



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 14

Amendments to Regulation 3, Fees

**Board of Directors Meeting
June 15, 2022**

**Fred Tanaka
Manager, Engineering Division
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Presentation Outcome



Provide information for consideration of the adoption of proposed Regulation 3 (Fees) amendments.

Presentation Outline



- Cost Recovery Background
- Proposed Fee Amendments
- Impact on Industry Sectors
- Rule Development Schedule

Presentation Requested Action



Consider adoption of proposed amendments to Regulation 3.

Cost Recovery Background



- Air District has authority to assess fees to recover the reasonable costs from fee-based programs.
- Board of Directors set goals to improve cost recovery levels.
- The overall cost recovery trends are:
 - Fiscal Year Ending (FYE) 2011: 65.0%
 - FYE2019: 86.0%
 - FYE2020: 84.5%
 - FYE2021: 83.7%
- Cost recovery is not a static target.

Cost Recovery Background (cont.)



Cost Recovery Impacts – Revenue

- New fees and fee changes
- Facilities, sources, emissions and operational changes
- Number of notifications and applications

Cost Recovery Impacts – Expenses

- New and enhanced programs/rules
- Efficient use of resources
- Shifts in priorities
- Staffing levels

Cost Recovery Background (cont.)



Typical Work in Fee-Based Programs – Direct Costs

- Permitting and notification programs
- Compliance and Enforcement of permitted and registered facilities
- Compliance assistance to permitted and registered facilities
- Source Testing at permitted facilities
- Rule development for regulated industries
- Emissions inventory from permitted and registered facilities
- Other (e.g., Regulation 11-18 Health Risk Assessments)

Cost Recovery Background (cont.)



California Health and Safety Code Section 41512.7

Existing permit fees may not be increased by more than 15 percent on a facility in any calendar year.

Cost Recovery Background (cont.)



Cost recovery is reviewed during the budget process.

Determining cost recovery rate

- Analyze 3-year average of revenue by fee schedule.
- Analyze 3-year average of direct and indirect costs by fee schedule.
- Calculate the cost recovery rate for each fee schedule.

Proposed Changes to Fee Schedules



- Increase any fee schedule recovering less than the fully recovered rate and administrative fees by 15%.
 - There is no increase to schedules with a cost recovery rate of at least 110%.
- Estimated budget increased by \$6.5 million compared to projected FYE2022 revenues.
- This amendments have a blended fee schedule increase of **10.9 percent.**

Proposed Changes to Fee Schedules: 15% Increase



- Schedule A: Hearing Board Fees
- Schedule B: Combustion of Fuels
- Schedule D.A: Gasoline Dispensing Facilities (GDFs) – Risk Assessment Fee only for existing facilities
- Schedule E: Solvent Evaporating Sources
- Schedule F: Misc. Sources (e.g., storage silos, abrasive blasting)
- Schedule G-1: Misc. Sources (e.g., glass manufacturing, soil remediation)
- Schedule G-2: Misc. Sources (e.g., asphaltic concrete, furnaces)
- Schedule G-3: Misc. Sources (e.g., metal melting, cracking units)
- Schedule G-4: Misc. Sources (e.g., cement kilns, sulfur removal & coking units)

Proposed Changes to Fee Schedules: 15% Increase (cont.)



- Schedule H: Semiconductor and Related Operations
- Schedule K: Solid Waste Disposal Sites
- Schedule M: Major Stationary Source Fees
- Schedule N: Toxic Inventory Fees
- Schedule P: Major Facility Review Fees
- Schedule S: Naturally Occurring Asbestos Operations
- Schedule T: Greenhouse Gas Fees
- Schedule V: Open Burning
- Schedule W: Petroleum Refining Emissions Tracking Fees

Schedules Not Being Increased



- Section 3-307: Transfers of Permits
- Schedule C: Stationary Storage Tanks of Organic Liquids
- Schedule D: Gasoline Transfer at GDFs & Bulk Plants and Bulk Terminals:
Except the RAF for existing GDFs
- Schedule I: Permitted Dry Cleaners (1 source to sunset 1/1/2023)
- Schedule L: Asbestos Operations
- Schedule Q: Excavation of Contaminated Soil & Removal of Underground
Storage Tanks
- Schedule R: Equipment Registration Fees
- Schedule U: Indirect Source Review Fees
- Schedule X: Major Stationary Source Community Air Monitoring Fees

Other Proposed Amendments - Regulation 2-1 and 2-5 Implementation



Regulation 2 (Permits), Rules 1 (General Requirements)

Regulation 2, Rule 5 (New Source Review for Toxic Air Contaminants)

The key changes that impact workload in an overburdened community:

- Public notice requirements for applications that require a Health Risk Assessment (HRA)
- Additional work to ensure compliance with amended New Source Review (NSR) for Toxic Air Contaminants (TACs) requirements including HRAs, source test review and compliance verification
- Programming system changes and tools (e.g., OBC map)

Other Proposed Amendments - Regulation 2-1 and 2-5 Implementation (cont.)



