



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
MEETING
December 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, AS WELL AS IN PERSON. 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

- **MEETING ATTENDEES MAY, IN LIEU OF REMOTE PARTICIPATION, ATTEND IN PERSON FOR PUBLIC COMMENT AND/OR OBSERVATION AT 375 BEALE STREET, BOARD ROOM (1ST FLOOR). IN-PERSON ATTENDEES MUST PASS REQUIRED HEALTH SCREENINGS AND ADHERE TO POSTED PUBLIC HEALTH PROTOCOLS WHILE IN THE BUILDING. THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING LINK OR BY PHONE**

<https://bayareametro.zoom.us/j/83614819302>

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

WEBINAR ID: 836 1481 9302

- **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, DECEMBER 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 5-23)

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 January 6, 2023.

6. Approval of the Minutes of November 2, 2022

The Board will consider approving the draft minutes of the Board of Directors meeting of November 2, 2022.

7. Board Communications Received from November 2, 2022 through December 6, 2022

A copy of communications directed to the Board of Directors received by the Air District from November 2, 2022 through December 6, 2022, if any, will be distributed to the Board Members by way of email.

8. Authorization to Execute a Contract with Lores Maintenance

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to expend up to a total maximum amount of \$160,700 with Lores Maintenance; and execute a new three-year contract with Lores Maintenance in the amount not to exceed \$96,660 for janitorial services for the Air District field offices.

9. Notices of Violations Issued and Penalty Settlements in Excess of \$10,000 in the Month of October 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 entered into for penalties in excess of \$10,000, during the month of October 2022.

10. Authorization to Amend Signature Authority for San Mateo County Treasurer

The Board of Directors will consider approving a resolution to grant Sharon L. Landers, Interim Executive Officer/Air Pollution Control Officer (APCO), authorization to sign orders drawn by the Air District on Air District funds held by the Treasurer of San Mateo County, including check signing authority.

11. Notice of Proposed Amendments to Division I, Sections 1.1 and 1.2, of the Administrative Code Regarding Board Member Compensation for Meeting Attendance and Board Meeting Start Time

The Board of Directors will receive notice that it will consider at its next regular meeting an amendment to adopt revisions to the Administrative Code to Division I, Sections 1.1 and 1.2.

12. Quarterly Report of the Executive Office and Division Activities for the Months of July 2022 - September 2022

Receive and file.

13. Proposed Regulatory Agenda for 2023

State law requires the Air District to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the upcoming year. No regulatory measure can be brought before the Board that is not on the list, with specified exceptions. Consequently, the list contains all regulatory measures that may come before the Board of Directors in 2023.

14. Authorization to Execute Contract Extension for Support of Grant Program Data Management Systems

The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute an amendment to the Air District's contract with IT Dependz, Inc., for support of the Air District's grant program data management systems, to extend the contract term through December 31, 2024, and increase the contract value in an amount of \$390,000, from \$297,000 to \$687,000.

15. Report of the Budget and Finance Committee Meeting of October 26, 2022

The Board of Directors will receive a report of the Budget and Finance Committee meeting of October 26, 2022, and will consider approval of the following action items recommended by that Committee:

A) Funding Policy for the Other Post-Employment Benefits and Pension Funding Policy:

- Approve the Air District's proposed Other Post-Employment Benefits and Pension Funding Policy.

B) California Employers' Pension Prefunding Trust Investment Policy:

- Direct investments in the Air District's California Employers' Pension Prefunding Trust 115 Trust account to use investment strategy 2; and
- Allocate Air District's funds to the California Employers' Pension Prefunding Trust 115 Trust account in 2 tranches:
 - Following adoption of the recommendation (1st tranche)
 - At the end of Fiscal Year 2023 (2nd tranche).

16. Report of the Mobile Source & Climate Impacts Committee Meeting of October 27, 2022

The Board of Directors will receive a report of the Mobile Source & Climate Impacts Committee meeting of October 27, 2022, and will consider approval of the following action items recommended by that Committee:

A) Projects and Contracts with Proposed Grant Awards Over \$500,000:

- Approve the recommended projects with proposed grant awards in excess of \$500,000; and
- Authorize the Interim Executive Officer/Air Pollution Control Officer execute grant agreements with applicants for the recommended projects.

B) Proposed Updates to the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024:

- Approve the proposed Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024.

17. Report of the Administration Committee Meeting of November 2, 2022

The Board of Directors will receive a report of the Administration Committee meeting of November 2, 2022.

18. Report of the Community Equity, Health & Justice Committee Meeting of November 3, 2022

The Board of Directors will receive a report of the Community Equity, Health & Justice Committee meeting of November 3, 2022.

19. Report of the Legislative Committee Meeting of November 14, 2022

The Board of Directors will receive a report of the Legislative Committee meeting of November 14, 2022.

20. Report of the Community Advisory Council meeting of November 17, 2022

The Board of Directors will receive a report of the Community Advisory Council meeting of November 17, 2022.

21. Report of the Stationary Source and Climate Impacts Committee Meeting of November 21, 2022

The Board of Directors will receive a report of the Stationary Source and Climate Impacts Committee Meeting of November 21, 2022.

22. Report of the Budget and Finance Committee Meeting of November 23, 2022

The Board of Directors will receive a report of the Budget and Finance Committee meeting of November 23, 2022, and will consider approval of the following action items recommended by that Committee:

A) Cost Recovery and Containment Policy:

- Adopt the proposed amended Cost Recovery and Containment Policy: A) clarify that the Air District's cost recovery analysis be periodically reviewed by an independent entity; and B) update the cost recovery goals including the 100% cost recovery goal from fee-based activities.

23. Report of the Mobile Source and Climate Impacts Committee Meeting of November 28, 2022

The Board of Directors will receive a report of the Mobile Source and Climate Impacts Committee meeting of November 28, 2022, and will consider approval of the following action items recommended by that Committee:

A) Projects and Contracts with Proposed Awards Over \$500,000:

- Approve projects with proposed grant awards over \$500,000; and
- Authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

B) Acceptance of 2022-2023 Carl Moyer Program Funding from the California Air Resources Board:

- Authorize the Air District to participate in Fiscal Year 2022-2023 Carl Moyer Program;
- Adopt a resolution to authorize the Air District's participation in the program; and
- Authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements to accept, obligate, and expend program funds.

INFORMATIONAL PRESENTATION(S)

24. COP27 Report Out

Board members and staff will report on COP27.

25. Update on 2022-2023 Spare the Air Winter Season and Summary of 2022 Spare the Air Summer Season

The Board will receive an update of the 2022 – 2023 Spare the Air winter season and a summary of the 2022 Spare the Air summer season. This is an informational item and will be presented by Kristine Roselius, Director in the Communications Office.

OTHER BUSINESS

26. Public Comment on Non-Agenda Matters

Pursuant to Government Code Section 54954.3

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

27. Board Member Comments

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

28. Report of the Interim Executive Officer/APCO

29. Chairperson's Report

30. Time and Place of Next Meeting

Wednesday, December 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

31. Conference With Legal 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;

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

The Athletics Investment Group, LLC, v. The Bay Area Air Quality Management District et al. (Schnitzer Steel Industries, Inc., Real Party in Interest), Alameda Superior Court Case No. 22CV010930;

Communities for a Better Environment v. Bay Area Air Quality Management District and McWane Inc., Alameda Superior Court Case No. 22CV020451.

32. 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: Three cases.

33. PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT Pursuant to Government Code Section 54957(b)

Title: Executive Officer/APCO

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

*Agency Designated Representatives: Board Chair John J. Bauters; Acting CAO John Chiladakis; and Charles Sakai and DeeAnne Gillick of Sloan, Sakai, Yeung & Wong
Unrepresented Employees: Executive Officer/APCO*

OPEN SESSION

35. 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 speesapati@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

DECEMBER 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Advisory Council Meeting – CANCELLED & RESCHEDULED TO THURSDAY, DECEMBER 15, 2022 AT 8:30 A.M.	Monday	5	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	7	9:00 a.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Special Meeting - CANCELLED	Wednesday	7	12:00 p.m.	1 st Floor, Board Room (In person option available) <u>and</u> REMOTE pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	12	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting - CANCELLED	Thursday	15	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee - CANCELLED	Monday	19	9:00 a.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	11:00 a.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

ADG 12/1/2022 – 11:03 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: December 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 (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 has continued to meet under the provisions of AB 361 since 2021, and has reconsidered the circumstances of the state of emergency at least every 30 days and made the findings required by Government Code section 54953(e)(3) throughout the time periods in which it has done so. The Board has stopped meeting remotely under the provisions of AB 361 during certain periods, however, and therefore stopped making 30-day findings under Government Code section 54953(e)(3) during those time periods. 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 ceases holding such meetings for any reason. The Board re-commenced remote meetings after previous periods of cessation as provided for under Government Code section 54953(e)(1).

The Board's most recent cessation of remote meetings under the provisions of AB 361 occurred because the Board did not hold a regular meeting on November 16, and it did not reconsider the circumstances of the state of emergency and make the 30-day findings required by Government Code section 54953(e)(3). The Air District's legislative bodies therefore ceased their remote meetings after the expiration of the most recent AB 361 30-day resolution on December 2, 2022.

DISCUSSION

Staff are now proposing that the Board of Directors authorize the Air District's legislative bodies to 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 Air District's legislative bodies can meet remotely. The statute does not impose any limitation that prevents the Board from re-starting remote meetings after a period of cessation.

The conditions for re-commencing remote meetings under Government Code section 54953(e)(1)(A) currently exist. There is a proclaimed state of emergency – namely, the Governor's March 4, 2020 Proclamation of State of Emergency – and public health officials have imposed or recommended measures to promote social distancing, including but not limited to the Santa Clara County Public Health Officer, who reaffirmed on September 21, 2022, that public bodies such as Air District Boards and Committees should continue to meet remotely to the extent possible. The Public Health Officer made this recommendation due to the continued threat of COVID-19 to the community, the unique characteristics of public governmental meetings (such as the increased mixing associated with bringing together people from across the community, the need to enable those who are immunocompromised or unvaccinated to be able to safely continue to fully participate in public governmental meetings, and the challenges with fully ascertaining and ensuring compliance with vaccination and other safety recommendations at such meetings), and the continued increased safety protection that social distancing provides

as one means by which to reduce the risk of COVID-19 transmission. 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 January 6, 2023, or until such time as a subsequent AB 361 resolution is adopted.

Note also that although AB 361 allows for remote meetings, it does not require them and it does not prohibit hybrid meetings with some Board and/or Committee members meeting in person and some participating remotely. The proposed resolution would authorize such hybrid meetings, wherein Board and/or Committee members who feel comfortable attending in person can do so, while others who may find the health risks from in-person attendance unreasonably high can participate remotely.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Alexander Crockett

ATTACHMENTS:

- 1. Draft AB 361 Reinitiating Resolution 120722

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
DECEMBER 7, 2022 TO JANUARY 6, 2023**

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; 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 thirty days and made findings that (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 has continued to hold remote public meetings without compliance with Government Code section 54953(b)(3) since 2021, and accordingly has made the requisite findings at least every thirty days as required by Government Code section 54953(e)(3); and

WHEREAS, the Board of Directors has ceased holding public meetings pursuant to the provisions of Government Code section 54953(e) during certain periods since 2021, 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) during these periods of cessation; and

WHEREAS, the most recent such cessation occurred when the Air District's legislative bodies ceased holding public meetings pursuant to the provisions of Government Code section 54953(e) after the most recent AB 361 30-day resolution expired on December 2, 2022;

WHEREAS, although the COVID-19 public health emergency has abated sufficiently to allow some members of the Air District's legislative bodies to participate safely in in-person meetings, it continues to present imminent risks to the health or safety of other members, including but not limited to those who may have weakened immune systems, those who may have reasons preventing them from being vaccinated, and those who may live in a household in close proximity with such persons; and

WHEREAS, the Board of Directors therefore wishes to authorize the Air District's legislative bodies to re-commence holding 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)(A) under which such meetings may be held, and has determined that there is a proclaimed state of emergency and that state or local officials have imposed or recommended measures to promote social distancing, including but not limited to the Santa Clara County Public Health Officer, who reaffirmed on September 21, 2022, that public bodies such as Air District Boards and Committees should continue to meet remotely to the extent possible; and

WHEREAS, the Board of Directors also recognizes and finds that the circumstances necessary for a continuing 30-day resolution under Government Code section 54953(e)(3) exist, because the state of emergency remains active and state or local officials continue to impose or recommend measures to promote social distancing; 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)(1)(A), 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 Board of Directors does hereby authorize the legislative bodies of the Air District to conduct hybrid meetings where appropriate, wherein members of a legislative body who feel comfortable attending in person can do so, while others who may find the health risks from in-person attendance unreasonably high can participate remotely; 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 (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 and that measures to promote social distancing have been ordered or recommended by state or local public health authorities.

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 state or local officials continue to impose or recommend measures to promote social distancing.

Section 5. Consideration of Hybrid Meetings: The Board of Directors hereby finds that although the COVID-19 public health emergency has abated sufficiently to allow some members of the Air

District’s legislative bodies to participate safely in in-person meetings, it continues to present imminent risks to the health or safety of other members, including but not limited to those who may have weakened immune systems, those who may have reasons preventing them from being vaccinated, and those who may live in a household in close proximity with such persons, such that the Air District’s legislative bodies have a need to hold hybrid and/or fully-remote meetings, as appropriate, to protect the health of the members of the legislative bodies, Air District staff, and the public.

Section 6. 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) – either as hybrid remote/in-person meetings or as fully remote meetings, as appropriate under the circumstances – as provided for under Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 7. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 6, 2023, 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 DECEMBER 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John J. Bauters
Chair of the Board of Directors

Teresa Barrett
Secretary of the Board of Directors

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: December 7, 2022

Re: Approval of the Minutes of November 2, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors meeting of November 2, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors meeting of November 2, 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 November 2, 2022

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

Board of Directors Regular Meeting
Wednesday, November 2, 2022

DRAFT MINUTES

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

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

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, Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Tyrone Jue, Otto Lee, Sergio Lopez, Myrna Melgar, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: None.

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

Chair Bauters introduced recently promoted Air District employee, Perry Ng, Air Quality Engineer 1, in the Engineering Division.

CONSENT CALENDAR (Items 5 – 15)

5. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)
6. Approval of the Minutes of October 19, 2022
7. Board Communications Received from October 19, 2022, through November 1, 2022

8. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of September 2022
9. Participation in 2022-2023 Funding Agricultural Reduction Measures for Emission Reductions Incentive Program
10. Authorization to Execute a Contract Amendment with Oppenheimer Investigations Group, LLP
11. Authorization to Execute a Purchase Order with Sailbri Cooper Incorporated
12. Consider Approval of Hiring Recommendation at Step E of Salary Range 148M for the Manager (Community Engagement Manager) Position
13. Report of the Technology Implementation Office Steering Committee Meeting of October 14, 2022
14. Report of the Stationary Source & Climate Impacts Committee Meeting of October 17, 2022
15. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of October 17, 2022

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Wagenknecht made a motion, seconded by Director Mitchoff, to **approve** Consent Calendar Items 5 through 15, inclusive; and the motion **carried** by the following vote of the Board:

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

ACTION ITEMS

16. APPOINTMENT OF BOARD OFFICERS FOR 2023 TERM

Chair Bauters reported on the discussion and subsequent recommendation of the Nominating Committee that held its meeting prior to the Board meeting (both on November 2, 2022) to consider the appointments of a Board Chair, Vice-Chair, and Secretary for the 2023 Term.

Public Comments

No requests received.

Board Comments

The Board and staff discussed appreciation for the Nominating Committee members and current Board officers.

Committee Action

Director Haubert made a motion, seconded by Director Lopez, to **approve** the appointment of John J. Bauters as Board Chair, Davina Hurt as Board Vice Chair, and Lynda Hopkin as Board Secretary for the 2023 Term; and the motion **carried** by the following vote of the Board:

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

17. ASSEMBLY BILL 617 COMMUNITY EMISSIONS REDUCTION PLAN RECOMMENDATION FOR BAYVIEW HUNTERS POINT/EASTERN SAN FRANCISCO

Veronica Eady, Senior Deputy Executive Officer of Policy & Equity, gave the staff presentation *AB 617 Community Emissions Reduction Plan Recommendation For Bayview Hunters Point/Eastern San Francisco*, including: outcome; requested action; community self-nomination co-leads; Marie Harrison Community Foundation; background; community profile – socioeconomic and environmental health; characterizing the air pollution in Bayview Hunters Point; near freeway and industrial exposure maps; developing partnership goals for a Community Emissions Reduction Plan; nomination process timeline; and recommendation.

Community self-nomination co-leads, Michelle Pierce (of Bayview Hunters Point Community Advocates) and Ariann Harrison (of Marie Harrison Community Foundation, Inc.) assisted Ms. Eady with this presentation.

NOTED PRESENT: Director Young was noted present at 9:26 a.m.; Directors Hudson and Melgar were noted present at 9:30 a.m.; and Director Miley was noted present at 9:51 a.m.

Public Comments

Public comments were given by Chalem Tubati, Bayview Hunters Point resident; Rochele Henderson, Air District employee; Jan Warren, Interfaith Climate Action Network of Contra Costa County; Kathleen Dahlgren, Marie Harrison Community Foundation; Tonia Randell, Marie Harrison Community Foundation; Jed Holtzman, San Francisco resident; and Sierra Bourne, Bayview Hunters Point resident.

Board Comments

The Board and staff discussed the importance of prioritizing Bayview Hunters Point as an AB 617 community; the importance of engagement with elected officials in AB 617 candidate communities; and the appreciation for the collaboration of community leadership.

Board Action

Director Walton made a motion, seconded by Director Gioia, to **ratify** the selection of Bayview Hunters Point for development of a Community Emissions Reduction Plan pursuant to AB 617; and the motion **carried** by the following vote of the Board:

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

OTHER BUSINESS

18. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Rochele Henderson; and Luis Romero.

19. BOARD MEMBERS' COMMENTS

Director Hudson issued an apology for remarks that he had made at a previous Board meeting which had concerned specific Air District staff.

20. REPORT OF THE INTERIM EXECUTIVE OFFICER/AIR POLLUTION CONTROL OFFICER (APCO)

Sharon L. Landers, Interim Executive Officer/APCO, asked Dr. Ranyee Chiang, Director of Meteorology and Measurement, to provide a summary on recent air quality.

21. CHAIRPERSON'S REPORT

Chair Bauters announced the following:

- The November 16, 2022, Board meeting has been cancelled.
- The December 7, 2022, Board meeting will be in a hybrid format, in which Board members may participate remotely or in person at 375 Beale Street. Board members are encouraged to attend in person, as the Board will potentially be interviewing APCO candidate finalists.
- The Board members who are meeting on November 9, 2022, as the ad hoc committee interviewing APCO candidates, will receive a \$100 stipend, as this is not a standard meeting.

22. TIME AND PLACE OF NEXT MEETING

Wednesday, December 7, 2022, at 9:00 a.m., via webcast, teleconference, and Zoom, as well as in person.

CLOSED SESSION (10:11 a.m.)

23. 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 met 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.

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

24. PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT (GOV'T CODE § 54957(b))

Pursuant to Government Code Section 54957(b)

Title: Executive Officer/Air Pollution Control Officer

Reportable Action: Mr. Crockett had nothing to report.

OPEN SESSION (10:53 a.m.)

25. ADJOURNMENT

The meeting adjourned at 10:54 a.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: December 7, 2022

Re: Board Communications Received from November 2, 2022 through December 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 November 2, 2022 through December 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: Aloha de Guzman

Reviewed by: Vanessa Johnson

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: December 7, 2022

Re: Authorization to Execute a Contract with Lores Maintenance

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Authorize the Interim Executive Officer/APCO to expend up to a total maximum amount of \$160,700 with Lores Maintenance; and
2. Authorize the Interim Executive Officer/APCO to execute a new three-year contract with Lores Maintenance in the amount not to exceed \$96,660 for janitorial services for the Air District field offices.

BACKGROUND

The Air District entered into Contract No. 2021.218 with Lores Maintenance in the amount of \$24,680 to provide routine janitorial services at the Air District's Richmond Parkway field offices. On July 18, 2022, the Air District amended this contract to increase the total maximum cost of the contract to \$64,040 for continued janitorial services at the Richmond Parkway offices.

The Air District seeks to enter into a new three-year contract with Lores Maintenance in the amount to exceed \$96,660 for routine and as-needed janitorial services at ten (10) other Air District field offices located throughout the San Francisco Bay Area. Janitorial services are needed to reduce the spread of germs and diseases, and to ensure that Air District field offices are clean, safe, and healthy for employees and public use. The combined maximum cost of the new contract and the aforementioned Contract No. 2021.218 total \$160,700.

On January 31, 2022, the Air District issued a Request for Proposals (RFP) to provide janitorial service for Air District facilities. The RFP was open from January 31, 2022 to March 25, 2022. Over 100 potential bidders were notified who had been signed up with the Air District to receive notifications of new RFPs. The RFP process solicited a total of five proposals from qualified vendors which were reviewed and evaluated by a three-member panel based on the following criteria, as stipulated in the RFP:

- **Cost:** Cost or cost effectiveness and resource allocation strategy.
- **Expertise:** 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
- **Skill:** Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.
- **References:** References of the firm
- **Firm’s Specialty Focus Area:** Local business/Green Business

The panel met to discuss their individual scores and came to a consensus on the contractors most qualified to provide the services outlined in the RFP. The panel recommended the selection of Lores Maintenance based on the firm’s overall approach, cost effectiveness, and fit with the Air District's needs. The RFP scoring summary is shown in Table 1 below.

Table 1: RFP #2022-005 Scoring Summary

Active Submissions

	Total	A - Proposal	A-1 - Cost	A-2 - Expertise	A-3 - Skill	A-4 - References	A-5 - Firm's Specialty Focus Area
Supplier	/ 100 pts	/ 100 pts	/ 30 pts	/ 25 pts	/ 25 pts	/ 10 pts	/ 10 pts
Lores maintenance	94.67	94.67	27	24.33	24	9.333	10
Townsend & Styer Maintenance Company, LLC	82	82	22	21.67	23.33	9.333	5.667
Quality Cleaning Professionals, LLC	71	71	7	24	23.67	10	6.333
Sparkling and Beyond LLC	62	62	5.667	24	17.33	9.667	5.333

Eliminated Submissions

	A - Proposal	A-1 - Cost	A-2 - Expertise	A-3 - Skill	A-4 - References	A-5 - Firm's Specialty Focus Area
Supplier	/ 100 pts	/ 30 pts	/ 25 pts	/ 25 pts	/ 10 pts	/ 10 pts
All-Ways Service Providers	-	-	-	-	-	-

DISCUSSION

None.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The costs for these contracts are included in the Fiscal Year Ending (FYE) 2023 budget and will be included in the ensuing impacted FYE budgets.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Maricela Martinez

Reviewed by: Rex Sanders

ATTACHMENTS:

1. Original Executed Contract No. 2021.218 - Lores Maintenance
2. Executed Contract No. 2021.218 - Amendment 1 - Lores Maintenance
3. RFP 2022-005 Recommendation Memo
4. Draft Contract No. 2022.247 - Lores Maintenance

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BUILDING SERVICES CONTRACT

CONTRACT NO. 2021.218

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 **Lores Maintenance** (“CONTRACTOR”) whose address is 601 Pennsylvania Avenue, Richmond, CA 94801.
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.
 - B. CONTRACTOR operates a business of providing janitorial services.
 - C. 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.
 - D. 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 maintain in full force and effect during the performance of all work under this Contract all licenses required by the California Contractors State License Board for such work.
 - E. 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.
 - F. CONTRACTOR shall exercise the degree of skill and care customarily required by accepted professional practices and procedures.
 - G. CONTRACTOR shall ensure that any subcontractors, employees and agents performing under this Contract comply with the performance standards set forth in paragraph A-F above.
4. **TERM** –The term of this Contract is from January 1, 2022 to June 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.

- 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. If any term set forth in the Cost Schedule is inconsistent with the terms set forth in this Section 8 (Payment), the terms of this Section 8 (Payment) shall govern.
- 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: Contracts Manager.
 - 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 \$24,680.

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, 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 \$24,680. 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: Sean Gallagher

CONTRACTOR: Lores Maintenance
601 Pennsylvania Avenue
Richmond, CA 94801
Attn: Juan Lores

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 – It is expressly understood and agreed that in performing work under this Contract, CONTRACTOR will have access to DISTRICT premises and to information related to DISTRICT operations and business, 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. 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.
15. 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.
16. LABOR AND MATERIALS
- A. Unless otherwise provided in the Contract, CONTRACTOR shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, transportation, and other

- facilities and services necessary for proper execution and completion of the work whether temporary or permanent and whether or not incorporated or to be incorporated in the work.
- B. CONTRACTOR shall enforce strict discipline and good order among CONTRACTOR's employees and other persons carrying out this Contract. CONTRACTOR shall not permit employment of unfit persons or persons not skilled in tasks assigned to them.
 - C. CONTRACTOR shall deliver, handle, store and install materials in accordance with manufacturers' instructions.
 - D. CONTRACTOR may make substitutions only with the consent of DISTRICT.
17. CLEAN WORK SITE – CONTRACTOR shall keep the premises and surrounding area free from accumulation of waste materials or rubbish caused by operations under the Contract. At completion of the work, CONTRACTOR shall remove from and about the work site waste materials, rubbish, CONTRACTOR's tools, construction equipment, machinery and surplus material.
18. WARRANTY – CONTRACTOR warrants to DISTRICT that all materials and equipment furnished under this Contract shall be of good quality and new unless otherwise required or permitted by the Contract and that all work under this agreement will be performed in a good and workmanlike manner, shall be of good quality, free from faults and defects, and in conformance with the Contract.
19. INSPECTION OF THE WORK – CONTRACTOR shall make the work accessible at all reasonable times for inspection by DISTRICT. CONTRACTOR shall inspect all material and equipment delivered to the job site by others to be used or incorporated in CONTRACTOR's work.
20. 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.
21. 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.
22. 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.
23. 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.

24. 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.
25. 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.
26. COUNTERPARTS/FACSIMILES/SCANS – This Contract may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The parties may rely upon a facsimile copy or scanned copy of any party's signature as an original for all purposes.
27. 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.
28. ENTIRE CONTRACT AND MODIFICATION – This Contract represents the final, complete, and exclusive statement of the agreement between the parties related to CONTRACTOR providing services to DISTRICT and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Contract by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Contract may only be amended by mutual agreement of the parties in writing and signed by both parties.
29. SURVIVAL OF TERMS – The provisions of sections 7 (Indemnification) and 13 (Confidentiality) shall survive the expiration or termination of this Contract.

ATTACHMENT A**SCOPE OF WORK**

CONTRACTOR shall provide cleaning and janitorial services described in this Scope of Work for DISTRICT offices located in the table below. Services shall be performed on weekdays, Monday to Friday.

Location	City	Frequency of Service
3033 Richmond Parkway, Suites 300-303	Richmond, CA	Daily (5 times a week)
3065 Richmond Parkway, Suite 109	Richmond, CA	Daily (5 times a week)
2451 Portola Ave.	Livermore, CA	As Needed
9925 International Blvd., Suites 10 & 11	Oakland, CA	As Needed
897 Barron Ave.	Redwood City, CA	As Needed
158 E. Jackson St., Suites B & C	San Jose, CA	As Needed
1865 Rumrill Blvd., #1865	San Pablo, CA	As Needed
534 Fourth St.	San Rafael, CA	As Needed
304 Tuolumne St.	Vallejo, CA	As Needed
Other DISTRICT offices throughout the nine-county Bay Area		As Needed

I. AREAS TO BE SERVICED

- Entrance way
- Reception area
- Conference table area
- Rooms
- Stairs
- Kitchenette
- Restroom

II. BASIC SERVICES

- Spot clean light switches, doors, door frames
- Wipe down desks, counter tops
- Dispose of waste and install new liners, if necessary
- Remove recycling, place in proper bins
- Clean and disinfect sinks
- Wipe down handrails and banisters
- Clean and disinfect waste receptacles (inside and out)
- Dust office furniture
- Wipe down window sills
- Dust computer screens
- Dust partition tops
- Disinfect telephone receivers
- Dust picture frames and light fixtures
- Dust baseboards and chair bases
- Dust window blinds
- Clean air grills

- Remove cobwebs

III. CARPETS

- Vacuum all traffic areas
- Spot clean all areas
- Replace all moved furniture in proper positions
- Vacuum corners, edges and non-traffic areas

IV. HARD SURFACE FLOORS

- Sweep or vacuum all traffic areas
- Spot mop all areas
- Replace all moved furniture in proper positions
- Sweep corners, edges and non-traffic areas
- Thoroughly mop all areas

V. RESTROOMS

- Spot clean vertical surfaces: walls, doors, and partitions
- Spot clean horizontal surfaces: counter tops and dispensers
- Detail: door handles, kick plates and light switches
- Clean and disinfect toilets and urinals
- Polish all fixtures
- Sanitize all sinks and detail related fixtures
- Clean all mirrors
- Dispose of waste and install new liners
- Dust partitions and ledges
- Low dusting: baseboards, toilet bases and beneath sinks
- Wet mop hard surface floors using germicidal product
- Restock hand soaps and paper disposables
- High dusting: air grills, ceiling fixtures

VI. KITCHEN & BREAK AREA

- Clean vertical surfaces: cabinets, appliances and walls
- Clean horizontal surfaces: tables, appliances and counters
- Clean and disinfect sink and detail related fixtures
- Wipe down inside/outside of microwave

VII. WINDOWS & GLASS

- Spot clean entrance way door glass and windows
- Spot clean glass partitions
- Thoroughly clean entry windows

VIII. SECURITY AND COMMUNICATION

- Ensure all windows and doors are locked
- Disarm/arm security system

IX. MATERIALS AND EQUIPMENT

CONTRACTOR shall provide all cleaning solutions and equipment. DISTRICT shall supply restroom products and liners.

X. ADDITIONAL SERVICES (BILLED SEPARATELY)

CONTRACTOR shall provide the services listed below upon DISTRICT's request. CONTRACTOR shall provide a quote to DISTRICT detailing the cost for the requested services. CONTRACTOR shall obtain written authorization from DISTRICT prior to starting work on any of the task listed below.

- Window cleaning other than services listed above under Section VII, "Windows & Glass"
- Carpet cleaning
- Strip, seal and wax hard surface flooring
- Strip and seal restrooms
- High pressure spraying
- Interior and exterior painting services
- Landscaping services

ATTACHMENT B**COST SCHEDULE**

DISTRICT will pay CONTRACTOR an amount up to \$19,680 for daily janitorial services of all Richmond Parkway offices. DISTRICT will pay CONTRACTOR an amount up to \$5,000 for the cleaning of all other DISTRICT offices and for the additional maintenance services listed in Section X (“Additional Services”) of the Scope of Work. DISTRICT will pay CONTRACTOR for the janitorial services according to the rates in the table below:

Location	City	Rate
3033 Richmond Parkway, Suites 300-303	Richmond, CA	\$2,280 per month
3065 Richmond Parkway, Suite 109	Richmond, CA	\$1,000 per month
2451 Portola Ave.	Livermore, CA	\$150 per cleaning
9925 International Blvd., Suites 10 & 11	Oakland, CA	\$150 per cleaning
897 Barron Ave.	Redwood City, CA	\$150 per cleaning
158 E. Jackson St., Suites B & C	San Jose, CA	\$150 per cleaning
1865 Rumrill Blvd., #1865	San Pablo, CA	\$150 per cleaning
534 Fourth St.	San Rafael, CA	\$150 per cleaning
304 Tuolumne St.	Vallejo, CA	\$150 per cleaning
Other DISTRICT offices throughout the nine-county Bay Area*		To be determined

*CONTRACTOR shall provide a quote for services for other DISTRICT offices not listed in the table above. DISTRICT must provide written authorization prior to CONTRACTOR cleaning of these offices.

Total Cost of Contract not to exceed \$24,680.

AMENDMENT NO. 1 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2021.218

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, July 12, 2022.

RECITALS:

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Lores Maintenance** (“CONTRACTOR”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled contract for cleaning and janitorial services for DISTRICT offices (the “Contract”), which Contract was executed on behalf of CONTRACTOR on September 24, 2021, and on behalf of DISTRICT on December 10, 2021.
2. The PARTIES seek to amend the term and maximum 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 28 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

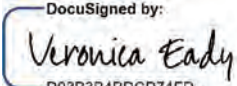
1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 5, “Term.” The term of the Contract shall be extended so that the termination date of the Contract is now June 30, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph D of Section 8, “Payment,” of the Contract to replace “\$24,680” with “\$64,040.”
3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph F of Section 9, “Dispute Resolution,” of the Contract to replace “\$24,680” with “\$64,040.”
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

LORES MAINTENANCE

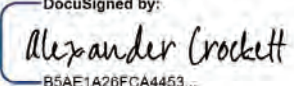
By:  _____
D03B3B4BDCD74FD...
 Veronica Eady
 Acting Executive Officer/APCO

By:  _____
 Juan Lores
 Owner

Date: 7/18/2022

Date: 7/12/2022

Approved as to form:
District Counsel

By:  7/17/2022
B5AE1A26FCA4453...
 Alexander Crockett
 District Counsel

ATTACHMENT B-1**COST SCHEDULE**

DISTRICT will pay CONTRACTOR an amount up to \$59,040 for daily janitorial services of all Richmond Parkway offices. DISTRICT will pay CONTRACTOR an amount up to \$5,000 for the cleaning of all other DISTRICT offices and for the additional maintenance services listed in Section X (“Additional Services”) of the Scope of Work. DISTRICT will pay CONTRACTOR for the janitorial services according to the rates in the table below:

Location	City	Rate
3033 Richmond Parkway, Suites 300-303	Richmond, CA	\$2,280 per month
3065 Richmond Parkway, Suite 109	Richmond, CA	\$1,000 per month
2451 Portola Ave.	Livermore, CA	\$150 per cleaning
9925 International Blvd., Suites 10 & 11	Oakland, CA	\$150 per cleaning
897 Barron Ave.	Redwood City, CA	\$150 per cleaning
158 E. Jackson St., Suites B & C	San Jose, CA	\$150 per cleaning
1865 Rumrill Blvd., #1865	San Pablo, CA	\$150 per cleaning
534 Fourth St.	San Rafael, CA	\$150 per cleaning
304 Tuolumne St.	Vallejo, CA	\$150 per cleaning
Other DISTRICT offices throughout the nine-county Bay Area*		To be determined

*CONTRACTOR shall provide a quote for services for other DISTRICT offices not listed in the table above. DISTRICT must provide written authorization prior to CONTRACTOR cleaning of these offices.

