new standards for light-duty vehicles for MY 2027 and beyond.
- Setting "Phase 3" GHG standards for heavy-duty vehicles beginning as soon as MY 2030 that are significantly stronger than the MY 2027 GHG standards.

In developing these actions EPA is applying its Clean Air Act authority, which allows the Agency to maximize NO_x and GHG emissions reductions over the short and long terms, which will promote the path to a zero-emissions transportation future.

Overview of the Proposed Rule

This action, titled, *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards*, proposes stronger NO_x and GHG standards to reduce pollution

from heavy-duty vehicles and engines starting in MY 2027. The proposed standards would significantly reduce emissions of NO_x from heavy-duty gasoline and diesel engines and set stronger GHG standards for certain heavy-duty vehicle categories. This proposed rule would ensure heavy-duty vehicles and engines are as clean as possible while helping jump-start the transition to zero-emission vehicles in the heavy-duty fleet.

EPA last revised the NO_x standards for on-highway heavy-duty trucks and engines in 2001—more than 20 years ago. Although those standards achieved important NO_x reductions, new technologies that are an evolution of those available today can help achieve the additional reductions we need to improve air quality and health in our communities.

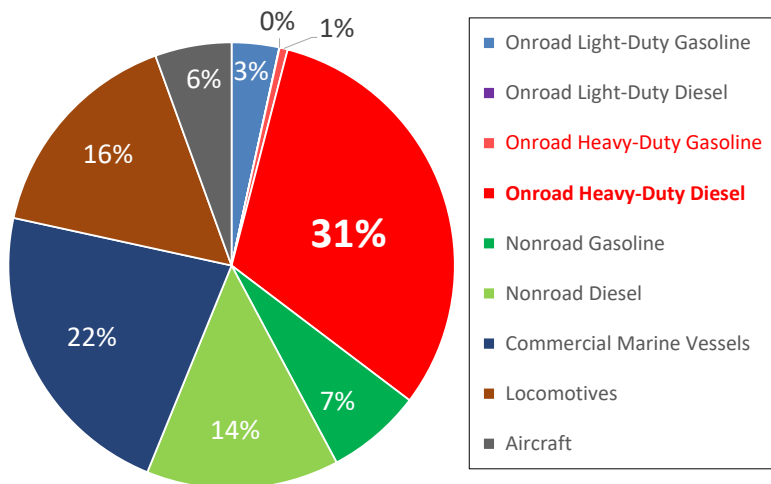
EPA intends to finalize this proposal before the end of 2022.

Air Quality and Health Impacts of Heavy-Duty Vehicles

Emissions from heavy-duty vehicles contribute to poor air quality and health across the country, especially in overburdened and underserved communities. Without further reductions, heavy-duty vehicles will continue to be one of the largest contributors to mobile source emissions of NO_x, which react in the atmosphere to form ozone and particulate matter. Heavy-duty vehicles would contribute 32 percent of the mobile source NO_x emissions, and 89 percent of onroad NO_x emissions, in calendar year 2045. These pollutants are linked to respiratory and/or cardiovascular problems and other adverse health impacts that lead to hospital admissions, emergency department visits, and premature deaths.

Pollution from trucks directly affects people who live near roads and other areas of high truck activity like ports. Populations who live, work, or go to school near high-traffic roadways experience higher rates of numerous adverse health effects. EPA has estimated that 72 million people live within 200 meters of a truck freight route, and relative to the rest of the population, people of color and those with lower incomes are more likely to live near truck routes. NO_x pollution from heavy-duty vehicles also impairs visibility and causes damage to terrestrial and aquatic ecosystems.

Mobile Source NO_x (2045)

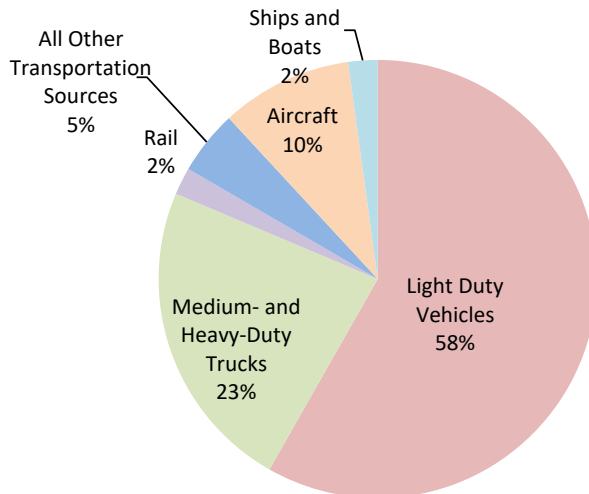


Sources: MOVES3 for onroad and nonroad and 2016 Emissions Modeling Platform for all other mobile sectors.

Heavy-Duty Vehicles and Climate Change

Transportation is the largest source of GHG emissions in the United States, making up 29 percent of all emissions. Within the transportation sector, heavy-duty vehicles are the second-largest contributor, at 23 percent. Reducing GHG emissions is a critical step in reducing the probability of impacts from climate change, including heat waves, drought, sea level rise, extreme climate and weather events, coastal flooding, and wildfires. Some populations may be especially vulnerable to damages associated with climate change, such as the very young, the elderly, low-income people, the disabled, people of color, and indigenous populations.

Mobile Source GHGs (2019)



Source: "Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2019," EPA 430-R-21-005.

Significant Benefits to Public Health and Welfare

EPA's goal is to deliver significant and needed public health benefits by designing a program that sets ambitious standards and that is feasible for the trucking industry, after giving appropriate consideration to cost and other factors. Under the proposal, NO_x emissions from the in-use fleet of heavy-duty trucks would be reduced by as much as 60 percent in 2045 and would result in widespread air quality improvements across the U.S., especially in areas already overburdened by air pollution and diesel emissions. Reducing these emissions will provide cleaner air for communities across the country, prevent health issues like asthma, and ultimately save money, lives, and trips to the hospital.

The present value of the stream of health-related benefits for the years 2027 through 2045 for the most robust proposed option would be as much as \$250 billion dollars, assuming a 3 percent discount rate. EPA estimates that in 2045, the most robust proposed option would result in public health benefits by preventing the following (annually):

- Between 860 and 2,100 premature deaths
- 6,700 hospital admissions and emergency department visits
- 18,000 cases of asthma onset in children
- 3.1 million cases of asthma symptoms and allergic rhinitis symptoms
- 78,000 lost days of work
- 1.1 million lost school days

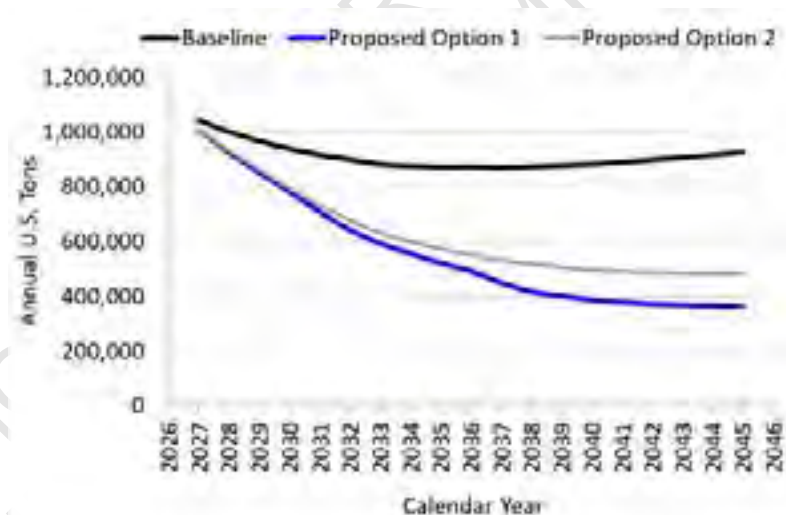
The benefits of the proposed rule would exceed its costs by billions of dollars.

Reducing NOx Emissions from Heavy-duty Vehicles: Proposed Regulatory Options

This proposed rule would reduce NOx from heavy-duty vehicles over a wide range of operating conditions, with significant emissions reductions at low speeds, idling, and in stop-and-go traffic. EPA is proposing longer useful life periods to ensure engines would meet emission standards for more of their operational lives and prompt engine manufacturers to design and build durable engines and emission controls. EPA is also proposing longer emissions warranty periods which would increase the number of useful life miles covered under warranty. Longer warranty periods may make it less likely for owners to tamper with emissions controls, and more likely that owners will make needed repairs.

EPA is proposing two regulatory options and is requesting comment on both, as well as considering the full range of options between them. Both options would set stronger standards for NOx emissions beginning in MY 2027, increase regulatory useful life, and increase emissions-related warranty periods. Proposed Option 1 would implement stronger NOx standards in two steps. The first increase in stringency would be in MY 2027, and the second would be in MY 2031; under this Option the 2031 NOx standards would be 90% lower than today’s standards. Option 2 would immediately jump to full implementation of a NOx standard in MY 2027. As shown below, Option 2 would achieve less NOx emissions reductions than Option 1.

Heavy-Duty Highway NOx Emissions Inventory: Baseline versus Proposed Options 1 and 2



Updating Existing Greenhouse Gas Standards

We are at the early stages of a significant transition in the history of the heavy-duty on-highway vehicle sector—a shift to zero-emission vehicle technologies. Major truck manufacturers and U.S. states have announced plans to transition the heavy-duty fleet to zero-emissions technology, and over the past few years we have seen the early introduction of zero-emission technologies in several commercial vehicle market segments. In light of these developments, the agency is now proposing targeted updates to the “Phase 2” GHG standards to reflect these market shifts to zero-emission

technologies, which the agency did not foresee when it issued the “Phase 2” GHG emission standards. The “Phase 2” standards began in 2021 and become stronger every three years through 2027. The fully phased-in Phase 2 standards will achieve up to 24-25 percent lower CO₂ emissions compared to the previous GHG standards. The existing Phase 2 standards are still phasing-in, with the next change in stringency coming in 2024.

This proposal would further tighten the “Phase 2” GHG standards for MY 2027 for 17 of the 33 subcategories of vocational and tractor vehicles. These subsectors include school buses, transit buses, commercial delivery trucks, and short-haul tractors. EPA is also requesting comment on whether it would be appropriate in the final rule to increase the stringency of the standards even more than what we propose for MYs 2027 through 2029, including the potential for progressively stronger CO₂ standards across these three model years.

The agency aims to finalize standards that are as strong as possible in the near term and that provide a robust starting point for ambitious GHG standards for the truck industry as soon as MY 2030.