Proposals

- Remove the reference to “Schools” in existing Section 3-318: Public Notice Fees. Applicants are charged based on actual costs.
- Charge an additional application fee of \$1,000 if a Health Risk Assessment is required in an OBC.
- Charge a 15% OBC renewal fee for each permitted facility located in an OBC capped at \$250,000.
 - There are approximately 2,400 facilities in OBCs.
 - Estimated to increase the budget by \$2.4 million.

Other Proposed Amendments - Naturally Occurring Asbestos



Schedule S: Naturally Occurring Asbestos – Geologic evaluation

Before an Asbestos Dust Mitigation Plan (ADMP) is submitted, an applicant may need a geologic evaluation to determine if the project is exempt.

- Currently this work has never been charged a fee.
- The Air District is proposing a fee to recover costs for this work.

Level of effort and proposed fees

Description	Hours of work	Proposed fee
Evaluation	16	\$3,200
Field inspection (if needed)	≈4	Per hour fee already in Schedule S

Impact on Large Facilities: Power Plants



	Annual Permit Fee Increase/Decrease (Fiscal Year Ending)							
	2021, % fee change		2021 Renewal fee	2022, % fee change		2022 Renewal fee		2023, % fee change
	Predicted	Actual		Predicted	Actual			<u>Projected</u>
Crockett Cogen*	5.7	-3.6	\$257,000	9.1	11.2	\$289,000	15.0	
Delta Energy	5.7	16.7	\$530,000	9.2	12.6	\$608,800	31.7	
Gateway Station	5.7	10.0	\$390,000	9.3	NA	Not yet invoiced in FYE2022	31.6**	
Los Medanos	5.7	14.2	\$460,000	9.4	5.0	\$483,200	31.5	

*Not in an OBC

** Based on projected 2022 permit renewal fees

Impact on Large Facilities (cont.): Petroleum Refineries



	Annual Permit Fee Increase/Decrease (Fiscal Year Ending)							
	2021, % fee change		2021 Renewal fee	2022, % fee change		2022 Renewal fee		2023, % fee change
	Predicted	Actual		predicted	actual			<i>Projected</i>
Chevron	5.2	8.7	\$4.0 million	6.1	-5.9	\$3.8 million	17.7	
Martinez Refining Co.	6.2	10.4	\$3.9 million	6.9	3.4	\$4.0 million	17.8	
Phillips 66	6.6	6.0	\$2.1 million	8.1	18.7	\$2.4 million	22.5	
Tesoro	5.9	1.3	\$2.9 million	6.2	-11.7	\$2.6 million	21.2	
Valero*	6.5	7.9	\$2.5 million	6.9	7.5	\$2.7 million	12.9	

*Not in an OBC

Impact on Small Businesses – Renewal Fees & Impact



Facility Type	Current fee	Estimated Total: No OBC fee	Estimated increase: No OBC fee	Estimated Total: With OBC fee	Estimated increase: With OBC fee
Backup Engine* (Sch. B)	\$382	\$439	\$57 (+15%)	\$502	\$120 (+31%)
Gas Station** (Sch. D.A)	\$2,707	\$2,729	\$22 (+1%)	\$3,121	\$414 (+15%)
Auto Body Shop (Sch. E)	\$815	\$938	\$123 (+13%)	\$1,072	\$257 (+32%)
Coffee Roaster (Sch. F)	\$643	\$739	\$96 (+13%)	\$845	\$202 (+31%)

*Minimum fee – Permit fees are greater for larger engines.

**Common configuration with 6 islands with 3-triple product nozzles

Rule Development Schedule



Budget Advisory Group (BAG) meeting #1	January 24, 2022
Public workshop	February 17, 2022
Budget Advisory Group meeting #2	March 14, 2022
Written workshop comments due	March 18, 2022
Budget & Finance Committee briefing	March 23, 2022
Budget & Finance Committee briefing	April 27, 2022
Board of Directors first public hearing to receive testimony	May 4, 2022
Written Public Hearing comments due	May 25, 2022
Board of Directors second public hearing to consider adoption	June 15, 2022
Proposed fee amendments effective	July 1, 2022

Feedback Requested/Prompt



Recommend the Board of Directors adopt amendments to Air District Regulation 3: Fees, effective on July 1, 2022.



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AGENDA: 15

Conduct Second Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year 2022-2023

**Board of Directors Meeting
June 15, 2022**

**Jeff McKay
Chief Financial Officer
jmckay@baaqmd.gov**

Presentation Outcome



Conduct second public hearing on the FYE 2022-2023 Air District Proposed Budget.