Total Cost of Contract not to exceed \$64,040.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

July 25, 2022

To: Veronica Eady, Acting Executive Officer/APCO

DocuSigned by:
Veronica Eady
D03B3B4BDCD74FD...

Via: Rex Sanders, Chief Administrative Officer

DS
RS

Via: Maricela Martinez, Director of Administrative Resources

DS
MM

From: Satnam Hundel, Business Office Manager

DS
SH

Re: Request for Proposal (RFP) No. 2022-005 for Janitorial Services for Air District Facilities Bid Evaluation and Recommendation of Award

RECOMMENDED ACTION

Based on the evaluation criteria set forth in the RFP, staff recommends selecting and awarding RFP No. 2022-005 to the following firms to provide janitorial services for the Air District for a 3-year contract in an amount not-to-exceed \$100,000 per vendor:

1. LORES MAINTENANCE
2. TOWNSEND & STYER MAINTENANCE COMPANY, LLC

BACKGROUND

The Air District seeks janitorial services from qualified and insured contractors to provide custodial and sanitation service for Air District facilities. Three (3) of these locations require daily janitorial services while the remaining sites require janitorial services on an as-needed basis. Contractors must be licensed in accordance with all federal, state, and local laws governing the janitorial industry and must demonstrate the ability to provide and maintain administrative, operational, and logistical support for the Air District. In addition, contractors must adhere to all federal, state, and local regulations and labor laws.

Staff's evaluation identified two contractors qualified to support the Air District with Janitorial Services for Air District Facilities as defined in the RFP.

BID EVALUATION

The RFP was open from January 31, 2022, to March 25, 2022. Over 100 potential bidders were notified who had been signed up with the Air District to receive notifications of new RFPs. Staff received five (5) proposals from the following organizations:

1. LORES MAINTENANCE
2. TOWNSEND & STYER MAINTENANCE COMPANY, LLC
3. QUALITY CLEANING PROFESSIONALS, LLC
4. SPARKLING AND BEYOND, LLC
5. ALL-WAYS GREEN SERVICES

The submissions were reviewed and evaluated by three Air District staff members:

1. Raymond Wang – Staff Specialist
2. Joseph Driste – Staff Specialist
3. Beba Sanchez – Senior Executive Assistant

The five RFP evaluation criteria Air District staff members used to score the proposals are listed below:

- **Cost:** Cost or cost effectiveness and resource allocation strategy.
- **Expertise:** 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
- **Skill:** Past experience of the firm and, in particular, experience of the team working on projects of similar scope for other governmental agencies.
- **References:** References of the firm
- **Firm’s Specialty Focus Area:** Local business/Green Business

The reviewers met to discuss their individual scores and came to consensus on the contractors most qualified to provide the services outlined in the RFP. Staff recommends selecting the following contractors to provide janitorial services for the Air District:

1. LORES MAINTENANCE
2. TOWNSEND & STYER MAINTENANCE COMPANY, LLC

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The cost for this contract is included in the Fiscal Year Ending (FYE) 2023 budget and will be included in the ensuing impacted FYE budgets.

Attachment A: RFP SCORING

Respectfully submitted,

Satnam Hundel, Business Office Manager

Prepared by: Joseph Driste
Reviewed by: Satnam Hundel

ATTACHMENT A

RFP SCORING



2022-005 - Janitorial Services for Air District Facilities Scoring Summary

Active Submissions

Supplier	Total / 100 pts	A - Proposal / 100 pts	A-1 - Cost / 30 pts	A-2 - Expertise / 25 pts	A-3 - Skill / 25 pts	A-4 - References / 10 pts	A-5 - Firm's Specialty Focus Area / 10 pts
Lores maintenance	94.67	94.67	27	24.33	24	9.333	10
Townsend & Styer Maintenance Company, LLC	82	82	22	21.67	23.33	9.333	5.667
Quality Cleaning Professionals, LLC	71	71	7	24	23.67	10	6.333
Sparkling and Beyond LLC	62	62	5.667	24	17.33	9.667	5.333

Eliminated Submissions

Supplier	A - Proposal / 100 pts	A-1 - Cost / 30 pts	A-2 - Expertise / 25 pts	A-3 - Skill / 25 pts	A-4 - References / 10 pts	A-5 - Firm's Specialty Focus Area / 10 pts
All-Ways Service Providers	-	-	-	-	-	-

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BUILDING SERVICES CONTRACT

CONTRACT NO. 2022.247

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 **Lores Maintenance** (“CONTRACTOR”) whose address is 601 Pennsylvania Avenue, Richmond, CA, 94801.
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.
 - B. CONTRACTOR operates a business of janitorial services.
 - C. 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.
 - D. 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 maintain in full force and effect during the performance of all work under this Contract all licenses required by the California Contractors State License Board for such work.
 - E. 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.
 - F. CONTRACTOR shall exercise the degree of skill and care customarily required by accepted professional practices and procedures.
 - G. CONTRACTOR shall ensure that any subcontractors, employees and agents performing under this Contract comply with the performance standards set forth in paragraphs A-F above.
4. **TERM** – The term of this Contract is from January 1, 2023 to December 31, 2025, 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. If any term set forth in the Cost Schedule is inconsistent with the terms set forth in this Section 8 (Payment), the terms of this Section 8 (Payment) shall govern.
- 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: Contracts Manager.
 - 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 \$96,660.

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, 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 \$96,600. 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: Joseph Driste

CONTRACTOR: Lores Maintenance
 601 Pennsylvania Avenue
 Richmond, CA, 94801
 Attn: Juan Lores

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 – It is expressly understood and agreed that in performing work under this Contract, CONTRACTOR will have access to DISTRICT premises and to information related to DISTRICT operations and business, 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. 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.
15. 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.
16. LABOR AND MATERIALS
- A. Unless otherwise provided in the Contract, CONTRACTOR shall provide and pay for labor, materials, equipment, tools, construction equipment and machinery, transportation, and other facilities and services necessary for proper execution and completion of the work whether temporary or permanent and whether or not incorporated or to be incorporated in the work.
 - B. CONTRACTOR shall enforce strict discipline and good order among CONTRACTOR's employees and other persons carrying out this Contract. CONTRACTOR shall not permit employment of unfit persons or persons not skilled in tasks assigned to them.
 - C. CONTRACTOR shall deliver, handle, store and install materials in accordance with manufacturers' instructions.
 - D. CONTRACTOR may make substitutions only with the consent of DISTRICT.
17. CLEAN WORK SITE – CONTRACTOR shall keep the premises and surrounding area free from accumulation of waste materials or rubbish caused by operations under the Contract. At completion of the work, CONTRACTOR shall remove from and about the work site waste materials, rubbish, CONTRACTOR's tools, construction equipment, machinery and surplus material.

18. WARRANTY – CONTRACTOR warrants to DISTRICT that all materials and equipment furnished under this Contract shall be of good quality and new unless otherwise required or permitted by the Contract and that all work under this agreement will be performed in a good and workmanlike manner, shall be of good quality, free from faults and defects, and in conformance with the Contract.
19. INSPECTION OF THE WORK – CONTRACTOR shall make the work accessible at all reasonable times for inspection by DISTRICT. CONTRACTOR shall inspect all material and equipment delivered to the job site by others to be used or incorporated in CONTRACTOR's work.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

26. COUNTERPARTS/FACSIMILES/SCANS – This Contract may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The parties may rely upon a facsimile copy or scanned copy of any party’s signature as an original for all purposes.
27. 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.
28. ENTIRE CONTRACT AND MODIFICATION – This Contract represents the final, complete, and exclusive statement of the agreement between the parties related to CONTRACTOR providing services to DISTRICT and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Contract by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Contract may only be amended by mutual agreement of the parties in writing and signed by both parties.
29. SURVIVAL OF TERMS – The provisions of sections 7 (Indemnification) and 13 (Confidentiality) shall survive the expiration or termination of this Contract.

DRAFT

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

LORES MAINTENANCE

By: _____
Sharon Landers
Interim Executive Officer/APCO

By: _____
Juan Lores
Owner

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

DRAFT

ATTACHMENT A

SCOPE OF WORK

CONTRACTOR shall provide cleaning and janitorial services described in this Scope of Work for DISTRICT offices located in the table below.

Location	City	Frequency of Service
845 Marina Bay Parkway, Suite 6	Richmond, CA	Daily (5 times a week)
1900 Bates Ave., Suite G	Concord, CA	Daily (5 times a week)
2451 Portola Ave.	Livermore, CA	Upon DISTRICT request
9925 International Blvd., Suites 10 & 11	Oakland, CA	Upon DISTRICT request
897 Barron Ave.	Redwood City, CA	Upon DISTRICT request
158 E. Jackson St., Suites B & C	San Jose, CA	Upon DISTRICT request
1865 Rumrill Blvd., #1865	San Pablo, CA	Upon DISTRICT request
534 Fourth St.	San Rafael, CA	Upon DISTRICT request
304 Tuolumne St.	Vallejo, CA	Upon DISTRICT request
Other DISTRICT offices throughout the nine-county Bay Area		Upon DISTRICT request

1. **Basic Services** - CONTRACTOR shall provide reliable, experienced, and fully equipped staff to perform the following janitorial and building maintenance services.
 - a. Basic Services
 - Spot clean light switches, doors, and door frames.
 - Wipe down desks and counter tops.
 - Wipe down handrails and banisters.
 - Dust office furniture.
 - Wipe down windowsills.
 - Dust computer screens.
 - Dust partition tops.
 - Dust picture frames and light fixtures.
 - Dust baseboards and chair bases.
 - Dust window blinds.
 - Empty all wastebaskets and recycling containers and install new liners.
 - Remove all trash, recyclables, including broken down boxes from the floor, to designated trash areas.
 - Clean and disinfect waste receptacles (inside and out).
 - b. Carpet:
 - Vacuum all rugs and wall-to-wall carpeting in all areas unobstructed by furniture. Chairs should be moved from desks and conference room tables, and then returned to their original position after completion of vacuuming.
 - Spot clean carpets as needed.

- c. Hard Surface Floors:
 - Sweep and/or dust mop all floors, including pantries, halls and conference rooms.
 - Wet mop if spillage has occurred.
 - Wipe down baseboards as needed.
 - d. Pantry/Kitchen and Break Area:
 - Clean and disinfect all pantry sinks and countertops with cleaning products that are Environmental Protection Agency (EPA) registered as disinfectants or hard surface sanitizers.
 - Clean and disinfect tables
 - Wipe down inside/outside of microwave
 - e. Restrooms (if applicable)
 - Thoroughly clean all urinals, toilets and lavatories with a solution containing a commercial grade disinfectant. CONTRACTOR's products must be registered by the EPA as disinfectants and/or hard surface sanitizers.
 - Clean and disinfect all restroom sinks and countertops with cleaning products that are EPA registered as disinfectants or hard surface sanitizers.
 - Damp mop lavatory floor area with a germicidal detergent of neutral odor.
 - Clean and polish mirrors and all bright work which will include paper towel dispensers, soap dispensers, flushometers, flush levers, piping, disposal receptacles, urinal partitions or any other metal accessory.
 - Spot clean walls around sinks, urinals, and toilet bowls.
 - Remove all wastepaper and soiled sanitary napkins into proper containers to be collected for removal. All receptacles are to be thoroughly cleaned, washed, and wiped dry with new liners installed.
 - Check and restock all toilet paper, seat covers, paper towels and soap to ensure an ample supply of products is available for the following business day.
 - Dust top of lavatory partitions.
- 2. Additional Services** - Upon DISTRICT request, CONTRACTOR shall provide the following services:
- a. Carpet cleaning/shampooing.
 - b. Window cleaning.
 - c. Emergency cleaning (fire, flood, etc.).
 - d. Strip and seal restrooms.
 - e. Light bulb replacement.
 - f. Landscaping.
 - g. Interior and exterior painting.
- 3. Supplies and Equipment for all services**
- h. DISTRICT will supply all the restroom, pantry and employee lounge area supplies such as paper towels, toilet paper and liquid hand soap.
 - i. CONTRACTOR is responsible for all janitorial supplies and equipment necessary to properly perform the work described in this Contract. These supplies and equipment consist of mops, dusting cloths, polishes, vacuum cleaners, brushes, buckets, detergents, scouring powders, disinfectants, wax, wax machines, shampoo or steam cleaning equipment, and commercial grade EPA registered disinfectant or hard surface sanitizers.
 - j. Limited space is available for CONTRACTOR to store basic equipment and supplies on site.

4. Supervision of Work for all services

- k. CONTRACTOR shall conduct regular systematic inspection of the work crew and shall be responsible for providing adequate supervision to assure competent and satisfactory performance of the services required under this Contract.
- l. CONTRACTOR shall notify the DISTRICT's designated contact by phone or email of any special comments on janitorial needs.

5. Security and Communication for all services

- m. CONTRACTOR shall ensure all windows and doors are locked upon completion of work.
- n. CONTRACTOR shall disarm/arm security system.
- o. CONTRACTOR shall check communication log and respond accordingly.

6. General Requirements - CONTRACTOR shall be responsible for the following:

- p. Report routine, non-emergency maintenance or repair needs to DISTRICT (e.g., burned out light bulbs or fluorescent tubes, broken fixtures or fixtures not working properly, etc.).
- q. Report any security breaches, emergency maintenance or repair needs to DISTRICT (e.g., broken exterior locks, doors or windows; electrical hazards; flooding, etc.).
- r. Maintain janitorial supply and equipment storage areas neat and clean.
- s. Use a high-efficiency particulate absorbing (HEPA) filter vacuum, or a vacuum with a .3micron air filtration system, when vacuuming.
- t. When scheduling substantial or disruptive cleaning activities (interior window cleaning, carpet shampooing, etc.), provide DISTRICT with sufficient notice to pick up, clear away and/or remove items in the way.
- u. Attend meetings with DISTRICT staff upon request. The following personnel will be required to attend the meetings: an officer of the company and the manager or supervisor responsible for the janitorial staff providing on-site services.

7. Work Schedule - Monday through Friday evenings (after 6:00 p.m.) and weekends at any time, not including recognized DISTRICT holidays. Schedules will be determined and agreed upon in advance between CONTRACTOR and DISTRICT.

ATTACHMENT B

COST SCHEDULE

DISTRICT will pay CONTRACTOR for daily janitorial services of DISTRICT offices located at 845 Marina Bay Parkway, Suite 6, Richmond, CA and 1900 Bates Avenue, Suite G, Concord, CA, at the monthly rates set forth in the table below. The total amount DISTRICT will pay for such services at these two DISTRICT offices shall not exceed \$92,160.

DISTRICT will pay CONTRACTOR for the as-needed cleaning of all other DISTRICT offices and for the additional maintenance services listed in Section 2 (“Additional Services”) of the Scope of Work at the per-cleaning rates set forth in the table below. The total amount DISTRICT will pay for such as-needed cleaning and additional services offices shall not exceed \$4,500.

CONTRACTOR shall invoice DISTRICT on a monthly basis in accordance with the provisions of Section 8 of this Agreement (“Payment”).

For any janitorial/cleaning/maintenance services at DISTRICT offices specified both in this Agreement and in Contract No. 2021.218, CONTRACTOR will invoice for such services, and DISTRICT shall pay for such services, under this Agreement only. DISTRICT shall not pay any additional amounts for such services above what is provided for in this Agreement, notwithstanding anything in Contract No. 2021.218 or any other agreement.

Location	City	Rate	Service
845 Marina Bay Parkway, Suite 6	Richmond, CA	\$1,185 per month	Basic
1900 Bates Ave., Suite G	Concord, CA	\$1,375 per month	Basic
2451 Portola Ave.	Livermore, CA	\$150 per cleaning	Basic
9925 International Blvd., Suites 10 & 11	Oakland, CA	\$150 per cleaning	Basic
897 Barron Ave.	Redwood City, CA	\$150 per cleaning	Basic
158 E. Jackson St., Suites B & C	San Jose, CA	\$150 per cleaning	Basic
1865 Rumrill Blvd., #1865	San Pablo, CA	\$150 per cleaning	Basic
534 Fourth St.	San Rafael, CA	\$150 per cleaning	Basic
304 Tuolumne St.	Vallejo, CA	\$150 per cleaning	Basic
Other DISTRICT offices throughout the nine-county Bay Area		To be determined	Basic

Other DISTRICT Offices

Upon DISTRICT request, CONTRACTOR shall provide a quote for services for other DISTRICT offices not listed in the table above. DISTRICT shall provide written authorization prior to CONTRACTOR cleaning of these offices.

Additional Services

Upon DISTRICT request, CONTRACTOR shall provide a quote for the requested additional services. DISTRICT shall provide written authorization prior to CONTRACTOR providing the additional services.

Total Cost of Contract not to exceed \$96,660.

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: December 7, 2022

Re: Notices of Violations Issued and Penalty Settlements in Excess of \$10,000 in the
Month of October 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 penalty amounts in excess of \$10,000, during the calendar months prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amounts of civil penalties are collected and recorded in the Air District's General Fund.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENTS:

1. Notices of Violations for the month of October 2022

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violations were issued in October 2022:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Au Energy LLC	Z1937	Fremont	A61700A	10/14/2022	8-7-308	Gasoline Dispensing Facility Violation
MAAS Brothers Inc.	B2630	Livermore	A60888A	10/6/2022	8-19-302.2	Metal Parts Coating Violation
PABCO Gypsum	A0153	Newark	A61614A	10/13/2022	2-1-307	Permit Requirement/Condition Violation
Prowell Systems LLC	FB279	Berkeley	A61137A	10/12/2022	2-1-301	No Authority to Construct and No Permit to Operate
Prowell Systems LLC	FB279	Berkeley	A61137B	10/12/2022	2-1-302	No Authority to Construct and No Permit to Operate
Safety-Kleen of California, Inc.	A1190	Newark	A61755A	10/25/2022	2-1-307	Permit Requirement/Condition Violation
Salkhi Family Holdings, Inc.	Z8126	San Leandro	A61401A	10/7/2022	8-7-302.3	Gasoline Dispensing Facility Violation
Salkhi Family Holdings, Inc.	Z8126	San Leandro	A61401B	10/7/2022	8-7-301.6	Gasoline Dispensing Facility Violation
Shell	Z9297	Oakland	A62243A	10/12/2022	8-7-301.5	Gasoline Dispensing Facility Violation
Tesla, Inc.	A1438	Fremont	A61753A	10/11/2022	2-6-307	Title V Requirement/Permit Condition Violation
Tesla, Inc.	A1438	Fremont	A61754A	10/17/2022	2-6-307	Title V Requirement/Permit Condition Violation
Turk Island Solid Waste Disposal Site	A3256	Union City	A61615A	10/13/2022	6-1-301	Visible Emissions Violation

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
C & H Sugar Company, Inc.	B1911	Crockett	A62054A	10/4/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62055A	10/5/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62056A	10/5/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62057A	10/6/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62058A	10/11/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62059A	10/11/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62060A	10/11/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62061A	10/11/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62062A	10/12/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62063A	10/14/2022	1-301	Public Nuisance Violation
C & H Sugar Company, Inc.	B1911	Crockett	A62064A	10/18/2022	1-301	Public Nuisance Violation
Chevron Products Company	A0010	Richmond	A60035A	10/17/2022	2-6-307	Title V Requirement/Permit Condition Violation
Chevron Products Company	A0010	Richmond	A62028A	10/17/2022	2-6-307	Title V Requirement/Permit Condition Violation
Chevron Products Company	A0010	Richmond	A62029A	10/17/2022	9-10-502	Refinery NOx or CO Violation
Chevron Products Company	A0010	Richmond	A62030A	10/7/2022	1-523.1	Parametric Monitor Violation

Chevron Products Company	A0010	Richmond	A62031A	10/17/2022	1-522.4	Continuous Emissions Monitor Violation
Chevron Products Company	A0010	Richmond	A62032A	10/7/2022	1-523.1	Parametric Monitor Violation
Chevron Products Company	A0010	Richmond	A62038A	10/7/2022	2-1-301	No Authority to Construct and No Permit to Operate
Chevron Products Company	A0010	Richmond	A62038B	10/7/2022	2-1-302	No Authority to Construct and No Permit to Operate
Chevron Products Company	A0010	Richmond	A57784A	10/17/2022	2-6-307	Title V Requirement/Permit Condition Violation
Chevron Products Company	A0010	Richmond	A62033A	10/7/2022	8-18-404	Equipment Leak Violation
Chevron Products Company	A0010	Richmond	A62034A	10/7/2022	8-18-401	Equipment Leak Violation
Chevron Products Company	A0010	Richmond	A62035A	10/17/2022	8-18-401.3	Equipment Leak Violation
Chevron Products Company	A0010	Richmond	A62035B	10/17/2022	8-18-401.6	Equipment Leak Violation
Chevron Products Company	A0010	Richmond	A62036A	10/7/2022	8-18-401	Equipment Leak Violation
Chevron Products Company	A0010	Richmond	A62037A	10/7/2022	8-18-401	Equipment Leak Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A62305A	10/25/2022	2-1-307	Permit Requirement/Condition Violation
G3 Minerals, Byron Plant	A1472	Byron	A61296A	10/5/2022	2-1-307	Permit Requirement/Condition Violation
G3 Minerals, Byron Plant	A1472	Byron	A61295A	10/5/2022	2-1-307	Permit Requirement/Condition Violation
Galaxy HVAC	FB243	Pleasant Hill	A60306A	10/5/2022	11-2-303.7	Asbestos Violation

Galaxy HVAC	FB243	Pleasant Hill	A60306B	10/5/2022	11-2-304.1	Asbestos Violation
John Muir Health - Concord Campus	A1753	Concord	A61297A	10/25/2022	2-1-307	Permit Requirement/Condition Violation
John Muir Health - Concord Campus	A1753	Concord	A61298A	10/25/2022	2-1-307	Permit Requirement/Condition Violation
John Muir Health - Concord Campus	A1753	Concord	A61299A	10/25/2022	2-1-307	Permit Requirement/Condition Violation
Richmond Products Terminal	A0057	Richmond	A61737A	10/5/2022	2-1-307	Permit Requirement/Condition Violation
Richmond Products Terminal	A0057	Richmond	A61738A	10/5/2022	2-1-307	Permit Requirement/Condition Violation
Saint Mary's College of California	B5476	Moraga	A60889A	10/17/2022	2-1-307	Permit Requirement/Condition Violation
Value Plumbing Co. Inc.	Y2493	Byron	A62304A	10/20/2022	2-1-307	Permit Requirement/Condition Violation

San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Darck Pearl Investments LLC	FB274	Atherton	A62244A	10/18/2022	8-7-301.1	Gasoline Dispensing Facility Violation

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Alliance Environmental Group	Z6632	San Jose	A61665A	10/18/2022	11-2-401.3	Asbestos Violation

HK Sandhu Inc.	FB297	Morgan Hill	A61701A	10/19/2022	2-1-307	Permit Requirement/Condition Violation
HK Sandhu Inc.	FB297	Morgan Hill	A61701B	10/19/2022	8-7-302.3	Gasoline Dispensing Facility Violation
International Disposal Corp of CA	A9013	Milpitas	A61613A	10/13/2022	8-34-301.2	Landfill Violation
International Disposal Corp of CA	A9013	Milpitas	A61613B	10/13/2022	8-34-303	Landfill Violation
International Disposal Corp of CA	A9013	Milpitas	A61616A	10/14/2022	8-34-301.1	Landfill Violation
International Disposal Corp of CA	A9013	Milpitas	A61617A	10/14/2022	8-34-301.1	Landfill Violation
Star Concrete	A7409	San Jose	A61635A	10/27/2022	2-1-307	Permit Requirement/Condition Violation

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
A&A Gas Inc.	FB317	Fairfield	A62306A	10/28/2022	8-7-301.5	Gasoline Dispensing Facility Violation
Potrero Hills Energy Producers, LLC	E0139	Suisun City	A61182A	10/25/2022	8-34-301.4	Landfill Violation
Valero Refining Company - California	B2626	Benicia	A60809A	10/19/2022	8-2-301	Miscellaneous Operation Violation
Valero Refining Company - California	B2626	Benicia	A60809B	10/19/2022	8-18-309	Equipment Leak Violation
Valero Refining Company - California	B2626	Benicia	A60809C	10/19/2022	2-6-307	Title V Requirement/Permit Condition Violation

Valero Refining Company - California	B2626	Benicia	A60810A	10/28/2022	6-1-301	Visible Emissions Violation
Valero Refining Company - California	B2626	Benicia	A60811A	10/28/2022	6-1-301	Visible Emissions Violation
Valero Refining Company - California	B2626	Benicia	A60812A	10/28/2022	6-1-301	Visible Emissions Violation

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
BoDean Company Inc.	A1641	Santa Rosa	A61566A	10/12/2022	2-1-307	Permit Requirement/Condition Violation
Santa Rosa Water - Laguna Treatment Plant	A1403	Santa Rosa	A61568A	10/17/2022	2-1-307	Permit Requirement/Condition Violation
Santa Rosa Water - Laguna Treatment Plant	A1403	Santa Rosa	A61567A	10/17/2022	2-1-307	Permit Requirement/Condition Violation

Company Address Outside of Bay Area						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
M&S Construction	FB267	Salinas	A61664A	10/12/2022	11-2-303.3	Asbestos Violation

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There were 0 settlement(s) for \$10,000 or more completed in October 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: December 7, 2022

Re: Authorization to Amend Signature Authority for San Mateo County Treasurer

RECOMMENDED ACTION

Recommend the Board of Directors adopt a resolution granting Sharon L. Landers, Interim Executive Officer/Air Pollution Control Officer (APCO), authorization to sign orders drawn by the Air District on Air District funds held by the Treasurer of San Mateo County, including check signing authority.

BACKGROUND

The Board of Directors has previously authorized Stephanie Osaze, Director of Finance, and Jeff McKay, Chief Financial Officer, to sign orders drawn by the Air District for Air District funds held by the Treasurer of San Mateo County (County). It is best practice and recommended to have two authorized signatures on the account with the County.

DISCUSSION

Due to Jeff McKay's recent departure, the Air District needs to update the authorized signers on the Air District's account with the County by a Board resolution. The Air District staff recommendation is to add Sharon L. Landers, Interim Executive Officer/APCO as the second signer until the selection of a new Executive Officer/APCO.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Authorize Signature Change Resolution - Sharon L. Landers - Revised

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Resolution No. 2022 - _____

A Resolution to Authorize Sharon L. Landers to Sign Orders Drawn On Bay Area Air Quality Management District Funds Held by the Treasurer of San Mateo County

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (Air District) has previously authorized Stephanie Osaze, Director of Finance, and Jeff McKay, Chief Financial Officer, to sign orders drawn by the Air District on Air District funds held by the Treasurer of San Mateo County;

WHEREAS, Jeff McKay is no longer with the Air District and no longer has the authority to sign order on behalf of the Air District;

WHEREAS, Air District staff recommend that, to replace Mr. McKay, signing authority be granted to Sharon L. Landers, Interim Executive Officer/Air Pollution Control Officer (APCO) until the appointment of a new Executive Officer/APCO;

WHEREAS, the Board of Directors concurs with the District staff’s recommendation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District hereby authorizes Sharon L. Landers, Interim Executive Officer/APCO, to sign orders drawn by the Air District on Air District funds held by the Treasurer of San Mateo County, including checks.

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 _____ day of _____, 2022 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

John J. Bauters
Chair of the Board of Directors

Teresa Barrett
Secretary of the Board of Directors

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: December 7, 2022

Re: Notice of Proposed Amendments to Division I, Sections 1.1 and 1.2, of the
Administrative Code Regarding Board Member Compensation for Meeting
Attendance and Board Meeting Start Time

RECOMMENDED ACTION

The Board of Directors will receive notice that it will consider at its next regular meeting revisions to Division I, Sections 1.1 and 1.2, of the Administrative Code, as recommended by the Administration Committee. These recommended revisions would: (i) increase the compensation for Board member attendance at multiple meetings on the same day to \$200; (ii) provide compensation for Board members for active transportation travel to meetings in an amount of \$1.56 per mile for travel by bicycle and \$1.50 per mile for travel by foot or wheelchair; (iii) make various other non-substantive changes to reorganize and clarify the provisions for Board member meeting attendance compensation; and (iv) change the start time for regular Board meetings from 9:30 am to 9:00 am.

BACKGROUND

Governor Newsom signed Assembly Bill 2721 (Lee) on September 23, 2022. This bill revises the amount of compensation that a member of the Board of Directors may receive for attending a meeting of the Board or a Board committee, or attending a meeting while on official business of the Air District, to an amount not to exceed \$100 per meeting and \$200 per day.

The bill also authorizes Board members to receive compensation for active transportation travel to such meetings. Active transportation travel is defined in the bill as bicycling, walking, and other modes of travel that "... reduce traffic, improve health outcomes, and reduce air pollution." Compensation for active transportation travel can be set on a per mile basis or at a fixed daily, weekly, monthly, or annual rate. The bill's definition of active transportation travel as including bicycling and walking aligns well with the active transportation strategies in the 2017 Clean Air Plan, Plan Bay Area 2050, and the State of California's active transportation funding program.

Total compensation for meeting attendance, including active transportation travel compensation, is subject to a limit of \$6,000 per year.

DISCUSSION

To implement AB 2721's revised authority for Board meeting compensation, Staff are proposing amendments to Division I, Section 1.2 of the Administrative Code.

First, the proposed revisions would provide for compensation for Board member attendance at Board meetings, Committee meetings, and various other types of meetings of \$100 per meeting, up to \$200 per day. Section 1.2 currently limits compensation to \$100 per day, even if a Board member attends multiple meetings in a single day.

Second, the proposed revisions would provide compensation for Board members who travel to such meetings by bicycle, foot or wheelchair. Bicycle travel would be compensated at \$1.56 per mile. This rate is based on studies and research that show that (i) bicycle upkeep costs \$0.06 per mile on average; (ii) increases in bicycling provide an air quality benefit of \$0.10 per mile; and (iii) bicycling provides an additional \$1.40 per mile in benefits from reduced congestion, roadway cost savings, noise pollution reduction, parking facilities and traffic safety benefits. Travel by foot or wheelchair would be compensated at \$1.50 per mile. Research into equivalent per-mile rates for walking is less robust than it is for bicycle usage. However, since walking and bicycling both displace automobile trips, resulting in comparable air quality and societal benefits, staff recommend that the compensation rate for walking to meetings be set at \$1.50 per mile. Staff further recommend that this rate be applied for walking the entire distance to a meeting or the distance for connecting to/from public transit.

Total compensation for meeting attendance would continue to be capped at \$6,000 per year, consistent with AB 2721.

Staff are also proposing a number of other non-substantive revisions to Section 1.2 to clarify all of the applicable rules and procedures for compensation for meeting attendance. The current version of Section 1.2 is not well organized and is unclear and difficult to follow in many areas. The proposed revisions would make these provisions clearer, without changing the substance of the rules for when and how Board members are eligible for compensation when they attend meetings on behalf of the District.

Finally, Staff are also proposing an amendment to Division I, Section 1.1 to change the start time for regular meetings of the Board of Directors from 9:30 am to 9:00 am, in order to reflect the Board's recent preference for starting meetings at 9:00 am.

All of the proposed revisions to Sections 1.1 and 1.2 are indicated in the attached proposed revised versions, including a redline markup of the current text and a clean version of the proposed revised text.

The Administration Committee considered staff's proposal at its November 2, 2022, meeting, and voted to recommend to the Board of Directors that the Board adopt these proposed revisions. (See the Administration Committee Report on today's Board meeting agenda.) Per Division I, Section 14.1 of the Administrative Code, notice must be provided at a Board of Directors regular

meeting before the Board may adopt any amendments to the Administrative Code. The Board will receive notice at today's meeting, and will then consider the proposed revisions at its next regular meeting on December 21, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Compensation rates will be reflected in the Air District budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Alexander Crockett

ATTACHMENTS:

- 1. Proposed Revisions to Admin Code Div 1 Sec 1.1 & 1.2 - redline
- 2. Proposed Revisions to Admin Code Div 1 Sec 1.1 & 1.2 - clean

SECTION 1 BOARD OF DIRECTORS, MEETINGS

1.1 MEETING DATES. (Revised __/__/2022)

Regular meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of ~~9:00~~ 9:30 a.m., with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

1.2 ~~A. COMPENSATION FOR MEETING ATTENDANCE. (Revised __/__/2022)~~ (Revised 3/7/2018)

~~Board members shall receive compensation of one hundred dollars (\$100) for each day attending~~

(a) MEETINGS ELIGIBLE FOR COMPENSATION.

Board members shall receive compensation for attendance at:

(1) ~~M~~meetings of the Air District Board and of Board Committees; ~~;~~ and

(~~1~~) or upon authorization of the Board Other meetings while on official business of the District, including but not limited to but such compensation shall not exceed six thousand dollars (\$6,000) in any one fiscal year. Board members may receive compensation for attendance at the following types of meetings other than Board and Committee meetings:

(~~2~~) ~~eo~~ educational seminars designed to improve officials' skill and information levels; ~~;~~

(~~3~~) meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance; ~~;~~

(~~4~~) Air District events; ~~;~~ and

(~~5~~)(2) and meetings to discuss community and/or business concerns with regard to air quality in the region.