Related Actions

As noted above, EPA is developing two additional regulations under President Biden’s Clean Trucks Plan. As part of a proposal for light- and medium-duty vehicles, EPA will consider new, stronger emission standards for MY 2027 and later commercial pickup trucks and vans. EPA is also developing “Phase 3” GHG emissions standards for heavy-duty engines and vehicles starting as early as MY 2030. These three rulemaking actions provide the opportunity for EPA to establish comprehensive, multipollutant standards for the near term and the long term, all while considering the significant potential for emission reductions that zero-emission technology can provide.

Public Participation

EPA welcomes public input into this rulemaking and looks forward to continuing its engagement with stakeholders throughout the rulemaking process. Today’s proposal reflects input from stakeholders including community groups, the trucking industry, environmental and public health organizations, and state, local, and tribal governments gathered through comments in response to the Advance Notice of Proposed Rulemaking and through meetings with stakeholders throughout the development of the proposal.

EPA plans to hold a virtual public hearing for this proposal. EPA will begin registering speakers for the hearing upon publication of the proposal in the Federal Register. To register, please use the registration link that will be available on the EPA rule webpage once registration begins: www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-and-related-materials-control-air-1. Written comments must be received on or before 46 days after publication in the Federal Register.

For More Information

You can access the Notice and related documents on the U.S. Environmental Protection Agency, Office of Transportation and Air Quality webpage at: www.epa.gov/regulations-emissions-vehicles-and-engines/proposed-rule-and-related-materials-control-air-1.

Title 3—

Executive Order 14037 of August 5, 2021

The President

Strengthening American Leadership in Clean Cars and Trucks

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the interests of American workers, businesses, consumers, and communities, it is hereby ordered as follows:

Section 1. Policy. America must lead the world on clean and efficient cars and trucks. That means bolstering our domestic market by setting a goal that 50 percent of all new passenger cars and light trucks sold in 2030 be zero-emission vehicles, including battery electric, plug-in hybrid electric, or fuel cell electric vehicles. My Administration will prioritize setting clear standards, expanding key infrastructure, spurring critical innovation, and investing in the American autoworker. This will allow us to boost jobs—with good pay and benefits—across the United States along the full supply chain for the automotive sector, from parts and equipment manufacturing to final assembly.

It is the policy of my Administration to advance these objectives in order to improve our economy and public health, boost energy security, secure consumer savings, advance environmental justice, and address the climate crisis.

Sec. 2. Light-, Medium-, and Certain Heavy-Duty Vehicles Multi-Pollutant and Fuel Economy Standards for 2027 and Later.

(a) The Administrator of the Environmental Protection Agency (EPA) shall, as appropriate and consistent with applicable law, consider beginning work on a rulemaking under the Clean Air Act (42 U.S.C. 7401–7671q) to establish new multi-pollutant emissions standards, including for greenhouse gas emissions, for light- and medium-duty vehicles beginning with model year 2027 and extending through and including at least model year 2030.

(b) The Secretary of Transportation shall, as appropriate and consistent with applicable law, consider beginning work on a rulemaking under the Energy Independence and Security Act of 2007 (Public Law 110–140, 121 Stat. 1492) (EISA) to establish new fuel economy standards for passenger cars and light-duty trucks beginning with model year 2027 and extending through and including at least model year 2030.

(c) The Secretary of Transportation shall, as appropriate and consistent with applicable law, consider beginning work on a rulemaking under EISA to establish new fuel efficiency standards for heavy-duty pickup trucks and vans beginning with model year 2028 and extending through and including at least model year 2030.

Sec. 3. Heavy-Duty Engines and Vehicles Multi-Pollutant Standards for 2027 and Later. (a) The Administrator of the EPA shall, as appropriate and consistent with applicable law, consider beginning work on a rulemaking under the Clean Air Act to establish new oxides of nitrogen standards for heavy-duty engines and vehicles beginning with model year 2027 and extending through and including at least model year 2030.

(b) The Administrator of the EPA shall, as appropriate and consistent with applicable law, and in consideration of the role that zero-emission heavy-duty vehicles might have in reducing emissions from certain market segments, consider updating the existing greenhouse gas emissions standards

for heavy-duty engines and vehicles beginning with model year 2027 and extending through and including at least model year 2029.

Sec. 4. *Medium- and Heavy-Duty Engines and Vehicles Greenhouse Gas and Fuel Efficiency Standards as Soon as 2030 and Later.* (a) The Administrator of the EPA shall, as appropriate and consistent with applicable law, consider beginning work on a rulemaking under the Clean Air Act to establish new greenhouse gas emissions standards for heavy-duty engines and vehicles to begin as soon as model year 2030.

(b) The Secretary of Transportation shall, as appropriate and consistent with applicable law, consider beginning work on a rulemaking under EISA to establish new fuel efficiency standards for medium- and heavy-duty engines and vehicles to begin as soon as model year 2030.

Sec. 5. *Rulemaking Targets.* (a) With respect to the rulemaking described in section 3(a) of this order, the Administrator of the EPA shall, as appropriate and consistent with applicable law, consider issuing a notice of proposed rulemaking by January 2022 and any final rulemaking by December 2022.

(b) With respect to the other rulemakings described in section 2 and section 4 of this order, the Secretary of Transportation and the Administrator of the EPA shall, as appropriate and consistent with applicable law, consider issuing any final rulemakings no later than July 2024.

Sec. 6. *Coordination and Engagement.* (a) The Secretary of Transportation and the Administrator of the EPA shall coordinate, as appropriate and consistent with applicable law, during the consideration of any rulemakings pursuant to this order.

(b) The Secretary of Transportation and the Administrator of the EPA shall consult with the Secretaries of Commerce, Labor, and Energy on ways to achieve the goals laid out in section 1 of this order, to accelerate innovation and manufacturing in the automotive sector, to strengthen the domestic supply chain for that sector, and to grow jobs that provide good pay and benefits.

(c) Given the significant expertise and historical leadership demonstrated by the State of California with respect to establishing emissions standards for light-, medium-, and heavy-duty vehicles, the Administrator of the EPA shall coordinate the agency's activities pursuant to sections 2 through 4 of this order, as appropriate and consistent with applicable law, with the State of California as well as other States that are leading the way in reducing vehicle emissions, including by adopting California's standards.

(d) In carrying out any of the actions described in this order, the Secretary of Transportation and the Administrator of the EPA shall seek input from a diverse range of stakeholders, including representatives from labor unions, States, industry, environmental justice organizations, and public health experts.

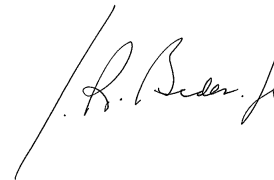
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
August 5, 2021.

[FR Doc. 2021-17121
Filed 8-9-21; 8:45 am]
Billing code 3295-F1-P

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF JULY 28, 2022

EPA to Evaluate Whether Lead Emissions from Piston-Engine Aircraft Endanger Human Health and Welfare

January 12, 2022

Contact Information

EPA Press Office (press@epa.gov)

WASHINGTON (Jan. 12, 2022) — The U.S. Environmental Protection Agency (EPA) announced today that it will evaluate whether emissions from piston-engine aircraft operating on leaded fuel contribute to air pollution that endangers public health and welfare. The agency plans to issue a proposal for public review and comment in 2022 and take final action in 2023.

“Protecting children’s health and reducing lead exposure are interlocking priorities at the core of EPA’s agenda,” **said EPA Administrator Michael S. Regan**. “EPA has been investigating the air quality impact of lead emissions from piston-engine aircraft near airports for years, and now we’re going to apply that information to determine whether this pollution endangers human health and welfare.”

While levels of airborne lead in the United States have declined 99 percent since 1980, piston-engine aircraft that operate on leaded fuel are the largest remaining source of lead emissions into the air.

Lead exposure can come from multiple sources, including leaded paint, contaminated soil, industrial emissions from battery recycling or metals processing, and the combustion of fuel or waste containing lead. Children’s exposure to lead can cause irreversible and life-long health effects. No safe blood lead level in children has been identified. Even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. In adults, health impacts from lead exposure can include cardiovascular effects, increased blood pressure and incidence of hypertension, decreased kidney function, and reproductive issues.

Under the Clean Air Act, EPA reviews information on air pollutants and sources of air pollution to determine whether they threaten human health or welfare. This is referred to as an “endangerment finding.” EPA currently plans to issue a proposed endangerment finding for piston-engine aircraft that run on leaded fuel in 2022 for public review and comment. After evaluating comments on the proposal, we plan to issue any final endangerment finding in 2023.

Today’s action responds to petitions from Alaska Community Action on Toxics, Center for Environmental Health, Friends of the Earth, Montgomery-Gibbs Environmental Coalition, Oregon Aviation Watch, the County of Santa Clara, and the Town of Middleton, WI.

More information on the petition response and EPA’s activities on lead emissions from piston-engine aircraft can be found here: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/petitions-and-epa-response-memorandums-related-lead>

California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a Previous Withdrawal of a Waiver of Preemption; Notice of Decision

On April 28, 2021, the U.S. Environmental Protection Agency (EPA) issued a Federal Register notice soliciting public input on the reconsideration of EPA's action under the joint EPA/National Highway Traffic Safety Administration (NHTSA) action titled: *The Safer Affordable Fuel-Efficient Vehicles Rule Part One: One National Program (SAFE-1)*, issued in September 2019. EPA's reconsideration of SAFE-1 responds to petitions for reconsideration filed by states and other stakeholders, and is consistent with President Biden's Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*.

The result of EPA's reconsideration is to rescind the SAFE-1 action. This means that the Clean Air Act (CAA) waiver granted to California to implement its Advanced Clean Car (ACC) program in 2013 is back in force. The ACC program is a package of state regulations that set emissions standards for criteria pollutants and greenhouse gas (GHG) emissions for light-duty vehicles and a zero-emission vehicle (ZEV) sales mandate. In this action, EPA is also withdrawing the SAFE-1 interpretation of the Clean Air Act that would prohibit other states from adopting the California GHG emission standards.

Summary of SAFE-1

In SAFE-1, NHTSA issued an action declaring that state regulations of carbon dioxide emissions from new motor vehicles (including California's GHG emission standards and ZEV sales mandate) are related to fuel economy and preempted under the Energy Policy and Conservation Act (EPCA). EPA withdrew California's waiver based on

NHTSA's EPCA preemption action as well as a new interpretation and application of a waiver criterion within the CAA that resulted in EPA determining that California does not need its GHG emission standards and ZEV sales mandate to meet compelling and extraordinary conditions in the state. SAFE-1 also included a new interpretive view of CAA section 177 which would preclude states from adopting California's GHG emissions standards.