Presentation Outline



- Proposed Budget for Fiscal Year 2022-2023

Requested Action



Adopt resolution to approved Fiscal Year Ending 2023 Air District Proposed Budget and various budget related actions.

Fiscal Year 2022-2023 Proposed Budget Overview



- \$247 M Consolidated Budget
- \$132 M General Fund Budget
- Includes Use of Reserves \$4.7 M
- Continuation of Cost Recovery Policy (up to 15% where applicable)
- Proposed new fee for overburdened communities
- Staffing Level Increase: 445 to 465 Full Time Equivalent (FTE)
- Addresses Retirement Liabilities

Breakdown of \$15.2 M Budget Increase



BUDGETED SOURCES:	\$ (Million)
Increase to Property Taxes	2.8
Increase to Existing Permit Fees	7.1
Proposed new fee for overburdened communities	2.5
Reduction in other revenue	(0.6)
Total Ongoing Sources	11.8
Grant reduction	(0.8)
Increase in Use of Reserves	4.2
Total One-time Sources	(3.4)
TOTAL BUDGETED SOURCES	15.2

Breakdown of \$15.2 M Budget Increase (cont.)



BUDGETED COSTS:	\$ (Million)
Estimated 20 additional General Fund positions with benefits	3.3
Increase personnel costs for existing authorized positions	5.1
Increase in CalPers Required Pension Payment	0.8
Net increase in Various District Programs (61)	2.4
Total Ongoing Costs	11.6
Vacancy Rate adjustment from 5% to 6%	(1.0)
Increase in Grant Expenditures	3.2
Increase in Capital Expenditures	1.4
Total One-time Costs	3.6
TOTAL BUDGETED COSTS	15.2

Proposed 20 New Staff



- 445 authorized budget position, 26 positions are placed on hold pending the results of the management audit.
- Proposed 20 additional positions bringing authorized FTE from 445 to 465.
- Needed to support the growth in our mission.
- Identifying and filling these new positions will be informed by the management audit and presented to the Board in FYE 2023.
- New positions are supported by increased proposed fees and increased property tax revenues.

Budget Options: 6.4% vs. 10.9% blended rate

Breakdown of Budget Increases



	10.9% Blended Rate	6.4% Blended Rate
	\$ (Million)	\$ (Million)
BUDGETED SOURCES:		
Increase to Property Taxes	2.8	2.8
Increase to Existing Permit Fees	7.1	3.8
Proposed new fee for overburdened communities	2.5	2.5
Reduction in other revenue	(0.6)	(0.6)
Total Ongoing Sources	11.8	8.5
Grant Reduction	(0.8)	(0.8)
Increase in Use of Reserves	4.2	4.2
Total One-time Sources	3.4	3.4
TOTAL BUDGETED SOURCES	15.2	11.9

Budget Options: 6.4% vs. 10.9% blended rate

Breakdown of Budget Increases (cont.)



	10.9% Blended Rate	6.4% Blended Rate
	\$ (Million)	\$ (Million)
BUDGETED COSTS:		
Estimated 20 additional General Fund positions with benefits	3.3	-
Increase personnel costs for existing authorized positions	5.1	5.1
Increase in CalPers Required Pension Payment	0.8	0.8
Net increase in Various District Programs (61)	2.4	2.4
Total Ongoing Costs	11.6	8.3
Vacancy Rate adjustment from 5% to 6%	(1.0)	(1.0)
Increase in Grant Expenditures	3.2	3.2
Increase in Capital Expenditures	1.4	1.4
Total One-time Costs	3.6	3.6
TOTAL BUDGETED COSTS	15.2	11.9

Capital Budget Detail



<u>Description</u>	<u>PGM</u>	<u>Amount</u>
One (1) Air Quality Analyzer	802	655,000
One (1) Air Quality Analyzers - PM2.5 equipment	802	129,517
One (1) Air Quality Analyzers - Schedule X equipment	802	450,000
Three (3) Source Test Analyzers	804	60,000
One (1) Multi Test Program Field Testing Van	804	60,000
One (1) PM Van Custom Equipment and Build Out	804	40,000
One (1) Lab & Monitoring Equipment (Picarro G2401)	807	90,000
One (1) Volatile Organic Compounds Monitor	810	20,000
One (1) Instrumentation for Particulate Matter Speciation (Metals)	810	185,000
One (1) Instrumentation for Particulate Matter Speciation (EC/OC)	810	75,000
One (1) Optical Gas Imaging Camera	403	100,000
Phase 2 HQE build out for Meterology & Measurement staff	707	500,000
Leasing of Additional Vehicles	710	50,000
Design & POC for IT Infrastructure Datacenter Refresh	726	400,000
Replacement of End-of-Life Network Components	726	500,000
Communication Equipment	726	200,000
Public Permitting & Compliance Systems	125	3,047,660
Total Capital Expenditures		6,562,177