(b) BOARD MEETING ATTENDANCE REQUIRMENTS.

Unless excused by the Chairperson, a Board member shall receive compensation for attending meetings of the Board only if:

(1) the Board member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and

(2) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.

(c) PRE-APPROVAL AND REPORTING REQUIREMENTS.

Board members shall not receive compensation for attending meetings of ~~any~~ the type specified in subparagraph (a)(2) above unless the compensation for attendance at such meeting(s) is approved by the Chairperson in an open session prior to attendance at the meeting, or, for meetings held outside the State of California, unless the compensation is approved by the Board in an open session prior to attendance at the meeting. Board members who receive compensation for attending a meeting of the type specified in subparagraph (a)(2) above must provide a

~~Report(s) on any the meetings that members have attended at the Air District's expense will be given at the next regular board meeting.~~

(d) AMOUNT OF COMPENSATION.

Board members shall receive compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 1.2, up to a maximum of two hundred dollars (\$200) per day; plus compensation for active transportation travel calculated as specified in Paragraph (e) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any fiscal year for meeting attendance pursuant to this Section 1.2.

~~(a)~~

(e) ACTIVE TRANSPORTATION TRAVEL CALCULATION.

Compensation for active transportation travel pursuant to Paragraph (d) above shall be calculated as follows:

- (1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar non-motorized pedal-operated vehicle;
- (2) \$1.50 per mile for travel by foot or wheelchair.

For multi-modal travel, compensation shall be provided only for miles actually traveled using the alternative transportation travel modes specified in this Paragraph (e). Board members must provide details on the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

(f) REIMBURSEMENT FOR EXPENSES.

In addition to compensation for meeting attendance as specified in this Section 1.2, Board members shall also be entitled to reimbursement for actual and necessary expenditures in connection with meeting attendance as provided for in Division II, Section 5. Board members do not need prior approval to be eligible for reimbursement for expenditures in connection with meetings of the Air District Board and Board Committees. To the extent a meeting for which compensation is available includes a meal, ~~a Board members may be~~ shall be entitled to reimbursed-reimbursement for their meal expenditures as long as specified in Division II, Section 5.1(g), notwithstanding that provision's limitation on meal reimbursement for One Day Travel. A the Board member receiving reimbursement for expenditures under this Paragraph (f) must ~~complies-comply~~ with the limits and reporting requirements of local, state and federal law and the meal expenditure is reasonable and necessary.

1.2 — B. LIMITS ON COMPENSATION FOR MEETING ATTENDANCE.
(Revised 4/5/2006)

~~Board members shall not receive compensation for attendance at meetings of any type held outside the State of California unless compensation for attendance at such meeting(s) is approved by the Board in an open session prior to attendance at the meeting.~~

~~Unless excused by the Chairperson, a Board member shall receive such compensation for attending meetings of the Board only if:~~

~~the Board member arrives for the meeting within 30 minutes of the scheduled beginning of the meeting; and~~

~~the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.~~

SECTION 1 BOARD OF DIRECTORS, MEETINGS

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1.2 COMPENSATION FOR MEETING ATTENDANCE. (Revised __/__/2022)

(a) MEETINGS ELIGIBLE FOR COMPENSATION.

Board members shall receive compensation for attendance at:

- (1) Meetings of the Air District Board and of Board Committees; and
- (2) Other meetings while on official business of the District, including but not limited to educational seminars designed to improve officials' skill and information levels, meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance, Air District events, and meetings to discuss community and/or business concerns with regard to air quality in the region.

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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: December 7, 2022

Re: Quarterly Report of the Executive Office and Division Activities for the Months of
July 2022 - September 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 July 2022 - September 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. Third Quarter Report for the Months of July 2022 - September 2022

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

Business Office

The Business Office issued 580 purchase orders and executed 141 contracts. There were eight (8) Requests for Proposals (RFP)/Qualifications (RFQ) issued during this period.

Fleet Services

Fleet disposed of two (2) vehicles, acquired zero (0) vehicles, processed (6) six vehicles for body shop repairs and sent fifty-six (56) vehicles for maintenance. Twenty-four (24) vehicle requests were made of which twenty-two (22) were Enterprise car rentals and two (2) were cancelations.

There are currently 122 fleet vehicles: One (1) diesel, three (3) electric, twenty-two (22) gas, eleven (11) hybrid and one (1) hydrogen fuel cell, and eighty-four (84) plug-in hybrids.

In addition to providing support services to front line Air 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 drivers relative to vehicle use, maintenance, and repairs.

Facilities

Facilities received fifty-three (53) Angus requests and completed eighty-eight (88) ad-hoc projects/tasks. The team outfitted 105 workstations with sit/stand desks.

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, and 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, by overseeing general contractors, 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: Administrative Assistant I/II, Air Quality Specialist I/II, Assistant Staff Specialist I/II, Hearing Board Member, Senior Air Quality Engineer (3), Senior Air Quality Specialist, and Supervising Air Quality Specialist. The HR Office offered 56 wellness/fitness classes and six (6) group training sessions with 101 attendees, including: Feedback Training for Staff, Feedback Training for Supervisors, HR Academy I and II, and Maximizing Supervisor Skills for First Line Supervisors. In addition, 10 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 six (6) new employees, 28 promotions, and 11 separations

from July 2022 to September 2022. There are currently 397 regular employees, six (6) temporary employees, and 68 budgeted vacant positions.

COMPLIANCE AND ENFORCEMENT DIVISION
J. GOVE, DIRECTOR

Enforcement Program

Air District Staff documented 271 air pollution violations that resulted in Notices of Violations (NOV) and responded to 681 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 July 5, 2022, and July 12, 2022, staff participated in continued Air District Hearing Board Order of Abatement hearings to require Green Sage Management, LLC (Green Sage) to shut down and remove nine (9) diesel generators providing primary power to cannabis cultivation and production operations at 5601 and 5733 San Leandro Street in Oakland. On July 12, 2022, the Hearing Board issued the Order of Abatement to Green Sage to immediately shut the engines down. On July 17, 2022, during a complaint investigation, Compliance and Enforcement (C&E) inspection staff verified that six (6) generators (3 at each address) were still on site and operating.

On July 7, 2022, staff had an introductory meeting with California Air Resources Board (CARB) staff to discuss the past and current permit and compliance status of Measurement Specialties, a semiconductor manufacturing facility located in Milpitas. CARB staff was particularly concerned with the facilities compliance regarding State greenhouse gas regulations. C&E Division and CARB staff agreed to continue the discussion and include Air District Engineering Division staff in a meeting to be held on July 22, 2022.

On July 21, 2022, Air District staff from the C&E, Engineering, and M&M Divisions attended the quarterly meeting of the South Bay Odor Stakeholders Group. Discussions involved next steps related to the odor study results and measures begin taken by Republic Services to deal with the odors emitted from the Newby Island Landfill. Republic Services representatives stated that they have started spraying an odor neutralizer on the active face of the landfill and were hopeful that this would help to alleviate the odors.

On August 11, 2022, staff gave a presentation before the Oakland Cannabis Regulatory Commission Board (CRC) regarding compliance with State and Air District generator regulations. The presentation was originally scheduled for the CRC meeting on August 4, 2022, but, due to a lack of a quorum, the meeting was rescheduled to August 11, 2022. The presentation was well received, and the CRC approved a motion to make recommendations to both the Oakland City Council and the California Bureau of Cannabis Control to revoke the licenses of cultivators using generators for electrical power.

On August 18, 2022, and August 30, 2022, C&E staff met with staff from CARB to discuss enforcement issues regarding the use of portable diesel generators leased by United Rentals and registered in the Portable Equipment Registration Program (PERP) that were being used to provide

primary power to cannabis cultivation operations in Oakland. CARB staff agreed to work with C&E staff to investigate the use of portable generators further and take enforcement action to curtail their use for cannabis cultivation.

On August 19, 2022, C&E, Legal, and Executive Office staff met with staff from the California Department of Cannabis Control (DCC) and the Oakland CRC to discuss the ongoing violations occurring at the cannabis facilities located 5601 and 5733 San Leandro Street in Oakland. DCC staff said they would be conducting an inspection at the location to ascertain the cannabis businesses (both licensed and unlicensed) operating at the locations. On August 30, 2022, C&E staff accompanied DCC enforcement staff during the inspection. During the inspection one of the cultivators was found to be operating in violation of DCC regulations resulting in the confiscation and destruction of all cannabis plants for that business.

On September 13, 2022, a California Superior Court judge ruled that the Air District's Abatement Order (Order) requiring Green Sage Management to remove the portable diesel generators from its properties was clear and final. Further, the judge ratified the Order and required it to be posted at entrances to the Green Sage properties and that any attempt by Green Sage or its tenants to violate the Order would result in a Contempt of Order ruling and the issuance of a Temporary Restraining Order (TRO).

Compliance Assurance

Air District Staff conducted over 2,161 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 July 5, 2022, staff provided an overview of the Air District's Regulation 6, Rule 3 (Wood Burning Devices) and Regulation 11, Rule 2 (Asbestos Demolition, Renovation and Manufacturing) to the Napa – Solano International Code Council (ICC) Chapter.

On July 13, 2022, staff met with representatives from Moraga Orinda Fire District (MOFD) and East Bay Municipal Utility District (EBMUD) to discuss a proposed San Pablo Pines (prescribed) Burn Project on the east side of San Pablo Reservoir. In the last several years, EBMUD experienced an unexpected and rapid die-off of Monterey Pines due to drought, pine pitch canker, and bark beetle infestation. They proposed a pilot project to burn large slash piles of pines to lower fire risk and reduce biomass accumulation. The parties discussed agency coordination, potential smoke impacts, meteorology, fire safety concerns, and other potential challenges.

On August 2, 2022, staff participated at the quarterly California Air Pollution Control Officers Association (CAPCOA) Asbestos Work Group Meeting. Attendees included CAPCOA, the United States Environmental Protection Agency (EPA), Region 9, CARB and other Air District's in California and Region 9.

On August 8, 2022, staff participated in a conference call with representatives from CAPCOA to discuss the future of the Prescribed Burn Reporting and Monitoring Support Grant. The Air District has participated in the program for the last two years. According to CAPCOA, the third- and fourth-year grants have been approved by the State and the draft third year memorandum of understanding (MOU) between CAPCOA and the Air District will be forwarded to the Air District soon.

On September 1, 2022, staff met with a representative from California State Parks to discuss proposed prescribed burns at Mount Diablo State Park (Park). The park plans to treat around 20,000 acres of biomass through manual, mechanical, chipping, and prescribed fire methods. The Park has purchased an air curtain burner for cleaner burning. The group discussed Regulation 5, (Open Burning) requirements and other project challenges.

On September 8, 2022, staff participated at the Community Advisory Council (CAC) meeting and provided the CAC an overview of the Air District's air quality complaint program and investigation process and an update on air quality concerns at the Alice Griffith housing development in Bayview Hunters Point. The CAC provided feedback and expressed concerns regarding the Air District's authority, enforcement, and permitting powers; the CAC offered suggestions to improve enforcement by using community surveillance and other monitoring tools. Staff will address CAC concerns and suggestions and look for guidance from the CAC at future meetings.

On September 13, 2022, staff attended a Candlestick Heights Neighborhood Alliance (Alliance) meeting and listened to ongoing community concerns from this Bayview Hunters Point, San Francisco, group. Other agency participants included representatives from the Office of Community Investment and Infrastructure (OSII), and the Department of Homelessness and Supportive Housing (HSH) from San Francisco's Department of Public Health. The Alliance was particularly concerned about diesel fueled portable generators being (or to be) installed for prime power at the Vehicle Triage Center (VTC), a temporary housing location in the Candlestick Heights Neighborhood. The Alliance alleged HSH's plans to operate diesel powered portable generators as prime power for the VTC were examples of environmental injustice. An Air District inspection found 16 permit exempt (for small size) diesel-fueled generators onsite to power lights at night.

Staff participated in monthly conference calls with Lehigh Southwest Cement representatives to discuss ongoing compliance and permitting issues. Third quarter activity at the plant included cement processing, rock plant operations, and quarry operations. The kiln remained idle, and no quarry blasting occurred.

Staff participated in monthly conference calls with CAPCOA's Prescribed Burn Workgroup. Meeting participants included representatives from CAPCOA, CARB, United States Environmental Protection Agency (EPA), and other local air districts. The meetings provided a forum for agencies to discuss the prescribed fire program at CAPCOA and hear important updates.

Staff approved seven (7) Asbestos Dust Mitigation Plans (ADMP), four (4) ADMP amendment requests, and two (2) closure notifications. All active projects were required to perform asbestos ambient perimeter air monitoring and submit results to the Air District on a bi-weekly basis.

Compliance Assistance and Operations Program

Assembly Bill (AB) 617

On July 18, 2022, staff participated in the AB 617 Path to Clean Air (PTCA) Richmond/San Pablo Community Steering Committee discussions on community ‘key issue statements’ pertaining to six (6) identified community concern categories, such as public health and reducing exposure, fuel refining, industrial and commercial sources, odors and smells, vehicles, and trucks, and marine and rail. Staff supported the development of the ‘Odors and Smells key issue statement’ by providing an overview of the alleged sites of odor complaints in the Richmond/San Pablo community, a statistical analysis of complaints received in the community, and the geographical distribution of permitted sources in the community. Staff responded to questions regarding the intent of the air quality complaint program, how complaint data is used during an investigation, and air quality impacts to the community’s quality of life.

On September 19, 2022, staff participated in the AB 617 PTCA Richmond/San Pablo Community Steering Committee. Staff participated in the Odors and Smells sub-committee and presented an overview of the Compliance and Enforcement Division’s Complaint Program. The presentation included a review of complaint data from 2019 – 2021, an overview of the complaint reporting process and additional informational resources available to the public on the Air District’s website. Attendees took part in the step-by-step exercise walking through the process of filing an air quality complaint via the Air District’s online complaint system. Staff responded to questions regarding the complaint program and attendees provided feedback in the areas of accessibility, outreach, and education.

Wildfire Air Quality Response Program

Partnerships with County Office of Emergency Services (OES): Over the last quarter, the Air District signed an eighth partnership agreement with Contra Costa County to enhance wildfire coordination and preparedness in the Bay Area. The Air District has partnered with a total of eight (8) county OES in Marin, Alameda, Solano, San Mateo, Santa Clara, San Francisco, Napa, and Contra Costa 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.

Air District Staff received and evaluated over 1,563 plans, petitions, and notifications required by the asbestos, NOA, coatings, open burn, tank, and flare regulations. Staff received and responded to over 278 compliance assistance inquiries and green business review requests. Highlighted compliance assistance activities for the quarter also included the following:

- Air District staff approved two (2) prescribed burn smoke management plans in Marin and Sonoma County.
- Air District staff completed the data verification and posting of refinery flare monitoring data through July 2022.

- Air District staff conducted the following inspections for the Strategic Incentives Division (SID): 26 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.ctf.baaqmd.gov)

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 80% of a loan value, to a maximum of \$5 million, in case of a default on a loan made to a technology venture bringing new climate tech to market. This loan guarantee enhances the credit of technology startups and increases their access to working capital that can fuel their growth. The Air District markets and develops these loan guarantees in close cooperation with NorCal Financial Development Corporation (NorCal FDC), an Oakland-based affiliate of IBank.

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

- **SWITCH Maritime**, a hydrogen fuel cell ferry (\$2.5 million (M)/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)
- **Zevvy**, a flexible EV leasing company (\$3 million/90% guarantee including Air District funds)

On September 15, 2022, Climate Tech Finance announced the statewide expansion of the program, including an increase of the maximum loan guarantee from \$2.5M to \$5M. The program utilizes state and federal funding from recent climate legislation.

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.

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 two solicitations that resulted in applications for 1,204 portable air cleaners and 2 HVAC upgrades, totaling \$3.3M in funding, greater than the \$3M grant award. The Air District will be unable to fund one (1) HVAC upgraded budgeted at \$690K and will use funds towards the purchase of more portable air cleaners. CARB has reviewed and approved the applications. The Air District began contracting with applicants September 2022 and will begin implementation once contracts are finalized.

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 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

CARB’s draft funding plan proposes allocation of \$28M to CCFA next fiscal year. CARB is seeking approval for the funding plan at their board meeting on November 17. If approved, this would bring total CCFA program funding to \$70M. Staff are monitoring other proposed changes in the funding plan, such as increased incentive amounts and expansion to all Bay Area zip codes.

Here are key program highlights:

- 5,114 applications have been submitted since the program opened in March 2019, and 3,455 awards have been made (totaling over \$28.85 million). 2,632 grantees purchased new vehicles, 56 grantees selected PEX cards for public transit and other mobility options, 278 grantees have requested or installed a home charger or purchased a portable charger.
- Of the clean transportation options selected to date, 27% were battery electric vehicles (BEV), 47% were plug-in hybrid electric vehicles (PHEV), 22% 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	\$4.37M (i.e. not awarded)
Applications received	5,114
Funds awarded	\$28.85M / 3,455 grantees
Funds paid	\$21.63M / 2,755 payments
Clean Cars for All Program KPI Totals During Q3 of 2022	
Applications received	243
Funds awarded	\$2.76M / 326 grants
Funds paid	\$1.46M / 181 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 in Priority Population Areas as defined by CARB. (www.baaqmd.gov/charge)

- The 2023 Charge! Program is scheduled to open on November 15, 2022. A draft version of the Charge! Program guidance was released on September 16, 2022, and public comments were accepted until October 9, 2022. An informational webinar is scheduled to be held on November 29, 2021, to provide an overview of the program and information about how to submit an application.
- Staff continue to administer and monitor current Charge! Program projects for compliance

Outreach and Partnerships

TIO organizes 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. There were two (2) EV Coordinating Council meetings held this quarter.

- An EV Council meeting was held on September 20, 2022 and featured a panel to discuss Streamlining EV Charger installations. Panelists from Go-Biz, EVgo, and City of Oakland discussed AB1236 and AB970 permit streamlining requirements and share lessons learned from developing and implementing EV installation streamlining programs.
- An EV Council meeting was held on October 12, 2022 and featured a panel on EV charging reliability. Panelists from Cool the Earth, City of Richmond, and Flo will discuss a recent a recent reliability study and experiences from the electric vehicle service provider and an end user.

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

TIO was awarded \$2,994,574 from the California Energy Commission for a project to increase electric vehicle chargers for multi-family housing residents. TIO has partnered with GRID Alternatives Bay Area and Marin Clean Energy on a proposed project that seeks to work with community groups to identify multi-family housing sites 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 solely in disadvantaged communities (or low-income areas) while prioritizing affordable housing facilities. TIO staff are working the CEC to finalize deliverables and expect to contract with the CEC in December 2022.

Sponsorship and Conferences

- TIO sponsored Breathe California’s Silicon Valley Clean Cities Coalition Ride-and-Drive event on September 24, 2022.
- TIO sponsored the EV Week 2022 event on October 8, 2022 and October 9, 2022 in San Francisco. Staff attended this event to promote the Clean Cars for All program.

ENGINEERING DIVISION P. LEONG, DIRECTOR
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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, 2022 and March 30, 2022, respectively. The FEIRs for both projects were appealed, and a Hearing at the Contra Costa County Board of Supervisors was scheduled for May 3, 2022. Both projects cleared the appeal process and the FEIRs have been approved.

The Air District initiated the public notice for Marathon’s permit application on July 22, 2022 and issued the Authority to Construct on September 13, 2022.

The Air District is working on completing our review of the Phillips 66 permit application to issue the Authorities to Construct.

Permits and Projects

Shore Terminals, LLC (Contra Costa County)

The facility requested Authorities to Construct for physical modifications of five existing fixed roof storage tanks and permit condition changes for an existing marine loading operation. The fixed roof tanks will be disconnected from the existing abatement systems and retrofitted with new internal floating roofs inside each tank. This project will also involve minor permit condition changes to clarify that renewable jet fuel may be transferred at the marine loading operation and that an annual source test may be postponed if no loading events occur in a given calendar year. The Air District

issued Authorities to Construct and filed a Notice of Exemption with Contra Costa County on June 30, 2022.

Rolling Hills Memorial Park, Contra Costa County

Rolling Hills Memorial Park applied for an Authority to Construct human crematory equipment. The Air District issued an Authority to Construct for this project on July 18, 2022, and a Notice of Exemption will be filed with Contra Costa County the week of July 18, 2022.

Impact Transportation, LLC, Alameda County

Impact Transportation, LLC applied for an Authority to Construct for a new fumigation operation. The proposed project is for a second fumigation operation that will use approximately 4.5 tons of methyl bromide per year. Since the combined throughput of methyl bromide from the two sources would exceed 10 tons per year, the facility would have been subject to Title V requirements for exceeding 10 tons per year of a hazardous air pollutant. Upon hearing the major facility implications of the proposed project, the applicant requested to delay processing the application until they were able to have an internal discussion regarding the actual usage at the site. On July 28, 2022, Impact Transportation, LLC decided to cancel their application.

El Camino Packing, Gilroy

El Camino Packing applied for an Authority to Construct to increase the throughput for their fumigation operation. The proposed project will increase methyl bromide usage from 300 pounds per year to 1,200 pounds per year. The requested increase will require the facility to implement Best Available Control Technology for Toxics per Regulation 2-5-301. Since it will be difficult for the applicant to comply with the health risk requirements without installing a very costly abatement device, El Camino Packing decided to withdraw their application on September 27, 2022.

Carbon Dioxide Capture Pilot Project at Los Medanos Energy Center, Pittsburg

The Los Medanos Energy Center has applied for an Authority to Construct for a pilot project carbon dioxide capture system using ION solvents. The project is subject to public notice because it requires a health risk assessment, and it will be located within an overburdened community. The 30-day public notice period will start at the end of September. The facility also submitted a Petition to Amend its California Energy Commission (CEC) license for this project. To assist in this process, the Air District has sent the draft engineering evaluation to the CEC so they can incorporate the permit conditions into the amended license.

Turk Island Landfill, “Parcel C” Waste Relocation Project, Union City

The operation began in mid-June and approximately half of the total waste has been excavated and transferred. Engineering continues to collaborate with C&E staff and other regulatory agencies (CalRecycle, Water Board, Water District, Alameda County Local Enforcement Agency (LEA)) to oversee implementation of this project and will be reviewing additional soil specifications for import. The LEA forwarded additional photos and video of poorly controlled excavation and handling emissions. Engineering and C&E staff have discussed improved dust mitigation measures with the operator. The landfill gas flare continues to be offline regularly. The landfill owner claims the CEA allows this, however C&E, Legal, and Engineering met to discuss construction-related piping separations blamed for the flare downtime and agree that the CEA does not excuse or allow this. C&E staff will investigate further and issue a NOV.

Title V Actions:

- UC Berkeley Minor Revision issued
- TransMontaigne Operating Company Renewal issued
- Shore Terminals LLC Significant Revision issued
- Keller Canyon Landfill Company – The administrative amendment to update the responsible official was issued.
- Republic Services Vasco Road, LLC - The administrative amendment to update the responsible official was issued.

Bay Area Clean Water Agencies (BACWA) – BAAQMD Workgroup

Staff attended the meeting on July 18, 2022. The objective of this forum is to facilitate collaborative relationship to further our common goals related to permit process, inspections, rule development, best available control technologies, and balancing competing regulatory priorities. BACWA identified the following opportunities for collaboration: South Bay Odor Study, Proposed Regulation 13 (Climate pollutants), PM_{2.5} local risk methodology development, and wastewater sector AB617 two-step process. Air District staff will be identified that could engage with BACWA on these items.

California Air Pollution Control Officers Association (CAPCOA)

Staff chaired and participated in the July 25, 2022 – July 26, 2022, CAPCOA Engineering Managers and Toxic Air Risk Managers Committee (TARMAC) meeting. At the meeting, local air districts, CARB, and US EPA discussed air quality regulatory topics including: CARB regulatory updates, CARB's gas station industrywide guidance documents, EPA regulatory updates, AB617 implementation updates, committee and CAPCOA updates, TARMAC updates, Criteria Pollutants and Toxic Air Contaminants Reporting Regulation Implementation updates, Tier 4 BACT for diesel engines, and air district permitting activities.

National Association of Clean Air Agencies (NACAA)

On August 10, 2022, staff attended the NACAA Permitting and New Source Review Committee meeting. At the meeting, EPA updated and discussed with the state and local air quality agency attendees on the following topics: Guidance for ozone and fine particulate matter permitting, Minor New Source Review Improvement rulemaking, and Title V permit fee issues.

EPA Section 105 Grant

In July 2022, staff submitted the Air District's EPA 105 Grant Workplan for fiscal year 2023.

Rule Development and Implementation

Regulation 3: Fees Amendments

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 \$8.95 million 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 \$2.46 million. Staff successfully programmed the new fees into our permit systems.

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 August 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	0
Preparing Draft HRA	5
On 45-Day Public Comment	0
Preparing Final HRA	3
Final HRA Complete	0

Chemtrade West – On July 29, 2022, Chemtrade submitted comments on the preliminary HRA prepared for the Richmond facility. Staff are considering these comments and will make any necessary corrections before preparing the draft HRA for this Richmond, CA facility.

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 has been determining whether submittals were responsive and if the necessary corrections to the inventory have been incorporated. The emissions have been entered into the New Production System and the invoices have been created and sent to the facilities for payment.

Assembly Bill 617 (AB 617)

Staff continues to collaborate with the other Air District divisions on the technical assessment, emissions/exposure reduction strategy development, and source apportionment related to the development of the AB 617 Community Emission Reduction Plan (CERP) for the Richmond, North Richmond, San Pablo area. On July 18, 2022, staff attended the CERP Steering Committee Meeting and participated in small group sessions with the steering committee members to discuss concerns regarding the fuel refining and associated facilities in the Richmond/San Pablo community and to start considering strategies to help resolve the concerns.

Staff meets weekly with CARB and other air districts on preparing responses to frequently asked questions (FAQs) on permitting in communities statewide. The FAQs completed so far are posted on CARB's website as part of their Technology Clearinghouse. The workgroup is now working on drafting responses to the final round of the FAQs. The staff also meets bi-weekly with CARB and other air districts regarding BACT/BARCT matters related to CARB's Technology Clearinghouse, which is required by AB 617.

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

The following summarizes the activities of the District Counsel's Office for the third quarter.

The District Counsel's Office received 196 violations reflected in Notices of Violations (NOVs) for processing.

Mutual Settlement Program staff-initiated settlement discussions regarding civil penalties or passing the Wood Smoke Awareness Course for 119 violations reflected in NOVs. In addition, one (1) Final 30-Day Letter(s) was/were sent regarding civil penalties for one (1) violation(s). Finally, settlement negotiations resulted in collection of \$195,300 in civil penalties for 125 violations. *Zero NOVs were settled by passing the Wood Smoke Awareness Course with \$0.*

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for zero violation(s). Settlement negotiations by counsel resulted in collection of \$0 in civil penalties for zero violation(s).

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

Media Inquiries

Staff responded to 101 media inquiries, including requests about:

- AB 1897
- Air conditioning
- Air quality advisory
- Board compensation
- Clean air centers
- Climate emissions
- Climate Tech Finance
- Electrification rule
- Fire season
- Fireworks
- Green Sage
- Humboldt fire

- Impacted communities
- Inflation Reduction Act
- Leaded fuel
- Marsh fire
- Media round table
- Newby Island settlement
- Oak Fire
- Personnel issue
- Personnel leave
- Phillips 66
- PM 2.5 silica impacts
- Recology
- Refineries and heat
- Refinery bill
- Rodeo DEIR
- Smoke advisory
- Spare the Air
- Spare the Air Alerts
- Storm air quality
- Traffic and air quality
- Valero Notice of Violation
- Wildfire preparation
- Wildfires

Press Releases

- 09/20/2022 [Air District launches California's first Clean Air Center in San Francisco](#)
- 09/14/2022 [Air District abatement order to shut down Green Sage diesel generators held immediately enforceable by Alameda Superior Court judge](#)
- 09/10/2022 [Air District extends air quality advisory through Sunday](#)
- 09/09/2022 [Air District extends air quality advisory through Saturday](#)
- 09/08/2022 [Media Advisory: Steering committee kick-off meeting for AB 617 East Oakland Community Emissions Reduction Plan](#)
- 09/07/2022 [Air District extends Spare the Air Alert for smog through Thursday](#)
- 09/06/2022 [Air District extends Spare the Air Alert for smog through Wednesday](#)
- 09/05/2022 [Air District extends Spare the Air Alert for smog through Tuesday](#)
- 09/03/2022 [Air District extends Spare the Air Alert for smog through Labor Day](#)
- 09/02/2022 [Air District issues Spare the Air Alert for smog for Saturday](#)
- 09/01/2022 [Air District settles violations at Newby Island Landfill](#)
- 08/28/2022 [Air District extends air quality advisory through Monday](#)
- 08/27/2022 [Air District issues air quality advisory for Sunday](#)
- 08/22/2022 [Air District issues air quality advisory for Tuesday](#)
- 08/16/2022 [Air District issues air quality advisory for Wednesday](#)
- 08/15/2022 [Air District issues Spare the Air Alert for smog for Tuesday](#)
- 08/14/2022 [Air District issues air quality advisory for Monday](#)

- 08/01/2022 [Air District’s Climate Tech Finance program funds clean security & lighting solutions to replace diesel generators](#)
- 07/27/2022 [Air District extends air quality advisory through Thursday](#)
- 07/25/2022 [Air District extends air quality advisory through Wednesday](#)
- 07/24/2022 [Air District issues air quality advisory for Monday](#)
- 07/20/2022 [Air District extends air quality advisory for eastern Contra Costa County through Thursday](#)
- 07/19/2022 [Air District extends air quality advisory for eastern Contra Costa County through Wednesday](#)
- 07/18/2022 [Air District extends air quality advisory for eastern Contra Costa County through Tuesday](#)
- 07/15/2022 [Air District extends air quality advisory for eastern Contra Costa County through Monday](#)
- 07/14/2022 [Air District extends air quality advisory for eastern Contra Costa County through Friday](#)
- 07/13/2022 [Air District extends air quality advisory for eastern Contra Costa County through Thursday](#)
- 07/13/2022 [Air District Hearing Board requires Green Sage Management, property owners & two cannabis cultivators to immediately shut down diesel generators at cannabis facilities in Oakland](#)
- 07/12/2022 [Air District issues air quality advisory for eastern Contra Costa County for Tuesday & Wednesday](#)
- 07/10/2022 [Air District issues air quality advisory for Monday](#)

Media Highlights

The Air District was mentioned in 1,355 print/online stories and 438 radio/video clips from July through September 2022. Below are media coverage highlights:

- 09/26/2022 [Solano County’s first zero-emission highway bus and wireless charger joins SolTrans](#)
- 09/24/2022 [1st zero-emission highway bus, wireless charger coming to SolTrans](#)
- 09/23/2022 [Solano first zero-emission highway bus and wireless charger Joins SolTrans](#)
- 09/23/2022 [Cannabis Company Shuts Down Unpermitted Diesel Generators 2 Years Later](#)
- 09/23/2022 [Library Lines: Antioch, Pinole branches to be renovated with state funds](#)
- 09/23/2022 [Green Sage cannabis firm removes diesel generators from East Oakland facility following judge's ruling](#)
- 09/21/2022 [Marathon, Neste formalize JV for Martinez refinery-to-renewables project](#)
- 09/21/2022 [New library features provide residents with clean air](#)
- 09/20/2022 [Shipping Companies Recognized For Protecting Whales](#)
- 09/20/2022 [Benicia Valero refinery announces routine flaring](#)
- 09/20/2022 [Benicia Fire Department says there may be non-emergency flaring at Vallero refinery](#)
- 09/20/2022 [California's first Clean Air Center launches in San Francisco's Bayview District](#)
- 09/20/2022 [State's First 'Clean Air Center' Launches in Bayview District](#)
- 09/20/2022 [Clean Air Centers coming to Solano through state-funded program](#)
- 09/20/2022 [California is so worried about wildfire smoke that it is opening clean air centers across the state](#)

09/19/2022 [Giant of environmental justice remembered at Celebration of Life](#)

09/18/2022 [Remembering Richmond native and environmental leader Henry Clark: 'a soldier on the battlefield, making things happen'](#)

09/11/2022 [Northern California's "mosquito wildfire" spread eases, Bay Area issues air quality warning](#)

09/11/2022 [The air in the bay area is still poor](#)

09/11/2022 [How the Mosquito Fire will affect Bay Area weather and air quality this weekend](#)

09/11/2022 [Bay Area air quality: Here's when Mosquito Fire smoke should blow away](#)

09/10/2022 [Wildfire Smoke Spurs Extension Of Bay Area Air Quality Advisory](#)

09/10/2022 [Air Quality Advisory extended through Sunday in Bay Area due to wildfires](#)

09/10/2022 [Air Quality Advisory Extended Due to Wildfire Smoke](#)

09/10/2022 [Bay Area air quality advisory extended through Sunday](#)

09/10/2022 [Air Quality Advisory Extended Through Sunday](#)

09/09/2022 [Bay Area air quality advisory extended through Sunday](#)

09/09/2022 [Air quality advisory issued in Bay Area due to wildfire smoke](#)

09/09/2022 [Wildfire smoke enters Bay Area prompting air quality advisory](#)

09/09/2022 [Air quality advisory due to wildfire smoke extended to Saturday](#)

09/09/2022 [Air filters in high demand as smoky skies move into the Bay Area after extended heat wave](#)

09/09/2022 [Mosquito fire: How bad will smoke be in Bay Area, Tahoe?](#)

09/09/2022 [Air Quality Advisory Issued for Bay Area Due to Wildfire Smoke](#)

09/09/2022 [Air quality advisory issued for Bay Area due to California, Oregon wildfire smoke](#)