Summary of EPA's Final Decision Regarding Its Reconsideration of SAFE-1

EPA's Notice of Reconsideration of SAFE-1, issued on April 28, 2021, sought public comment on whether the decision to withdraw portions of California's 2013 ACC program waiver was a valid and appropriate exercise of the Agency's authority. EPA has determined that SAFE-1 was an inappropriate exercise of the agency's authority and rescinds that action in this final determination. The final decision is based on the following:

- EPA's finding that the limited authority to reconsider a prior CAA waiver was not properly exercised in the SAFE-1 action. EPA believes it may only reconsider a previously granted waiver to address a clerical or factual error or mistake, or where information shows that factual circumstances or conditions related to the waiver criteria evaluated when the waiver was granted have changed so significantly that the propriety of the waiver grant is called into doubt. EPA has determined that there were no factual errors in the ACC program waiver granted in 2013, and thus the SAFE-1 action was not properly based on findings of factual error.
- A determination that the Agency's action to withdraw California's waiver on the basis of NHTSA's preemption regulation under EPCA was inappropriate and in conflict with EPA's longstanding waiver practice. In addition, EPA has determined that NHTSA's subsequent repeal of its regulation and other pronouncements in SAFE-1 regarding EPCA preemption effectively removes the underpinning for SAFE-1 on this basis, and thus it is appropriate to rescind the waiver withdrawal that was based on NHTSA's finding of preemption.
- EPA's finding that it was inappropriate to withdraw California's waiver under a new interpretation of CAA section 209(b)(1)(B) that was inconsistent with Congressional intent, and which discounts the interrelated nature of CARB's motor vehicle emission standards and California's air quality problem. EPA has determined that the record from both the ACC program waiver action and the SAFE-1 proceedings demonstrated that California has a need for its GHG standards and ZEV sales mandate under both the traditional interpretation (assessing the need for the "motor vehicle emission program") and the SAFE-1 interpretation of section 209(b)(1)(B) (assessing the need for the specific emission standards in the waiver request). EPA has confirmed that the traditional interpretation of section 209(b)(1)(B) was appropriate and continues to be the proper interpretation in the wake of the rescission of the SAFE-1.
- A determination that it was inappropriate, within a waiver proceeding, to provide an interpretive view of section 177 in SAFE-1. States may adopt California's new motor vehicle emission standards that have received a waiver. Section 177 does not describe a direct approval role for EPA. States may choose to submit these adopted standards to EPA as part of a SIP request but are not obligated to do so. If a State makes a SIP submission that includes

standards adopted under section 177, EPA's role is to review them the same way that EPA reviews all SIP revisions a state submits, via a notice and comment process, to ensure that the submission meets all statutory and regulatory requirements.

Clean Air Act Legal Framework Regarding State Emissions Standards for New Motor Vehicles

- CAA section 209(a) preempts states and political subdivisions from adopting and enforcing standards related to the control of emissions from new motor vehicles and new motor vehicle engines.
- CAA section 209(b) allows California to enforce emission standards for new motor vehicles and engines if EPA grants a waiver from the preemption contained in CAA section 209(a).
- CAA Section 209(b) requires that EPA grant a waiver unless it finds that California:
 - was arbitrary and capricious in its finding that its standards are, in the aggregate, at least as protective of public health and welfare as applicable federal standards;
 - does not need such standards to meet compelling and extraordinary conditions; or
 - such standards that are not consistent with Section 202(a) of the Clean Air Act.
- Section 177 of the CAA allows other States to adopt California's new motor vehicle emission standards for which EPA has granted a waiver if other specified criteria in section 177 are met.

Key Milestones

- In 2012, the CARB finalized the ACC program. The program combined control of smog and soot-causing pollutants and greenhouse gas emissions into a single coordinated package of requirements for passenger cars, light-duty trucks, and medium-duty passenger vehicles, and set requirements for sales of ZEVs in the state.
- In 2013, EPA granted a waiver of CAA section 209 preemption for California's ACC regulations.
- In 2018, EPA and NHTSA issued a joint proposal titled *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*. In this action, EPA proposed to weaken the federal greenhouse gas emissions standards for light duty vehicles for model years 2021-2026 and withdraw the waiver for the ACC program GHG emission standards and ZEV sales mandate.
- In September 2019, NHTSA and EPA issued the SAFE-1 final action. In SAFE-1, EPA withdrew the ACC waiver issued in 2013 as it relates to GHG emission standards and the ZEV sales mandate. In the same action, NHTSA codified text and provided pronouncements finding that state or local regulations of tailpipe carbon dioxide emissions (including

California’s ACC program standards) are “related to fuel economy standards” and are therefore preempted under EPCA.

- In **October 2019**, California submitted a petition for clarification/reconsideration asking EPA to clarify the scope of SAFE-1.
- In **November 2019**, California, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Washington, and Wisconsin, the People of the State of Michigan, the Commonwealths of Massachusetts, Pennsylvania, and Virginia, the District of Columbia, and the Cities of Los Angeles, New York, San Francisco, and San Jose filed a petition for EPA to reconsider SAFE-1.
- In **November 2019**, a petition for reconsideration was filed with EPA by several environmental groups, including the Center for Biological Diversity, Chesapeake Bay Foundation, Environment America, Environmental Defense Fund, Environmental Law & Policy Center, Natural Resources Defense Council, Public Citizen, Inc., Sierra Club, and the Union of Concerned Scientists.
- On **January 20, 2021**, President Biden issued Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*. The President directed the Federal Agencies to “immediately review” SAFE-1, among other actions, and to consider “suspending, revising, or rescinding” the action by April 2021.
- On **April 28, 2021**, EPA issued a Federal Register notice that sought public comment on whether the decision to withdraw portions of California’s 2013 ACC program waiver was a valid and appropriate exercise of the Agency’s authority.
- On **June 2, 2021**, EPA held a virtual, public hearing on the 2021 Notice of Reconsideration. The transcript for that hearing and associated written comments can be found at www.regulations.gov.
- On **December 29, 2021**, NHTSA issued a Federal Register notice that repealed its regulatory text as well as other pronouncements made in SAFE-1 regarding preemption under EPCA.

For More Information

You can access the notice and related documents on EPA’s Office of Transportation and Air Quality (OTAQ) website at

www.epa.gov/regulations-emissions-vehicles-and-engines/notice-reconsideration-previous-withdrawal-waiver.

Presidential Documents

Executive Order 13990 of January 20, 2021

Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. Our Nation has an abiding commitment to empower our workers and communities; promote and protect our public health and the environment; and conserve our national treasures and monuments, places that secure our national memory. Where the Federal Government has failed to meet that commitment in the past, it must advance environmental justice. In carrying out this charge, the Federal Government must be guided by the best science and be protected by processes that ensure the integrity of Federal decision-making. It is, therefore, the policy of my Administration to listen to the science; to improve public health and protect our environment; to ensure access to clean air and water; to limit exposure to dangerous chemicals and pesticides; to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; to restore and expand our national treasures and monuments; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.

To that end, this order directs all executive departments and agencies (agencies) to immediately review and, as appropriate and consistent with applicable law, take action to address the promulgation of Federal regulations and other actions during the last 4 years that conflict with these important national objectives, and to immediately commence work to confront the climate crisis.

Sec. 2. Immediate Review of Agency Actions Taken Between January 20, 2017, and January 20, 2021. (a) The heads of all agencies shall immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in section 1 of this order. For any such actions identified by the agencies, the heads of agencies shall, as appropriate and consistent with applicable law, consider suspending, revising, or rescinding the agency actions. In addition, for the agency actions in the 4 categories set forth in subsections (i) through (iv) of this section, the head of the relevant agency, as appropriate and consistent with applicable law, shall consider publishing for notice and comment a proposed rule suspending, revising, or rescinding the agency action within the time frame specified.

(i) Reducing Methane Emissions in the Oil and Gas Sector: “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration,” 85 FR 57398 (September 15, 2020), by September 2021.

(ii) Establishing Ambitious, Job-Creating Fuel Economy Standards: “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program,” 84 FR 51310 (September 27, 2019), by April 2021; and “The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021–2026 Passenger Cars and Light Trucks,” 85 FR 24174 (April 30,

2020), by July 2021. In considering whether to propose suspending, revising, or rescinding the latter rule, the agency should consider the views of representatives from labor unions, States, and industry.

(iii) Job-Creating Appliance- and Building-Efficiency Standards: “Energy Conservation Program for Appliance Standards: Procedures for Use in New or Revised Energy Conservation Standards and Test Procedures for Consumer Products and Commercial/Industrial Equipment,” 85 FR 8626 (February 14, 2020), with major revisions proposed by March 2021 and any remaining revisions proposed by June 2021; “Energy Conservation Program for Appliance Standards: Procedures for Evaluating Statutory Factors for Use in New or Revised Energy Conservation Standards,” 85 FR 50937 (August 19, 2020), with major revisions proposed by March 2021 and any remaining revisions proposed by June 2021; “Final Determination Regarding Energy Efficiency Improvements in the 2018 International Energy Conservation Code (IECC),” 84 FR 67435 (December 10, 2019), by May 2021; “Final Determination Regarding Energy Efficiency Improvements in ANSI/ASHRAE/IES Standard 90.1–2016: Energy Standard for Buildings, Except Low-Rise Residential Buildings,” 83 FR 8463 (February 27, 2018), by May 2021.

(iv) Protecting Our Air from Harmful Pollution: “National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units—Reconsideration of Supplemental Finding and Residual Risk and Technology Review,” 85 FR 31286 (May 22, 2020), by August 2021; “Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process,” 85 FR 84130 (December 23, 2020), as soon as possible; “Strengthening Transparency in Pivotal Science Underlying Significant Regulatory Actions and Influential Scientific Information,” 86 FR 469 (January 6, 2021), as soon as possible.

(b) Within 30 days of the date of this order, heads of agencies shall submit to the Director of the Office of Management and Budget (OMB) a preliminary list of any actions being considered pursuant to section (2)(a) of this order that would be completed by December 31, 2021, and that would be subject to OMB review. Within 90 days of the date of this order, heads of agencies shall submit to the Director of OMB an updated list of any actions being considered pursuant to section (2)(a) of this order that would be completed by December 31, 2025, and that would be subject to OMB review. At the time of submission to the Director of OMB, heads of agencies shall also send each list to the National Climate Advisor. In addition, and at the same time, heads of agencies shall send to the National Climate Advisor a list of additional actions being considered pursuant to section (2)(a) of this order that would not be subject to OMB review.

(c) Heads of agencies shall, as appropriate and consistent with applicable law, consider whether to take any additional agency actions to fully enforce the policy set forth in section 1 of this order. With respect to the Administrator of the Environmental Protection Agency, the following specific actions should be considered:

(i) proposing new regulations to establish comprehensive standards of performance and emission guidelines for methane and volatile organic compound emissions from existing operations in the oil and gas sector, including the exploration and production, transmission, processing, and storage segments, by September 2021; and

(ii) proposing a Federal Implementation Plan in accordance with the Environmental Protection Agency’s “Findings of Failure To Submit State Implementation Plan Revisions in Response to the 2016 Oil and Natural Gas Industry Control Techniques Guidelines for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) and for States in the Ozone Transport Region,” 85 FR 72963 (November 16, 2020), for California, Connecticut, New York, Pennsylvania, and Texas by January 2022.