Funding of Retirement Liabilities



- **Medical Retirement (OPEB):**

- Obligation: \$73 M *
- Funded: \$75 M (103%)
- Surplus: (\$2M)

- **Funding Policy: 90% Funded Level**

- Current Funding Level at 103%
- **Redirect \$4 M Annual Discretionary Funding to CalPERS Pension after reaching target funding level**

- **CalPERS Retirement (Pension):**

- Obligation: \$358 M**
- Funded: \$258 M (72%)
- Unfunded: \$100 M (28%)

- **Funding Policy: 90% Funded Level**

- 90% Target Date (FYE 2039)
- \$1 M Annual Discretionary Funding
- \$4 M Redirect Discretionary Funding from OPEB

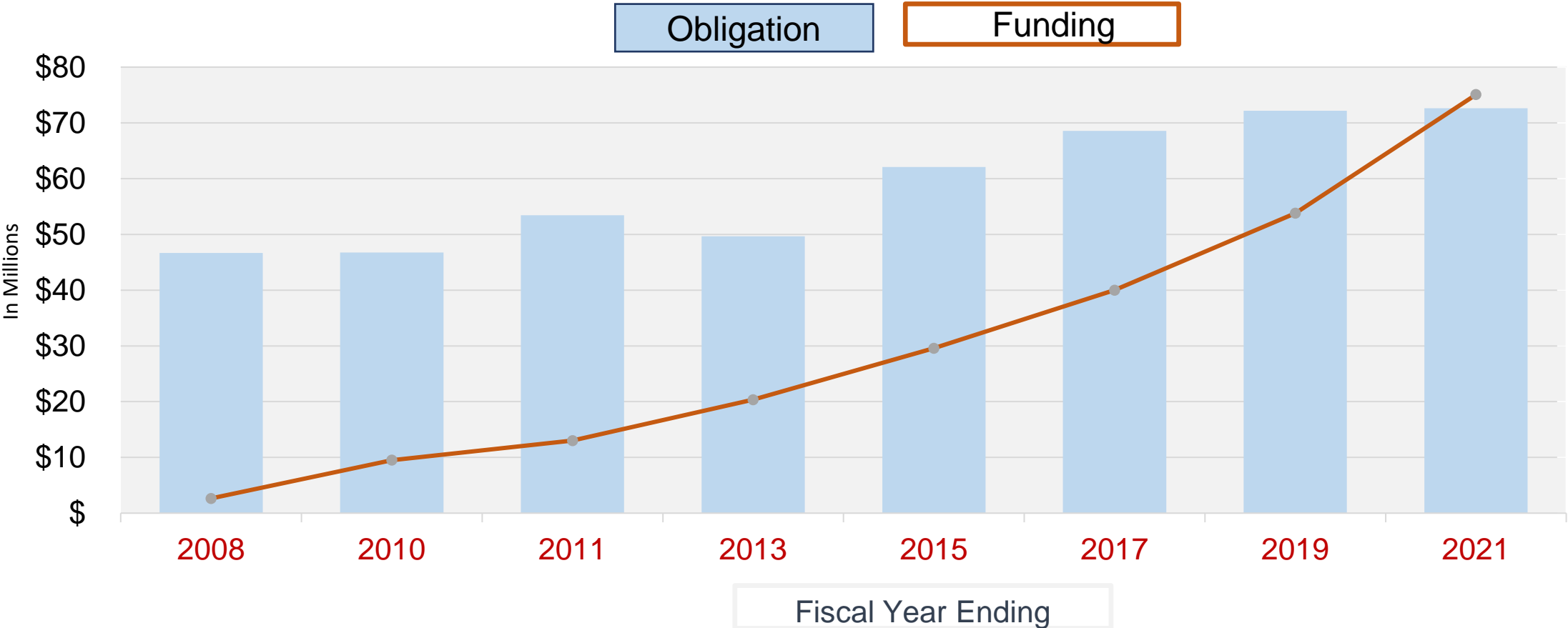
* Based on 2021 actuarial valuation

** Based on 2020 actuarial valuation

OPEB FUNDED STATUS



OPEB HISTORICAL FUNDED STATUS



Reserves Designations



General Fund Reserves (In Millions)	
Reserves Balance at June 30, 2021	64.0
Less Designations:*	
AB617 Staffing Contingency	-7.6
Community Benefits	-3.0
Economic Contingency (20% of Budget)	-25.5
Litigation	-3.0
Pandemic Contingency	-4.0
Pension Liability	-4.0
Richmond Improvements (HQE)	-5.0
Technology Implementation Office	-3.4
WildFire Mitigation	-2.0
Total Designations	-57.5
Less Use of Reserves:	
Use to Balance FY 2022 Budget	-0.5
Use to Balance FY 2023 Budget	-4.7
Total Use of Reserves	-5.2
AVAILABLE GENERAL FUND RESERVES	1.3
<i>*Designations subject to change at Board's Direction</i>	