09/09/2022 [Mosquito fire: How bad will smoke be in Bay Area, Tahoe?](#)

09/09/2022 [On Orange Day's 2-Year Anniversary, an SF Air Quality Warning Is Announced](#)

09/09/2022 [Smoke pushes into San Francisco Bay Area as Mosquito Fire threatens air quality](#)

09/09/2022 [Air Quality Advisory Issued In The Bay Area Due To Wildfire Smoke](#)

09/09/2022 [Hurricane Kay will bring very unusual weather to the Bay Area](#)

09/08/2022 [Apocalyptic skies appear over Tahoe as Mosquito Fire pumps out smoke](#)

09/08/2022 [Sonoma County cooldown begins as historic heat wave wanes](#)

09/07/2022 [Another Spare The Air Day Issued In The Bay Area](#)

09/07/2022 [Flex and Spare the Air alerts extended as Bay Area heat keeps up assault](#)

09/07/2022 [Sixth consecutive Spare the Air alert issued for Thursday](#)

09/07/2022 [Sixth consecutive Spare the Air alert issued for Thursday](#)

09/07/2022 [Flex and Spare the Air alerts extended as Bay Area heat keeps up assault](#)

09/07/2022 [Spare the Air alert extended through Thursday](#)

09/06/2022 [Entire Bay Area Under Heat Advisory as Scorching Temperatures Increase Risk of Blackouts, Extreme Fire Danger](#)

09/06/2022 [Spare the Air alert extended through Thursday](#)

09/06/2022 ['We're heading to the worst part of this heat wave;' Californians brace for a scorching Tuesday afternoon](#)

09/06/2022 [Marin temperatures exceed 100 degrees as heat wave persists](#)

09/06/2022 [Temperatures soar above 100 in Berkeley Hills](#)

09/06/2022 [Scorching Bay Area heat prompts another day of Flex and Spare the Air alerts](#)

09/06/2022 [Spare the Air alert issued for Wednesday](#)

09/06/2022 [Heat advisories extended through Thursday evening](#)

09/06/2022 [Milpitas dump to pay nearly quarter million in environmental violations](#)

09/06/2022 [Scorching Bay Area heat prompts another day of Flex and Spare the Air alerts](#)

09/06/2022 [Bay Area Spare The Air Alert Issued For Wednesday](#)

09/06/2022 [Another Spare the Air alert issued for Wednesday](#)
09/06/2022 [California heat wave: No rolling blackouts Tuesday night](#)
09/05/2022 [Spare the Air Alert extended through Tuesday](#)
09/05/2022 [Spare the Air Alert for Bay Area extended through Tuesday](#)
09/05/2022 [Spare The Air Alert Issued Through Tuesday In The Bay Area](#)
09/05/2022 [Spare The Air Alert Extended Through Tuesday](#)
09/05/2022 [Spare-The-Air Alert Extended Through Labor Day](#)
09/03/2022 [Sweltering, triple-digit heat prompts Spare the Air Alert through Labor Day holiday](#)
09/03/2022 [Spare the Air, Flex Alert in effect during scorching Bay Area heat wave](#)
09/03/2022 [Spare The Air Alert Issued Through Labor Day In The Bay Area](#)
09/03/2022 [Spare the Air, Flex Alert in effect during scorching Bay Area heat wave](#)
09/03/2022 [Spare the Air alert issued for Bay Area over Labor Day weekend. What you need to know](#)
08/30/2022 [Excessive heat warning issued for Thursday through holiday weekend](#)
08/30/2022 [Excessive Heat Warning Forecast For Thursday Through Holiday Weekend](#)
08/30/2022 [S.F. Bay Area is about to get hot and hazy. Here's what to know about California's heat dome](#)
08/29/2022 [Air quality advisory extended for Bay Area due to Oregon wildfire smoke](#)
08/29/2022 [Smoke from wildfires prompts Bay Area air advisory](#)
08/29/2022 [Air quality advisory extended for Bay Area due to Oregon wildfire smoke](#)
08/29/2022 [Air District Extends Advisory Due To Wildfire Smoke In The Bay Area](#)
08/29/2022 [Firefighter killed, state of emergency declared as Rum Creek Fire scorches more than 11,000 acres in Oregon](#)
08/29/2022 [Air Quality Advisory Extended Through Monday](#)
08/28/2022 [Oregon wildfire prompts Bay Area Air Quality Advisory](#)
08/28/2022 [Air quality advisory extended through Monday](#)
08/28/2022 [Air district extends advisory for Bay Area due to wildfire smoke from north](#)
08/28/2022 [Bay Area under air advisory from wildfire smoke. The Rum Creek Fire in Oregon is to blame](#)
08/28/2022 [Air quality advisory issued in the Bay Area through Monday due to wildfire smoke in Oregon, NorCal](#)
08/28/2022 [Bay Area air quality advisory for wildfire smoke extended into Monday](#)
08/28/2022 [Bay Area under air advisory from wildfire smoke. The Rum Creek Fire in Oregon is to blame](#)
08/28/2022 [Wildfire Smoke Extends Air Quality Advisory Through Monday In Bay Area](#)
08/28/2022 [It's not your imagination: It's smoky in the Bay Area right now](#)
08/28/2022 [Air District Extends Advisory For Wildfire Smoke](#)
08/27/2022 [Air Quality Advisory Issued For Sunday Due To Smoke In The Bay Area](#)
08/27/2022 [Bay Area air quality advisory issued for Sunday](#)
08/24/2022 [Watered-Down State Bill to Punish Refinery Pollution Gets Scrapped After Oil Industry Pushback](#)
08/23/2022 [Six Rivers Fire sends smoke towards Bay Area](#)
08/23/2022 [Air Quality Advisory Issued for Tuesday Due to Wildfire Smoke](#)
08/23/2022 [Smoke from North Coast fires could affect Bay Area, Solano](#)
08/22/2022 [Air quality advisory issued as smoke from Six Rivers Fire spreads to Bay Area](#)
08/22/2022 [Smoke from Six Rivers Complex Fire prompts air quality advisory Tuesday](#)
08/22/2022 [Drift Smoke Prompts Bay Area Air Quality Advisory](#)
08/22/2022 [Air Quality Advisory Issued For Tuesday Due To Wildfire Smoke](#)

08/22/2022 [Air quality advisory issued for Tuesday due to wildfire smoke](#)
08/22/2022 [S.F. Bay Area warns of incoming wildfire smoke. Here's where skies will be haziest](#)
08/16/2022 [Heat wave grips the Bay Area](#)
08/16/2022 [Bay Area Gets Taste of Dreaded Summer Combo: Soaring Temperatures and Drifting Wildfire Smoke](#)
08/16/2022 [Bay Area air quality advisory issued for Wednesday](#)
08/16/2022 [California ISO issues Flex Alert for Wednesday, Spare the Air alert also called 'Super-duper hot': Hot temperatures roast Bay Area, Northern California](#)
08/16/2022 [Wildfire smoke triggers new air quality advisory for Bay Area Wednesday](#)
08/16/2022 [Air Quality Advisory Issued for Bay Area Due to Wildfire Smoke](#)
08/16/2022 [Wildfire smoke drives Bay Area air quality advisory for Wednesday](#)
08/16/2022 [Predicted scorching temps prompt state to issue Flex Alert for Wednesday](#)
08/16/2022 ['Super-duper hot': Hot temperatures roast Bay Area, Northern California](#)
08/16/2022 [Wildfire Smoke Triggers Bay Area Air Quality Advisory](#)
08/16/2022 [These satellite images show wildfire smoke approaching the Bay Area. How bad will it get?](#)
08/16/2022 [Heat expected to peak as interior Bay Area temperatures rise into the 100s](#)
08/16/2022 [Heat and wildfire smoke prompt Spare the Air alert for Tuesday](#)
08/16/2022 [100-degree temps and haze headed to the Bay Area. When will the heat break?](#)
08/16/2022 [Heat expected to peak as interior Bay Area temperatures rise into the 100s](#)
08/15/2022 [California wildfire, high temps prompt Bay Area Spare the Air Alert](#)
08/15/2022 [Heat, wildfire smoke prompt spare the air for Tuesday](#)
08/15/2022 [Heat, wildfire smoke prompt Spare the Air alert for Tuesday](#)
08/15/2022 [Spare the Air Alert issued for Tuesday as North Coast fires send smoke south](#)
08/15/2022 [Spare the Air Alert issued for Tuesday in the Bay Area](#)
08/15/2022 [Heat, Wildfire Smoke Prompt Spare the Air Alert](#)
08/15/2022 [Marin to swelter as state bakes in dangerous heat](#)
08/15/2022 [Sweltering temperatures, Spare the Air alert in Bay Area forecast](#)
08/15/2022 ['Spare the Air' alert issued Tuesday for Berkeley](#)
08/15/2022 [Heat, Wildfire Smoke Prompt Spare The Air For Tuesday](#)
08/15/2022 [Spare the Air alert issued for Bay Area. Here's what you need to know](#)
08/15/2022 [Returning students greeted by heat wave; temperatures to top 100 in many communities](#)
08/15/2022 [Sweltering temperatures to bake Bay Area, Northern California this week](#)
08/15/2022 [Northern California wildfire expected to push smoke into SF Bay Area](#)
08/14/2022 [Heat wave expected to bake inland region of the Bay Area this week](#)
08/14/2022 [Wildfire Smoke Prompts Air Quality Advisory in Bay Area](#)
08/12/2022 [Vacaville council OKs agreement with Electric Vehicle Charging Solutions](#)
08/09/2022 [Website lawsuits, events regulations, environmental rules: What's new in California wine business law](#)
08/09/2022 [Attorney General: Oakland port plan would pollute air, shorten life spans](#)
08/08/2022 [Fire district seeks generator at school](#)
08/07/2022 [Air district using loan program to fund light towers, solar-powered surveillance stations](#)
08/07/2022 ['There are no safe levels of pollution': an interview with wildfire researcher Sam Heft-Neal](#)

07/28/2022 [A Cannabis Landlord in East Oakland Seeks to Overturn Order to Shut Down Diesel Generators](#)

07/28/2022 [Oak fire near Yosemite grows to 19,000 acres, but firefighters are gaining upper hand](#)

07/27/2022 [Oak Fire containment improves as Bay Area extends air quality advisory](#)

07/27/2022 [Poor air quality advisory extended through Thursday in the Bay](#)

07/27/2022 [Air quality advisory extended to Thursday](#)

07/27/2022 [Wildfire smoke extends Bay Area air quality advisory](#)

07/27/2022 [Air Quality Advisory Extended Through Thursday Due to Wildfire Smoke](#)

07/27/2022 [Air quality advisory for Bay Area extended through Thursday due to Oak Fire smoke](#)

07/27/2022 [Wildfire smoke advisory extended into Thursday](#)

07/27/2022 [Smoke From Oak Fire Prompts Bay Area Air Quality Advisory](#)

07/27/2022 [Air Quality Advisory Extended Through Thursday Due To Wildfire Smoke](#)

07/27/2022 [Oak Fire Smoke Floats to Tahoe, Not Bay Area, So Far](#)

07/27/2022 [This weather models shows where smoke from Oak Fire is headed](#)

07/27/2022 [Yosemite "Oak Fire" haze drifts to Bay Area, air pollution warning issued](#)

07/26/2022 [Oak Fire in Mariposa County: Thousands of structures still threatened as blaze grows to more than 18,000 acres](#)

07/26/2022 [Supervisors establish \\$3 million Housing Trust Fund](#)

07/26/2022 [Oak fire tops 18,000 acres, destroys 41 structures as crews continue to battle blaze](#)

07/26/2022 [Doctor shares tips as smoke from Oak Fire drifts](#)

07/26/2022 [Oak Fire containment grows overnight](#)

07/26/2022 [Continued Oak Fire Smoke Prompts Extension of Air Quality Advisory Through Wednesday](#)

07/26/2022 [Oak Fire containment grows overnight](#)

07/26/2022 [Bay Area air quality advisory in effect through Wednesday due to smoke from Oak Fire](#)

07/26/2022 [Number of homes destroyed by California's Oak Fire grows to 42](#)

07/26/2022 [Air quality district extends wildfire smoke advisory](#)

07/26/2022 [Bay Area air quality advisory extended through Wednesday](#)

07/25/2022 [Wildfire near Yosemite is now California's biggest this season](#)

07/25/2022 [Firefighters slow growth of Oak Fire burning near Yosemite](#)

07/25/2022 [Bay Area air quality advisory extended through Wednesday because of Oak Fire smoke](#)

07/25/2022 [Air quality advisory extended through Wednesday in Bay Area due to smoke from Oak Fire](#)

07/25/2022 [Air Quality Advisory Extended Through Wednesday Due to Smoke From Oak Fire](#)

07/25/2022 [Air quality advisory issued as smoke from Oak Fire near Yosemite forecast to reach Bay Area](#)

07/25/2022 [Air quality advisory extended as smoke from Oak Fire near Yosemite forecast to reach Bay Area](#)

07/25/2022 [Bay Area air quality advisory extended through Wednesday due to Yosemite wildfire smoke](#)

07/25/2022 [UPDATE: Air Quality Advisory Extended Through Wednesday Due To Smoke From The Oak Fire](#)

07/25/2022 [Smoke from Oak Fire prompts Bay Area air quality advisory, chokes Sierra Nevada](#)

07/25/2022 [Bay Area air quality advisory in effect through Thursday due to smoke from Oak Fire](#)

07/25/2022 [Smoke from Oak Fire prompts Bay Area air quality advisory, chokes Sierra Nevada](#)

07/25/2022 [Bay Area Air Quality Warning](#)

07/25/2022 [Air quality extended in Bay Area due to smoke from Oak Fire](#)

07/25/2022 [Air Quality Advisory Extended Through Wednesday Due To Smoke From Oak Fire](#)

07/25/2022 [Bay Area air quality advisory extended over smoke from Oak Fire near Yosemite](#)

07/25/2022 [Wildfire smoke drifts to Bay Area authorities to issue air quality warning](#)

07/25/2022 [Air quality advisory extended through Wednesday in Bay Area due to smoke from Oak Fire](#)

07/25/2022 [Air quality advisory issued as smoke from Oak Fire near Yosemite forecast to reach Bay Area](#)

07/25/2022 [Smoke From Fire Near Yosemite Expected To Arrive In Bay Area Today](#)

07/24/2022 [Oak Fire burns over 16,000 acres; number of firefighters quadruples](#)

07/24/2022 [Smoke from Oak Fire near Yosemite expected in Bay Area skies Monday](#)

07/24/2022 [‘Nothing was going to stop it’: More evacuations ordered as Oak Fire rages west of Yosemite](#)

07/24/2022 [Oak Fire Smoke to Drift Into the Bay Area Monday](#)

07/24/2022 [Air quality advisory issued as smoke from Oak Fire near Yosemite forecast to reach San Francisco Bay Area](#)

07/24/2022 [‘Nothing was going to stop it’: More evacuations ordered as Oak Fire rages west of Yosemite](#)

07/24/2022 [Wildfire Smoke Triggers Air Quality Advisory For Monday In Bay Area](#)

07/24/2022 [Air quality advisory extended as smoke from Oak Fire forecast to reach Bay Area](#)

07/24/2022 [Oak Fire smoke is likely to reach the Bay Area. Here are the air quality impacts](#)

07/18/2022 [Air district shuts down generators powering East Oakland cannabis facility](#)

07/18/2022 [Firefighters announce progress in flooding Marsh Fire; air quality advisory extended](#)

07/18/2022 [Contra Costa County Fire Responding to Vegetation Fire in Pittsburg](#)

07/18/2022 [Fire Officials Expect Several More Days Of Flooding To Extinguish Marsh Fire](#)

07/18/2022 [What were we all breathing? Local air quality reached 'hazardous' levels in July 4 fireworks hot spots](#)

07/18/2022 [Oakland ‘green’ area told to shut down generators](#)

07/17/2022 [Fire Crews Expect Several More Days of Flooding to Extinguish Marsh Fire](#)

07/17/2022 [Several More Days Of Flooding Needed To Extinguish Marsh Fire](#)

07/17/2022 [Cannabis Company Ordered To Shut Down Diesel Generators Threatening Historic Artist Space](#)

07/15/2022 [Con Fire flooding area of Marsh Fire to tackle smoldering peat](#)

07/15/2022 [Crews flood still-smoldering Marsh Fire to end ongoing smoke hazard](#)

07/15/2022 [Marsh Fire puts Delta region under air quality advisory on Saturday](#)

07/15/2022 [What were we all breathing? Local air quality reached 'hazardous' levels in July 4 fireworks hot spots](#)

07/15/2022 [Air District Extends Air Quality Advisory for Eastern Contra Costa County](#)

07/15/2022 [What were we all breathing? Local air quality reached 'hazardous' levels in July 4 fireworks hot spots](#)

07/14/2022 [Weeks-old Pittsburg grass fire still burns, chokes Contra Costa air](#)

07/14/2022 [Marsh Fire prompts Bay Area smog advisory](#)

07/14/2022 [Contra Costa Co. air quality advisory extended to Friday](#)

07/14/2022 [Air quality advisory near Marsh Fire in Eastern Contra Costa extended through Friday](#)

07/14/2022 [East Bay Marsh Fire Still Smoldering; Air Advisory Extended Through Friday](#)

07/14/2022 [Air Advisory Extends Through Friday Due To 6-Week Marsh Fire](#)

07/14/2022 [Marsh Fire Air Quality Advisory Extended Through Today](#)

07/14/2022 [Key connector in Marin bike network opens](#)

07/13/2022 [Marsh Fire Air Quality Advisory Extended Until Thursday](#)

07/13/2022 [‘Flooding may be our only option’: Bay Area firefighters struggle against fire that’s been burning for 6 weeks](#)

07/12/2022 [Air quality advisory for Marsh Fire extended thru Thursday](#)

07/12/2022 [Ships Reduced Speeds off California to Protect Blue Whales and Skies](#)

07/12/2022 [Air quality advisory for Marsh Fire extended thru Thursday](#)

07/12/2022 [Officials issue air quality advisory for Contra Costa County due to wildfire smoke](#)

07/12/2022 [Marsh Fire Still Burning; Air Quality Advisory Issued Thru Wednesday](#)

07/12/2022 [‘It’s a very stubborn fire’: Why this California fire has been burning in the Bay Area for 6 weeks](#)

07/12/2022 [Freightliner Launches New Battery Electric Ecascadia](#)

07/12/2022 [East Contra Costa Dealing With Poor Air Quality Tuesday Morning](#)

07/12/2022 [Fires from far and near bringing hazy skies over East Bay on Monday](#)

07/11/2022 [Pittsburg air quality still ‘unhealthy and at times hazardous’ with residents urged to stay indoors](#)

07/11/2022 [Wildfire threatening Yosemite sequoias now affecting air quality in San Francisco Bay Area](#)

07/11/2022 [Pittsburg residents urged to stay indoors amid poor air quality](#)

07/11/2022 [Smoke from Washburn Fire in Yosemite drifts into parts of Bay Area](#)

07/11/2022 [‘Inhaling Particular Matter Is Not Good for Anybody:’ Experts Warn of Bad Air Quality](#)

07/11/2022 [Smoke from Yosemite fire prompts North Bay air quality advisory](#)

07/11/2022 [Bay Area heat expected to ease during week](#)

07/11/2022 [Hot Bay Area weather expected to peak Monday, cool relief is on the way](#)

07/11/2022 [West Oakland fire spews smoke over the East Bay](#)

07/11/2022 [Hot Bay Area weather expected to peak Monday, cool relief is on the way](#)

07/11/2022 [Authorities warn North Bay, East Bay air quality will be affected](#)

07/11/2022 [A sprinkler system has been installed in the forest and a cabin wrapped in foil as wildfire threatens Yosemite’s beloved sequoias](#)

07/11/2022 [Bay Air Pollution Advisory Due to Yosemite Wildfire](#)

07/11/2022 [Air quality advisory issued for Monday in Bay Area due to smoke from Yosemite fire](#)

07/11/2022 [Agency: Smoke from Yosemite fire may drift across parts of Solano](#)

07/10/2022 [Wildfire in Yosemite National Park Imperils Century-Old Trees](#)

07/10/2022 [Smoke from Yosemite Washburn Fire prompts Bay Area air quality advisory](#)

07/10/2022 [Air District issues air quality advisory for Monday, July 11](#)

07/10/2022 [Yosemite fire grows, prompts Bay Area air quality advisory](#)

07/10/2022 [Washburn Fire smoke prompts air quality advisory for parts of Bay Area](#)

07/10/2022 [Smoke from Yosemite wildfire prompts North Bay air quality advisory for Monday](#)

07/10/2022 [Smoke From Yosemite Fire Prompts Air Quality Advisory For Monday](#)

07/10/2022 [Washburn Fire near Yosemite’s Mariposa Grove now nearly 1,600 acres, smoke will drift west](#)

- 07/10/2022 [Advisory: Wildfire Smoke Expected To Hit North And East Bay Regions](#)
- 07/10/2022 [Washburn Fire near Yosemite's Mariposa Grove now nearly 1,600 acres, smoke will drift west](#)
- 07/10/2022 [Smoke from Yosemite fire to reach Bay Area on Monday](#)
- 07/09/2022 [California runners are facing an air quality wake-up call. Can they adapt as climate change and fires get worse?](#)
- 07/05/2022 [These Bay Area cities saw the worst air quality levels from July 4 fireworks](#)
- 07/02/2022 [Air district wants residents to abstain from lighting fireworks](#)

Public Inquiries

Phone: 106 public calls

Events

- Marin County Fair in San Rafael on June 30, 2022 – July 4, 2022
- Sunday Streets in Valencia, SF on July 10, 2022
- Art & Garden Festival in Petaluma on July 10, 2022
- Sonoma County Fair in Santa Rosa on August 6, 2022 – August 14, 2022
- Silicon Valley Bicycle Coalition in Millbrae on August 12, 2022 – August 13, 2022
- Festival of India in Fremont on August 20, 2022 – August 21, 2022
- Sunday Streets in SOMA, San Francisco on August 21, 2022
- Mountain View Art & Wine Festival in Mountain View on September 10, 2022 – September 11, 2022
- National First Responders Fund in San Francisco on September 10, 2022
- Los Gatos Art & Wine Festival in Los Gatos on September 17, 2022 – September 18, 2022
- Sunday Streets in San Francisco on September 18, 2022
- Viva Calle in San Jose on September 18, 2022
- Cupertino Fall Bike Fest in Cupertino on September 24, 2022
- Sonoma County Veg Fest in Santa Rosa on September 25, 2022

Spare the Air

- Advertising
 - o Requested and reviewed campaign-to-date reporting for the spring campaign from all vendors.
 - o Finalized animatics for ad testing along with ad testing questionnaire from True North Research.
 - o Winter campaign
 - Winter creative
 - Developed winter creative concepts.
 - Developed animation storyboards for selected creative concept.
 - Planning
 - Started the buildout of the tactical media plan.
 - Reviewed and negotiated partner proposals to complete a first draft of the media plan.

- Media Relations
 - o Conducted press release outreach to Bay Area media tied to July Fourth firework safety.
 - o Developed and reviewed Spare the Air summer tactical strategy.
 - o Worked on plan to amplify upcoming opening ceremony for Clean Air Centers launch.
 - o Gathered information for the California Live Segment and continued communications with NBC.
 - o Meteorologist event
 - Developed pitch for second meteorologist lunch/breakfast event.
 - Performed outreach for second meteorologist event, securing interest from KNTV-TV, KTVU-TV, KGO-TV and KPIX-TV.
 - Shared media feedback recap and updated October-November timing with media contacts.
- Social Media
 - o Developed social metrics report for second half of FY22.
 - o Provided recommendations for growing Spare the Air's following on Instagram, Facebook Alert graphics, Twitter timely content and boosted post strategy.
- Employer Program
 - o Built and reviewed employer contact lists using Dun & Bradstreet database.
 - o Developed eblast creative brief for approval.

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 13,193 (+267) on Facebook, increased to 15,509 (+62) on Twitter, increased to 1,816 (+53) on Instagram, and remained at 300 (+0) on Pinterest.

Air District Social Media

- Staff continued to run social posts daily including:
 - o Air quality forecasts: daily, two-day, and five-day forecasts.
 - o Shared:
 - 2021 air pollution complaints
 - 2021 sources of PM 2.5 pollution

- 511 Contra Costa e-bike rebate
- AB 617 East Oakland Steering Committee meeting
- Air monitoring van
- Air monitoring video
- Air quality advisories
- Annual report promo
- Atmospheric carbon dioxide info from NOAA
- BART 50% off in September
- Bay Area Healthy Homes Initiative webinar announcement
- Bay Area Monitor articles
- Bay Area transit options
- Bike Walk Alameda info on short and bikeable trips
- Brightline Defense new Clarity air quality monitors in SF
- CA Clean Air Day content on test driving EVs
- California approval of all ZEV sales by 2035
- California Clean Air Day microgrant call for applications
- California's first Clear Air Center
- CARB smog check program
- Carbon emissions reductions from public transit
- Clean Air Day microgrants call for applications
- Clean Cars for All annual report video
- Climate Protection webinar
- Climate Protection webinar announcement
- Climate Tech Finance program
- Climate Tech Finance program expanding statewide
- Climate Tech Finance project
- Court order affirming enforcement of Green Sage abatement order
- DIY air filter video collaboration with Brightline Defense
- Emissions reduction grant funding content from annual report
- Encouraging text signups for Spare the Air alerts
- Energy use info from Switch is On
- Filming of the DIY air filters video with the Brightline Defense team
- Fireworks and air quality
- Grant for solar panels/cool roof at Livermore High School
- Green Sage Hearing Board decision
- Greenbelt Alliance event honoring Bay Area residents working towards climate resilience
- Greenhouse gas emission sources
- Greenhouse gas inventory from annual report
- Highlighted queer environmentalists for Pride month
- Intern spotlight on Ben Gonzalo
- Intern spotlight on Jasmine Lee
- Intern spotlight on Madeline Sarvey
- Intern spotlight on Mariah Padilla
- Intern spotlight on Nolwenn Smith
- Intern spotlight on Robson Smith
- Intern tour of EBMUD
- International Day of Clean Air and Blue Skies

- James Cary Smith Grant
- MCE EV charging infrastructure rebates
- Meteorology luncheon
- New AirNow wildfire resources web page
- New bike path from U.S. 101 North South Greenway Project
- New bike racks at McKinley Park
- Newby Island Landfill settlement
- Resolution honoring North Richmond community leader Dr. Henry Clark
- Richmond-San Pablo air monitoring van
- Ride-and-Drive event
- Sharon’s statement regarding the Supreme Court decision to restrict the EPA’s authority to regulate climate emissions
- Sign up for Spare the Air alerts
- SmokeSpotter app
- Sources of air quality data
- Spare the Air Alerts
- Staff feature on Dave Garrison
- Staff feature on Grace Taylor
- Startups developing advanced energy systems
- Switch Is On electric heat pump messaging
- Switch Is On messaging
- Switch is On promo
- Teaching kids to bike
- Transit Month
- Transit Month announcement
- VW funding for zero-emission drayage trucks
- Wildfire Air Quality Response Program video
- Wildfire prep tip to change HVAC filters
- Wildfire preparedness graphic

In this quarter, Air District social media follower numbers increased to 5,341 (+80) on Facebook, increased to 21,996 (+730) on Twitter, increased to 2,467 (+57) on Instagram, and increased to 2,834 (+68) on LinkedIn.

Other

- Video
 - o Completed:
 - Air Quality Monitoring video
 - Vertical DIY Air Filter video
 - Spare the Air Events video
 - o Met with Community Engagement regarding environmental justice stories.
 - Worked with Community Engagement on AB 617 community story project.
 - o Reviewed videography RFP submissions.
- Photography
 - o Spare the Air photo shoot took place on June 29, 2022.
 - o Took new photos of old cars for Clean Cars for All.

- Staff Development
 - Completed Common Look accessibility software training videos.
 - Completed CAPCOA Understanding Smoke Modeling training.
- Web Updates
 - Worked on:
 - Air District Logo webpage
 - New Subscription Center
 - CEQA Air Modeling Tools data download webpage
 - Notices of Violation webpage with table
 - Wildfire Safety webpage updates
 - Bay Area Clean Air Foundation website
 - New Environmental Justice webpage
 - New Bay Area Healthy Homes Initiative webpage
 - Funding and Incentives webpages
 - Posted:
 - 2023 budget on budget page
 - Board and Executive meeting materials and agendas
 - Board notice of newest Covid remote-only meeting policy on several webpages
 - Press release translations for USPS lawsuit
 - DIY Air Filter link to Wildfire Safety webpage
 - E-blasts:
 - Board and Committee Meeting Covid Update
 - HVIP Small Fleets
 - VW ZEFM Grants program reopening
 - Multiple Grants programs reopening
- Spare the Air Text Alerts
 - Checked on Twilio compliance for the Spare the Air short code for Spare the Air text alerts.
- Spare the Air App
 - Launched week of August 1, 2022.
 - Monitored rollout of the new version of the app.
- Graphic Design
 - Completed:
 - Updates to Clean Cars for All bifold
 - Commuter Benefits letterhead design
 - Clean Air Centers map
 - Clean Air Centers FAQ
 - Henry Clark proclamation
 - Worked on:
 - Report template for Meteorology and Measurements
 - School bus grants flyer edits
 - DEI event flyer
- Publications
 - League of Women Voters
 - Coordinated article contact for next feature.
 - Finalized contract edits and memo.

- Coordinated signing and finalization of FYE 2023 contract.
 - o Air Currents
 - Worked on and distributed Air Currents August edition.
 - Articles covered:
 - o Board appointment of a new interim executive officer and district counsel
 - o Hearing Board abatement order to shut down diesel generators at a local facility
 - o Air District participation in a lawsuit to stop USPS from replacing the bulk of their fleet with fossil-fuel-powered vehicles
 - o Bay Area Commuter Benefits Program
 - o Air District’s denunciation of a recent Supreme Court decision limiting the U.S. EPA’s regulatory authority
 - o 2022 Spare the Air Leadership Award
- Annual Report
 - o Compiled initial content.
 - o Met with Exec team on August 3, 2022, on major themes for 2022.
 - o Awaiting initial designs from We the Creative; design presentation on September 27, 2022.
- Miscellaneous
 - o Drafted talking points for Governor’s order relating to back-up generators.
 - o Printed resolution for Richard Corey’s retirement for framing.
 - o Reviewed Bay Area Summer Academy youth presentations.
 - o Completed July 20, 2022, Board meeting proclamation award.
 - o Internal Communications Plan submitted to Veronica.

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

Climate Protection

Climate Policy and GHG Reduction Activities

Staff laid the groundwork to launch the Indoor Appliance Rules Implementation Working Group (IWG) to guide the implementation of the proposed indoor appliance rule updates (Rules 9-4 and 9-6), including bi-weekly meetings with the internal coordinating team, launching start-up tasks with facilitator Kearns & West, meeting with Emerald Cities to discuss outreach to community groups and environmental justice organizations, and meeting with a coalition of building energy advocate groups.

Staff attended a “Listening Session” with California Air Resources Board (CARB) Board Members and staff, presenting and receiving comment on the 2022 Draft Scoping Plan. Staff met with the Chief of CARB’s Community Action Branch to discuss comments on the Draft Scoping Plan. Staff provided review, analysis, and comment to Board Vice Chair Hurt on the California Environmental Justice Alliance’s (CEJA) “Real Zero Alternative” document, a potential fifth scenario for the 2022 Draft Scoping Plan. Staff consistently attended meetings of CARB’s Environmental Justice Advisory Committee (EJAC).

Staff convened monthly meetings with the community choice energy programs Marin Clean Energy and Silicon Valley Clean Energy in order to share updates and coordinate programmatic work.

Staff attended monthly meetings of San Mateo County's Regionally Integrated Climate Action Planning Suite (RICAPS), which brings together local planners, sustainability staff, and non-profits from the County. Staff also attended regular meetings of the Sonoma Regional Climate Protection Authority. Staff reviewed and provided feedback on an administrative draft of the City of Hayward's greenhouse gas mitigation strategy that will be part of the City's Climate Action Plan update.

Staff convened an inter-divisional meeting to discuss different approaches to incorporating equity into Air District work. The Section's Summer Intern organized and convened a two-part webinar series on equity and climate planning for local government staff. The first webinar, *Reimagining Health, Equity, and Climate Through Innovative Partnerships*, featured speakers from the Bay Area Healthy Homes Initiative. The second webinar, *Incorporating Equity in Climate Action Planning*, featured speakers from the cities of Oakland and East Palo Alto discussing their experiences centering their climate action plan updates on equity and community engagement.

Staff co-authored a paper, "[A multi-city urban atmospheric greenhouse gas measurement data synthesis](#)," published in Nature Scientific Data.

Meetings and Events

Staff hosted a visit by local government officials from the Netherlands, including the Mayor of Utrecht, and the Director of Sustainability for Amsterdam, to discuss local climate action in the Bay Area and how the Air District is working with cities to integrate equity into local climate planning.

Staff hosted two *Climate Talks* series presentations for all Air District staff: "Help Scale Climate Tech and Support Our State Climate Goals," presented by Technology Implementation Office staff, and "CDR/CCS: Tool or Gimmick? Understandings CO2 Removal/Carbon Capture and Storage," presented by Climate Protection staff.

Staff actively participated in the 2022 Air and Waste Management Association (AWMA) Annual Conference and Exhibition. Staff organized, facilitated, and presented on the following panels: "Building Decarbonization: Local Governments Take the Lead"; "Accelerating the Transition Away from Diesel"; "Bay Area Healthy Homes Initiative: A Blueprint for a Comprehensive Approach to Address Cumulative Air Pollution Exposure in Overburdened Communities"; and "Accelerating the Transition to Heat Pump Water Heaters Through Supply Chain Intervention."

Staff attended two workshops hosted by the California Energy Commission: *Modeling of Long-Duration Storage for Decarbonization of the California Energy System*, and the *Staff Workshop to Discuss Zero- and Near-Zero-Carbon Fuel Production and Supply Funding Concepts*.