(d) The Attorney General may, as appropriate and consistent with applicable law, provide notice of this order and any actions taken pursuant to section 2(a) of this order to any court with jurisdiction over pending litigation related to those agency actions identified pursuant to section (2)(a) of this order, and may, in his discretion, request that the court stay or otherwise dispose of litigation, or seek other appropriate relief consistent with this order, until the completion of the processes described in this order.

(e) In carrying out the actions directed in this section, heads of agencies shall seek input from the public and stakeholders, including State local, Tribal, and territorial officials, scientists, labor unions, environmental advocates, and environmental justice organizations.

Sec. 3. Restoring National Monuments. (a) The Secretary of the Interior, as appropriate and consistent with applicable law, including the Antiquities Act, 54 U.S.C. 320301 *et seq.*, shall, in consultation with the Attorney General, the Secretaries of Agriculture and Commerce, the Chair of the Council on Environmental Quality, and Tribal governments, conduct a review of the monument boundaries and conditions that were established by Proclamation 9681 of December 4, 2017 (Modifying the Bears Ears National Monument); Proclamation 9682 of December 4, 2017 (Modifying the Grand Staircase-Escalante National Monument); and Proclamation 10049 of June 5, 2020 (Modifying the Northeast Canyons and Seamounts Marine National Monument), to determine whether restoration of the monument boundaries and conditions that existed as of January 20, 2017, would be appropriate.

(b) Within 60 days of the date of this order, the Secretary of the Interior shall submit a report to the President summarizing the findings of the review conducted pursuant to subsection (a), which shall include recommendations for such Presidential actions or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

(c) The Attorney General may, as appropriate and consistent with applicable law, provide notice of this order to any court with jurisdiction over pending litigation related to the Grand Staircase-Escalante, Bears Ears, and Northeast Canyons and Seamounts Marine National Monuments, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the actions described in subsection (a) of this section.

Sec. 4. Arctic Refuge. (a) In light of the alleged legal deficiencies underlying the program, including the inadequacy of the environmental review required by the National Environmental Policy Act, the Secretary of the Interior shall, as appropriate and consistent with applicable law, place a temporary moratorium on all activities of the Federal Government relating to the implementation of the Coastal Plain Oil and Gas Leasing Program, as established by the Record of Decision signed August 17, 2020, in the Arctic National Wildlife Refuge. The Secretary shall review the program and, as appropriate and consistent with applicable law, conduct a new, comprehensive analysis of the potential environmental impacts of the oil and gas program.

(b) In Executive Order 13754 of December 9, 2016 (Northern Bering Sea Climate Resilience), and in the Presidential Memorandum of December 20, 2016 (Withdrawal of Certain Portions of the United States Arctic Outer Continental Shelf From Mineral Leasing), President Obama withdrew areas in Arctic waters and the Bering Sea from oil and gas drilling and established the Northern Bering Sea Climate Resilience Area. Subsequently, the order was revoked and the memorandum was amended in Executive Order 13795 of April 28, 2017 (Implementing an America-First Offshore Energy Strategy). Pursuant to section 12(a) of the Outer Continental Shelf Lands Act, 43 U.S.C. 1341(a), Executive Order 13754 and the Presidential Memorandum of December 20, 2016, are hereby reinstated in their original form, thereby restoring the original withdrawal of certain offshore areas in Arctic waters and the Bering Sea from oil and gas drilling.

(c) The Attorney General may, as appropriate and consistent with applicable law, provide notice of this order to any court with jurisdiction over pending litigation related to the Coastal Plain Oil and Gas Leasing Program in the Arctic National Wildlife Refuge and other related programs, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, pending the completion of the actions described in subsection (a) of this section.

Sec. 5. Accounting for the Benefits of Reducing Climate Pollution. (a) It is essential that agencies capture the full costs of greenhouse gas emissions as accurately as possible, including by taking global damages into account. Doing so facilitates sound decision-making, recognizes the breadth of climate impacts, and supports the international leadership of the United States on climate issues. The “social cost of carbon” (SCC), “social cost of nitrous oxide” (SCN), and “social cost of methane” (SCM) are estimates of the monetized damages associated with incremental increases in greenhouse gas emissions. They are intended to include changes in net agricultural productivity, human health, property damage from increased flood risk, and the value of ecosystem services. An accurate social cost is essential for agencies to accurately determine the social benefits of reducing greenhouse gas emissions when conducting cost-benefit analyses of regulatory and other actions.

(b) There is hereby established an Interagency Working Group on the Social Cost of Greenhouse Gases (the “Working Group”). The Chair of the Council of Economic Advisers, Director of OMB, and Director of the Office of Science and Technology Policy shall serve as Co-Chairs of the Working Group.

(i) Membership. The Working Group shall also include the following other officers, or their designees: the Secretary of the Treasury; the Secretary of the Interior; the Secretary of Agriculture; the Secretary of Commerce; the Secretary of Health and Human Services; the Secretary of Transportation; the Secretary of Energy; the Chair of the Council on Environmental Quality; the Administrator of the Environmental Protection Agency; the Assistant to the President and National Climate Advisor; and the Assistant to the President for Economic Policy and Director of the National Economic Council.

(ii) Mission and Work. The Working Group shall, as appropriate and consistent with applicable law:

(A) publish an interim SCC, SCN, and SCM within 30 days of the date of this order, which agencies shall use when monetizing the value of changes in greenhouse gas emissions resulting from regulations and other relevant agency actions until final values are published;

(B) publish a final SCC, SCN, and SCM by no later than January 2022;

(C) provide recommendations to the President, by no later than September 1, 2021, regarding areas of decision-making, budgeting, and procurement by the Federal Government where the SCC, SCN, and SCM should be applied;

(D) provide recommendations, by no later than June 1, 2022, regarding a process for reviewing, and, as appropriate, updating, the SCC, SCN, and SCM to ensure that these costs are based on the best available economics and science; and

(E) provide recommendations, to be published with the final SCC, SCN, and SCM under subparagraph (A) if feasible, and in any event by no later than June 1, 2022, to revise methodologies for calculating the SCC, SCN, and SCM, to the extent that current methodologies do not adequately take account of climate risk, environmental justice, and intergenerational equity.

(iii) Methodology. In carrying out its activities, the Working Group shall consider the recommendations of the National Academies of Science, Engineering, and Medicine as reported in *Valuing Climate Damages: Updating Estimation of the Social Cost of Carbon Dioxide (2017)* and other pertinent scientific literature; solicit public comment; engage with the public and stakeholders; seek the advice of ethics experts; and ensure that the SCC, SCN, and SCM reflect the interests of future generations in avoiding threats posed by climate change.

Sec. 6. *Revoking the March 2019 Permit for the Keystone XL Pipeline.*

(a) On March 29, 2019, the President granted to TransCanada Keystone Pipeline, L.P. a Presidential permit (the “Permit”) to construct, connect, operate, and maintain pipeline facilities at the international border of the United States and Canada (the “Keystone XL pipeline”), subject to express conditions and potential revocation in the President’s sole discretion. The Permit is hereby revoked in accordance with Article 1(1) of the Permit.

(b) In 2015, following an exhaustive review, the Department of State and the President determined that approving the proposed Keystone XL pipeline would not serve the U.S. national interest. That analysis, in addition to concluding that the significance of the proposed pipeline for our energy security and economy is limited, stressed that the United States must prioritize the development of a clean energy economy, which will in turn create good jobs. The analysis further concluded that approval of the proposed pipeline would undermine U.S. climate leadership by undercutting the credibility and influence of the United States in urging other countries to take ambitious climate action.

(c) Climate change has had a growing effect on the U.S. economy, with climate-related costs increasing over the last 4 years. Extreme weather events and other climate-related effects have harmed the health, safety, and security of the American people and have increased the urgency for combatting climate change and accelerating the transition toward a clean energy economy. The world must be put on a sustainable climate pathway to protect Americans and the domestic economy from harmful climate impacts, and to create well-paying union jobs as part of the climate solution.

(d) The Keystone XL pipeline disserves the U.S. national interest. The United States and the world face a climate crisis. That crisis must be met with action on a scale and at a speed commensurate with the need to avoid setting the world on a dangerous, potentially catastrophic, climate trajectory. At home, we will combat the crisis with an ambitious plan to build back better, designed to both reduce harmful emissions and create good clean-energy jobs. Our domestic efforts must go hand in hand with U.S. diplomatic engagement. Because most greenhouse gas emissions originate beyond our borders, such engagement is more necessary and urgent than ever. The United States must be in a position to exercise vigorous climate leadership in order to achieve a significant increase in global climate action and put the world on a sustainable climate pathway. Leaving the Keystone XL pipeline permit in place would not be consistent with my Administration’s economic and climate imperatives.

Sec. 7. *Other Revocations.* (a) Executive Order 13766 of January 24, 2017 (Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects), Executive Order 13778 of February 28, 2017 (Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule), Executive Order 13783 of March 28, 2017 (Promoting Energy Independence and Economic Growth), Executive Order 13792 of April 26, 2017 (Review of Designations Under the Antiquities Act), Executive Order 13795 of April 28, 2017 (Implementing an America-First Offshore Energy Strategy), Executive Order 13868 of April 10, 2019 (Promoting Energy Infrastructure and Economic Growth), and Executive Order 13927 of June 4, 2020 (Accelerating the Nation’s Economic Recovery from the COVID–19 Emergency by Expediting Infrastructure Investments and Other Activities), are hereby revoked. Executive Order 13834 of May 17, 2018

(Efficient Federal Operations), is hereby revoked except for sections 6, 7, and 11.

(b) Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects), is hereby revoked. The Director of OMB and the Chair of the Council on Environmental Quality shall jointly consider whether to recommend that a replacement order be issued.

(c) Executive Order 13920 of May 1, 2020 (Securing the United States Bulk-Power System), is hereby suspended for 90 days. The Secretary of Energy and the Director of OMB shall jointly consider whether to recommend that a replacement order be issued.

(d) The Presidential Memorandum of April 12, 2018 (Promoting Domestic Manufacturing and Job Creation Policies and Procedures Relating to Implementation of Air Quality Standards), the Presidential Memorandum of October 19, 2018 (Promoting the Reliable Supply and Delivery of Water in the West), and the Presidential Memorandum of February 19, 2020 (Developing and Delivering More Water Supplies in California), are hereby revoked.

(e) The Council on Environmental Quality shall rescind its draft guidance entitled, "Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions," 84 FR 30097 (June 26, 2019). The Council, as appropriate and consistent with applicable law, shall review, revise, and update its final guidance entitled, "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," 81 FR 51866 (August 5, 2016).