Fiscal Year 2022-2023 Proposed Budget Summary



- \$132 M General Fund Budget
- Includes Use of Reserves \$4.7
 - ✓ \$3.7 M to support James Cary Smith Grants
 - ✓ \$1 M to support Capital Expenditures
- Amend Fee Schedule based on Proposed Fee increase
- New Fee for overburdened communities
- Budgeted Position Increase to 465 FTE
- Addresses Retirement Liabilities

Feedback Requested/Prompt



Recommend the Board of Directors:

Adopt the resolution to approve the Budget for Fiscal Year Ending 2023 and various budget related actions.



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AGENDA: 16

Wildfire Season Preview

**Board of Directors Meeting
June 15, 2022**

**Michael Flagg
Principal Air Quality Specialist
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**Tracy Lee
Manager
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Presentation Outcome



- Preview the 2022 wildfire season.
- Understand Air District role during wildfire events.
- Overview of resources to inform the public before and during wildfire events.
- Update on wildfire programs and projects.

Presentation Outline



- 2022 Fire Season Outlook
- Air District Role During Wildfires
 - Monitoring
 - Forecasting
 - Air Quality Data Sites
- Update on Wildfire Air Quality Response Program and Initiatives

Presentation Requested Action



- None – Informational Presentation

Wildfires in California Have Intensified

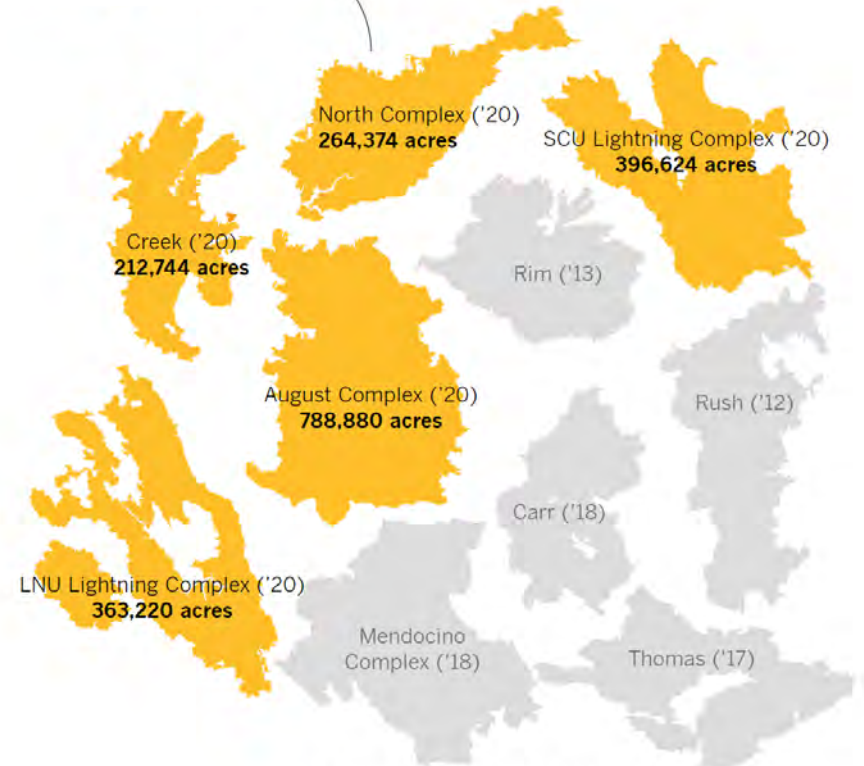


Five of these fires were burning simultaneously in 2020

San Francisco
30,000 acres



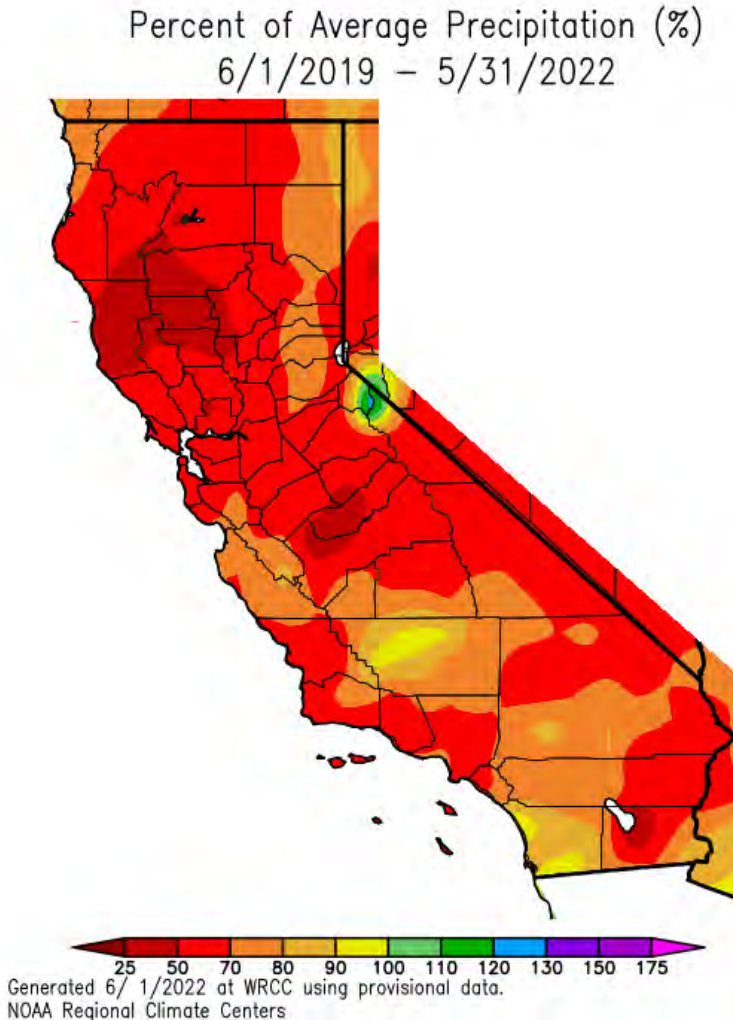
Biggest wildfires, 2001-10
1.6 million acres burned



Biggest wildfires, 2011-20
3.5 million acres burned

Source: <https://www.latimes.com/projects/california-fires-damage-climate-change-analysis/>

2022 Fire Season Outlook



Low rainfall in the Bay Area

(50% of average over the last three years)

- 2021-2022 season (as of May 31, 2022): 50 – 80% of typical rainfall
- 2020-2021 season: only ~35% of typical rainfall
- 2019-2020 season: 49% of typical rainfall

Three dry years in a row will lead to drier than normal fuels

Early start to 2021-2022 rainfall season will lead to more potential fuel for fire

2022 Fire Season Started June 1



June



"Above Normal" fire potential for elevations below 5500 feet"

July - August



Expands to all elevations, except Coastal areas such as North Coast and coastal portions of the Bay Area

September



"Above Normal" area-wide

Oct – Nov

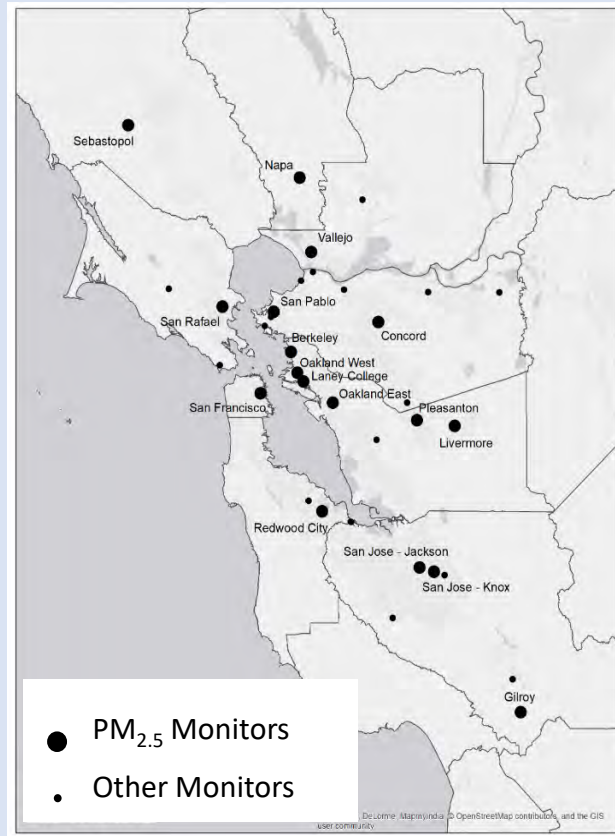
Depends on severity of offshore wind events and when the next rainy season starts