Staff participated in multiple agency-wide efforts, including the Cultural Advisory Team, the Equity Resource Team, the Workplace Bullying Policy Team, and the Distributed Work Policy Task Force.

Air Quality Planning

CEQA and Local Government Support

During the third quarter of 2022, staff continued to share information, spur action, and support local governments address disproportionate air pollution exposures through CEQA, local land use planning, and policy implementation. Staff reviewed nine California Environmental Quality Act (CEQA) projects and commented on the following three projects: Port of Oakland – Oakland Harbor Turning Basins Widening Notice of Preparation for a Draft Environmental Impact Report, City of San Jose – Icon-Echo Towers Mixed Use Project Draft Supplemental Environmental Impact Report, and County of Santa Clara – Sargent Ranch Quarry Project Draft Environmental Impact Report. Staff responded to 21 Stationary Source Information Requests to support CEQA lead agencies complete comprehensive and accurate health risk assessments and responded to variety of requests for technical assistance, including meeting with the Port of Oakland on the Oakland International Airport Terminal and Modernization Development Project Draft Environmental Impact Report.

Staff continued meeting monthly with City of Oakland staff to discuss coordination on the General Plan update, Environmental Justice element, and West Oakland Community Action Plan (WOCAP) implementation. Staff met with the City and County of San Francisco on emission offsets and on measures to evaluate and mitigate construction-related fugitive dust.

Community Health Protection (AB 617) and Community Based Solutions

During the third quarter of 2022, staff continued to support communities in identifying and implementing solutions to address local health disparities and climate impacts through planning, partnerships, technical support, and information sharing. Staff continued to plan and hold regular weekly meetings with the West Oakland Community Action Plan (WOCAP) Co-leads, the West Oakland Environmental Indicators Project (WOEIP), and continued to plan and attend monthly meetings of the Community Steering Committee. Path to Clean Air (PTCA) Richmond-North Richmond-San Pablo staff continued to plan and hold regular bi-weekly meetings with the Community Steering Committee co-chairs, weekly meetings with Ad Hoc committee members, monthly Community Steering Committee meetings, and monthly briefings with Director Gioia. PTCA staff began working with a Problems to Solutions Ad Hoc committee to develop key issues and strategies for the Community Emission Reduction Plan. East Oakland staff prepared for and participated in the first East Oakland Community Emission Reduction Plan Community Steering Committee meeting. Staff continued to plan and attend weekly meetings with the Co-leads, Communities for a Better Environment (CBE), and the facilitation consultant Just Cities. Staff prepared for and attended meetings to introduce CBE staff to Air District Directors and Managers.

Regional and Statewide Air Quality Planning and Policy

During the third quarter of 2022, staff continued continue working on local, regional, and statewide air quality planning activities and continued to facilitate collaboration with internal and external partners. Staff attended monthly CAPCOA Planning Managers meetings and CalEEMod Land-Use Model Subgroup meetings. Staff continue to attend the MTC Air Quality Conformity Task Force meetings and review transportation conformity projects. Staff worked with EPA, CARB, and other Divisions to address emission reduction credit data requirements for the 2015 70 ppb ozone standard baseline inventory.

**ASSESSMENT, INVENTORY, AND MODELING
P. MARTIEN, DIRECTOR**

Air Quality Modeling and Analysis

Under Assembly Bill (AB) 617 community assessment work, staff participated in the monthly Community Steering Committee (CSC) meetings for the Path to Clean Air (PTCA) Richmond-San Pablo community and the internal PTCA team meetings and presented draft emissions forecasts for the PTCA community to the Internal PTCA team at its August 19 meeting. Staff provided port emissions data to CARB for the AB 617 online learning module on commercial harbor craft (CHC) regulations. Staff completed a draft technical appendix on methods used for emissions inventory development and exposure assessment for the PTCA AB 617 community. To support development for proposed updates to natural gas appliance Rules 9-4 and 9-6, staff documented regional and community-scale modeling of supplemental assessments of the health impacts of natural gas appliances. Staff participated in meetings with researchers from the University of Washington to discuss next steps on the Intervention Model for Air Pollution (InMAP) to efficiently assess the sources contributing to fine particles in Bay Area communities. Staff installed InMAP on a District computing cluster, tested the InMAP preprocessor software utility, assessed test run times on the cluster, and checked processed outputs. Staff developed a contract for a woodburning survey to assist with woodsmoke emissions updates. Staff prepared and submitted an abstract on environmental justice in the Bay Area to the 2022 Community Modeling and Analysis System (CMAS) conference hosted by US EPA. Staff helped draft a declaration for the legal department on the impacts of diesel exhaust emissions from generators operating at an East Oakland cannabis facility. Staff completed dozens of Public Records Requests for emissions, air quality modeling, and meteorological data.

Emissions and Community Exposure Assessment

On July 11, 2022, and September 12, 2022, staff provided updates and posed key questions to the Advisory Council on a draft methodology to estimate health risks from local sources of fine particulate matter. Under AB 617 community assessment work, staff Staff participated in the internal discussion meetings to support development of emissions reduction strategies for the PTCA community. Staff started development of the preliminary local inventory for the East Oakland community. Staff continued collaboration with MTC staff and confirmed a list of participants for the upcoming training sessions to use a new data management platform. Under the District's California Environmental Quality Act (CEQA) work, staff completed post-processing of rail lines/railyards and roadway link-level emissions estimates for the Bay Area on-road mobile sources. Staff completed review of the work scope of the I-580 Truck Access Study proposed by the California Department of Transportation (Caltrans). Staff also completed review of the CEQA documents associated with the Oakland International Airport Terminal Modernization and Development Project and the Sargent Ranch Quarry Project. Staff worked with the Meteorology and Measurement Division staff and the UC Berkeley research team to develop a transition plan for retrieving the mobile monitoring van.

Under emissions reporting work to meet the reporting requirement under the California Emission Inventory Development and Reporting System (CEIDARS) and the new statewide Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR), staff continued collaboration with the Engineering Division staff to prepare reporting year 2021 data package. Staff

completed a technical memorandum summarizing a recent assessment of emergency use hours of backup generators. Staff met with the Rules Development team and provided insights on challenges and improvements for collecting, managing, and reporting emissions data from refinery sources. Staff addressed an information request from the California Air Resources Board (CARB) regarding the Air District's regulation on reducing emissions of residential and commercial furnaces and water heaters in the Bay Area.

**RULES & STRATEGIC POLICY DIVISION
E. YURA, DIRECTOR**

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

Status / Next Milestones:

- Update to the Stationary Source and Climate Impacts Committee on Implementation Working Group – October 2022
- Release of proposed rule amendment package – Quarter Four of 2022

Background: Staff is developing rule amendments to further reduce oxides of nitrogen (NO_x) 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 NO_x standards currently required by South Coast Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District, as well as introduce a longer-term zero-NO_x emission standard 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 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, providing valuable feedback for staff 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 provided updates to the Stationary Source and Climate Impacts Committee on November 15, 2021, regarding 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 to provide updates on project timelines and recent work on this effort.

Staff released a CEQA Notice of Preparation (NOP) of an Environmental Impact Report (EIR) and Initial Study (IS) in May 2022 and held a scoping meeting. Staff received eight written comments on the materials, which are posted to the Air District website. Staff is developing the proposed amendment package, and intends to complete an additional analysis of grid capacity as well as a full Environmental Impact Report to support the proposed amendments.

Key Updates: Staff plans to present an update on the implementation working group and health impacts modeling to the Stationary Source and Climate Impacts Committee on October 17, 2022.

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

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

Status / Next Milestones:

- Request for Comments / Draft Amendments – Quarter Four of 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 provided updates on rule development progress to the Stationary Source and Climate Impacts Committee on September 19, 2022. Staff is currently developing a workshop report for public release later this year.

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 — Quarter Four of 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 have been finalized, and Engineering staff are working on a summary of recommended amendments to monitoring requirements that are cost-effective and will result in emissions reductions. Staff recommends using results of the Heavy Liquid Leak Study and subsequent recommendations summary 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 recommendations summary is complete, these will be used to inform next steps of this rule making effort. Staff anticipates updating the Stationary Source and Climate Impacts Committee in the fourth 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:

- September 2022 CSC Meeting #18: Key Issue Category Breakout Room Discussions
 - o The Community Steering Committee (CSC) went into breakout rooms to discuss two of the Six Key Issue categories in the Path the Clean Air (PTCA) study area: Mobile Sources (Vehicles and Trucks, Streets and Freeways, and Logistics and Warehouses) and Odors and Smells. Breakout rooms included a jamboard exercise where community reviewed and gave feedback on draft key issue statements and strategy ideas.

- October 2022 CSC Meeting #19: Key Issue Category Breakout Room Discussions
 - The October meeting will cover key issue statements and strategy ideas for two more Key Issue categories: Public Health and Marine and Rail.
- November 2022 CSC Meeting #20: Key Issue Category Breakout Room Discussions
 - The November meeting will cover key issue statements and strategy ideas for the final two Key Issue categories: Commercial and Industrial Sources Near Community and Fuel Refining, Support Facilities, Distribution and Storage.

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. Rule Development staff are involved in the following processes:

- Participating in the cross-divisional Internal Path group (led by Planning and Community Engagement), which meets bi-weekly to discuss the path to successfully develop the CERP. The Internal Path group has created agenda topics for Community Steering Committee (CSC) meetings through 2022.
- Participating in the cross-divisional Core Group (an internal group to strategize about the CERP development process), which meets weekly.
- Assisting in the planning and management of the Problems to Solutions Ad Hoc process.

Key Updates: Community-led Strategy Development: Planning and the Core Team are working with the CSC co-leads and the Problems to Solution Ad Hoc to organize and develop CERP strategies for the six Key Issue/Community Concern categories. Strategies and actions are envisioned to be built around the Key Issues framework that has been developed with community (see bulleted list of the Key Issue categories below). CSC meetings in September, October, and November include breakout discussions to dive deeper into the key issues (two key issues per month) and help identify specific strategies and actions to address the problems the community has identified. The Problems to Solutions Ad Hoc will be instrumental in facilitating the process in a true community-led style. Next steps include working with the Ad Hoc to finalize Key Issue Statements (i.e., problem statements), to further brainstorm and refine strategy ideas, and then to write the six CERP chapters for the six Key Issues.

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 AB617 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.

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 EO/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:

- Update to SSCI Committee – October 2022
- Fugitive Dust PM emission reduction white paper – Quarter Four of 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 AB617 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 in the fourth quarter of 2022 which will identify potential measures to update the Air District’s rules and regulations to be more health protective.

Key Updates: Staff plans to present an update to the Stationary Source and Climate Impacts Committee on October 17, 2022. Staff will focus on presenting information on existing Air District programs addressing fugitive dust and the current white paper process to evaluate potential program improvements.

Clean-Up Rule–Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities

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.

COMMUNITY ENGAGEMENT DIVISION V. EADY, SR. DEPUTY EXECUTIVE OFFICER
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Community Engagement and Outreach Programs

AB 617 Community Health Protection Program

- Staff continue to meet bi-weekly on Fridays with the Bayview Hunters Point Community Advocates, the Marie Harrison Community Foundation and Director Walton's staff to plan recommending nomination for an AB617 Community Emissions Reduction Plan.

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 coming month's Steering Committee meeting. The Co-Leads team met on Thursdays.
- Wednesday, July 13, 2022 – Owing Our Air Steering Committee Meeting - Air District Planning staff delivered a presentation on Port of Oakland at-berth regulations. The Steering Committee heard from City of Oakland General Plan Implementation Team, as well as the Port Electrification Advisory Group.

Richmond/San Pablo AB617

- Monday, September 19, 2022 – The Community Steering Committee recessed to provide an opportunity for ad-hoc small groups to provide input on draft key issue statements for the groups focused on Vehicles and Trucks, Streets and Freeways, and Logistics and Warehouses, and Odors and Smells. The groups also asked for input or brainstorming on draft strategy ideas that will be incorporated into developing the first draft chapters for each of the key issue areas.
- Staff continue to meet bi-weekly with the Problems to Solutions Ad Hoc working group to discuss and brainstorm on the 6 community concerns being presented to the larger CSC at the September, October, and November CSC meetings. These ad hoc teams also have multiple weekly meetings among the different key issue groups focused on the six different key issue chapters.
- Monday, September 12, 2022 – Staff met with Dir. Gioia to discuss the PCTA CSC meeting on September 19, the CAMP: Monitoring outreach team meeting scheduled for late October and provide an update on the ISO amendment.

- Staff continue to meet with the PTCA Co-Chairs on a bi-weekly basis to discuss the September CSC Meeting being held virtually on September 19, 2022.
- Thursday, September 1, 2022 – Staff will discuss the group's initial key issue statements, Outreach and community engagement funds available, and September meeting preparation.
- Thursday, August 25, 2022 – Staff met with CSC member Marisol Cantu to discuss developing key issue statements and a work plan for future cross-divisional planning meetings
- Thursday, August 25, 2022 – Staff met with the Problems to Solutions Ad Hoc to discuss each group's initial key issue statements.
- Thursday, August 25, 2022 – Staff met with PTCA CSC Co-Chairs to debrief the August meeting and discuss upcoming CERP related work.
- Wednesday, August 24, 2022 – Staff meet with CSC member Nancy Peace and Compliance and Enforcement staff to discuss the initial strategy brainstorming for the odors and smells community concerns.
- Wednesday, August 24, 2022 – Staff met with PSE Healthy Energy to discuss ways to engage the PTCA CSC as they plan the release of their PSE/APEN Richmond Draft Report
- Monday, August 15, 2022 – Path to Clean Air Steering Committee Meeting - Staff held the 17th PTCA CSC meeting to discuss Writer's Guide to Developing and Reviewing PTCA CERP Strategies and rescinding of the Brown Act Resolution No. 2021-02.
- Thursday, August 11, 2022 – Problems to Solutions Ad Hoc Meeting - Staff met with the ad hoc group to discuss co-planning the Steering Committee meetings for strategy development in September 2022 – November 2022.
- Staff met in small groups with each of the different six (6) Key Issue small groups to discuss first steps for developing work products, scheduling meetings with staff, and planning for Steering Committee breakout room discussions.
- Thursday, July 28, 2022 and Thursday, August 4, 2022 – Staff met with the Problems to Solutions Ad Hoc for the first two planning meetings where timelines, roles and responsibilities, and meeting preparation and development were discussed.
- Tuesday, July 26, 2022 – Planning and CE staff met with the CSC Co-chairs and Legal to discuss the implications of the proposed agenda item to recommend the dissolution of the Board appointed CSC process.
- Monday, July 18, 2022 – Path to Clean Air Steering Committee Meeting - Monthly CSC meeting focused on reviewing the Community Description and hosting breakout discussions to form key issue statements to build strategies and actions.
- Thursday, July 14, 2022 – Path to Clean Air Co-Chairs Meeting – Staff met with the PTCA Co-Chairs to discuss the July PTCA Steering Committee meeting (Dry-Run) including the Community Description Draft Document and Key Issues Approach Discussion.
- Wednesday, July 13, 2022 – Problems to Solutions Ad Hoc Meeting – Staff hosted the first Problems to Solutions Ad Hoc meeting to prepare for the CSC breakout room discussions.
- Monday, July 11, 2022 – Meeting with Dir. Gioia – Staff met with Director Gioia to debrief the June CSC meeting, brief on the July CSC meeting topics, and discuss the proposed process for ISO amendments to include bulk storage facilities.
- Thursday, July 7, 2022 – Staff met with the PTCA Co-chairs on to discuss the preparation for the July Steering Committee Meeting.

East Oakland AB 617

- Staff continue to meet with CBE weekly on Wednesdays to plan for the Steering Committee meetings and other East Oakland air quality issues, including commencing the leadership voting process and onboarding.
- Thursday, September 15, 2022 – East Oakland Community Steering Committee Kick-off Meeting – The East Oakland Community Steering Committee will meet for the first time, kicking off the Community Emissions Reduction Plan (CERP) development process in East Oakland.
- Staff continue to meet with CBE weekly on Wednesdays to discuss the Steering Committee Kick-Off Meeting happening virtually on September 15, 2022, to plan the agenda. Staff are also meeting with CBE to discuss issues related to AB&I and the Strategies First approach. Staff are conducting Form 700 consultations with Steering Committee members.

Community Grant Program

- Staff continue working with the current cohort of 33 James Cary Smith Community Grantees to answer questions, provide information, and share available resources.
- Thursday, September 15, 2022 – Staff presented information about the Air District at a community workshop in the Tenderloin neighborhood of San Francisco organized by James Cary Smith Community Grantee Brightline Defense Project. Staff discussed the Air District’s history and mission, programs, and opportunities to engage with the agency.
- Thursday, August 18, 2022 – Staff attended grantee Silicon Valley Bicycle Coalition’s Bike Summit event, which included an interactive workshop on Deepening the Practice of Community Engagement that discussed some of the processes used in the organization’s JCS grant from the Air District.
- Friday, August 5, 2022 – Staff toured the facilities of White Pony Express and received updates on their progress on their grant work. Staff also shared information and resources with the grantee.
- Tuesday, July 26, 2022 – Staff collaborated with the Meteorology and Measurement Division to offer a Zoom presentation to James Cary Smith Community Grantees on Understanding the Air District’s Air Quality Forecasting. Twelve individuals from nine funded organizations participated, and staff recorded the presentation to share with additional community members.

Community Advisory Council

- Staff continue to meet with the Community Advisory Council Co-Chairs weekly on Thursdays to prepare for their next meeting and finalize the agenda.
- Thursday, September 8, 2022 – Community Advisory Council meeting #4
- Friday, September 2, 2022 – The Work Plan Ad Hoc Committee will have its second meeting. The agenda will begin discussing workplan items and guidelines for priority setting.
- Wednesday, August 31, 2022 – This week, the Governance Ad Hoc Committee will meet for the first time. The agenda will discuss the structure, as well as go over the communication protocols and next steps.
- Friday, August 19, 2022 – Staff convened and supported the very first meeting of the CAC’s Workplan Ad Hoc Committee.
- Thursday, August 18, 2022 – Staff met with the CAC Co-Chairs to conduct a “dry-run” of the September 8, 2022, CAC meeting.

- Wednesday, August 17, 2022 – Staff met with Councilmember Washington to discuss consultant options to provide the CAC with civility training.
- Wednesday, August 10, 2022 – Staff met with Councilmember Saena to discuss the highspeed rail project and its impact on her community.

Home Air Filtration Program

- Thursday, September 29, 2022 – Staff met with Regional Asthma Management and Prevention to begin work on the partnership in distributing air filtration units to Asthma Mitigation Program partners. Staff continue working to finalize contracts for school air filtration and develop a process for setting up partnerships with local health centers and community-based organizations and expect air filter orders to commence shortly after.
- Thursday, September 8, 2022 – Staff met with Lonnie Mason (First Generations), Dr. Raymond Tompkins, and LaDonna Williams (All Positives Possible) regarding their questions of the Board’s vote on July 20, 2022, to approve the use of the \$1 million Wildfire Designation Reserves.
- Tuesday September 6, 2022 – Staff joined the Legislative Office Staff in a meeting with Representative Peters’ staff to share information and best practices in air filtration distribution
- Wednesday, July 27, 2022 - Staff met with City of Millbrae staff to discuss their partnership to distribute air filters to low-income community members.
- Staff continues to meet with potential Partners to develop MOUs and answer any questions on the program (timeline, execution, etc.).

<p>OFFICE OF DIVERSITY, EQUITY, AND INCLUSION T. WILLIAMS, MANAGER</p>

During the third quarter of 2022, the Office of Diversity, Equity, and Inclusion (Office) focused on five (5) functional areas; Board of Directors/Community Equity, Health, and Justice Committee Support, DEI Strategies/Activities, Human Resources/DEI Strategies, Community Engagement/DEI strategies, and Communications.

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

The 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. The DEI Office coordinated Community Advisory Council (CAC) member Kevin G. Ruano Hernandez’ speaking engagement where he shared his perspective regarding the successes of the Richmond Listening Project and how institutions should implement a robust community engagement process that amplifies the voices of frontline communities. In addition, CAC member William Goodwin provided information regarding his partnership with a number of non-profit organizations throughout the Bay Area, to help accelerate the social and economic mobility of underserved families.

DE&I Strategies/Activities

During the third quarter of 2022, the 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		Air District	
Gender		Gender	
F	50%	F	43%
M	50%	M	57%

*Bay Area - ACS		Air District	
Ethnicity/Race		Ethnicity/Race - All Air District	
American Indian/Alaskan Native	1%	American Indian/Alaskan Native	1%
Asian	24%	Asian	41%
Black or AA	5%	Black or AA	8%
Hispanic or Latino	20%	Hispanic or Latino	9%
Unknown or Other	4%	Unknown or Other	2%
White	47%	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 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 team is utilizing a Project Management approach and is working to develop a roadmap to factor in equity within the decision-making process for all programs at the agency.

The Office is actively working on next steps pertaining to the Transparent and Equitable Funding (TEF) Project. The project encourages equitable resource distribution and community access to resources through improved transparency in budgets and spending in communities, especially Black/African American communities, and better communication of funding opportunities. The Office plans to solicit input from the Community Advisory Council to establish agreed upon definitions of equity and equitable outcomes.

The Office met with a group of employees to discuss the planning of events and activities related to Hispanic/Latin American Heritage Month (September 15, 2022 - October 15, 2022). Staff hosted a series of events during the heritage month to recognize and celebrate the many contributions, diverse cultures, and extensive histories of the Latinx community.

The Office conducted interviews for the qualified consultants that would conduct an analysis in accordance with the Environmental Protection Agency (EPA) issued Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Recipient Guidance). The

consultant will assist the Agency update its Language Access Plan. The Agency's RFP Selection Committee is proceeding on making the final contractor selection. The Office participated in the Statewide Diversity, Equity, and Inclusion group meeting consisting of DE&I representatives from air districts across CA. The purpose of the monthly meetings is:

1. To increase understanding of statewide diversity, equity and inclusion issues and concerns relevant to air quality.
2. To apply critical thinking approaches to DE&I problem solving and develop best practices.
3. To develop standards of statewide DE&I goals and priorities, benchmarks, and indicators.

Community Engagement/DEI Strategies

The Office met with its Community Stipend Policy Team to discuss next steps in the stipend policy approval process. Stakeholders include Community Engagement Officer Suma Peesapati, Sr. Deputy Executive Officer Veronica Eady, the Executive Council, community members, the CEHJ Committee, the Interim Executive Officer/APCO Sharon Landers, and the Legal Division 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 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.

Human Resources/DEI Strategies

The Office met with the Chief Administrative Officer Rex Sanders and the Human Resources team to discuss creating staff training focused on Workforce Bullying. Workplace bullying is a persistent pattern of mistreatment from others in the workplace that causes either physical or emotional harm. It can include such tactics as verbal, nonverbal, psychological, and physical abuse, as well as humiliation. This type of workplace aggression is particularly difficult because, unlike the typical school bully, workplace bullies often operate within the established rules and policies of their organization and their society.

The Office met with the Mentorship Program Development Team to discuss the mentorship pilot to begin in late fall 2022. The initial pilot program will include a mentor and mentee selection process, staff training, templates, an outline of resources to assist participants, and monthly check-ins on progress.

The Office continued its discussions with the Cultural Advisory Team to discuss strategies to enhance trust and transparency at the Agency. The team will develop its strategic plan and include recommendations to improve company culture that we received from HR consultant Illumyx. The team will provide recommendation to the executive management team on trainings, activities, and best practices.

The Office met with Human Resources representatives to discuss recruitment strategies and create a schedule for career fair participation including Diversity Fairs for HR, DE&I and staff representatives.

DE&I Communications/Newsletter

The Office continued to provide educational and informational content on the Public Bulletin Board and within the Air District Employee Newsletter on a biweekly basis. Communication covered include a range of topics and events such as information regarding Justice 40 - a goal that 40 percent of the overall benefits of certain Federal investments flow to disadvantaged communities that are marginalized, underserved, and overburdened by pollution, If Beale St. Could Talk Listening Circle – a safe space for employees to discuss social/political issues that impact one’s well-being, and diversity, equity, and inclusion training opportunities.

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

Key Performance Indicators for the period of June 1, 2022 through September 30, 2022.

<i>Project Activity</i>	<i>Qty.</i>	<i>Total Amount</i>
New Applications Evaluated	23	\$2,728,500
New Contracts Executed	47	\$31,388,849
Approved Changes to Projects (Contracts Amended)	36	n/a
Grantee Payments Processed	29	\$6,686,377

<i>Program Activity</i>	<i>Qty.</i>	<i>Description</i>
Disbursement Requests Submitted to the Funding Agency	1	<ul style="list-style-type: none"> \$8,422,356 / Carl Moyer Program Year 23 \$2,063,750 / Volkswagen Environmental Mitigation Trust Fund Program (VW) Zero Emission (ZE) Freight and Marine (ZEFM)
Reports	Submitted to CARB	8 <ul style="list-style-type: none"> VW Light Duty Infrastructure Program: Quarterly Progress Report and Semi-Annual Fiscal Report VW ZEFM Program: Quarterly Progress Report and Semi-Annual Fiscal Report ZE Ferry Project - Semi-Annual Jobs Report Goods Movement quarterly Report CMP Year 20 Liquidation Report CMP Annual Report
	Submitted to EPA	1 <ul style="list-style-type: none"> Woodsmoke Reduction EPA Targeted Airshed Grant quarterly report

	Other	1	Hydrogen Fuel Drayage Trucks pilot program semi-annual report (to ACTC)
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Key Program Updates, 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.

On September 19, 2022, the Air District began accepting applications for Year 23 cycle on a first-come first-served basis. Over \$80 million is available for on-road, off-road, and infrastructure project categories, an increased ability to fund zero-emission equipment and infrastructure projects, and prioritization for AB617 communities and other highly impacted areas. Outreach activities began October 4, 2022, and involve general 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

During this period, staff prepared for launch of the new cycle by updating the program policies and procedures, website pages, and program materials, and preparing outreach materials. Additionally, staff continued to do work under prior cycles such completing evaluation of applications received, drafting contracts for recommended projects, inspecting existing (baseline) and new (funded) equipment, processing reimbursement requests for recently completed projects, submitting disbursement requests and progress reports to CARB, and participating in coordination meetings and educational/informational events. Staff also continued to monitor projects that are in the operational phase, take enforcement action for non-compliant projects, and close out projects that completed their contractual obligations.

Administrative activities and reports

- Submitted the CMP Yearly Report to CARB, including the Year 20 liquidation report and the cumulative report for Years 21 and 22 - August 29, 2022.

Events, coordination meetings, and trainings attended

- Attended CARB's CMP Reporting Webinar – July 20, 2022.
- Met with members of the CAPCOA Mobile Source Committee (other air districts that administer grant funding) to discuss funding updates and comment on changes to the Lawn & Garden, Chapter 9 of the CMP Guidelines - July 22, 2022.
- Participated in the CAPCOA & CARB Joint Meeting #4 for State Reserve FY 21-22 and commented on changes to the Lawn & Garden, Chapter 9 of the CMP Guidelines – July 26, 2022.
- Attended CARB's Public Workgroup to Discuss the Off-Road New Diesel Engine Tier 5 Rulemaking – August 8, 2022.

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 the forty percent (40%) portion is passed-through and awarded by the nine designated Bay Area agencies through the County Program Manager (CPM) Fund.

A new TFCA Regional Fund solicitation opened September 19, 2022, with over \$12M available for zero emission on-road projects, including medium- and heavy-duty trucks, transit buses, and school buses. The TFCA Regional fund is primarily used to fund zero-emission equipment and infrastructure projects and prioritizes funding for projects that benefit AB 617 communities and other highly impacted areas. For the TFCA County Program Manager program, staff continue to work with the County Program Managers to support their projects, update policies, and answer questions. Both programs are being audited at this time.

Additionally, staff continued to do work under prior cycles such completing processing reimbursement requests for recently completed projects, conducting the annual audit of projects that were closed and or paid out in the prior year, and participating in coordination meetings and educational/informational events. Staff also continued to monitor projects that are in the operational phase, take enforcement action for non-compliant projects, and close out projects that completed their contractual obligations.

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.

There is 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.

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 \$2,063,750 in project funds. Further, staff attended a meeting with representatives of the National Association of Energy Officials to discuss implementation of the Volkswagen grant program on 8/25, and monthly meetings with government representatives to discuss hydrogen station development in California – July 7, 2022, August 4, 2022.

- ***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 representatives from other state agencies that provide funding for hydrogen projects and 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 is continuing to complete contracting for the recommended projects.
- ***ZEFM Program*** – On September 29, 2022, staff opened the ZEFM Program with up to \$25M available to support zero-emission off-road freight and marine projects throughout California. 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 on updates to the program Implementation Manual and guidance, and recommendations for improving the administration and eligibility requirements for the VW ZEFM program.

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 the third quarter of 2023. 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 woodstoves & fireplace-inserts with zero-emission heat pumps. The program will be available to homeowners in communities with the highest rates of air pollution and funding will be prioritized for homes located in Oakland and Richmond-San Pablo.

During this period staff continued to develop program materials and research other existing similar programs that can be leveraged for support to low-income applications and for outreach. Staff also received approval from the Board of Directors to enter into a Master Service Contract to continue work to update the program’s grant management system.

- Attended EPA Residential Wood Smoke Working Group monthly meetings – July 26, 2022, and August 23, 2022.
- Submitted EPA TAG quarterly report for 2022 Q2.

Application Submitted to be At-Berth Remediation Fund Administrator - On September 29, 2022, staff applied to CARB to become a Remediation Administrator for new funds that might be generated from Bay Area entities that are subject to the At-Berth Regulation. If approved, the Air District would serve as the fund administrator within the Bay Area jurisdiction and use remediation funds for incentive activities that directly benefit communities impacted by emissions from ports or independent marine terminals and achieve emissions reductions consistent with CARB’s most recent applicable incentive program guidelines. This fund is anticipated to accrue approximately \$1 - \$5 million annually for eligible projects beginning in 2023.

Other accomplishments, milestones, and activities

- Chaired and participated in the CAPCOA Mobile Source & Grants Committee monthly meetings – July 13, 2022, August 10, 2022, and September 14, 2022.
- Submitted to the California Attorney General, the final Accounting and FYE 2022 Report for the Greenhouse Gas Reduction Grant Program/Carbon Offset Account reporting final liquidation of all funds – July 26, 2022.
- Submitted the semi-annual report to the Alameda County Transportation Commission (ACTC) on the hydrogen fuel drayage trucks and fueling pilot program at the Port of Oakland (NorCal Drayage Program) – August 11, 2022.
- Participated as a panelist on the AB617 Richmond-San Pablo Path to Clean Air Steering Committee meeting – September 26, 2022.
- Presented grant funding & programs update to Bay Area County Transportation Agencies (BACTA) members, including executive directors from the nine County Transportation Agencies – September 30, 2022.

CARB events, coordination meetings, and trainings attended

- Ambient Air Pollution and Covid-19 Health Outcomes webinar – July 14, 2022.
- Advanced Clean Fleets Work Group Meeting – July 26, 2022.
- Informational webinar on the Innovative Small e-Fleets program – July 27, 2022.
- Training on Transport Refrigeration Units – August 9, 2022.
- Compliance Options and Reporting Requirements for 2022 and beyond – July 27, 2022.
- Workshop to discuss development of the Electric Bicycle Incentives Project – August 24, 2022.
- Training on Air Regulatory Overview for Public Agencies in California – August 25, 2022.

Other events, coordination meetings, and trainings attended

- Climate Series presentation on Climate Tech Finance – July 5, 2022.
- 2020 and Beyond Technical Work Group Monthly Meeting hosted by the Port of Oakland – July 12, 2022, August 2, 2022, and August 23, 2022.
- Meeting with MTC to discuss potential areas of collaboration – August 10, 2022.
- Program coordination meeting with Pacific Gas & Electric (PG&E) on Medium Duty/Heavy Duty Transportation Electrification – August 11, 2022.
- Advanced Clean Tech News webinar on Creating a Sustainable Agriculture Strategy – August 16, 2022.
- California Energy Commission’s Energy Infrastructure Incentives for Zero-Emission (EnergIIIZE) Funding Advisory Committee Meeting – August 16, 2022.
- California Energy Commission’s Energy Infrastructure Incentives for Zero-Emission (EnergIIIZE) workshop on LCFS Credits – August 23, 2022.

EXTERNAL AFFAIRS
L. FASANO, OFFICER

Air & Waste Management Association Annual Conference

External Affairs in coordination with the Communication Division staffed the Air & Waste Management Association’s Annual Conference and Exhibition booth for the conference held at the Hyatt Regency in San Francisco - June 27, 2022 – June 30, 2022.

External Affairs also hosted the Environmental Protection Agency Alumni Reception as part of the Air District’s AWMA sponsorship. The event was held at 375 Beale Street in Temescal. The EPA Alumni reception was held on Monday, June 27, 2022, from 5:00 p.m. – 6:30 p.m. Lisa Fasano was onsite to coordinate with the vendor and the EPA Alumni committee. Fasano gave the group a tour of 375 Beale Street.

Coalition for Clean Air

The External Affairs Office sponsored Coalition for Clean Air for Clean Air Day scheduled for October 5, 2022, in the amount of \$10,000.00

Commuter Benefits Program

Staff continues to research, discuss, and develop parking policy and measures. Staff is currently working with the Planning Division to improve outreach and strategic communication with the local governments.

Staff working on comparing the Commuter Benefits Program registration database and the Air District's backup generator permit database to see what companies may already be in the Air District system. The goal of this effort is to establish how many entities are in both databases, and if the contact information provided for backup generator permitting is useful in furthering compliance with the Commuter Benefits Program.