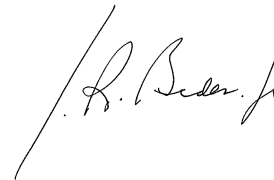
(f) The Director of OMB and the heads of agencies shall promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, including, if necessary, by proposing such rescissions through notice-and-comment rulemaking, implementing or enforcing the Executive Orders, Presidential Memoranda, and draft guidance identified in this section, as appropriate and consistent with applicable law.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 20, 2021.

[FR Doc. 2021-01765
Filed 1-22-21; 11:15 am]
Billing code 3295-F1-P

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF JULY 28, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering
Committee Meeting of August 15, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, August 15, 2022, and approved the Minutes of July 18, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received status updates on the activities of the Committee's Problems to Solutions Ad Hoc Working Group. Committee Co-Chair Alfredo Rafael Angulo provided an update on the Ad Hoc Working Group and noted that meetings are set through Fall 2022 focusing on developing key issue statements and draft strategies. The September 2022 meeting will focus on industry, vehicles, trucks, logistics, and warehouses. In October 2022, the group will focus on addressing public health, reducing exposures, and commercial industrial sources. Finally, in the November 2022 meeting, the group we will be focusing on fuel refining distribution and storage facilities, and marine and rail. Other Committee members can reach out to the Co-Chairs or staff on any of the proposed topics as materials are being developed for this group.

The Committee then received the staff presentation *Writer's Guide to Developing and Reviewing Path to Clean Air Community Emissions Reduction Plan Strategies*. This presentation consisted of a guide to developing and reviewing Air District staff-recommended strategies, applying guiding questions (written by Air District staff) to different strategy categories (emissions,

ambient concentrations, exposure, dosage, and health effects). Following the staff presentation, the Committee broke up into several groups, based on strategy categories, and used the virtual interactive platform, Jamboard, to brainstorm. Members of the public and Air District staff were also invited to listen to each group discussion. The Committee then reconvened to hear and discuss report outs from the group discussions and suggest revisions to the draft writer's guide. Suggested revisions will be accepted by Air District staff until August 29, 2022.

Finally, the Committee received the presentation *Proposed Changes to the Path to Clean Air Community Emissions Reduction Plan Governance Structure*, presented by Co-Chair Angulo. Since the Committee's inception, Committee members have expressed concerns and frustrations that the Ralph M. Brown Act (Brown Act) limits creative ways of engaging during meetings, creates an undue burden for co-developing and/or reviewing materials ahead of CSC meetings, and makes recruiting and appointing new members a challenging and arduous process. Those Committee members have therefore called for the current Board-appointed Committee to be disbanded, and for it to be replaced by a non-Board-appointed Committee that would not be subject to the Brown Act. Neither Assembly Bill 617, nor the California Air Resources Board Blueprint, require the Committee to be appointed by Air District's Board of Directors (Board). The Committee had a robust discussion regarding this item and expressed areas of concern including, being an unforeseen topic of discussion; ensuring this change will not limit access to over-burdened communities to engage in public policy/procedure, potential delays of current Committee work, and inconsistently following only select parts of the Brown Act. After the discussion, the Committee took action and voted against recommending to the Board that they should disband the current CSC so that the Community Emission Reduction Plan can be developed by a non-Board-appointed committee that is not subject to the Brown Act.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, September 19, 2022, at 5:30 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Justine Buenaflor
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Path to Clean Air CERP August 15, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Path to Clean Air Steering Committee

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

Date: August 15, 2022

Re: Writer's Guide to Developing and Reviewing Path to Clean Air (PTCA) Community Emissions Reduction Plan (CERP) Strategies

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Staff developed a draft writer's guide to developing and reviewing PTCA CERP Strategies, that includes a glossary, feasibility criteria, alignment with vision and principles criteria, and an outline of content, for review and discussion by the Steering Committee, in preparation for strategy development.

DISCUSSION

Steering Committee members will review the proposed draft writer's guide to developing and reviewing PTCA CERP Strategies. There will be a recess to allow Committee members to discuss the draft writer's guide in small groups. The meeting will then reconvene for the Committee to discuss the draft and provide edits.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White

Reviewed by: Veronica Eady

ATTACHMENTS:

1. Strategy Writing Guide and Checklist

PATH TO CLEAN AIR
STEERING COMMITTEE
MEETING OF AUGUST 15, 2022

Path to Clean Air Community Steering Committee (PTCA CSC) Support Document

Draft v3, July 27, 2022

Part I. Below is a proposed outline for the Key Issues and Strategies Chapters to be included in the PTCA Community Emission Reduction Plan

Key Issues and Strategies Chapter Outline

1. Chapter Title
2. Brief Description of Key Issue(s), including Key Issue Statement(s) [*narrative describing key issues (what's the concerns, what do we know, what are the consequences), and any relevant background, and key issue statement(s)*]
3. Weight of Evidence [*Any and all of the following to describe the key issues*]
 - a. Technical Assessment Information [*Specific and detailed relevant information from the Technical Assessment, including impacts (emissions and exposure)*]
 - b. Community Description Information [*Specific and detailed relevant information from the Community Description*]
 - c. Compliance and Enforcement Information [*Specific and detailed relevant information from Compliance and Enforcement*]
4. Strategies [See Part II Writer's Guide, Section III. Strategy Content]

Part II. Writer's Guide to Developing and Reviewing PTCA CERP Strategies

Purpose and Instructions: The purpose of the Writer's Guide is to serve as both a guide for writing and developing strategies, as well as a checklist for reviewing strategies to ensure they include all necessary components and reflect the Path to Clean Air (PTCA) Community Steering Committee (CSC)'s Vision and Principles. Strategy-writing is expected to be a collaborative effort involving Community Steering Committee members (CSC) and Air District staff, in which community voices are centered.

This document is organized into three sections, as detailed below in the Outline. For each strategy, ask the questions laid out in Sections II and III below. Use these as a guide for assessing whether the strategy meets feasibility criteria, aligns with the community's Visions and Principles, and is complete. To decide if a strategy meets all criteria described here, we recommend CSC members and Air District staff work together to reach general consensus. **Guiding questions for each section are highlighted in blue throughout.**

Outline:

- I. Glossary: Definitions of terms included in the Guide and Checklist.
- II. Strategy Criteria: Criteria for writing and developing, as well as reviewing, strategies.

III. Content: Necessary components of each strategy, to review both during the writing and development, as well as for review of each strategy after development.

I. **GLOSSARY**

- **Social Equity:** Social equity is impartiality, fairness, and justice for all people in a society. Social equity considers systemic inequalities to ensure everyone in a community has access to the same opportunities and outcomes. Equity practice acknowledges that inequalities exist and works to eliminate them by developing approaches to addressing disparities.
- **Disparity:** A noticeable and usually significant difference or dissimilarity. This word is used herein to describe a social or economic condition that's considered unfairly unequal: a racial disparity in hiring, a health disparity between the rich and the poor, an income disparity between men and women, and so on.
- **Environmental Justice:** Environmental justice is the fair treatment and meaningful involvement* of all people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal, and commercial operations or from the execution of federal, state, and local laws; regulations; and policies. Environmental justice addresses disproportionate environmental and health impacts in all laws, rules, and policies by prioritizing vulnerable populations and overburdened communities and pursuing the equitable distribution of resources and benefits to eliminate harm.^{1 2}
**Meaningful Involvement* means sharing power with community members in every step of a process, especially members from the most impacted populations – Black, indigenous, and people of color.
- **Action:** Actions are specific, clear, achievable, and focused. These are the individual steps that together form an overall Strategy that addresses a Key Issue. Air District Actions could include, for example: regulations, permitting, enforcement, incentives, further study, and/or education and outreach, whereas a Strategy could be a combination of a regulation, incentive, and outreach effort to form an overall, holistic Strategy. Note that all actions that form a strategy should be related to that strategy, and collectively address a Key Issue.
- **Strategy:** A Strategy is a collection of actions, that together address a Key Issue holistically. This is the overall change we want to create, and the Actions are the specific steps to get there.

II. **STRATEGY CRITERIA**

Feasibility: Can the strategy be implemented successfully? Below are some questions to ask yourself to determine if the strategy is feasible, that is, is it implementable? If you identify obstacles to

¹ US EPA, OP. Environmental Justice. 3 Nov. 2014, <https://www.epa.gov/environmentaljustice>.

² "What Is Environmental Justice?" *Energy.Gov*, <https://www.energy.gov/lm/services/environmental-justice/what-environmental-justice>. Accessed 5 July 2022.

implementation, can you also identify options to overcome these or change the strategy or action to increase the chance of success?

- Funding: can the strategy be implemented with existing or expected funding sources?
- Political support: is there a high likelihood of political support for the strategy?
- Technical: how much certainty is there that the strategy can be implemented and achieve the expected benefits with existing technology or know-how?
- Authority/Legality: can the strategy be implemented within existing authorities of the lead/partners?
- Champion: does the strategy have a champion that will help ensure its success?
- Timeline: will the community benefit from this strategy within a reasonable timeframe, i.e., for strategies that will have long timelines, are they worth the wait?

Alignment with Vision & Principles: Does the strategy align with the PTCA Vision and Principles? Below are some questions to ask yourself to answer this question. Each question below includes reference to the PTCA CSC Principles or Vision related to the question.

- Vision: Does the strategy, and particularly the objective, reflect the needs of the people who have been disproportionately harmed by environmental injustice? (expected racial and social equity outcomes)
- Principle #3: Is the strategy based on, or does it reflect, the information we have about racial and social disparities, and if not, what information do you need? (analysis of information)
- Principle #2: Does the strategy center the stakeholders who benefit and/or are burdened to be included, at what level of participation, and will this participation be meaningful (see definition of meaningful participation in glossary above)? (stakeholder inclusion)
- Principle #5: Does the strategy further or create disparities or inequities in communities that have been disproportionately harmed? (who is burdened)
- Principle #5: Does the strategy lead to investment, or dismantle barriers, in communities that have been disproportionately harmed by environmental injustice? (who benefits)
- Principle #4: Does the strategy achieve the highest emissions and exposure reductions possible in a matter that is sustainable for the long-term? (strategies and implementation)
- Principle #4: Will strategy implementation result in unintended consequences for communities most disproportionately harmed by environmental justice? [*e.g. increased property value, leading to gentrification*] (strategies and implementation)
- Principles #1, 3 and 5: (evaluation and accountability)
 - Are the metrics and measures understandable to community?
 - Are the metrics and measures data-driven and evidence based?
 - Will the metrics and measures demonstrate progress towards addressing longstanding disproportionate injustices and inequities?

III. CONTENT

Is the strategy complete, have you been able to fill in all components? Below the components, or the content, of a strategy are named and defined. To note, a strategy may have numerous actions.