Northern California Geographic Coordination Center

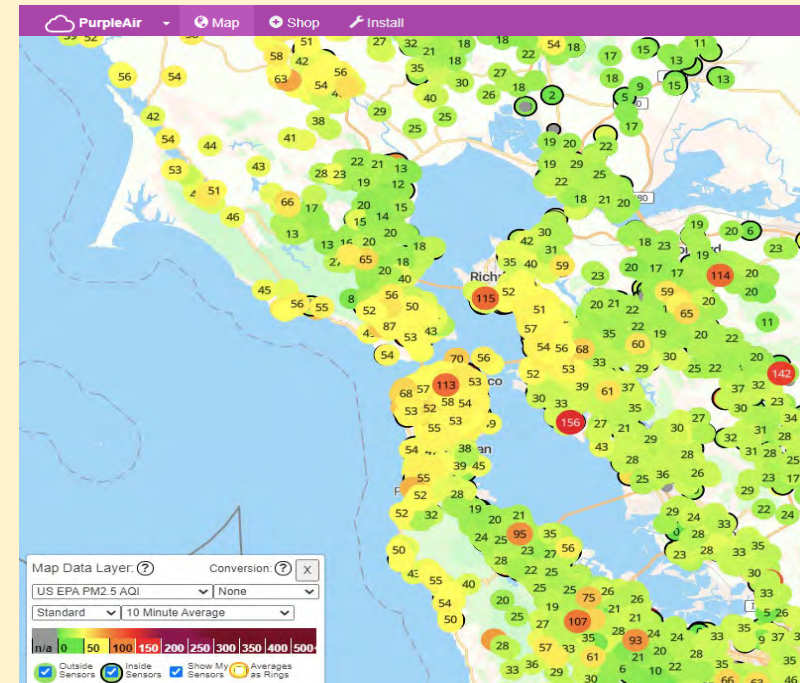
Air Monitoring



Air District Monitoring Network



Low-cost Sensors

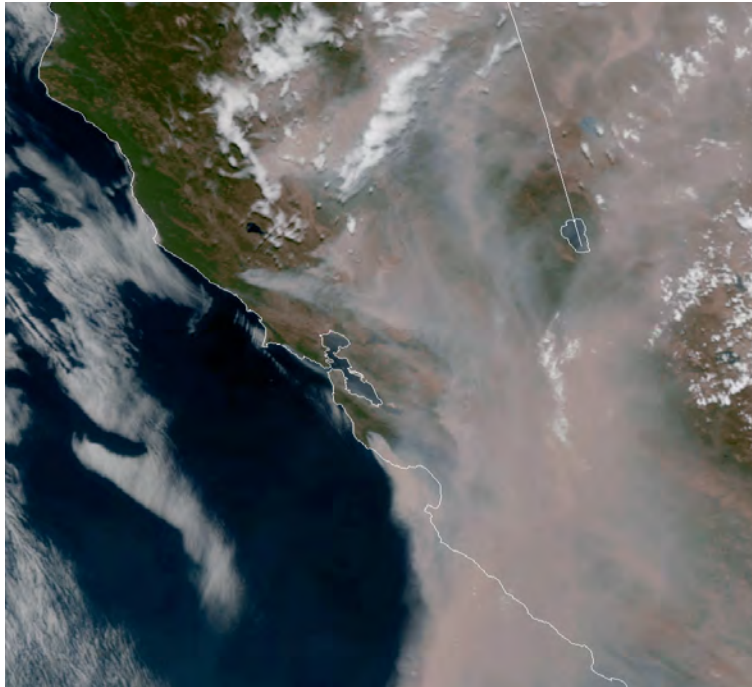


Example: PurpleAir

Air Quality Forecasting



Air quality can change rapidly and varies from one location to another



August 19, 2020

How is a smoke forecast produced?

- Air quality data
- Weather and smoke models
- Satellite imagery and cameras
- Local geography and wind flow
- Marine layer depth

Air Quality Data Sites



Air Quality Data Sites	Accuracy & Quality Assurance	Sub-Hourly Air Quality	Hourly Air Quality	Block-by-Block Air Quality	Official AQI	
	Air District Website					
	PurpleAir					
	Clarity OpenMap					
	AirNow					
	EPA Fire and Smoke Map <i>(includes data from highly accurate Air District sites and less accurate low-cost sensors)</i>					

Wildfire Air Quality Response Program



Communications



- Significant Media Outreach & Response
- Social Media Wildfire Series & Meteorologist Video Updates
- Wildfire Safety Website, Infographics & Videos Series
- Messaging Coordination with Bay Area Health Officers & PIOs



CREATE A CLEANER AIR SPACE

STAYING INDOORS WITH WINDOWS AND DOORS CLOSED IS THE BEST WAY TO PROTECT YOUR HEALTH.

Weatherize your home in preparation for wildfires by sealing leaky windows and doors.

Avoid activities that create smoke or other particles indoors.