Continued coordination with MTC Commuter Benefits Team regarding

- Data QA/QC Efforts
- Autopilot emails for unregistered employers; Discussed limits with Web Team
- Roles and responsibilities of MTC and Air District regarding the Commuter Benefits Program
- Enforcement Action Plan and Messaging
- Regional Parking Policy and AB 2206 (Parking Cash-out)
- Pro/Con list of concepts related to transportation emissions for consideration within Air District's authority
- Continued discussion on concepts to address transportation emissions in Air District jurisdiction

Conferences/Webinars

Staff attended the following conferences:

- Air & Waste Management Association (AWMA) Annual Conference
- Coalition for Clean Air San Francisco Working Group
- National Association of Clean Air Agencies (NACAA) – U.S. EPA's Ethylene Oxide Public Outreach

Distributed Work Policy

- General Workweek Arrangement App under development/update stage.
- RWTK met with staff and share correspondence with the interim Executive Officer regarding Distributed Workforce Policy. Staff currently reviewing and editing the Administrative Code to identify area for potential update.

Flex Your Commute

The *Flex Your Commute* Request for Proposal (RFP) written responses were reviewed and scored by the External Affairs staff and a representative from the Metropolitan Transportation Commission (MTC) on July 11, 2022.

The final interview of the proposals took place on July 21, 2022. The recommendation was presented to the Board of Directors and was approved on September 7, 2022.

Veloz

Sponsorship for Veloz: Electric Cars for All was finalized in the amount of \$50,000.00

Miscellaneous

Mary Ann Okpalaugo, External Affairs Manager, retired and left the Air District after 30 Years of Service.

Staff met with the Washington State Department of Transportation to discuss the history and administration of the statewide Washington State Commute Trip Reduction Board, and its potential applicability to the Air District's jurisdiction.

METEOROLOGY & MEASUREMENT DIVISION R. CHIANG, DIRECTOR

Air Quality Forecasting

	# of Days	Dates
Spare the Air alerts called for ozone	7	8/16, 9/3 – 9/8
Spare the Air Alerts called for PM _{2.5}	0	
Exceedances of the national 8-hour ozone standard (70 ppb)	3	8/16, 9/5, 9/6
Exceedances of the national 24-hour PM _{2.5} standard (35 µg/m ³)	0	

On August 16, 2022, high pressure over northern California led to hot inland temperatures (106°F) and light winds. In addition, smoke from the Six Rivers Complex moved into the Bay Area, further enhancing ozone formation. As a result, ozone exceeded the federal eight-hour ozone standard. On September 3, 2022, through September 8, 2022, high pressure over the Bay Area lead to hot inland temperatures (100°F to 115°F) and light winds, leading to exceedances of the federal eight-hour ozone standard on September 5, 2022, and September 6, 2022. Spare the Air alerts were declared on August 16, 2022, and September 3, 2022, through September 8, 2022.

Twenty-three (23) air quality advisories were issued due to various fires in and around the Bay Area during July, August, and September.

Laboratory

The laboratory continues to operate on a rotation to limit the number of people indoors at the same time, performing support for critical ambient air monitoring programs including PM₁₀, PM_{2.5}, PM_{coarse}, SASS, toxics canisters, and aldehydes.

During the third quarter the laboratory has focused on cross-training, has continued method evaluation and revision, and has continued to modernize procedures amenable to digitalization.

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 meet quality objectives.

Napa – 1732 Jefferson (new location after lease for previous site was terminated by landowner). Permits and drawings to modify the site for equipment installations are currently under review with District staff and the approved contractor.

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. Data restoration is under way to the Air District's databases.

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. Electrical connections were installed and reviewed at the new station.

Community Monitoring

Staff performed verifications and upgrades to the Air Monitoring Van following completion of data collection for the air toxics monitoring project described in the AB 617 Richmond-San Pablo Monitoring Air Monitoring Plan. Hosted and participated in an advanced training on the highly technical gas air toxics instrument utilized in the mobile platform. Ramped up planning and acquisition of assets for a portable monitoring platform.

Performance Evaluation

All gas analyzers and particulate samplers were found to be operating within the Air District's established accuracy limits (25 monitoring stations, 75 parameters).

- o The section has been conducting as many audits as possible, while still respecting social-distancing guidelines, as well as everyone's personal-parameter requests for health and safety needs.
- o The section calibrated 18 of the Compliance & Enforcement 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.
- o Several auditing standards were transported to CARB for regularly scheduled certification.

- o Ground-Level Monitoring (GLM) audits of hydrogen sulfide (H₂S) and sulfur dioxide (SO₂) gas-analyzers were conducted at Shell (PBF), Marathon, Chevron and Valero Refineries. All gas-analyzers met the Air District's performance evaluation (audit) acceptance criteria.
- o The section is investigating NO_y instrument auditing at the Livermore/Portola Site.
- o Regular departmental duties continued, including audits; report processing and review; database management; and equipment testing and maintenance.
- o Staff members Mike Chan and William Pochereva attended the EPA's National Ambient Air Monitoring Conference in Pittsburg, PA. They found it to a valuable investment of time for the PE Section. Upon their return, both Mike and William met with the supervisor to discuss much of the information they learned at the conference that directly affects our section.
- o The section is working with the C&E Division by conducting episodic air-sampling at the Crockett Sewage Treatment Plant. Our section has verified and documented several 3-minute, and 1-hour violations for H₂S. H₂S sampling is continuing into October.
- o 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

Monitor Network Planning and Data Analysis

- Attended the following webinars and trainings:
 - o National Ambient Air Monitoring Conference (NAAMC) in Pittsburgh, PA (August 22, 2022 – August 25, 2022). Dan Alrick and Jack Connor presented on the AB 617 Path to Clean Air Richmond-area air toxics monitoring study.
 - o HEI – Health Effects of Traffic Related Air Pollution (July 13, 2022)
- Refinery fenceline air monitoring plans:
 - o Reviewed updated fenceline air monitoring plans submitted by all five Bay Area refineries to accommodate installation of new open-path H₂S monitoring systems
 - o Prepared and submitted notices of deficiency to all five refineries
 - o Met with technical representatives of the refineries to discuss deficiencies in the plans

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

Monitoring Plan Implementation

- Developed data analysis tools and continued with data analysis for the gas air toxics monitoring study that utilized the Air District's mobile monitoring lab.
- Summarized initial findings and insights from the gas air toxics monitoring study and prepared materials for sharing information with internal project stakeholders.
- Coordinated with the community Monitoring Outreach Team (MOT) to schedule and plan final MOT meeting to discuss findings and insights from the gas air toxics monitoring study and review public facing materials.
- Started development of an interactive GIS StoryMap for sharing findings and insights from the gas air toxics monitoring study with community.

Support the Community Emissions Reduction Plan (CERP) Development

- Provided background information and potential strategy ideas for presentations to Problems to the Solution Ad Hoc Committee for several key issues.

Technical Support to Bay Area Communities and Stakeholders

- Eastern SF / Bayview-Hunters Point
 - Conducted a summary analysis of measurement datasets for BVHP AB 617 self-nomination process and presented the key insights to BVHP Advocates (August 19, 2022).
 - Participated in the BVHP EJ Task Force Meetings (July 20, 2022, August 17, 2022, September 21, 2022)
 - Facilitated Bay Air Center support for Greenaction sensor network
 - Ongoing coordination with Greenaction staff technical support, including review of sensor network data
 - Participated in multi-agency meeting on Dr. Sumchai biomonitoring work
 - Ongoing coordination with U.S. EPA on air monitoring oversight at the Shipyard Superfund site
- Belle Haven
 - Facilitated Bay Air Center support for Belle Haven (Councilwoman Taylor)
 - The Bay Air Center and District coordinated with San Mateo's Climate Resilient Communities program to design and plan an air quality training for the Climate Change Community Teams.
- East San Jose
 - Meet with Latinos United for a New America (LUNA) to begin coordination of Bay Air Center support for their CARB Community Air Grant (September 28, 2022).

Technical Advising to Air District Divisions, the Board, and other agencies

- Prepared a draft analysis of air monitoring and solid material sampling data related to Schnitzer Steel.
- Naturally Occurring Asbestos Program Technical Support: Reviewed the monitoring design for 11 new and revised Asbestos Dust Monitoring Plans.
- Reviewed and provided comments on the Rules Division whitepaper on fugitive dust.
- Communications Office support:
 - Provided responses to SF Chronicle media request on how to access ambient air monitoring data (July 14, 2022)
 - Conducted interview with KCBS on wildfire data/Stanford analysis (September 22, 2022)
 - Conducted interview with NBC on wildfire data/Stanford analysis (September 22, 2022)
- Continued to assist MTC with their use of Air District ozone air monitoring data for their use in their online data tool [Vital Signs](#).

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.
- Partnered with Compliance and Enforcement Division on priority investigations.
- Participated on Rule 8-8 amendment workgroup.
- Coordinated review of South Bay Odor Attribution Study draft reports.
- Attended quarterly Bay Area Clean Water Agencies workgroup meeting.
- Attended Gas Turbines and Power Plants Training Course.
- 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	1485
General Checks Issued	1393	Coating and other Petitions Evaluated	4
Purchase Orders Issued	580	Open Burn Notifications Received	40
Checks/Credit Cards Processed	4677	Prescribed Burn Plans Evaluated	2
Contracts Completed	141	Tank/Soil Removal Notifications Received	8
RFP/RFQ	8	Compliance Assistance Inquiries Received	276
		Green Business Reviews	2
<u>Executive Office:</u>		Refinery Flare Notifications	13
APCO'S Meetings Attended	364	NOA Plans Received	4
Board Meetings Held (including Budget Hearing and CAF)	4	NOA Plans Approved	7
Committee Meetings Held (including Richmond Area CERP)	7	NOA Inspections Conducted	108
Advisory Council Meetings Held (including CAC)	3	<u>Compliance Assurance Program:</u>	
Hearing Board Meetings Held	3	Industrial Inspections Conducted	1258
New Variances Received	2	Gas Station Inspection Conducted	302
		Asbestos Inspections Conducted	459
<u>Information Systems:</u>		Open Burning Inspections Conducted	33
New Installation Completed	10	PERP Inspections Conducted	188
PC Upgrades Completed	21	PERP Inspections Requested	1
Service Calls Completed	639	BUGs Inspections Conducted (Airtable)	0
		Mobile Source Inspections	0
		Grant Inspections Conducted	26
<u>Human Resources:</u>			
Manager/Employee Consultation (Hrs.)	350	<u>Engineering Division:</u>	
Management Projects (Hrs.)	400	Annual Update Packages Completed	1237
Employee/Benefit Transaction	600	New Applications Received	247
Training Sessions Conducted (Group)	6	Authorities to Construct Issued	184
Training Sessions Conducted (Individual)	10	Permits to Operate Issued (New and Modified)	149
Applications Processed	79	Permit Exemptions (Entire application deemed exempt)	6
Exams Conducted	9	New Facilities Added	80
New Hires	6	Registrations (New)	20
Promotions	28	Health Risk Assessments (HRA)	96
Separations	11		
Safety/Wellness Administration	150	<u>Communications and Public Information:</u>	
Inquiries	4000	Responses to Media Inquires	101
		Events Staffed with Air District Booth	14
<u>Facility/Vehicle:</u>			
Request for Facility Service	53	<u>Community Engagement:</u>	
Vehicle Request(s)	24	Presentations Made	3
Vehicle Maintenance/Service/Repair(s)	56/6	Visitors	0
		Air District Tours	0
		Community Meetings Attended	20

STATISTICS (continued)			
Compliance and Enforcement Division:		3rd Quarter 2022 Agricultural Burn Days	
Enforcement Program		July – Sept. Permissive Burn Days-North	39
Violations Resulting in Notices of Violations	271	July – Sept. No-Burn Days-North	53
Violations Resulting in Notice to Comply	1	July – Sept. Permissive Burn Days-South	39
New Hearing Board Cases Reviewed	2	July – Sept. No-Burn Days-South	53
Reportable Compliance Activity Investigated	255	July – Sept. Permissive Burn Days-Coastal	39
General Complaints Investigated	681	July – Sept. No Burn Days-Coastal	53
Wood Smoke Complaints Received	131		
Mobile Source Violations	0	Laboratory	
		Analyses Performed	1495
Meteorology Measurements & Rules:		Inter-Laboratory Analyses	0
3rd 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	
Days Exceeding State 24-Hour PM ₁₀ Std.	0	Periodicals Received/Routed	
Days Exceeding the Nat’l 8-Hour Ozone Std.	3	Reportable Compliance Activity Investigated	
Days Exceeding the State 1-Hour Ozone Std.	3	Source Test	
Days Exceeding the State 8-Hour Ozone Std.	4	Cargo Tank Tests Performed	0
		Total Source Tests	22
Ozone Totals, Year to Date 2022		Pending Source Tests	2
Days Exceeding State 1-Hour Ozone Std.	3	Further Evaluation Notices Recommended	11
Days Exceeding Nat’l 8-Hour Ozone Std.	5	Contractor Source Tests Reviewed	4,918
Days Exceeding State 8-Hour Ozone Std.	6	Outside Test Observed	7
		Further Evaluation Notices Recommended After Review	40
Particulate Totals, Year to Date 2022		Contractor Source Test Protocols Reviewed	54
Days Exceeding Nat’l 24-Hour PM _{2.5} Std.	0	Contractor Source Tests invalidated	58
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	38
Ground Level Monitoring (GLM)		Monthly CEM Reports Reviewed	101
July – Sept. Ground Level Monitoring SO ₂ Excess Reports	0	Indicated Excess from CEM	39
July – Sept. Ground Level Monitoring H ₂ S Excess Reports	0	Field Accuracy Tests Performed	1

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

Alameda County				
Status Date	Site #	Site Name	City	Regulation Title
07/25/2022	A3194	City of Alameda, Maint Serv Center	Alameda	Standards for New Stationary Sources
07/25/2022	A3194	City of Alameda, Maint Serv Center	Alameda	Standards for New Stationary Sources
07/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
07/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
07/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
07/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
08/04/2022	E0197	Jabil 4050 Technology	Fremont	Failure to Meet Permit Conditions
08/11/2022	A4122	Cedar Lawn Memorial Park & Mortuary	Fremont	Failure to Meet Permit Conditions
08/11/2022	A4122	Cedar Lawn Memorial Park & Mortuary	Fremont	Parametric Monitoring and Recordkeeping Procedures
09/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
09/12/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
09/14/2022	E3492	C and H Enterprises	Fremont	Failure to Meet Permit Conditions
09/22/2022	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
08/01/2022	B5959	Comcast of San Leandro, Inc	Hayward	No Authority to Construct
08/01/2022	B5959	Comcast of San Leandro, Inc	Hayward	No Permit to Operate
07/05/2022	B3908	Alameda County GSA	Oakland	Excessive Visible Emissions
07/05/2022	FA944	Area51Zero LLC	Oakland	No Authority to Construct
07/05/2022	FA944	Area51Zero LLC	Oakland	No Permit to Operate
07/06/2022	E1236	Caltrans - Caldecott Tunnel	Oakland	Failure to Meet Permit Conditions
07/13/2022	FA929	Planting Justice	Oakland	Asbestos; Written Plan or Notification
07/28/2022	FA970	United Rentals	Oakland	Standards for New Stationary Sources
07/28/2022	FA970	United Rentals	Oakland	Standards for New Stationary Sources
08/30/2022	FB108	Sunstate Equipment Co.	Oakland	No Pressure Vacuum on Storage Tanks
09/08/2022	FB142	Oakland Alameda County Coliseum	Oakland	Failure to Meet Permit Conditions
08/09/2022	FB115	Cal Trans/ San Leandro Equip Shop 4	San Leandro	Failure to Meet Permit Conditions
07/21/2022	FA995	San Ramon Service Center - City of San Ramon	San Ramon	GDF Phase II Requirements
07/19/2022	A0595	Mission Valley Rock Co	Sunol	Failure to Meet Permit Conditions
07/19/2022	A7688	Emerald Packaging Inc	Union City	Failure to Meet Permit Conditions
07/20/2022	C1069	AMI Petroleum	Union City	Failure to Meet Permit Conditions
Contra Costa County				
Status Date	Site #	Site Name	City	Regulation Title
08/01/22	A0828	CEMEX Construction Materials Pacific, LLC	Clayton	Failure to Meet Permit Conditions
09/15/22	B1911	C & H Sugar Company, Inc	Crockett	Public Nuisance
09/15/2022	B1911	C & H Sugar Company, Inc	Crockett	Public Nuisance
09/15/2022	B1911	C & H Sugar Company, Inc	Crockett	Public Nuisance
09/15/2022	B1911	C & H Sugar Company, Inc	Crockett	Public Nuisance
09/15/2022	B1911	C & H Sugar Company, Inc	Crockett	Public Nuisance
09/22/2022	B1911	C & H Sugar Company, Inc	Crockett	Public Nuisance
09/29/2022	B1911	C & H Sugar Company, Inc	Crockett	No Permit to Operate
07/21/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
07/25/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
07/27/2022	A3779	Contra Costa County	Martinez	Failure to Meet Permit Conditions
07/27/2022	A3779	Contra Costa County	Martinez	Failure to Meet Permit Conditions
07/27/2022	A3779	Contra Costa County	Martinez	Failure to Meet Permit Conditions
09/01/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/01/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
09/01/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/01/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/01/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/02/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
09/02/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/02/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/02/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/08/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/08/2022	A0011	Martinez Refining Company LLC	Martinez	Opacity Limitation
09/08/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
09/12/2022	B2758	Tesoro Refining & Marketing Company, LLC	Martinez	Major Facility Review: Recordkeeping
09/15/2022	A0011	Martinez Refining Company LLC	Martinez	Non-Compliance; Major Facility Review
09/15/2022	A0011	Martinez Refining Company LLC	Martinez	Emission Limitations for Sulfur Recovery Plants
09/15/2022	A0011	Martinez Refining Company LLC	Martinez	Emission Limitations for Sulfur Recovery Plants

These facilities have received one or more Notices of Violations
Report period: July 1, 2022 – September 30, 2022
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<i>Contra Costa County Continued...</i>				
09/15/2022	A0011	Martinez Refining Company LLC	Martinez	Emission Limitations for Sulfur Recovery Plants
09/15/2022	A0011	Martinez Refining Company LLC	Martinez	Emission Limitations for Sulfur Recovery Plants
09/15/2022	A0011	Martinez Refining Company LLC	Martinez	Emission Limitations for Sulfur Recovery Plants
08/25/2022	N8476	shell station	Orinda	Failure to Meet Permit Conditions
08/01/2022	A0031	Corteva Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
08/18/2022	A0227	Shell Catalysts & Technologies	Pittsburg	Non-Compliance; Major Facility Review
08/23/2022	A0031	Corteva Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
08/24/22	B2095	Delta Energy Center	Pittsburg	Non-Compliance; Major Facility Review
09/20/22	B7667	Ameresco Keller Canyon LLC	Pittsburg	Non-Compliance; Major Facility Review
09/20/22	B7667	Ameresco Keller Canyon LLC	Pittsburg	NOx & CO Quarterly Demonstration of Compliance
09/26/2022	A0227	Shell Catalysts & Technologies	Pittsburg	Non-Compliance; Major Facility Review
09/26/2022	A4618	Keller Canyon Landfill Company	Pittsburg	Non-Compliance; Major Facility Review
09/28/2022	A0031	Corteva Agriscience - Pittsburg Operations	Pittsburg	Non-Compliance; Major Facility Review
07/05/2022	A0927	AAK USA Richmond Corp	Richmond	Failure to Meet Permit Conditions
07/15/2022	Z4591	AAK USA Richmond Corp	Richmond	Excessive Visible Emissions
07/19/2022	A0706	Gold Bond Building Products, LLC	Richmond	No Authority to Construct
07/19/2022	A0706	Gold Bond Building Products, LLC	Richmond	No Permit to Operate
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Standards for New Stationary Sources
07/25/2022	A0010	Chevron Products Company	Richmond	Standards for New Stationary Sources
07/25/2022	A0010	Chevron Products Company	Richmond	Standards for New Stationary Sources
07/25/2022	A0010	Chevron Products Company	Richmond	Standards for New Stationary Sources
07/25/2022	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Failure to Meet Permit Conditions
07/25/2022	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review
07/25/2022	A0010	Chevron Products Company	Richmond	Non-Compliance; Major Facility Review

These facilities have received one or more Notices of Violations
Report period: July 1, 2022 –September 30, 2022
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Contra Costa County Continued...				
09/28/22	A0057	Richmond Products Terminal	Richmond	Secondary Seal Requirements
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
09/29/22	A0010	Chevron Products Company	Richmond	Vent Gas Composition Monitoring
07/14/22	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
07/18/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Code of Federal Regulations
09/19/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
09/19/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
09/19/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
09/19/2022	A0016	Phillips 66 Company - San Francisco Refinery	Rodeo	Standards for New Stationary Sources
09/20/2022	B7419	Air Liquide Large Industries US LP	Rodeo	Non-Compliance; Major Facility Review
08/16/2022	FA994	City of San Ramon	San Ramon	California Code of Regulations
07/19/2022	W4423	TEXXOIL	Walnut Creek	GDF Phase II Requirements
08/15/2022	FB086	Shell SS GDF #68236	Walnut Creek	GDF Phase I Equipment Not Maintained
08/16/2022	FB087	Rossmoor Golf Course GDF	Walnut Creek	GDF Phase I Requirements
Marin County				
Status Date	Site #	Site Name	City	Regulation Title
08/11/2022	FB032	SFD	Belvedere	Asbestos; Containment Requirement
07/01/2022	Z5331	Sa Ngasilpa #257384	San Rafael	Failure to Meet Permit Conditions
07/21/2022	Z7036	Salkhi Family Holdings Inc.	San Rafael	Failure to Meet Permit Conditions
07/21/2022	Z7036	Salkhi Family Holdings Inc.	San Rafael	GDF Phase II Equipment Not Maintained
08/04/2022	Z5331	Sa Ngasilpa #257384	San Rafael	GDF Record Keeping Requirements
Napa County				
Status Date	Site #	Site Name	City	Regulation Title
07/05/2022	B1247	Clover Flat Resource & Recovery Park	Calistoga	California Code of Regulations
07/20/2022	A1634	Napa State Hospital	Napa	Periodic Testing
08/03/2022	A1634	Napa State Hospital	Napa	Inorganic Gaseous Pollutants: Annual Demonstration of Compliance
08/17/2022	A9183	Napa-Vallejo Waste Management Authority	Napa	Failure to Meet Permit Conditions
08/17/2022	A9183	Napa-Vallejo Waste Management Authority	Napa	Landfill Emission Control System Requirement
09/21/2022	A1352	Adventist Health St Helena	Saint Helena	No Authority to Construct
09/21/2022	A1352	Adventist Health St Helena	Saint Helena	No Permit to Operate
07/07/2022	A4446	Veterans' Home of California	Yountville	No Permit to Operate
07/22/2022	A4446	Veterans' Home of California	Yountville	Failure to Meet Permit Conditions
San Francisco County				
Status Date	Site #	Site Name	City	Regulation Title
07/21/2022	FA951	Corn	San Francisco	Asbestos; Containment Requirement
08/18/2022	Z0791	Unocal 5458	San Francisco	Failure to Meet Permit Conditions
08/18/2022	Z0791	Unocal 5458	San Francisco	GDF Phase II Requirements
08/23/2022	Z4024	Tosco #4200	San Francisco	Failure to Meet Permit Conditions
08/23/2022	Z4024	Tosco #4200	San Francisco	GDF Phase II Requirements
08/24/2022	Z2895	Union 76 Branded	San Francisco	Failure to Meet Permit Conditions
08/24/2022	A8988	Energy Center San Francisco LLC	San Francisco	Non-Compliance; Major Facility Review
09/27/2022	FB212	Unocal #5458	San Francisco	GDF Record Keeping Requirements
09/27/2022	Z4025	Tosco #4200	San Francisco	GDF Record Keeping Requirements

These facilities have received one or more Notices of Violations
Report period: July 1, 2022 – September 30, 2022
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San Mateo County				
Status Date	Site #	Site Name	City	Regulation Title
08/03/2022	A1000	AHMC Seton Medical Center	Daly City	Inorganic Gaseous Pollutants: Final Emission Limits
09/22/2022	E1250	Google LLC	San Bruno	Standards for New Stationary Sources
07/07/2022	A0528	Delta Star, Inc	San Carlos	Failure to Meet Permit Conditions
07/28/2022	FA968	Holly Petroleum Inc.	San Carlos	GDF Phase I Equipment Not Maintained
08/03/2022	FB016	Gladys Greco	San Carlos	GDF Phase II Requirements
09/20/2022	E3957	Harbor Ready Mix	San Carlos	Failure to Meet Permit Conditions
09/20/2022	E3957	Harbor Ready Mix	San Carlos	Failure to Meet Permit Conditions
07/20/2022	FA961	San Mateo Exxon	San Mateo	GDF Phase II Equipment Not Maintained
07/20/2022	FA963	Third Sreet Shell	San Mateo	GDF Phase I Equipment Not Maintained
08/18/2022	FB059	Xtra Oil Company	South San Fr	GDF Phase I Requirements
08/18/2022	FB059	Xtra Oil Company	South San Fr	GDF Phase II Requirements
09/01/2022	A2483	Bimbo Bakeries USA	South San Fr	Periodic Testing
09/01/2022	A2483	Bimbo Bakeries USA	South San Fr	Periodic Testing
Santa Clara County				
Status Date	Site #	Site Name	City	Regulation Title
08/09/2022	FB018	SFD	Campbell	Asbestos; Written Plan or Notification
08/25/2022	FB089	Rotten Robbie #27	Campbell	GDF Phase I Equipment Not Maintained
08/17/2022	FA152	Stevens Creek Gas	Cupertino	Failure to Meet Permit Conditions
08/10/2022	E3156	Cintas Corporation	Gilroy	Failure to Meet Permit Conditions
08/17/2022	A6370	Recology Pacheco Pass	Gilroy	Landfill Emission Control System Requirement
08/17/2022	A6370	Recology Pacheco Pass	Gilroy	Landfill Emission Control System Requirement
07/11/2022	FA981	Los Altos 76, Inc - GDF	Los Altos	Failure to Meet Permit Conditions
07/21/2022	FA949	SFD	Los Altos	Asbestos; Written Plan or Notification
07/14/2022	A9013	International Disposal Corp of CA	Milpitas	Landfill Emission Control System Requirement
07/06/2022	V2561	Houtan Petroleum #255661	Mountain View	GDF Phase II Requirements
07/14/2022	FA936	SFD	San Jose	Asbestos; Written Plan or Notification
07/19/2022	A4020	SFPP, LP	San Jose	Gasoline Bulk Terminal Operating Practicecs
07/27/2022	A5582	Eggo Company	San Jose	Periodic Testing
08/02/2022	E4812	Civic Center Temporary Housing;County of S C	San Jose	Failure to Meet Permit Conditions
09/06/2022	FA644	COM	San Jose	Right of Access to Premises
09/15/2022	B1581	Senju Comtek Corporation	San Jose	No Authority to Construct
09/15/2022	B1581	Senju Comtek Corporation	San Jose	No Permit to Operate
09/23/2022	E0450	Bellarmino College Preparatory	San Jose	NOx & CO Quarterly Demonstration of Compliance
09/23/2022	A0453	Good Samaritan Hospital	San Jose	Failure to Meet Permit Conditions
09/29/2022	B2958	Los Gatos Memorial Park	San Jose	Failure to Meet Permit Conditions
08/08/2022	E2910	Sustainable Organic Solutions	Santa Clara	No Authority to Construct
08/08/2022	E2910	Sustainable Organic Solutions	Santa Clara	No Permit to Operate
07/06/2022	FA980	Saratoga Gas Company - GDF	Saratoga	Failure to Meet Permit Conditions
08/11/2022	B7348	Bloom Energy	Sunnyvale	Failure to Meet Permit Conditions
09/16/2022	B2867	Wyant & Smith Crematory	Sunnyvale	Failure to Meet Permit Conditions
09/22/2022	FB181	CND	Sunnyvale	Asbestos; Schedule Changes and Updates

These facilities have received one or more Notices of Violations
Report period: July 1, 2022 – September 30, 2022
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Solano County				
Status Date	Site #	Site Name	City	Regulation Title
07/27/2022	B2626	Valero Refining Company - California	Benicia	Non-Compliance; Major Facility Review
07/27/2022	B2626	Valero Refining Company - California	Benicia	Total Suspended Particulate Matter Concentration Limits
07/27/2022	B2626	Valero Refining Company - California	Benicia	Non-Compliance; Major Facility Review
07/27/2022	B2626	Valero Refining Company - California	Benicia	Total Suspended Particulate Matter Concentration Limits
07/28/2022	B2626	Valero Refining Company - California	Benicia	Right to Access to Information
08/08/2022	B2626	Valero Refining Company - California	Benicia	Open -Ended Line or Valve
08/08/2022	B2626	Valero Refining Company - California	Benicia	California Code of Regulations
08/25/2022	B2626	Valero Refining Company - California	Benicia	Not Gas Tight
09/07/2022	B5574	Valero Refining Company	Benicia	Secondary Seal Requirements
09/16/2022	B2626	Valero Refining Company - California	Benicia	Reporting at Refineries and Chemical Plants
09/16/2022	B2626	Valero Refining Company - California	Benicia	Organic Compounds Repeat Release - Refinery
09/27/2022	B5574	Valero Refining Company	Benicia	Pressure Relief Devices
09/27/2022	B2626	Valero Refining Company - California	Benicia	Secondary Seal Requirements
09/27/2022	B2626	Valero Refining Company - California	Benicia	Emission Limitations for Sulfur Recovery Plants
09/27/2022	B2626	Valero Refining Company - California	Benicia	Standards for New Stationary Sources
09/01/2022	FB096	Fairfield Chevron	Fairfield	GDF Phase II Requirements
09/16/2022	FB182	Fairfield Valero	Fairfield	GDF Phase I Equipment Not Maintained
09/28/2022	A0606	Anheuser-Busch LLC	Fairfield	Non-Compliance; Major Facility Review
09/28/2022	A0606	Anheuser-Busch LLC	Fairfield	Material Representations Made In Connection To Permit Applications
09/28/2022	A0606	Anheuser-Busch LLC	Fairfield	No Authority to Construct
09/28/2022	A0606	Anheuser-Busch LLC	Fairfield	No Authority to Construct
Sonoma County				
Status Date	Site #	Site Name	City	Regulation Title
07/12/2022	A8316	USCG Training Center	Petaluma	No Permit to Operate
07/12/2022	FA919	James Miller SFD	Santa Rosa	Asbestos; Written Plan or Notification
08/31/2022	A1641	BoDean Company Inc	Santa Rosa	No Authority to Construct
08/31/2022	A1641	BoDean Company Inc	Santa Rosa	No Permit to Operate
08/31/2022	A1641	BoDean Company Inc	Santa Rosa	Excessive Visible Emissions
08/31/2022	A1641	BoDean Company Inc	Santa Rosa	Failure to Meet Permit Conditions
09/02/2022	A1641	BoDean Company Inc	Santa Rosa	Public Nuisance
09/21/2022	A1641	BoDean Company Inc	Santa Rosa	Public Nuisance
09/01/2022	E5248	BoDean Recycle Plant	Windsor	No Authority to Construct
09/01/2022	E5248	BoDean Recycle Plant	Windsor	No Permit to Operate

**Closed Notice of Violations with Penalties by County
July 1, 2022 – September 30, 2022**

Alameda				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
Alco Iron & Metal	A3360	San Leandro	\$3,000	1
American Technologies	L3951	Hayward	\$500	1
CASS, Inc	A0146	Oakland	\$5,000	1
CJC Santa Rita, LLC	Z8936	Pleasanton	\$1,000	2
Crossings at 880 Industrial, LLC	FB025	Fremont	\$1,000	1
Dublin Toyota	FA728	Dublin	\$1,000	1
Fast Gas & Mini Mart	Y7419	San Leandro	\$2,000	1
GO! Petroleum, LLC	FA538	Oakland	\$600	1
Grand Mandana Gas Station Inc.	FA724	Oakland	\$500	1
JL Petroleum Inc.	FA076	San Leandro	\$500	1
Ken Betts Chevron	FA655	Oakland	\$1,000	2
Mission Valley Rock Co	A0595	Sunol	\$12,000	1
OB Construction	FA935	San Lorenzo	\$500	1
P.W. Stephens Environmental, Inc.	Z6634	Hayward	\$750	1
PABCO Gypsum	A0153	Newark	\$5,000	2
Quality Asbestos Control, Inc.	Y9194	Union City	\$1,500	1
Restoration Management Company	Z9686	Hayward	\$10,000	1
Sahola Petroleum LLC	FA372	Hayward	\$500	1
Salkhi Petroleum Inc.	Z8126	San Leandro	\$3,000	5
Santa Rita Chevron #98414	Z9840	Pleasanton	\$250	1
SF Fuels, Inc	FA627	Oakland	\$500	1
SFD	FA429	Oakland	\$500	1
Stonebrae Country Club	Z9589	Hayward	\$1,500	1
Tosco Northwest Company	Z7606	Hayward	\$1,500	2
U.S. Coast Guard GDF	Z9732	Alameda	\$7,000	1
Vision Recycling	E3581	Newark	\$1,500	2

Alameda Total Violations Closed: 35

Closed Notice of Violations with Penalties by County
July 1, 2022 – September 30, 2022
(Continued)

Contra Costa				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
Blackhawk Country Club	Q3988	Danville	\$2,250	2
Chevron Products Company	P4764	San Ramon	\$500	1
Delta Fair Chevron	Z8695	San Ramon	\$1,250	2
Ducky's Concord LLC	FA308	Concord	\$300	1
Enterprise Rent-A-Car	FA131	San Ramon	\$7,000	4
G & K Petroleum Inc.	FA155	Clayton	\$100	1
Golden Star Gas	FA261	Pittsburg	\$500	1
Janus Corp	FA792	Concord	\$5,000	1
Mariposa Energy, LLC	B9730	Byron	\$6,000	4
Pittsburg Valero	Z8972	Pittsburg	\$700	1
SFD	FA667	Moraga	\$250	1
Sunstate Equipment	Z9013	Pacheco	\$750	1

Contra Costa Total Violations Closed: 20

Marin				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
Petroleum Sales Inc.	Z1538	San Rafael	\$500	1
Safeway Inc. #0788	FB024	Mill Valley	\$2,000	1
Sequoia Living	B6966	Greenbrae	\$2,000	1

Marin Total Violations Closed: 3

Napa				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
Beacon GDF	FA212	Napa	\$2,750	2
Browns Valley Chevron	FA744	Napa	\$1,250	2
CA Dept of Forestry Napa County	Y6971	Saint Helena	\$500	1
Colinas Farming Company	FA311	Rutherford	\$2,000	1
Hillstone Restaurant Group	Z9920	Yountville	\$1,500	2
Jamieson Canyon Water Treatment Plant	B9552	American Canyon	\$500	2
Lawrence Kassis	FA292	Napa	\$250	1
Napa County Public Works	FA853	Yountville	\$2,500	3

Closed Notice of Violations with Penalties by County
July 1, 2022 – September 30, 2022
(Continued)

Napa Continued				
Upper Valley Disposal Service, Inc	A6380	Saint Helena	\$1,500	2

Napa Total Violations Closed: 16

San Francisco				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
Kilroy Realty, LP	FB027	San Francisco	\$1,500	2
San Francisco Public Utilities Commission	A4116	San Francisco	\$20,000	2
Sixt Rent A Car	FA190	San Francisco	\$500	1

San Francisco Total Violations Closed: 5

San Mateo				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
City of Belmont GDF	FA400	Belmont	\$750	1
David Wittow	FA248	San Bruno	\$1,250	3
Double AA Corp.	Z8614	South San Francisco	\$1,500	1
Granite Rock	A0068	Redwood City	\$3,000	1
KN Stations, LLC	FA539	Half Moon Bay	\$2,100	1

San Mateo Total Violations Closed: 7

Santa Clara				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
3740 El Camino Real, Inc	Z9478	San Jose	\$3,000	1
A Tool Shed	M2663	Campbell	\$1,100	2
Alliance Environmental Group	Y8752	San Jose	\$250	1
Anthony Kandahari - Union 76 GDF	FA797	Los Gatos	\$400	1
Central Concrete Supply	B2577	San Jose	\$5,000	3
City of San Jose Fire Training	Z8982	San Jose	\$3,000	1
Cupertino Beacon	FA738	Cupertino	\$500	1
Dave Samir	FA875	Los Gatos	\$300	1
Gilbert Spray Coat	A8611	Santa Clara	\$3,500	2
Intel Corporation	A0633	Santa Clara	\$8,750	2
Mathilda Shell	FA620	Sunnyvale	\$300	1

**Closed Notice of Violations with Penalties by County
July 1, 2022 – September 30, 2022
(Continued)**

Santa Clara Continued				
NASA-AMES Research Center	A0550	Mountain View	\$3,000	1
Northrop Grumman Systems Corporation	B0861	Sunnyvale	\$12,000	1
Terra Bella Group Inc.	Z5554	Palo Alto	\$500	1

Santa Clara Total Violations Closed: 19

Solano				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
Ghiringhelli Foods	Z8763	Vallejo	\$750	2
M F Maher	Z9449	Vallejo	\$300	1
Mohinder Brar	FA249	Fairfield	\$1,000	1
Restoration Management Company	Z3893	Benicia	\$10,000	2

Solano Total Violations Closed: 6

Sonoma				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
NorCal HealthConnect LLC dba Petaluma Vly Hospital	B1308	Petaluma	\$500	1
Salkhi Petroleum Inc	Z9294	Santa Rosa	\$4,600	6
Syar Industries Inc	A2157	Santa Rosa	\$4,000	1
Western Fiberglass, Inc	A7974	Santa Rosa	\$1,000	1

Sonoma Total Violations Closed: 9

Company Address Outside of Bay Area				
Site Name	Site #	City	Penalty Amount	# of Violations Closed
7-Eleven Inc.	Z8587	Irving	\$500	1
California Highway Patrol	Z9807	Sacramento	\$2,500	1
TRMC Retail LLC	FA383	Dallas	\$500	1
United Rentals Inc.	Z4254	Denver	\$1,000	2
West Coast Fueling Systems Inc.	FA289	Sacramento	\$500	1

Company Address Outside of Bay Area Total Violations Closed: 6

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: December 7, 2022

Re: Proposed Regulatory Agenda for 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Each year, the Air District is required by Health and Safety Code section 40923 to publish a list of regulatory measures scheduled or tentatively scheduled for consideration during the next calendar year. If a measure is not on this list, it may not be brought before the Board of Directors unless it is necessary to:

1. Satisfy federal requirements;
2. Abate a substantial endangerment to public health or welfare;
3. Comply with state toxic air contaminant requirements;
4. Comply with California Air Resources Board (CARB) requirement that the Air District adopt contingency measures due to inadequate progress towards attainment;
5. Preserve an existing rule's "original intent;" or
6. Allow for alternative compliance under an existing rule.