Component	Description
Strategy #	<i>This will be assigned and will reference the Key Issue the strategy addresses</i>
Strategy name	<i>A brief descriptive name, related to the Key Issue the strategy addresses, that can be used as “short-hand” to talk about the strategy, e.g.; “Zero or low emission logistics centers”</i>
Key Issue Addressed	<i>List the Key Issue addressed by this strategy.</i>
Objective (intended outcome of the strategy)	<i>What the strategy is meant to achieve, or the overarching goal of the strategy, which upholds or advances the Vision and Principles. What is the expected outcome of the strategy? Be as specific as possible. E.g. Outcome = Starting in 2025, all new logistics centers are zero emissions.</i>
Measure (metric of success)	<i>How will we measure the success of the strategy? Measure = % of new logistic centers that are zero emission (goal is 100%), and see below for detail on how we achieve that outcome via the actions measures.</i>
Action #	<i>This will be assigned and will reference the strategy the action is part of.</i>
Action name/brief description	<i>A brief descriptive name, related to the strategy, that can be used as “short-hand” to talk about the action, e.g.; “Local requirement for electric vehicle charging infrastructure at all loading docks.”</i>
Type of action	<i>Type of action (helps sort/filter during implementation), e.g.; regulatory, enforcement, incentives, further research, education/outreach</i>
Lead action implementor	<i>The agency, organization, or group that is primarily responsible for implementing the action</i>
Partners in action implementation	<i>Partners who will work with the lead to implement the action</i>
Key stakeholders to engage in action implementation	<i>Stakeholders to be engaged in the implementation of the action should include those that are most burdened, most likely to benefit, and who may be subject to unintended consequences</i>
Potential obstacles	<i>Any potential obstacles to implementation of action, and plan for overcoming that obstacle</i>
Action initiation timeframe	<i>Defined timeframe to initiate the action, e.g.; Near=<2 years; Mid=2-4 years; Long > 4 years</i>

Action intervention point*	At what point in the causal chain is the action intervening, e.g.; emissions, ambient concentration, exposure, dosage, health effects
Action impact timeframe	Defined timeframe for the action's impact to be observed, e.g.; Near=<2 years; Mid=2-4 years; Long > 4 years
Measure/metric of action implementation	How the action implementation will be measured, typically using output metrics, e.g.; <ul style="list-style-type: none"> • Direct emission reductions (yes/no?) • Direct exposure reductions (yes/no?) • Indirect emission reductions (yes/no?) • Indirect exposure reductions (yes/no?) • Was a regulation implemented (yes/no?) • Was a grant received (yes/no?)
Estimate of action's emission/exposure reduction	Was the potential emissions or exposure reduction of the implemented strategy estimated - Yes/no? If yes, see technical support and summary of quantitative reduction estimates
Narrative on how Strategy meets Feasibility Criteria	Describe how the strategy does or does not meet the feasibility criteria
Narrative on how Strategy meets Vision and Principles Criteria	Describe how the strategy does or does not meet the feasibility criteria

*causal chain of air pollution and health, see PTCA CSC [Technical Assessment presentation #2](#) or [PTCA CSC Nov 15, 2022 Meeting](#)



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Members of the Path to Clean Air Steering Committee

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

Date: August 15, 2022

Re: Discussion and Vote on Recommendation to the Air District Board of Directors that the Board Should Disband the Current Path to Clean Air Steering Committee so that the Community Emission Reduction Plan Can Be Developed by a Non-Board-Appointed Committee that is not Subject to the Brown Act

RECOMMENDED ACTION

Staff recommend that the Steering Committee discuss and take a vote on whether to recommend to the Air District Board of Directors that the Board disband the current Board-appointed Path to Clean Air Community Steering Committee, which would allow the Community Emission Reduction Plan (CERP) to be developed by a non-Board-appointed committee that is not subject to the Brown Act.

BACKGROUND

On March 3, 2021, the Air District Board of Directors established the Path to Clean Air Community Steering Committee (CSC) and appointed the members. Because the CSC was established by the Board of Directors, it is subject to the Ralph M. Brown Open Meetings Act (Brown Act). CSC members have expressed concerns and frustrations that the Brown Act limits creative ways of engaging during meetings, creates an undue burden for co-developing and/or reviewing materials ahead of CSC meetings, and makes recruiting and appointing new members a challenging and arduous process. CSC members have therefore called for the current Board-appointed CSC to be disbanded, and for it to be replaced by a non-Board-appointed committee that would not be subject to the Brown Act. Neither Assembly Bill 617 nor the California Air Resources Board Blueprint require CSCs to be appointed by air district boards.

After requests from multiple Path to Clean Air CSC members, the Committee's Co-Chairs asked to agendaize the discussion and vote to recommend to the Air District Board of Directors that it disband the CSC by rescinding Resolution No. 2021-02, which established the CSC. If the CSC votes to make this recommendation, the Co-chairs will draft and send a letter to the Community Equity, Health and Justice Board Committee. If the Community Equity, Health and Justice committee and ultimately the full Board agree with the request, then the CSC would be dissolved and a new non-Board-appointed community steering committee would be re-formed to complete work on the Path to Clean Air CERP. Before it is dissolved, the CSC would develop a

recommendation for how the members of this new non-Board-appointed committee will be recruited, selected and appointed.

DISCUSSION

CSC members will discuss if there are any concerns regarding the recommendation to rescind Resolution No. 2021-02 and disband the current Board-appointed CSC, as well as what recommendations could be made to replace the current CSC with a non-Board-appointed committee. CSC members will then vote on whether to make this recommendation to the Board of Directors.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White
Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR
STEERING COMMITTEE
MEETING OF AUGUST 15, 2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: The Board of Directors

From: John J. Bauters
Board Chairperson

Date: September 7, 2022

Re: Consider Approving the Advertising Brochure for the upcoming Executive Officer/Air Pollution Control Officer (APCO) Recruitment

RECOMMENDED ACTION

Recommend the Board of Directors approve the Advertising Brochure for the Executive Officer/APCO recruitment.

BACKGROUND

On July 6, 2022, the Board of Directors approved the execution of a contract to engage Bob Murray and Associates for the recruitment of the Air District's new Executive Officer/APCO. Bob Murray and Associates has received input from the Board and various stakeholders to develop the Advertising Brochure.

DISCUSSION

During today's Board of Directors meeting, the Board of Directors will receive public comment and discuss the Advertising Brochure for the Executive Officer/APCO recruitment.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

John J. Bauters
Board Chairperson

Prepared by: John Chiladakis
Reviewed by: John J. Bauters

ATTACHMENTS:

1. DRAFT Advertising Brochure EO Recruitment



BAY AREA
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**EXECUTIVE OFFICER –
AIR POLLUTION CONTROL OFFICER**



**BOB MURRAY
& ASSOCIATES**
EXPERTS IN EXECUTIVE SEARCH



THE COMMUNITY

The San Francisco Bay Area is one of the nation’s largest metropolitan regions and is one of the most popular tourist destinations in the world largely due to its rich history, diversity, and natural beauty extending from Napa to the Silicon Valley. The region spans 7,000 square miles and is home to more than 7 million people. The Bay Area is a culturally diverse region where customs, traditions, and history are preserved, celebrated, and shared. Award winning wineries, remarkable skylines, and breathtaking views make this region one of the world’s most popular destinations. The Bay Area offers something for everyone ranging from the arts to year-round outdoor recreation, to professional sports teams.



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THE ORGANIZATION

The **Bay Area Air Quality Management District (Air District)**, created in 1955, is the state's first regional agency to regulate air pollution. The Air District was created during this time, as the air in the Bay Area was often unhealthy to breathe due to burning, vehicle exhaust, and factories polluting the air.

The Air District is tasked with regulating stationary sources of air pollution in the nine counties that surround the San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. It is governed by a 24-member Board of Directors composed of locally elected officials from each of the nine Bay Area counties, with the number of board members from each county being proportionate to its population.

The Board of Directors oversees policies, adopts regulations, and promotes and incentivizes clean air actions to reduce air pollution within the Air District jurisdiction. The Board also appoints the Air District's Executive Officer - Air Pollution Control Officer (APCO), who implements these policies, gives direction to staff, and provides air quality thought leadership on a state, national and global scale. The Air District consists of over 400 dedicated staff members, including engineers, inspectors, planners, scientists, and other professionals.

The Air District has a mission to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and global climate. Five core values that drive the Air District are: excellence, leadership, collaboration, dedication, and equity. The Air District also aims to achieve its mission through many strategic goals including: reducing and eliminating health problems caused by air pollution, achieving and maintaining air quality standards for all criteria pollutants, creating high-quality regulatory programs, establishing the Bay Area as a leading area for emissions reductions, and applying environmental best practices in all operations.

The Air District has made vast improvements in the quality of air we breathe by controlling air pollution from stationary emission sources such as factories, refineries, and power plants, and from small facilities like gas stations and dry cleaners. The Air District oversees one of the most robust air monitoring networks in the nation with more than 30 air monitoring stations that measure air quality throughout the Bay Area and inform daily air quality forecasts. The Air District also ensures that businesses comply with some of the nation's most stringent air pollution laws and regulations, provide incentives and grants to encourage clean air alternatives and actions. On days where ozone or fine particulate pollution levels are high, the Air District issues "Spare the Air" alerts to warn the public of the potential health hazards. While the Air District has improved air quality over the past six decades, there are still challenges today due to the growing population, traffic, and especially due to catastrophic wildfires driven by climate change.

The Air District recognizes and values the contributions of every employee and works to sustain an environment where everyone is respected. We incorporate the principles of diversity, equity and inclusion within our decision-making strategies, policies, procedures, regulations, funding initiatives, public outreach, planning, and hiring.

To learn more about the Air District, visit: baaqmd.gov



BAY AREA
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EXECUTIVE OFFICER - AIR POLLUTION CONTROL OFFICER

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MESSAGE FROM THE CHAIR

The Bay Area Air Quality Management District aims to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and global climate. We value excellence, thoughtful leadership, collaboration, dedication, equity and transparency in governance. Consistent with these values, the Board of Directors has reached out to stakeholders and included the important feedback that we received regarding the characteristics and qualifications of the next Executive Officer. Input from our staff, the community, and the District’s Employee’s Association, are key sections in the announcement below. I encourage and invite you to apply for this exciting opportunity online at www.bobmurrayassoc.com. Valerie Philips, the recruiter for this position, can be reached at apply@bobmurrayassoc.com, and is available to answer questions that you may have regarding the position and its qualifications.

– Chair John J. Bauters

The Air District has received a large amount of important input from stakeholders on the desired qualities of an ideal candidate. Sections below entitled Community Input, Staff Input, and Employee’s Association Input are limited to a summary of the information received.