Upgrade to an HVAC system that allows for both heating and cooling and have the mechanism to switch to RECIRCULATE to prevent smoke from entering the space.

Choose a room that fits everyone and is comfortable to spend time in. Close windows and doors.

Purchase a non-ozone producing air purifier (HEPA) to create a cleaner air room or a MERV 13 or greater filter for your HVAC system.

During high heat and heavy smoke events, keep indoor air cool or run fans.

 **BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Communications (cont.)



2022 Wildfire Season

- In-Person & Zoom Press Conferences/Briefings
- Promote Clean Air Centers with CARB
- Explore New Partnerships
- Informative & Timely Charts/ Data Visualization
- Expand Text Alerts to 5 Languages



LARGEST CALIFORNIA WILDFIRES SINCE 2007



Wildfire Preparedness Tips



HOW TO PREPARE FOR WILDFIRE SMOKE



- Weatherize your home in preparation for wildfires to seal leaky windows and doors.



- Purchase a non-ozone producing air purifier (HEPA) or a MERV 13 or greater filter for your HVAC system to create a cleaner air room.



- Upgrade to an HVAC system that allows for both heating and cooling and have the mechanism to switch to RECIRCULATE to prevent smoke from entering the space.



- Individuals with health conditions should talk to their physicians to develop a personal plan for smoke.

- If you cannot seal your home, identify locations in your community that have cleaner filtered air spaces such as:

- indoor shopping malls
- local libraries
- cooling centers
- community centers
- civic centers
- local government buildings



Mask Messaging



Staying indoors with windows and doors closed is the best way to protect your health, if temperatures allow.



Masks are not a substitute for staying indoors and must be fitted properly for best protection.



If unable to visit a cleaner air center or a cooling center, those that must be outside for extended periods of time may benefit from using a tight fitting N95 mask to reduce their exposure.

Reducing Wildfire Risk



Open Burn Program (Prescribed Burning)

- Planned, controlled burning of vegetation to achieve natural resource management goals
- Program Update: 47 prescribed fires exempted from fees in 2021/2022

Wildfire Prevention Chipping Pilot Program, \$150k

- Properties can apply for free chipping services to dispose of material that would otherwise be burned to help reduce fuel loads and wildfire risks
- Program Update: 42 jobs completed in 2021/2022; ~\$32k remaining



Wildfire Smoke Preparedness



Partnerships with the American Red Cross and Bay Area County Offices of Emergency Services



- Deploy air filtration units to public facilities, sheltering/congregate centers during catastrophic wildfires
- Program Update:
 - American Red Cross - 17 high efficiency air filtration units
 - 7 counties signed partnership agreements with the Air District; 100k allocated to each county to purchase air filtration units





AB 836 (2019) – *Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program, \$3M*

- Create 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.
- Eligible projects include facility retrofits, portable air cleaners and replacement air filters.
- Program Update for Solicitation No. 1: 1/31/22 - 3/15/22:
 - 373 portable air cleaners with filter replacements
 - ~\$1.7M remaining
- Next Steps:
 - Move submitted applications through process.
 - Reopen solicitation to cities and counties in June.

COUNTY	ORIGINAL ALLOCATION	FUNDS AVAILABLE
ALAMEDA	\$684,000	\$689,000
CONTRA COSTA	\$653,000	\$43,000
MARIN	\$124,000	\$129,000
NAPA	\$116,000	\$63,000
SAN FRANCISCO	\$221,000	\$15,000
SAN MATEO	\$190,000	\$195,000
SANTA CLARA	\$395,000	\$400,000
SOLANO	\$198,000	\$125,000
SONOMA	\$149,000	\$102,000

Air Filtration for Schools



CARB Supplemental Environmental Project grant (2019) to install HEPA air filtration in schools impacted by air pollution and have high percentage low-income students, \$2M

- Program update: Installations completed; maintaining air filtration in HVAC systems at 12 elementary schools in AB 617 areas; ~\$97k remaining
 - East and West Oakland, Eastern San Francisco, Livermore, Pittsburg and Bay Point, San Leandro
- Next Steps:
 - Complete one school in Richmond/ San Pablo with SEP funds and continue 5 years of maintenance of the filtration systems at these schools.
 - Come to Board in July with request to complete several more with Wildfire Mitigation Designated funds.



Home Air Filtration Program



Partnership with Regional Asthma Management and Prevention and California Asthma Mitigation Partners

- Provides air filters to low-income home-visiting clients with poorly controlled asthma, \$250k.
- Program Update: Distributed 875 air filters; ~\$143k remaining
- Next Steps:
 - Come back to Board in July with request to broaden partnership with RAMP, local health centers and CBO's with Wildfire Mitigation designated funds.

Actions Requested



- None – Informational Presentation



Q & A