DISCUSSION

The attached list includes all measures that may come before the Board in calendar year 2023. Some of the measures may fall within the exceptions listed above but are included for completeness. It is very unlikely that all the measures on the list will be enacted during the calendar year. Rules are listed in numerical order as they appear in the Air District Rules and Regulations.

All new rules and rule amendments must be adopted at a public hearing conducted by the Board of Directors of the Air District. Public comment is accepted at these hearings. Public notice of hearings is provided as required by law. In addition, the Air District staff typically conducts

public workshops and provides opportunities for oral and written comments before scheduling a rule for public hearing for the Board's consideration. Information on workshops, hearings, and other rule development issues may be obtained from the Air District website.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Victor Douglas
Reviewed by: Elizabeth Yura

ATTACHMENTS:

1. Regulatory Agenda 2023

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
PROPOSED REGULATORY AGENDA
CALENDAR YEAR 2023**

Regulation, Rule	Title	Objectives ¹
Reg. 1	General Provisions and Definitions	Clarify and enhance District policies, definitions
Reg. 2, Rule 1	General Requirements (Permits)	GHG threshold, community health protection
Reg. 2, Rule 2	New Source Review	GHG threshold, community health protection
Reg. 2, Rule 4	Emissions Banking	Community health protection
Reg. 2, Rule 5	New Source Review for Toxic Air Contaminants	Clarifications, community health protection
Reg. 2, Rule 6	Major Facility Review	Clarifications, community health protection
Reg. 2, Rule 9	Interchangeable Emission Reduction Credits	Community health protection
Reg. 2, Rule TBD	Biogas Flares	Reduce emissions
Reg. 3	Fees	Cost recovery
Reg. 4	Air Pollution Episode Plan	Reduce emissions
Reg. 5	Open Burning	Reduce emissions
Reg. 6	General Provisions	Standardize administrative requirements
Reg. 6, Rule 1	Construction and Cement Plants	CERPs, reduce emissions
Reg. 6, Rule 2	Commercial Cooking Devices	CERPs, reduce emissions
Reg. 6, Rule 3	Wood Burning Devices	CERPs, clarifications, reduce emissions
Reg. 6, Rule 4	Metal Recycling and Shredding Operations	CERPs, clarifications, reduce emissions
Reg. 6, Rule 5	Fluid Catalytic Cracking Units	AB 617 BARCT, reduce emissions, definitions
Reg. 6, Rule 6	Prohibition of Track-Out	CERPs, clarifications, reduce emissions
Reg. 6, Rule TBD	Glass Melting and Forming Operations	Reduce emissions
Reg. 6, Rule TBD	Reduction of Health Risks from Particulate Matter	Reduce emissions and risk
Reg. 7	Odorous Substances	Clarifications, reduce emissions
Reg. 8, Rule 1 and others	General Provisions	Applicability, VOC and refinery definitions, remove methane exemption if applicable
Reg. 8, Rule 2	Miscellaneous Operations	Clarifications
Reg. 8, Rule 3	Architectural Coatings	Clarifications, flexibility
Reg. 8, Rule 4	General Solvent and Surface Coating Operations	Clarifications, reduce emissions

Regulation, Rule	Title	Objectives ¹
Reg. 8, Rule 5	Storage of Organic Liquids	AB 617 BARCT, reduce emissions
Reg. 8, Rule 6	Organic Liquid Bulk Terminals and Bulk Plants	Clarifications, reduce emissions
Reg. 8, Rule 7	Gasoline Dispensing Facilities	CERPs, reduce emissions
Reg. 8, Rule 8	Wastewater Collection and Separation Systems	AB 617 BARCT, clarifications, definitions, emission reductions
Reg. 8, Rule 9	Vacuum Producing Systems	Clarifications, definitions
Reg. 8, Rule 10	Process Vessel Depressurization	Clarifications, definitions, reduce emissions
Reg. 8, Rule 11	Metal Container, Closure and Coil Coating	Clarifications, definitions, reduce emissions
Reg. 8, Rule 12	Paper, Fabric and Film Coating	Clarifications, definitions, reduce emissions
Reg. 8, Rule 13	Light and Medium Duty Motor Vehicle Assembly Plants	Clarifications, definitions, reduce emissions
Reg. 8, Rule 14	Surface Preparation and Coating of Large Appliances and Metal Furniture	Clarifications, definitions, reduce emissions
Reg. 8, Rule 15	Emulsified and Liquid Asphalts	Reduce emissions
Reg. 8, Rule 16	Solvent Cleaning Operations	Clarifications, reduce emissions
Reg. 8, Rule 18	Equipment Leaks	AB 617 BARCT, clarifications, definitions, applicability, reduce emissions, changes to address legal concerns
Reg. 8, Rule 19	Surface Preparation and Coating of Miscellaneous Metal Parts and Products	Clarifications, definitions, reduce emissions
Reg. 8, Rule 20	Graphic Arts Operations	Clarifications, reduce emissions, EPA policy
Reg. 8, Rule 21	Rubber Tire Manufacturing Operations	Clarifications, definitions
Reg. 8, Rule 22	Valves and Flanges at Chemical Plants	Clarifications, definitions
Reg. 8, Rule 23	Coating of Flat Wood Paneling and Wood Flat Stock;	Clarifications, definitions, reduce emissions
Reg. 8, Rule 24	Pharmaceutical and Cosmetic Manufacturing Operations;	Clarifications, definitions, reduce emissions
Reg. 8, Rule 26	Magnet Wire Coating Operations	Clarifications, definitions, reduce emissions
Reg. 8, Rule 28	Episodic Releases from Pressure Relief Devices at Petroleum Refineries and Chemical Plants	Clarifications, flexibility, definitions, reduce emissions
Reg. 8, Rule 29	Aerospace Assembly and Component Coating Operations	Clarifications, definitions, reduce emissions
Reg. 8, Rule 30	Semiconductor Manufacturing Operations	Reduce emissions
Reg. 8, Rule 31	Surface Coating of Plastic Parts and Products	Clarifications, definitions, reduce emissions
Reg. 8, Rule 32	Wood Products Coatings	Clarifications, flexibility, reduce emissions

Regulation, Rule	Title	Objectives ¹
Reg. 8, Rule 33	Gasoline Bulk Terminals and Gasoline Delivery Vehicles	Clarifications
Reg. 8, Rule 34	Solid Waste Disposal Sites	Climate protection, reduce emissions
Reg. 8, Rule 35	Coating, Ink and Adhesive Manufacturing	Clarifications, definitions, reduce emissions
Reg. 8, Rule 36	Resin Manufacturing	Clarifications, definitions, reduce emissions
Reg. 8, Rule 37	Natural Gas and Crude Oil Production Facilities	Reduce emissions, consistency with ARB standards, definitions
Reg. 8, Rule 38	Flexible and Rigid Disc Manufacturing	Clarifications, VOC definition, reduce emissions
Reg. 8, Rule 39	Gasoline Bulk Plants and Gasoline Delivery Vehicles	Clarifications
Reg. 8, Rule 40	Aeration of Contaminated Soil and Removal of Underground Storage Tanks	Clarifications, definitions
Reg. 8, Rule 41	Vegetable Oil Manufacturing Operations	Clarifications, definitions
Reg. 8, Rule 43	Surface Preparation and Coating of Marine Vessels	Clarifications, definitions, reduce emissions
Reg. 8, Rule 44	Marine Vessel Loading	Clarifications, reduce emissions
Reg. 8, Rule 45	Motor Vehicle and Mobile Equipment Coating Operations	CERPs, reduce emissions, clarifications, flexibility
Reg. 8, Rule 46	Marine Tank Vessel to Marine Tank Vessel Loading	Clarifications
Reg. 8, Rule 47	Air Stripping and Soil Vapor Extraction Operations	Clarifications, organic compound definition
Reg. 8, Rule 49	Aerosol Paint Products	Clarifications, consistency with ARB standards, reduce emissions
Reg. 8, Rule 50	Polyester Resin Operations	Clarifications
Reg. 8, Rule 51	Adhesive and Sealant Products	Clarifications, reduce emissions
Reg. 8, Rule 52	Polystyrene, Polypropylene and Polyethylene Foam Product Mfg. Ops.	Clarifications
Reg. 8, Rule 53	Vacuum Truck Operations	Clarifications, definitions
Reg. 8, Rule TBD	Green Waste Operations	Reduce emissions
Reg. 8, Rule TBD	Livestock Waste/Confined Animal Facilities	Reduce emissions
Reg. 8, Rule TBD	Digital Printing	Reduce emissions
Reg. 8, Rule TBD	Natural Gas Transmission and Distribution	Reduce emissions
Reg. 8, Rule TBD	Wastewater from Coke Cutting	Reduce emissions
Reg. 8, Rule TBD	Wineries	Reduce emissions
Reg. 8, Rule TBD	Vanishing Oils and Rust Inhibitors	Reduce emissions
Reg. 8, Rule TBD	LPG, Propane, Butane, and other Pressurized Gases	Reduce emissions
Reg. 9, Rule 1	Sulfur Dioxide	Monitoring, recording requirements, reduce emissions

Regulation, Rule	Title	Objectives ¹
Reg. 9, Rule 2	Hydrogen Sulfide	Monitoring, recording requirements, reduce emissions
Reg. 9, Rule 4	NOx from Fan Type Residential Central Furnaces	Reduce emissions
Reg. 9, Rule 6	NOx from Natural Gas-Fired Water Heaters	Clarifications, reduce emissions
Reg. 9, Rule 7	NOx and CO from Boilers, Steam Generators and Process Heaters	Clarifications, reduce emissions
Reg. 9, Rule 8	Stationary IC Engines	CERPs, clarifications, reduce emissions
Reg. 9, Rule 9	Stationary Gas Turbines	Reduce emissions
Reg. 9, Rule 10	Refinery boilers, steam generators and process heaters	Reduce emissions
Reg. 9, Rule 12	NOx, SO ₂ and Particulate from Glass Melting Furnaces	Reduce emissions
Reg. 9, Rule 13	NOx, Particulate Matter and Toxic Air Contaminants from Cement Kilns	AB 617 BARCT, clarifications, reduce emissions
Reg. 9, Rule 14	SOx from Petroleum Coke Calcining	AB 617 BARCT, reduce emissions
Reg. 9, Rule TBD	NOx from Kilns, Ovens and Furnaces	Reduce emissions
Reg. 9, Rule TBD	NOx from Large Residential and Commercial Space Heating	Reduce emissions
Reg. 9, Rule TBD	Sulfur content for gaseous fuels	Reduce emissions
Reg. 9, Rule TBD	Sulfur content for liquid fuels	Reduce emissions
Reg. 9, Rule TBD	PM Exposure Reduction	Reduce emissions
Reg. 9, Rules TBD	Source-Specific PM Reductions Rules.	Reduce emissions
Reg. 10	Standards of Performance for New Stationary Sources	Federal standards update
Reg. 11	Hazardous Air Pollutants	Reference federal standards
Reg. 11, Rule 1	Lead	Clarifications, reference federal standards
Reg. 11, Rule 2	Asbestos Demolition, Lead Paint Removal, Renovation and Manufacturing	Clarifications
Reg. 11, Rule 10	Hexavalent Chromium from All Cooling Towers and Total Hydrocarbon Emissions from Petroleum Refinery Cooling Towers	Clarifications, changes to address legal concerns
Reg. 11, Rule 14	Asbestos-Containing Serpentine	Clarifications
Reg. 11, Rule 18	Reduction of Risks from Air Toxics at Existing Facilities	Clarifications, expedite implementation, reduce toxic emissions
Reg. 11, Rule TBD	Backup Generators	Reduce emissions and risk
Reg. 12, Rule 11	Flare Monitoring at Petroleum Refineries	Clarifications, definitions
Reg. 12, Rule 12	Flares at Petroleum Refineries	Reduce emissions, definitions, administrative
Reg. 12, Rule 13	Foundry and Forging Operations	CERPs, reduce emissions
Reg. 12, Rule 15	Refinery Emissions Tracking	Monitor emissions, assess health impacts, definitions

Regulation, Rule	Title	Objectives ¹
Reg. 12, Rule 16	Petroleum Refining Facility-Wide Emissions Limits	Ensure that some refinery emissions do not increase
Reg 13:	Climate Pollutants	Standardize definitions and administrative requirements
Reg. 13, Rule 1	Significant Methane Releases	Reduce emissions
Reg. 13, Rule 2	Organic Materials Handling	Climate protection
Reg. 13, Rule 3	Composting Operations	Climate protection
Reg. 13, Rule 4	Sewage Treatment Facilities and Anaerobic Digesters	Climate protection
Reg. 13, Rule 5	Petroleum Refinery Hydrogen Systems	Climate protection
Reg. 13, Rule TBD	Petroleum Refinery Carbon Intensity Limits	Climate protection
Reg. 13, Rule TBD	Short-Lived Climate Pollutants	Climate protection
Reg. 13, Rule TBD	Refrigeration Management	Climate protection
Reg. 13, Rule TBD	Heat Mitigating Technologies Deployment	Climate protection
Reg. 13, Rule TBD	Energy Use in Residential, Commercial and Industrial Sectors	Climate protection
Reg. 13, Rule TBD	Livestock Waste	Climate protection
Reg. 13, Rule TBD	Carbon Neutrality	Climate protection
Reg. 14, Rule 1	Commuter Benefits Program	Expand Program
Reg. 15:	Disaster Preparedness & Response Program	Reduce emissions, respond to emergencies
Reg. and Rule TBD	Indirect Source Review	Reduce emissions
Reg. and Rule TBD	Episodic Controls	Reduce emissions
Reg. and Rule TBD	Sulfur Hexafluoride	Reduce emissions
Reg. and Rule TBD	Magnet Source Rule	Reduce emissions
Reg. and Rule TBD	Emergency Stand-by Stationary IC Engines	Reduce emissions
Reg. and Rule TBD	Refinery Fuel Gas	Reduce emissions
Reg. and Rule TBD	Limiting Health Impacts from Particulate Matter Pollution	Reduce emissions and health impacts
Reg. and Rule TBD	Sulfuric Acid Plants	Reduce emissions
Reg. and Rule TBD	Sulfur Plants	Reduce emissions
Reg. and Rule TBD	Refinery Delayed Cokers	Reduce emissions
Reg. and Rule TBD	Methane and Air Toxics from Oil & Gas Capped Wells	Reduce emissions
Reg. and Rule TBD	Ammonia from Stationary Sources	Reduce emissions
Reg. and Rule TBD	Sample and Analyze Episodic Event Plumes	Monitor emissions, assess health impacts
Reg. and Rule TBD	Impacts of Crude Changes Upstream of Crude Units	Improve enforceability
Reg. and Rule TBD	Start-up, Shutdown & Malfunction Emissions	Reduce emissions
Reg. and Rule TBD	Refinery Emissions Best Practices Backstop Rule	Reduce emissions
Reg. and Rule TBD	Periodic Assessment of Significant Emission Sources	Reduce emissions
Reg. and Rule TBD	AB 617 BARCT Plan	Community health protection
Reg. and Rule TBD	AB 617 Community Emissions Reduction Plans	Community health protection

Regulation, Rule	Title	Objectives ¹
MOP, Volume I	Enforcement Procedures	Clarification, improve data submittals
MOP, Volume II	Engineering Permitting Procedures	Consistency with EPA requirements, clarifications
MOP, Volume III	Laboratory Methods	New and improved analytical procedures
MOP, Volume IV	Source Test Methods	New and improved analytical procedures
MOP, Volume V	Continuous Emission Monitoring	New and improved analytical and monitoring procedures
MOP, Volume VI	Ground Level Monitoring	Consistency with EPA requirements
New MOP, Volume X	Procedures for Evaluating and Lists of Non-Precursor Organic Compounds, Group I and Group II	Evaluation and listing of NPOCs

¹ Objectives are listed for information only and are subject to change. Rule development efforts for a rule are not limited to listed objectives.

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: December 7, 2022

Re: Authorization to Execute Contract Extension for Support of Grant Program Data
Management Systems

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute an amendment to the Air District's contract with IT Dependz, Inc., for support of the Air District's grant program data management systems, to extend the contract term through December 31, 2024, and increase the contract value in an amount of \$390,000, from \$297,000 to \$687,000.

BACKGROUND

The Air District has been administering incentive programs that award funding to projects that achieve voluntary and surplus emissions reductions, primarily from mobile sources since 1992. Over time, the quantity of grant revenue, programs, and initiatives managed by the Air District has grown significantly. While the increased revenue allows the Air District to accelerate its efforts to reduce emissions, it also generates a corresponding increase in the number of project records and amount of data that must be stored, tracked, analyzed, maintained, and reported.

The Air District's data management systems for its grant programs have been developed and maintained by outside contractors with program data stored in multiple separate systems (all close to or at their end of useful life).

The Air District is planning to issue a Request for Proposals (RFP) to identify a new vendor that will build and maintain a new grants data management system that will allow the consolidation of all grant program data into a single online system that can be accessed by both staff, applicants, and grantees. A Request for Information (RFI) process was recently conducted as a first step to identify technical capabilities and industry standards of data management systems and the RFP is anticipated to be issued by early 2023.

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

DISCUSSION

In September 2021, IT Dependz was awarded a contract to conduct an initial assessment of the grant program data management systems and in January 2022, the Board of Directors approved an amendment in the amount of \$297,000 for IT Dependz to implement the recommended improvements to stabilize and secure grant program data. Over the past 11 months, IT Dependz has assisted the Air District with the following tasks:

- Creation of a new data warehouse that allowed the migration of program data from Access Databases and Excel files into a new stable platform to allow that data to be secure, stable, and more easily searchable
- Migration and consolidation of data from other systems into new data warehouse
- Maintenance of existing Apps using new PowerApps platform and creation of new reporting infrastructure and Reports forms
- Technical advisory support regarding updates and replatforming of the Microsoft-based system for the woodsmoke incentive program and the development of documentation in support of the Request for Information (RFI) issued in August 2022.

Over the next 24 months IT Dependz would continue to provide technical advisory services to implement new tools and updates to the existing grant management system infrastructure; business analysis services to support the Air District with the development of documentation required for the RFP (e.g., process flow charts for each grant program, user stories, etc.); software development services to maintain the newly created PowerApps Platform; maintenance of the data warehouse; and a data migration plan.

The existing contract term will expire on June 30, 2023. The proposed extension would add funding for technical support services and would extend the term through December 31, 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the vendor contract recommendations is provided through administrative funding provided by the grant revenue sources.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Karen Schkolnick

Reviewed by: Veronica Eady

ATTACHMENTS:

1. Executed Contract - Contract No. 2021.160
2. Contract Amendment No. 2 - Contract No. 2021.160
3. Task Order 3 - Contract No. 2021.160
4. Proposed Draft Contract Amendment No. 3 - Contract No. 2021.160
5. Proposed Draft Task Order 4 - Contract No. 2021.160

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

MASTER SERVICES CONTRACT

CONTRACT NO. 2021.160

1. **PARTIES** – The parties to this Contract (“Contract”) are the Bay Area Air Quality Management District (“DISTRICT”) whose address is 375 Beale Street, Suite 600, San Francisco, CA 94105, and **IT Dependz, Inc.** (“CONTRACTOR”) whose address 527 Mangels Ave., San Francisco, CA 94127.

2. **RECITALS**
 - A. DISTRICT is the local agency with primary responsibility for regulating stationary source air pollution in the Bay Area Air Quality Management District in the State of California. DISTRICT is authorized to enter into this Contract under California Health and Safety Code Section 40701. DISTRICT desires to contract with CONTRACTOR for Services as defined herein. DISTRICT is entering into this Contract based on CONTRACTOR’s stated qualifications to perform the Services.
 - B. All parties to this Contract have had the opportunity to have this contract reviewed by their attorney.

3. **DEFINITIONS**
 - A. “Purchase Order” shall mean the written or electronic document used by DISTRICT to track payments to CONTRACTOR under this Contract.
 - B. “Services” shall mean the services to be provided by CONTRACTOR hereunder as generally described in the General Description of Services, attached hereto as Attachment A and made a part hereof by this reference, and as specifically described in Task Orders issued pursuant to this Contract.
 - C. “Task Order” shall mean a written request by DISTRICT for specific services to be performed by CONTRACTOR.

4. **PERFORMANCE REQUIREMENTS**
 - A. CONTRACTOR is authorized to do business in the State of California. CONTRACTOR attests that it is in good tax standing with federal and state tax authorities.
 - B. CONTRACTOR agrees to obtain any and all required licenses, permits, and all other appropriate legal authorizations from all applicable federal, state and local jurisdictions and pay all applicable fees.
 - C. CONTRACTOR shall comply with all laws and regulations that apply to its performance under this Contract, including any requirements to disclose potential conflicts of interest under DISTRICT’s Conflict of Interest Code.
 - D. CONTRACTOR shall not engage in any performance of work during the term of this contract that is in direct or indirect conflict with duties and responsibilities set forth in the Scope of Work.
 - E. CONTRACTOR shall exercise the degree of skill and care customarily required by accepted professional practices and procedures.
 - F. CONTRACTOR shall ensure that any subcontractors, employees and agents performing under this Contract comply with the performance standards set forth in paragraph A-E above.

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

6. TERMINATION

A. The DISTRICT may terminate this Contract at any time, at will, and without specifying any reason, by notifying CONTRACTOR in writing. The notice of termination shall specify the effective date of termination, which shall be no less than thirty (30) calendar days from the date of delivery of the notice of termination, and shall be delivered in accordance with the provisions of section 13 below. Immediately upon receipt of the notice of termination, CONTRACTOR shall cease all services under this Contract, except such services as are specified in the notice of termination. CONTRACTOR shall deliver a final invoice for all remaining services performed but not billed, including any services specified in the termination notice, on or before ten (10) business days following the termination date.

B. Either party may terminate this Contract for breach by the other party.

i) Failure to perform any agreement or obligation contained in this Contract or failure to complete the services in a satisfactory manner shall constitute a breach of the Contract.

ii) The non-breaching party may terminate the Contract by delivery of a written notice of breach. The notice of breach shall specify the date of termination, which shall be no earlier than ten (10) business days from delivery of the notice of breach. In the alternative, at its sole discretion, the non-breaching party may require the breaching party to cure the breach. The notice of breach shall specify the nature of the breach and the date by which such breach must be cured.

iii) If CONTRACTOR fails to perform any obligation under this Contract, DISTRICT at its sole discretion, may perform, or cause the performance, of the obligation itself. In that event, DISTRICT shall deduct the costs to perform such obligation and any other costs to cure the breach from the payment otherwise due to CONTRACTOR for work performed under this Contract. DISTRICT's performance hereunder shall not be deemed a waiver or release of any obligation of, or default by, CONTRACTOR under this Contract.

iv) The notice of breach shall be provided in accordance with the notice requirements set forth in section 13.

v) The non-breaching party reserves all rights under law and equity to enforce this Contract and recover any damages.

7. INSURANCE

A. CONTRACTOR shall maintain the following insurance:

i) Workers' compensation and employers' liability insurance as required by California law or other applicable statutory requirements.

ii) Occurrence-based commercial general liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each occurrence. Such insurance shall include DISTRICT and its officers, agents, and employees as additional insureds and shall be primary with respect to any insurance maintained by DISTRICT.

iii) Business automobile liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles. If CONTRACTOR is a sole proprietor, CONTRACTOR may meet this insurance requirement with personal automobile liability insurance carrying a business use endorsement or by demonstrating to the satisfaction of DISTRICT that business

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

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

8. INDEMNIFICATION

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

9. AGREEMENT TO PROVIDE SERVICES

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

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

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

11. PRICING, INVOICES, AND PAYMENT

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

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

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

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

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

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

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

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

15. EMPLOYEES OF CONTRACTOR

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

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

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

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

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

- D. CONTRACTOR shall inform its officers, employees, and subcontractors involved in the performance of this Contract of the restrictions contained herein and shall require compliance with the above.

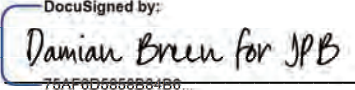
19. NON-DISCRIMINATION – In the performance of this Contract, CONTRACTOR shall not discriminate in its recruitment, hiring, promotion, demotion, and termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, medical condition,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

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

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

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

By: 

Jack P. Broadbent
Executive Officer/APCO

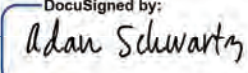
By: 

Manoj Yadav
Chief Executive Officer

Date: 9/21/2021

Date: 09/09/2021

Approved as to form:
District Counsel

By: 

Adan Schwartz
Acting District Counsel

Attachment A
General Description of Services

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

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

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, February 1, 2022.

RECITALS:

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

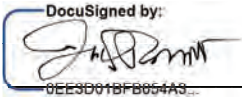
TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

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

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

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

By: 

Jack P. Broadbent
Executive Officer/APCO

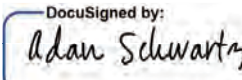
By: 

Manoj Yadav
Chief Executive Officer

Date: 2/3/2022

Date: 02/02/2022

Approved as to form:
District Counsel

By: 

Adan Schwartz
Acting District Counsel

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

Work Plan:

Upon execution of this Task Oder, CONTRACTOR and DISTRICT will hold a kick-off meeting to discuss the priority order and timeline for completion of tasks A-E. DISTRICT and CONTRACTOR shall review task progress on a monthly basis to ensure all tasks are completed on schedule and within budget.

A. Technical Advisory Services

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

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

B. Software Development Services

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

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

C. Review and Document Existing Procedures

CONTRACTOR will review and document existing operating procedures and processes for all SID teams and programs. CONTRACTOR will work with SID management to standardize, streamline, and optimize the processes amongst all programs. CONTRACTOR will introduce an Agile methodology to manage all tasks and processes for SID, along with the usage of Azure

Dev OPS for task management. As part of this task, CONTRACTOR will review and document the following items:

1. Process flow for each program;
2. Operations of each team managed by a SID manager; and
3. Interactions with different departments as part of managing each program.

D. Build Data Warehouse

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

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

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

1. Annual Reports
2. Program-based Reports

E. Replicate Data Export Tool into Reporting DW

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

1. Annual Reports
2. Program-based Reports

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

Task Order Contact:

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

Task Order Cost:

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

Role	Maximum Hourly Rate
Technical Advisor	\$150/hr
Senior Developer	\$125/hr

Role	Maximum Hourly Rate
Junior Developer	\$110/hr
Analyst/Project Manager	\$110/hr

CONTRACTOR will track time worked on a bi-weekly basis by task and submit to DISTRICT for approval, up to the maximum amount for each task as listed in the table below. Upon approval, CONTRACTOR will prepare and submit monthly invoices to DISTRICT. Payment will be made within thirty (30) calendar days after receipt of CONTRACTOR's invoice.

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

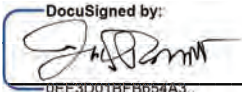
***If tasks B-E are completed under-budget, any savings from these tasks may be reallocated to task A with pre-approval from DISTRICT.**

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

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

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

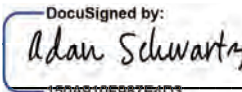
By: 
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Jack P. Broadbent
Executive Officer/APCO

By: 
Manoj Yadav
Chief Executive Officer

Date: 2/3/2022

Date: 02/02/2022

Approved as to form:
District Counsel

By: 
DocuSigned by:
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Adan Schwartz
Acting District Counsel

AMENDMENT NO. 3 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2021.160

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, November 22, 2022.

RECITALS:

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

TERMS AND CONDITIONS OF CONTRACT AMENDMENT:

1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 5, “Term.” The term of the Contract shall be extended so that the terminate date of the Contract is now December 31, 2024.

2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph C of Section 9, "Agreement to Provide Services," of the Contract to replace "\$297,000" with "\$687,000."
3. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.

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

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

By: _____
Sharon Landers
Interim Executive Officer/APCO

By: _____
Manoj Yadav
Chief Executive Officer

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
MASTER SERVICES AGREEMENT
IT DEPENDZ, INC.
CONTRACT NO. 2021.160
Task Order No. 4**

Work Plan:

Upon execution of this Task Oder, CONTRACTOR and DISTRICT will hold a kick-off meeting to discuss which of these tasks may require additional pre-approval and the priority order and timeline for completion of tasks A-D. DISTRICT and CONTRACTOR shall review task progress on at least a bi-weekly basis to ensure all approved tasks are completed on schedule and within budget.

A. Technical Advisory Services

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

1. Support for building a new consolidated data management system. Deliverables include document business requirement, project plan, user acceptance testing and training.
2. Software updates to the existing Moyer online system and the Woodsmoke Grant Management System to align with new regulations, development of documentation and testing during the customization phase in Q1 2023 and maintenance in go-live phase

B. System Requirements and Development Support

During the initial development of the new grants data management system, CONTRACTOR will create, review, and document the following items:

1. Process flow charts for each program
2. Document User Stories for software development
3. Develop and prioritize project and sprint backlogs
4. Test new system

C. PowerApps Maintenance

CONTRACTOR will maintain and implement improvements to the SI's newly created PowerApps platform.