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COMMUNITY INPUT

The Community is seeking an Executive Officer who is familiar with the environmental history of the Bay Area, including working with diverse communities and ethnic minorities. The candidate must have a long-term record of leading efforts around air quality, air pollution, and climate change and must have the ability to lead transformative regulatory efforts. The new Executive Officer must understand and have experience working with communities overburdened by air pollution and must have the ability to translate goals and objectives into programs and enforceable regulations. The ideal candidate is articulate, dynamic, and results-oriented with excellent communication skills. They will be a courageous visionary and must understand the value of diversity, equity, and inclusion and the difference between equality and equity.

The new Executive Officer will understand the impact on jobs in communities overburdened by air pollution; offers a meaningful history of commitment to racial equity and environmental justice; and understands and acknowledges injustice. They must have the ability to anticipate program strengths, weaknesses, and opportunities; to anticipate budgetary impacts from potential and existing grant funding changes; and to develop and analyze options, make, and implement decisions. The ideal candidate is knowledgeable of regulatory and legislative processes and anticipates issues and policy questions. They must have strength in orchestrating and facilitating meetings, projects, and advocacy efforts.

The Community seeks an Executive Officer that can exercise a high degree of inventiveness, imagination, innovation, and independent judgement to identify critical and non-critical issues. Someone who can solve problems in cooperation with other disciplines and entities is desired. The successful candidate can multi-task on projects and timelines with innovative use of analytical tools and research data. A candidate with a track record of hiring, retaining, and promoting people of color is also desired.



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STAFF INPUT

The staff at the Air District is seeking a strategic, experienced, engaged, and empathetic Executive Officer who is trustworthy, honest with the Board, and engaged with staff. The ideal candidate should have the ability and desire to rely on staff and openly welcomes ideas, thoughts, and opinions. A visionary that empowers people and emphasizes improvement of managerial skills is essential. The successful candidate provides feedback, accepts responsibility, has strong decision-making skills, and understands the community that the Air District serves. Someone who has a strong understanding of the Bay Area, and the Air District is desired. The staff is seeking a candidate with the following qualifications and characteristics:

- Proven technical and air quality experience.
- The ability to prioritize.
- The proven understanding of diversity, equity, and inclusion (DEI) and its role at the Air District.
- The ability to hold people accountable and support agency staff.
- The ability and desire to act as a change agent.
- Excellent communication and listening skills.
- The ability to make difficult decisions to produce the best results.
- The ability to encourage cross organizational collaboration.



EMPLOYEE'S ASSOCIATION INPUT

We desire the following attributes with respect to management skills and style:

We seek a leader with a history of commitment to transparency within their institution and in public communications. This leader should support staff, and staff ideas, be receptive to staff input, be open to criticism, and should never have a chilling effect on opposing views. We want a leader who does not foster hierarchal or siloed interdepartmental structures; our leader should understand the value of a collaborative work culture and should have a record of fostering such a culture. Finally, our leader should have a history of effective working relationships with oversight bodies. Ideally, this individual has worked with diverse or regional- scale boards like our own. Crucially, this person can effectively communicate the knowledge, expertise, and limitations of our agency, and can diplomatically push back on Board directives when warranted. In doing so, this individual must be able to communicate complex technical and scientific ideas to the Board. They must effectively pursue Board goals without making impossible promises, and when necessary, they will ask for additional staffing rather than taking on excessive work and being compelled to contract out bargaining unit work.

We desire the following attributes related to working conditions, pay and benefits:

We seek a leader who has a history of evaluating and applying pay equity. This leader ought to understand the uniqueness of the Bay Area cost of living and should be committed to fair COLAs. Similarly, this leader should understand the value of fostering satisfied employees; they should have a history of promoting good work-life balance and should have progressive ideas on how to establish such a balance. This leader should promote flexibility and modernity; they should understand and implement new and emerging technologies for modernizing work. Finally, they should be committed to the role that remote work plays in the modern workforce and should not seek to undermine existing Air District policy relating to remote work.

We desire the following mindset regarding careers and jobs at the Air District:

We seek a leader that believes in fostering career growth for employees by prioritizing internal promotions and creating systems to make promotions easier. Similarly, this leader should have the ability to properly allocate staff and maintain sufficient staffing; as our agency grows and more projects are undertaken, we need staff to support the agency's growth and expanded purview. Our leader should recognize and treat our agency as a place where many employees expect to spend the rest of their careers. Even so, this leader should plan for staff turnover rates and retirement so that positions aren't left vacant for extended periods of time.

We desire a candidate with extensive experience with labor unions:

We seek a leader that deeply understands the importance of unions and fundamentally believes in collective bargaining. We expect this individual to have been involved in several contract negotiations, settlement agreements, grievances, lawsuits, and other labor relations issues, all of these being situations requiring fairness, even-handedness, and creativity.

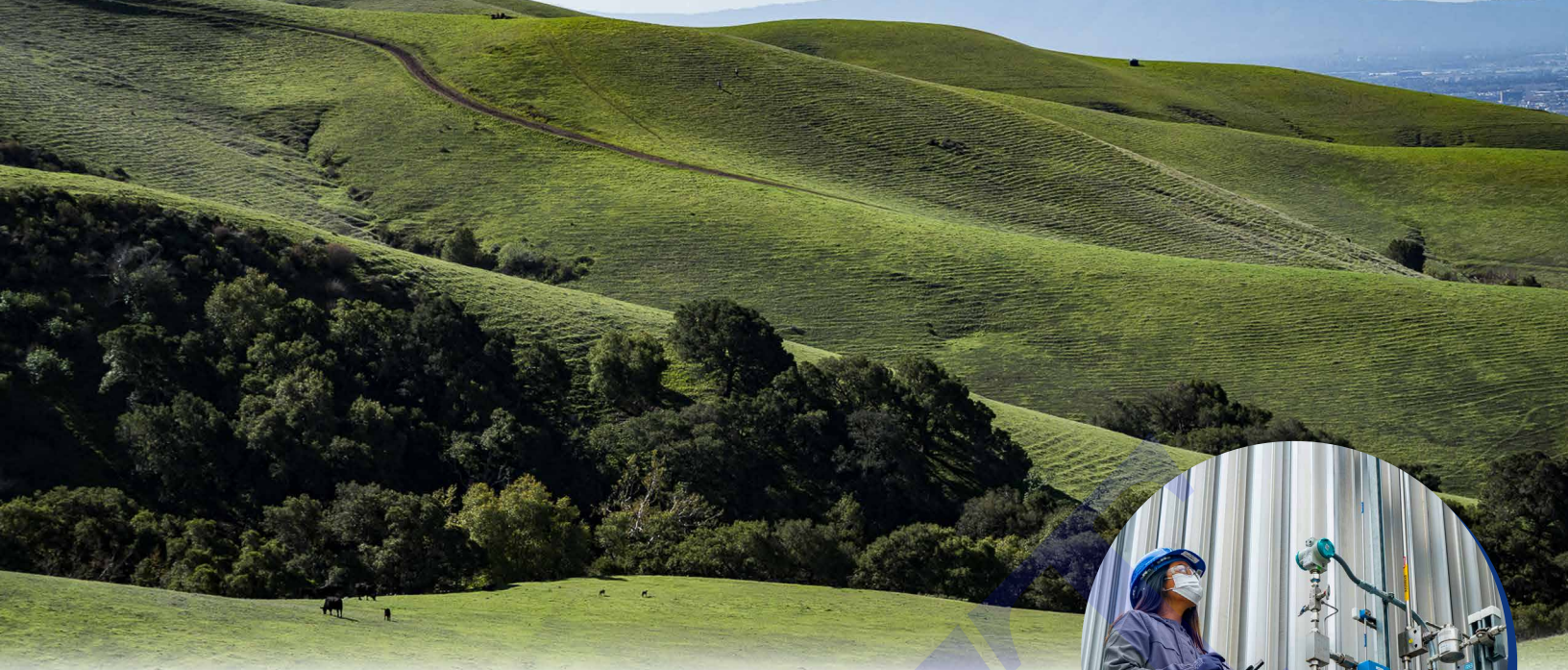
We desire the following commitments regarding Diversity, Equity, and Inclusion:

We seek a leader that has a history of understanding and showing true commitment to diversity. This leader ought to know how to effectively apply principles of Diversity, Equity, and Inclusion in the administration and action of the institution. Additionally, it is crucial that our next leader understands the deep diversity of the Bay Area. Finally, our leader should have zero tolerance for bullying.

We desire the following general attributes in our new leader:

We seek an individual with unquestioned integrity, honesty, transparency, and compassion. This individual should not have a history of nepotism or favoritism. We seek a leader who is a true technical expert in addition to an effective administrator; this individual understands air quality science, environmental science, and can communicate the nuances of these topics effectively. Fundamentally, our next leader ought to be firmly committed to environmental health and justice. It follows that our leader must act on the climate crisis as the existential threat that it is, implementing the political will to make the Air District a true climate leader, while never sacrificing our core missions.





THE POSITION

Under policy direction of the Air District Board, the Executive Officer organizes, coordinates, and directs through management staff, all Air District functions and activities. They provide policy guidance and strategies regarding air quality management and foster cooperative working relationships with the Board, Air District staff, industry, the public, and other agencies. The Executive Officer will be responsible for accomplishing Air District strategic planning as well as meeting goals and objectives in an effective, efficient manner. The Air District is considered the gold standard for air quality and climate leadership. The Executive Officer often represents the agency on an international stage through conferences, delegations and in the media.

Day-to-day responsibilities include, planning, organizing, coordination, and directing through staff, the work of the Air District; directing the development and implementation of goals, objectives, policies, procedures, and work; and working closely with and advising the Board, the Hearing Board, the Advisory Council, their committees, Air District staff, industry, the public, and other agencies.

Other responsibilities include but are not limited to:

- Interpreting, analyzing, and promoting Air District policies, procedures, and programs.
- Coordinating the preparation and presentation of a wide variety of reports to the Board, the public, and other agencies.
- Directing the development and implementation of management systems, procedures, and the application of standards for program evaluation on an agency-wide basis.
- Formulating the comprehensive, annual budget for Air District operations.
- Other emerging duties as assigned.





THE IDEAL CANDIDATE

The Air District is seeking an experienced, collaborative, and goal oriented Executive Officer. The ideal candidate is politically astute and understands the value and importance of clear communication and direction. A candidate that is forward thinking and solution oriented will do well in this position. The successful candidate has excellent administrative skills and has the desire to mentor and develop staff. The new Executive Officer must be ethical and possess the highest integrity. They will be innovative and creative and must demonstrate high emotional intelligence. The Executive Officer must have excellent presentation skills as well as the ability to prepare clear and concise reports, correspondence, and other written materials.

The ideal candidate will possess strong leadership skills and the ability to create a team-oriented environment that emphasizes cooperation, accountability, and responsiveness to achieve the goals and objects of the Air District. The new Executive Officer will have strong commitment to the Air District and must have passion and aptitude for their work and the mission of the organization. The ideal candidate will be clear and articulate with the ability to interact with a variety of groups within the community. They will be trusted to make quality decisions and ensure accountability. Along with these qualities, the Executive Officer must also be a public servant that is community oriented and organizationally savvy. A candidate who is mission driven and can guide a team will be successful.

The ideal candidate has the ability to develop and implement goals, objectives, policies, procedures, work standards, and internal controls; analyze complex technical and administrative problems; interpret, explain, and apply Air District rules and regulations; and represent the Air District effectively in contacts with the public, industry, and other agencies. The successful candidate must have knowledge of social, political, and environmental issues influencing air quality management programs; applicable Air District, state, and federal laws, rules, and regulations; and principles and practices of effective public relations. The new Executive Officer must also have knowledge of current developments, literature, and sources of information regarding air quality management activities.

MINIMUM REQUIREMENTS

Qualified candidates possess the equivalent to a graduate degree in engineering, physical or biological sciences, business or public administration, or a closely related field, and five (5) years of experience managing environmental quality and related technical and support programs and activities. Possession of a valid California Driver's License is required upon hire. If you have any questions regarding minimum qualifications, please contact executive recruiter, Valerie Phillips.



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COMPENSATION

The annual salary for the Executive Officer – Air Pollution Control Officer is negotiable and is dependent on qualifications and experience. The Air District also offers an outstanding benefits package including:

Medical Insurance – Administered through CalPERS for the employee and eligible dependents.

Dental Insurance – Administered through Delta Dental for the employee and eligible dependents.

Vision Insurance – Administered through Vision Service Plan for the employee and eligible dependents.

Life Insurance – Basic Life (Air District paid) – up to age 55, the coverage is equal to five (5) times the employee’s annual salary with a maximum of \$500,000.

Retirement – Employees are covered under CalPERS. The retirement formula is 2% at 55 and the employee contribution is 7% of the salary.

Paid Leave – Annual leave (accrued based on number of years of service), sick leave (accrue at 3.69 hours per pay period), and a floating holiday (accrue 72 hours of leave per fiscal year).

Holidays – 14 paid holidays.



TO APPLY



BOB MURRAY & ASSOCIATES

Experts In Executive Search

If you are interested in this outstanding opportunity, please apply online at:

www.bobmurrayassoc.com

Filing Deadline: October 26, 2022

Following the closing date, resumes will be screened according to the qualifications outlined above. The most qualified candidates will be invited to personal interviews with Bob Murray & Associates. A select group of candidates will be asked to provide references once it is anticipated that they may be recommended as finalists. References will be contacted only following candidate approval. Finalist interviews will be held with the Bay Area Air Quality Management District. Candidates will be advised of the status of the recruitment following selection of the Executive Officer.

If you have any questions, please do not hesitate to call:

Ms. Valerie Phillips - (916) 784-9080



Equal Employment Opportunity

The Air District does not discriminate in its hiring or employment practices and complies with all federal and state civil rights laws. The Air District has in place Equal Employment Opportunity Policy and Discrimination Complaint Procedures which govern employment and complaints of discrimination.

It is the Air District's policy to provide equal employment opportunities for all persons without regard to race, religious creed, color, national origin, ancestry, ability status, medical condition, marital status, sex, age, or sexual orientation.



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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Board of Directors

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: September 7, 2022

Re: Vendor Selection for Strategic Communications and Evaluation of the Flex Your
Commute Program

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Approve the selection of Keough Consulting for award of RFP No. 2022-007 for Strategic Communications and evaluation of the Flex Your Commute Program; and
2. Authorize the Interim Executive Officer/APCO to execute a contract with Keough Consulting in an amount not to exceed \$250,000.00 for one year with the option of extending the contract three additional years pending a positive year review.

BACKGROUND

The Air District's External Affairs Office relies on contractors to assist with various aspects of its advertising, media and public relations services, social media, public opinion survey services, employer outreach and partnership building. The Flex Your Commute Program is a messaging and partnership program designed to improve air quality and reduce greenhouse gas emissions by encouraging employers to partner with employees to actively promote commuter choices, provide commuter benefits, and the use of transit, carpool/vanpool, bicycle, shuttle or telework to eliminate drive-alone commuting. The Flex Your Commute program's goal is to encourage a commute program partnership between employers and employees to reduce transportation related stress, air pollution and greenhouse gas emissions. The Flex Your Commute Program strives to create a culture of commuting innovation in the Bay Area.

DISCUSSION

The Air District issued and posted on its website May 31, 2022, an RFP to solicit proposals to address the following services:

1. Strategic Communications

Aid in the development of the Flex Your Commute strategic communication and marketing campaigns and will include; Develop a communication plan written and web-based information; Proactively develop and produce local, regional and multicultural media messaging campaign generating Bay Area wide press coverage; social media content development, sharing and engagements requested, collect, report, and analyze program data in comparison to industry standards, and best practices with the goal of reducing the number of single vehicle commuters throughout the Bay Area.

2. Media/Social Media Strategy

Develop a media/social media strategy that drives ongoing coverage of Flex Your Commute messaging and encourages changing commute habits for more sustainable commuting. Coordinate closely with the Air District's External Affairs Office as the lead for the Flex Your Commute Program. Media and social media efforts will be coordinated through External Affairs to the Air District's Communications Office regarding media and social media efforts.

3. Partnership Development, and Training

Develop and implement an effective Flex Your Commute employer outreach, training, and partnership program. The Air District believes employees are more likely to change their commuting behavior when actively and enthusiastically encouraged by their employers. Employees have learned over the two years of the pandemic that additional time, flexibility, and their healthy wellbeing are key benefits they want to maintain. Daily commutes impact employee's wellbeing and health, causing additional stress. Components of a successful Flex Your Commute program may contain:

- Brand development
- Social media content and engagement
- Development and execution of marketing campaigns
- Employer partnership development, training, and outreach,
- Website and materials content development
- Media and social media messaging strategy
- Development of program materials in multiple languages for the diverse population of the Bay Area

Bid Evaluation

The RFP for Strategic Communications and Evaluation of the Flex Your Commute Program was sent to various media relations and advertising firms in the Bay Area and closed on June 21, 2022. The Air District received questions from interested parties by the June 10, 2022 deadline and responses to the questions were posted on the Air District’s website on June 15, 2022. The Air District received proposals from the following two firms by the June 21, 2022, deadline:

- Keough Consulting
- Morant McLeod Consulting

Evaluation of Proposals

A panel, comprised of two staff members representing the External Affairs Office and one staff member from the Metropolitan Transportation Commission, evaluated and scored the proposals received based on the evaluation criteria outlined in the RFP as listed below:

- Expertise, Skill, & Approach: Technical expertise, size, and structure of the firm and personnel assigned to RFP tasks; firm's ability to perform and complete the work in a professional and timely manner. Experience of the firm and experience of the team working on projects of similar scope for other governmental agencies. Responsiveness of the proposal, based upon a clear understanding of the work to be performed.
- Cost: Cost of cost effectiveness and resource allocation strategy.
- References: References of the firm.
- Firm's Specialty Focus Area: Disadvantaged Business Enterprise or Green Business.

The panel then met with Keough Consulting Firm. Morant McLeon Consulting did not qualify for an interview based on the panel's proposal evaluation and scoring criteria. The panel interviewed the Keogh Consulting team for a 45-minute interview with six questions. Table 1 lists the RFP maximum total score, evaluation criteria, and shows the firm's average score by criteria and scoring for proposal. Table 2 lists the interview evaluation criteria and average score:

Table 1: Scoring of Proposal

	Total	A - Proposal	A-1 - Expertise	A-2 - Skill	A-3 - Approach	A-4 - Cost	A-5 - References	A-6 - Firm's Specialty Focus Area	A-7 - Available Resources/Customer Relations	A-8 - Advertising
Supplier	/ 185 pts	/ 100 pts	/ 15 pts	/ 15 pts	/ 15 pts	/ 15 pts	/ 5 pts	/ 10 pts	/ 10 pts	/ 15 pts
Keough Consulting	176.33	95.67	14	14.67	14	14.33	5	10	10	13.67

Table 2: Scoring of Interview

B - Interview	B-1 - Expertise	B-2 - Skill	B-3 - Approach	B-4 - Cost	B-5 - Available Resources/Custom er Relations	B-6 - Advertising
/ 85 pts	/ 15 pts	/ 15 pts	/ 15 pts	/ 15 pts	/ 10 pts	/ 15 pts
80.67	14.67	14.67	13.67	14.33	9.333	14

In the table below, the firm not selected for an interview, Morant McLeod, lists the RFP maximum total score, evaluation criteria, and shows the firm's average score by criteria and scoring for its proposal:

Eliminated Submissions

Supplier	A - Proposal	A-1 - Expertise	A-2 - Skill	A-3 - Approach	A-4 - Cost	A-5 - References	A-6 - Firm's Specialty Focus Area	A-7 - Available Resources/Custom er Relations	A-8 - Advertising
	/ 100 pts	/ 15 pts	/ 15 pts	/ 15 pts	/ 15 pts	/ 5 pts	/ 10 pts	/ 10 pts	/ 15 pts
Morant McLeod	41.33	6.333	7	6	6.667	2.667	4.333	5	3.333

Based on the evaluation criteria set forth in the RFP, staff recommends selecting Keough Consulting for this contract award in the amount of \$250,000.00 for one year with the option of extending the contract three additional years pending a positive year review.

Keough Consulting is a full-service strategic communications and marketing agency; services include advertising, marketing, media planning, public relations, community relations, conference planning and event management. Keough Consulting and the consulting team assembled are all women-owned Disadvantaged Business Enterprises and certified Small Business Enterprises that have extensive experience working with local, regional, state and the federal government on environmental, transportation and public health issues.

Since all Keough Consulting clients are government agencies or related, it is particularly well versed in supporting clients on regulatory compliance with various local, state and federal regulations. Keough Consulting is adept at helping to inform the public about rules and ordinances that affect everyday behaviors. Prior to adoption of Regulation 14: Mobile Source Emissions Reduction Measures Rule 1: Bay Area Commuter Benefits Program; Keough Consulting developed an outreach and education plan for employers, as well as public service announcements encouraging commuters to take advantage of the employer benefits. The Flex Your Commute Program contractor will coordinate with the Commuter Benefits Program consultant to provide employer support efforts with other Transportation Demand Management (TDM) - related employer outreach projects as indicated in Plan Bay Area 2050, EN7.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The cost associated with the FY 2022/2023 consulting services are included in the Air District's FYE 2023 budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Mary Ann Okpalaugo
Reviewed by: Lisa Fasano

ATTACHMENTS:

None