1. Create Azure DevOps Wiki Administration Guide
2. Develop new and updated queries and reports

D. Data Warehouse Maintenance, Data Migration and Quality Assurance

CONTRACTOR will maintain the Data Warehouse (DW) system using Microsoft Power Business Intelligence (PowerBI) and Microsoft Azure SQL and create a data migration plan by providing the following services:

1. Maintain warehouse data alignment via quarterly source system data refresh.

2. Develop and maintain new reports as requested by SI Management
3. Document data mapping between various grant programs
4. Perform quality assurance measures for data migration
5. Document and perform data migration

Task Order Schedule: The period of performance for this Task Order shall be from December 7, 2022 through December 31, 2023.

Task Order Contact:

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

Task Order Cost:

DISTRICT will pay CONTRACTOR on a time-and-materials basis according to the hourly rates in the table below, up to a maximum amount of \$354,250. Any expenses incurred by CONTRACTOR must be approved in writing by DISTRICT in advance.

Role	Maximum Hourly Rate
Technical Advisor	\$150/hr
Senior Developer	\$125/hr
Junior Developer	\$110/hr
Analyst/Project Manager	\$120/hr

CONTRACTOR will track time worked on a bi-weekly basis by task and submit to DISTRICT for approval. DISTRICT will pay CONTRACTOR for work at the hourly rates and up to the not to exceed amount for each task as listed in the tables below. Upon approval, CONTRACTOR will prepare and submit monthly invoices to DISTRICT. Payment will be made within thirty (30) calendar days after receipt of CONTRACTOR’s invoice. CONTRACTOR is expected to follow standard an Agile/Scrum methodology with all deliverables and associated artifacts documented in Microsoft Azure DevOps.

Task	Not to Exceed
A. Technical Advisory Services	\$148,200
B. ARK System Requirements/Development Support	\$124,800
C. PowerApps Maintenance	\$16,250
D. Data Warehouse Maintenance, Data Migration and Clean-up	\$65,000
Total	\$354,250

Total Task Order Cost not to exceed \$354,250.

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

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

IT DEPENDZ, INC.

By: _____
Sharon Landers
Interim Executive Officer/APCO

By: _____
Manoj Yadav
Chief Executive Officer

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

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: December 7, 2022

Re: Report of the Budget and Finance Committee Meeting of October 26, 2022

RECOMMENDED ACTION

A) Funding Policy for the Other Post-Employment Benefits and Pension Funding Policy:

1. Approve the Air District's proposed Other Post-Employment Benefits and Pension Funding Policy.

B) California Employers' Pension Prefunding Trust Investment Policy:

1. Direct investments in the Air District's California Employers' Pension Prefunding Trust 115 Trust account to use investment strategy 2; and
2. Allocate the Air District's funds to the California Employers' Pension Prefunding Trust 115 Trust account in 2 tranches:
 - o Following adoption of the recommendation (1st tranche)
 - o At the end of Fiscal Year 2023 (2nd tranche).

BACKGROUND

None.

DISCUSSION

The Budget & Finance Committee met on Wednesday, October 26, 2022, and approved the minutes of April 27, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the staff presentation *Other Post-Employment Benefits and Pension Funding Policy*. The Committee recommends the Board:

- 1. Approve the Air District’s proposed Other Post-Employment Benefits and Pension Funding Policy.

The Committee then reviewed and discussed the staff presentation *California Employers’ Pension Prefunding Trust Investment Policy*. The Committee recommends the Board adopt the following funding allocation and choose investment policy:

- 1. Direct investments in the Air District’s California Employers’ Pension Prefunding Trust 115 Trust account to use investment strategy 2; and
- 2. Allocate Air District’s funds to the California Employers’ Pension Prefunding Trust 115 Trust account in 2 tranches: o Following adoption of the recommendation (1st tranche) o At the end of Fiscal Year 2023 (2nd tranche).

Finally, the Committee then reviewed and discussed the staff presentation *Pathways to 100 Percent Cost Recovery*.

The next meeting of the Budget & Finance Committee will be on Wednesday, November 23, 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 Budget & Finance 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. Budget and Finance Committee October 26, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: October 26, 2022

Re: Funding Policy for the Other Post-Employment Benefits (OPEB) and Pension Plans

RECOMMENDED ACTION

The Committee will consider recommending the Board of Directors approve the Air District's funding policy for OPEB and pension plans.

BACKGROUND

As part of the Fiscal Year Ending (FYE) 2023 Budget process, the Board directed staff to provide a formal policy on the Air District's retirement plan for both Other Post Retirement Benefits (OPEB) and the CalPERS Pension plan. The OPEB plan is administered by the California Employers' Retiree Benefit Trust (CERBT) and the pension plan is administered by the California Employers' Pension Prefunding Trust (CEPPT). The purpose of this policy is to clearly outline the overall funding goals and the approach that the Air District will take to achieve those goals.

DISCUSSION

In 2008, the OPEB plan trust was established and over the years, the Air District has made payments of up to \$4 million in annual discretionary contributions to its CERBT account. As of the most recent actuarial valuation report provided by the Air District's independent actuaries in April 2022, the OPEB plan is fully funded, exceeding the Air District's funded target policy level of 90%. As a result of being fully funded, the Board approved the \$4 million discretionary contributions for the FYE 2023 Budget to be redirected toward its pension plan which will be invested into the Air District's CEPPT account.

In May 2022, the pension trust was established through the California Employers' Pension Prefunding Trust (CEPPT) and will operate similarly to the CERBT, whereby annual discretionary contributions will be invested in the CEPPT account to fund these long-term benefits to achieve a minimum 90% funded target level. Since 2018, the Board has designated \$1 million annually as a part of the budget process and as of the fiscal year ending June 30, 2022, a total of \$5 million has accumulated in the General Fund's Pension Liability Designated Reserves.

The policy will formalize the Air District's current practice of making annual discretionary contributions and outline the overall goals to ensure these obligations for pension and OPEB retirement benefits are being funded in a financially prudent manner.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for both the OPEB and pension plans within this policy will be included in the annual Air District's budget for consideration.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Stephanie Osaze
Reviewed by: Damian Breen

ATTACHMENTS:

- 1. BAAQMD OPEB and Pension Funding Policy 2022
- 2. OPEB and Pension Funding Policy Presentation

BAAQMD OPEB AND PENSION FUNDING POLICY

PENSION AND OTHER POST EMPLOYMENT BENEFITS FUNDING POLICY

PURPOSE:

This policy formalizes the Air District's current practice of prefunding its Other Post-Employment Benefits (OPEB) and Pension obligations. The Air District is committed to honoring its pension and OPEB obligations by funding these long-term obligations in a financially sound manner. The purpose of this funding policy is to outline the overall funding goals for both the OPEB and PENSION plans and the Air District's approach to achieving those goals. The Board of Directors (Board) may revoke or amend this policy in the best interests of the Air District.

OVERVIEW

The Air District currently provides a medical retiree benefit known as Other Post-Employment Benefits (OPEB) and retirement pension to its employees. To address these long-term obligations, the Air District established two separate section 115 trust accounts to prefund these long-term obligations. In 2008, the Air District created the California Employers' Retiree Benefit Trust (CERBT) for its OPEB plan and in May 2022, created the California Employers' Pension Prefunding Trust (CEPPT) for its pension plan. Both CERBT and CEPPT are irrevocable trusts under the California Public Employees' Retirement System (CalPERS) and the trust funds can only be used to pay the OPEB and pension costs.

BENEFITS OF PREFUNDING LONG TERM OBLIGATIONS

1. Generate investment income from the Air District's contributions to pay for required pension contributions and retiree medical premiums
2. Reduce future Air District's cash flow requirements and budget dependency with investment income
3. May help the Air District during lean financial times to offset pension and medical retirement costs

I. FUNDING OBJECTIVES AND GOALS FOR OPEB PLAN

The Air District's funding objective for OPEB is to accumulate sufficient assets to fully fund the retiree healthcare benefits that Air District's retired employees received throughout retirement. To meet this objective, the Air District will strive to meet the following funding goals:

1. On an annual basis, the Air District will continue the discretionary \$4.0 million contribution to the OPEB plan over the required payment per section I.2 below.
2. On an annual basis, the Air District will budget and pay the retiree current benefit payments for the current year's budget. This payment is known as Pay-As-You-Go and is paid directly to the healthcare plans for premiums that must be made on behalf of retirees.
3. The Air District will strive to maintain a minimum 90% funded level in the trust by making discretionary contributions to the CERBT account. On an annual basis, the Air District will determine the discretionary contribution amount (up to the \$4.0 million) to invest into the CERBT account:
 - a. If the OPEB plan is fully funded at 100 % or higher, the Air District would redirect and invest the \$4.0 million per section I.1 to the CEPPT pension account.
 - b. If the Air District encounters a fiscal hardship or the OPEB plan becomes super-funded, funds in the trust may be used to pay the retiree premium payments, at the Board's discretion.

II. FUNDING OBJECTIVES AND GOALS FOR PENSION PLAN

The Air District's funding objective for its pension plan is to fund the actuarially determined contributions for employees and retirees to ensure promised pension benefits can be paid to all Air District's retired employees throughout retirement. To meet this objective, the Air District will strive to meet the following funding goals:

1. On an annual basis, the Air District will continue the discretionary \$1.0 million contribution to the pension plan over the required payment per section II.2 below.
2. On an annual basis, the Air District will budget and pay its annual required pension contribution payments to CalPERS. The annual required contribution includes the normal cost for active employees and a portion of the unfunded liability payment as determined by CalPERS.
3. The Air District will strive to achieve a minimum 90% funded target level for the pension plan by making its annual required contribution payments to CalPERS and invest discretionary contributions to the CEPPT account. On an annual basis, the Air District may invest up to the \$5.0 million in discretionary contributions into the CEPPT account. The \$5.0 million discretionary contribution includes both the \$1.0 million per section II.1 above and the \$4.0 million per section I.3a above.
 - a. If the pension plan is funded at 100% or higher, no funding is required, and the Air District may redirect any discretionary contribution budget at the Board's direction.

- b. If the Air District encounters fiscal hardship or the plan becomes super funded, the funds in CEPPT may be used to pay its annual required contribution payment to CalPERS.

POLICY REVIEW

Funding medical and pension retirement obligations requires long-term planning. The Air District should review the policy at a minimum every five years to determine if changes to this policy are needed due to material changes in plans, the assets in the Trusts, or in the Air District's finances.

BUDGET AND FINANCE COMMITTEE
MEETING OF 10/26/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: October 26, 2022

Re: California Employers' Pension Prefunding Trust (CEPPT) Investment Policy

RECOMMENDED ACTION

Consider recommending to the Board of Directors that the Board adopt the following funding allocation and choose investment policy:

- Direct investments in the Air District's CEPPT 115 Trust account to use investment strategy 2.
- Allocate Air District's funds to the CEPPT 115 Trust account in 2 tranches:
 - Following adoption of the recommendation (1st tranche)
 - At the end of Fiscal Year (FY) 2023 (2nd tranche).

BACKGROUND

The Air District provides a defined-benefit pension to its retirees through California Public Employees Retirement System (CalPERS). Funding of CalPERS pensions relies on three sources: employee contributions, employer contributions, and investment returns (which vary per the performance of financial markets).

DISCUSSION

Out of 2 CEPPT investment strategies, even though both are quite conservative from the investment perspective, Strategy 2 has a portfolio with a lower allocation to equities and a higher allocation to bonds. Historically, funds with a lower percentage of equities have displayed less price volatility and less fluctuation of value, i.e., lower risk. Therefore, CEPPT investment strategy 2 is recommended, given its lower assumed risk and fluctuation.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Since 2018, the Board has approved as a part of the annual District budget, \$1 million annually towards pre-funding pension obligation. The decision on the investment vehicle was postponed pending staff recommendations and Board approval. Upon Board approval, a total of \$10 million will be invested in the CEPPT program; \$5 million from the designated pension funds in the General Fund reserves, and \$5 million from the FYE 2023 Adopted Budget, respectively. All funds placed into the irrevocable trust fund can only be used to pay for retirement obligations.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Leonid Bak
Reviewed by: Stephanie Osaze

ATTACHMENTS:

1. California Employers' Pension Prefunding Trust (CEPPT) Investment Policy Presentation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: October 26, 2022

Re: Pathways to 100 Percent Cost Recovery

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On July 12, 2021, the Air District entered into a contract with the Matrix Consulting Group to evaluate the Air District's Cost Recovery and Containment practices and policy for fee-based activity. This study included evaluating the concept of reaching 100% cost recovery from fee-based programs. The current Cost Recovery Policy was adopted by the Board of Directors on March 7, 2012. The policy established goals of increasing fee revenue sufficient to achieve at least 85% recovery of regulatory program costs.

DISCUSSION

On April 27, 2022, Matrix consultant presented the results of the Cost Recovery Study and provided some potential options to achieving 100% cost recovery, as well, as other key recommendations, which are outlined in the report. The Committee directed staff to recommend a policy for achieving 100% cost recovery. This is the first of two presentations; staff will present additional information to the Committee on a couple of the options outlined in the Matrix study to help inform and guide the development of a policy of reaching 100% cost recovery.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Leonid Bak and Jody MacKenzie
Reviewed by: Damian Breen and Stephanie Osaze

ATTACHMENTS:

1. Cost Recovery Model Scenarios Presentation

BUDGET AND FINANCE COMMITTEE
MEETING OF 10/26/2022

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: December 7, 2022

Re: Report of the Mobile Source & Climate Impacts Committee Meeting of October 27,
2022

RECOMMENDED ACTION

A) Projects and Contracts with Proposed Awards Over \$500,000:

1. Approve the recommended projects with proposed grant awards in excess of \$500,000;
and
2. Authorize the Interim Executive Officer/Air Pollution Control Officer execute grant
agreements with applicants for the recommended projects.

B) Proposed Updates to the Transportation Fund for Clean Air County Program Manager Fund
Policies for Fiscal Year Ending 2024:

1. Approve the proposed Transportation Fund for Clean Air County Program Manager Fund
Policies for Fiscal Year Ending 2024.

BACKGROUND

None.

DISCUSSION

The Mobile Source & Climate Impacts Committee met on Thursday, October 27, 2022, and approved the minutes of July 28, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the staff presentation *Projects and Contracts with Proposed Awards Over \$500,000*. The Committee recommends the Board:

1. Approve the recommended projects with proposed grant awards in excess of \$500,000; and
2. Authorize the Interim Executive Officer/Air Pollution Control Officer execute grant agreements with applicants for the recommended projects.

The Committee then reviewed and discussed the staff presentation *Proposed Updates to the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024*. The Committee recommends the Board:

1. Approve the proposed Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024.

Finally, the Committee reviewed and discussed the staff presentation *Interstate-580 Truck Access Study Update*.

The next meeting of the Mobile Source & Climate Impacts Committee will be on Monday, November 28, 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 October 27, 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: October 27, 2022

Re: Projects and Contracts with Proposed Grant Awards Over \$500,000

RECOMMENDED ACTION

Committee to consider recommending the Board of Directors :

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Interim Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

BACKGROUND

Carl Moyer Program and Mobile Source Incentive Fund

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Projects eligible under the CMP guidelines include heavy-duty diesel engine applications such as on-road trucks and buses, off-road construction, agricultural equipment, marine vessels, locomotives, stationary agricultural pump engines, and refueling or recharging infrastructure that supports the deployment of new zero-emission vehicles and equipment. Per AB 1390, 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.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle-registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

The Board of Directors (Board) authorizes the Air District's participation in each cycle of the CMP, including an allocation of MSIF revenue as match funds.

Community Air Protection Program

In 2017, AB 617 directed CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection Program (CAPP). CAPP funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAPP funds may also potentially be used to fund stationary source and mobile source projects that have been identified and prioritized by communities with a Community Emissions Reduction Program, pursuant to HSC Section 44391.2. At least 80% of CAPP funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB)535), and low-income communities (AB 1550).

Funding Agricultural Replacement Measures for Emission Reductions (FARMER)

In February 2018, CARB developed the FARMER Program Guidelines that outline requirements for eligible agricultural equipment replacement projects evaluated under the CMP guidelines, including harvesting equipment, heavy-duty trucks, pump engines, tractors, and other equipment used in agricultural operations. Subsequent updates to the FARMER guidelines expanded eligible projects to include zero-emission demonstration projects and added flexibility for funding zero-emission equipment. Under the California State Budget, GGRF funds are appropriated to CARB for each new cycle of the FARMER program for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector.

Transportation Fund for Clean Air

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. The remaining forty percent of the funds are passed through to the designated Bay Area County Program Managers who in turn award TFCA funds to eligible projects within their county. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. On April 6, 2022, the Board authorized funding allocations for use of the sixty percent of the TFCA revenue in FYE 2023, and cost-effectiveness limits for Air District-sponsored FYE 2023 programs. On May 4, 2022, the Board adopted policies and evaluation criteria for the FYE 2023 Regional Fund program.

For each new CMP, TFCA, CAPP, and FARMER funding cycle, the Board authorizes the Air District’s participation in these programs. The current cycles for these funding sources are shown in Table 1, with initial or estimated revenues, \$117 million of which will be available for funding FYE 23 projects.

**Table 1
Funding Source and Initial Revenues for Projects**

Funding Source Cycle	Initial Allocation or Estimated Revenue (in Millions)*	Board Authorization Date
CMP Year 23	\$10.7	1/20/2021
CMP Year 24	\$31.2	12/1/2021
CAPP Year 5	\$35.4	12/1/2021
FARMER Year 4	\$ 3.5	12/1/2021
TFCA Regional Fund FYE 2023	\$28.9	4/6/2022
MSIF	\$12.0	n/a
Total	\$121.7	

*Some revenues were partially obligated to projects in FYE22 and therefore full amounts may not be available for award to projects in FYE23.

Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board. At least quarterly, staff provides updates to the Mobile Source and Climate Impacts Committee or Board of Directors on the status of incentive funding for the current fiscal year, including total funding awarded, remaining funds available for award, funds allocated by county and by equipment category type, and percentage of funding benefitting low-income residents and impacted communities, including Air District-identified Community Air Risk Evaluation (CARE) areas, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The reported award allocations and emissions reduction benefits to counties and impacted communities, which are based on information provided by each applicant, does not include “regional” projects, where all communities receive benefits, or projects where the location of the benefit has not yet been determined.

On April 6, 2022, the Board authorized the Air Pollution Control Office (APCO)/Executive Officer to approve projects with awards up to \$500,000. For all projects with proposed awards greater than \$500,000, staff brings recommendations of these projects to the Board for approval.

DISCUSSION

This fiscal year, the Air District had approximately \$117 million available in CMP, MSIF, CAPP, FARMER, and TFCA funds for eligible projects, including prior year funds. This total may change as additional revenues are awarded to the Air District. Under these funding sources, the Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

Between August 22 and September 26, 2022, staff evaluated two eligible projects with proposed awards of over \$500,000. Together, these projects will replace a total of six diesel-powered school buses with six electric-powered school buses and install infrastructure for 12 chargers. These projects are estimated to reduce over 0.7 tons of NO_x, ROG, and PM emissions per year. Staff recommends approval of the allocation of up to \$2,687,000 for these projects from a combination of CMP, MSIF, CAPP, and TFCA revenues. Attachment 1 provides additional information on the projects.

Attachment 2, updated at least quarterly, lists all eligible projects that have been awarded by the Air District between July 1 and September 26, 2022, including information about project equipment, award amounts, estimated emissions reductions, community benefits, and project locations. Approximately 95% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

Attachment 3 provides fiscal year facts and figures on the status of funding available and allocations by county and category as of September 26, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District distributes the CMP, MSIF, CAPP, FARMER, and TFCA funding to project sponsors on a reimbursement basis. The two projects will cost up to \$2,687,000 and will be paid for out of one or more of these state and local incentive funds upon project completion expected within the next one to three years. Funding for administrative costs to implement these programs, including evaluating, contracting, and monitoring projects for multiple years, is provided by each funding source.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Jessica DePrimo and Linda Hui

Reviewed by: Minda Berbeco, Alona Davis, and Karen Schkolnick

ATTACHMENTS:

1. Projects with grant awards greater than \$500,000 (evaluated 8/22/22 to 9/26/22)
2. All projects (awarded, allocated, and recommended 7/1/22 to 9/26/22)
3. Funding facts and figures (7/1/22 to 9/26/22)
4. Projects with Proposed Awards Over \$500,000 Presentation

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF 10/27/2022

ATTACHMENT 1

Table 1 - Projects with grant awards greater than \$500k (Evaluated between 8/22/22 and 9/26/22)
 Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Program

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emission Reductions (tons per year)			County	Benefits Priority Area(s)
						NO _x	ROG	PM		
22MOY202	Solano County Transit	On-road Infrastructure	Install six EV charging units and associated overhead structure to support charging of electric-powered transit buses.	\$ 600,000.00	\$ 13,000,000.00	N/A	N/A	N/A	Solano	Yes
22SBP236	Liberty Union High School District	School Bus + Infrastructure	Replace six diesel-powered school buses with six electric-powered school buses and install six level 2 electric chargers.	\$ 2,087,000.00	\$ 2,295,677.40	0.6524	0.0504	0.0039	Contra Costa	Yes
Totals				\$ 2,687,000.00	\$ 15,295,677.40	0.652	0.050	0.004		

2 Projects

ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

CMP/MSIF, TFCA, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/22 and 9/26/22)

Project #	Project Category	Project Description	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			County	Board/ APCO Approval Date	Benefits Priority Area(s)	Funding Source [†]
						Nox	ROG	PM				
23R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	N/A	\$ 150,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
23R02	LD Vehicles	Vehicle Buy Back Program Implementation	N/A	\$ 200,000	BAAQMD	N/A	N/A	N/A	Regional	6/15/22	N/A	1
23R03	Trip Reduction	Spare The Air/ Intermittent Control/ Flex Your Commute Programs	N/A	\$ 2,290,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
21R04	LD Infrastructure	FYE 23 Charge! Program	N/A	\$ 5,350,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
22MOY305	Ag/ off-road	Equipment replacement	2	\$ 123,600	Shifflett Ranch & Vineyard LLC	0.241	0.035	0.024	Napa	7/1/22	No	2
22MOY311	Ag/ off-road	Equipment replacement	1	\$ 153,100	Jay A Clay	0.363	0.047	0.027	Sonoma	7/8/22	Yes	2
22SBP337	School Bus	Equipment replacement	1	\$ 400,000	Hayward Unified School District	0.042	0.002	0.001	Alameda	7/11/22	Yes	1, 2
22MOY229	Ag/ off-road	Equipment replacement	1	\$ 43,900	Boething Treeland Farms inc.	0.059	0.009	0.006	San Mateo	7/11/22	No	2
22MOY334	Ag/ off-road	Equipment replacement	1	\$ 135,800	Point Reyes Pastures Inc.	0.276	0.036	0.020	Marin	7/11/22	Yes	2
22SBP117	School Bus	Equipment replacement + Infrastructure	8	\$ 4,370,779	San Mateo Union High School District	0.731	0.058	0.026	San Mateo	7/20/22	Yes	1, 2
22SBP232	School Bus	Equipment replacement + Infrastructure	5	\$ 1,916,236	Antioch Unified School District	0.378	0.029	0.002	Contra Costa	7/20/22	Yes	1, 2
22SBP248	School Bus	Equipment replacement	3	\$ 648,794	Mt. Diablo Unified School District	0.203	0.016	0.008	Contra Costa	7/20/22	Yes	1
22MOY320	Ag/ off-road	Equipment replacement	1	\$ 49,300	Atlas Oaks Ranch, LLC	0.047	0.011	0.009	Napa	8/12/22	No	2
22MOY342	Ag/ off-road	Equipment replacement	3	\$ 100,300	Vinas Del Norte LLC	0.181	0.028	0.025	Napa	8/16/22	Yes	2
22MOY341	Ag/ off-road	Equipment replacement	1	\$ 65,800	Williams Ranch	0.276	0.036	0.025	Sonoma	8/17/22	No	2
22MOY234	Ag/ off-road	Equipment replacement	3	\$ 253,300	DCS END POST DRIVING	0.755	0.107	0.062	Napa	9/2/22	No	2
22MOY318	Ag/ off-road	Equipment replacement	1	\$ 49,300	Ahmann Ranches, LLC	0.156	0.024	0.014	Napa	9/9/22	No	2
22MOY359	Ag/ off-road	Equipment replacement	1	\$ 38,900	Spaletta Dairy	0.118	0.018	0.011	Marin	9/21/22	Yes	2
22MOY349	Ag/ off-road	Equipment replacement	1	\$ 92,700	Cobb Creek Holdings, LLC DBA CCH Ag Services	0.162	0.027	0.019	Napa	9/21/22	No	2
22MOY63	Ag/ off-road	Equipment replacement	1	\$ 286,800	B & T Farms	0.684	0.072	0.037	Santa Clara	9/21/22	Yes	2
22SBP279	School Bus	Equipment replacement + Infrastructure	5	\$ 1,640,986	East Side Union High School District	0.502	0.045	0.003	Santa Clara	9/21/22	Yes	1, 2
22SBP340	School Bus	Equipment replacement + Infrastructure	3	\$ 1,237,496	Sequoia Union High School District	0.325	0.033	0.002	San Mateo	9/21/22	Yes	1, 2
22MOY202	On-road	Infrastructure	0	\$ 600,000	Solano County Transit	N/A	N/A	N/A	Solano	Pending	Yes	2
22SBP236	School Bus	Equipment replacement + Infrastructure	6	\$ 2,087,000	Liberty Union High School District	0.652	0.050	0.004	Contra Costa	Pending	Yes	1, 2
24 Projects			48	\$ 22,284,091		6.2	0.7	0.3				

† Funding source includes (1) Transportation Fund for Clean Air; (2) CMP/MSIF, FARMER and Community Air Protection Program.

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

ATTACHMENT 3

Funding Facts and Figures

7/1/22 through 9/26/22

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

Figure 1. Status of FYE 2023 funding

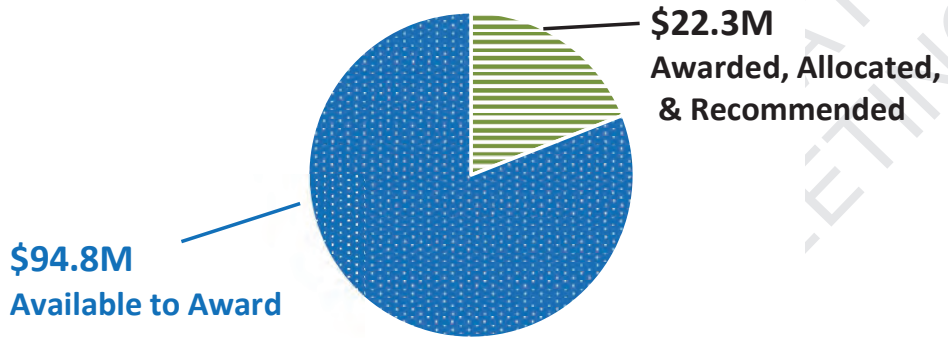


Figure 2. Funding Awarded by County in FYE 2023

includes funds allocated, awarded, & recommended for award

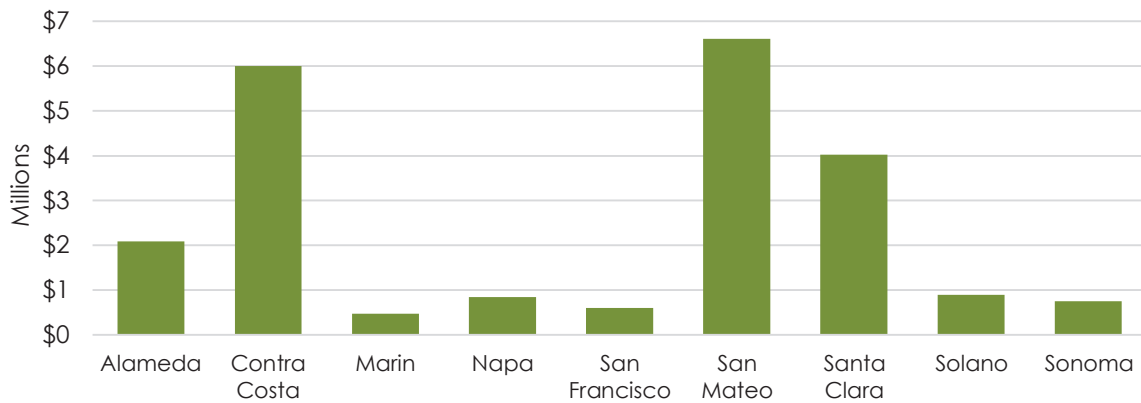
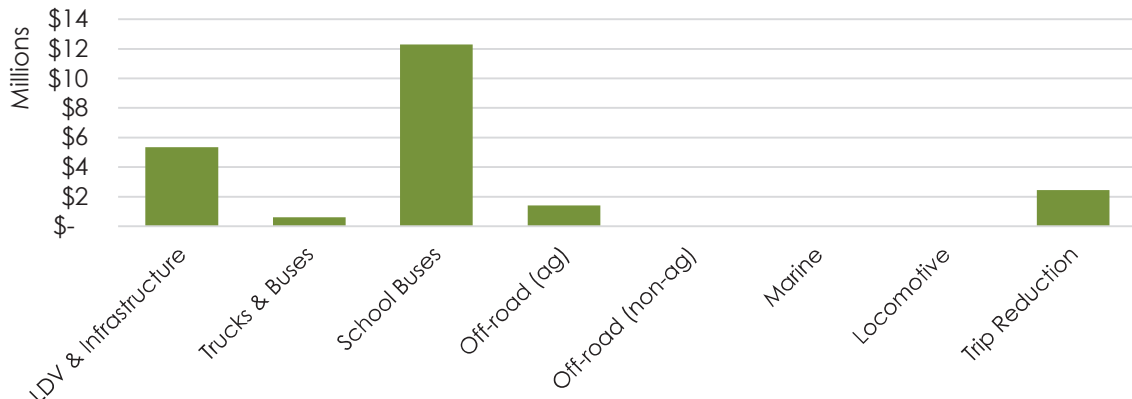


Figure 3. Funding Awarded by Project Category in FYE 2023

includes funds allocated, awarded, & recommended for award



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: October 27, 2022

Re: Proposed Updates to the Transportation Fund for Clean Air County Program
Manager Fund Policies for Fiscal Year Ending 2024

RECOMMENDED ACTION

Action item for the Committee to consider recommending to the Board of Directors to approve the Transportation Fund for Clean Air County Program Manager Fund Policies for Fiscal Year Ending 2024 as shown in Attachment 1.

BACKGROUND

In 1991, the California State Legislature authorized the Bay Area Air Quality Management District (Air District) to impose a \$4 surcharge on motor vehicles registered within the Air District's jurisdiction to fund projects that reduce on-road motor vehicle emissions. This surcharge is used to fund eligible projects through the Air District's Transportation Fund for Clean Air (TFCA) program. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code (HSC) Sections 44241 and 44242.

Forty percent of TFCA revenue is passed through to the County Program Manager (CPM) Fund, based on each county's proportionate share of vehicle registration fees paid, and are awarded by the nine designated CPMs. Each year the Air District Board of Directors adopts proposed updates to the TFCA CPM Fund Policies to maximize emissions reductions and public health benefits.

DISCUSSION

The process of annually reviewing and updating the program's policies began earlier this year and is a collaborative process between the Air District and the CPMs. This process involved Air District staff developing draft recommended revisions that reflected recent updates to the TFCA Regional Fund Policies and input received during the past year from the CPMs. On June 14, 2022, Air District staff issued a draft of the FYE 2024 Policies with the recommended updates to the CPMs for comment. The CPMs also distributed the draft for input and feedback from project sponsors within their respective jurisdictions. The Air District held a meeting on August 23,

2022 with CPM representatives to discuss the proposed policy updates, and followed up with the CPMs on specific questions and issues. Written comments were submitted by three of the nine CPMs.

In addition to minor text revisions to provide clarification on the FYE 2023 Policies, the following is a high-level summary of key proposed updates to the TFCA CPM Policies for FYE 2024:

- Increase and simplify the cost-effectiveness threshold for *Existing First- and Last-Mile Connections* (policy #2).
- Move the environmental review language from *Bicycle Projects* (policy #30) and *Bike Share* (policy #31) to *Readiness* (policy #6). This update would clarify that all project types must complete environmental review/approval requirements if applicable.
- Remove *Arterial Management* (policy #32) project category to promote projects that have lengthier emission reduction benefits.

The proposed updates to the CPM Policies for FYE 2024 are shown in Attachment 1 and a redlined version is shown in Attachment 2. Attachment 3 shows the written comments received and the responses from staff.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The recommended policy updates have no impact on the Air District's budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Hannah Cha
Reviewed by: Karen Schkolnick, Minda Berbeco, and Linda Hui

ATTACHMENTS:

1. Proposed TFCA CPM Fund Policies for FYE 2024 (clean version)
2. Proposed TFCA CPM Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)
3. Comments Received from CPMs on the Draft Proposed Updates to TFCA CPM Fund Policies for FYE 2024 and Air District Staff's Responses
4. FYE2024 TFCA CPM Policies Presentation

**PROPOSED UPDATES TO THE
 TFCA COUNTY PROGRAM MANAGER FUND POLICIES FOR FYE 2024**

The following Policies apply to the Bay Area Air Quality Management District’s (Air District) Transportation Fund for Clean Air (TFCA) County Program Manager Fund for fiscal year ending (FYE) 2024.

BASIC ELIGIBILITY

- 1. Reduction of Emissions:** Only projects that result in the reduction of motor vehicle emissions within the Air District’s jurisdiction are eligible.

Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and these Air District Board of Directors adopted TFCA County Program Manager Fund Policies.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, ordinances, contracts, and other legally binding obligations at the time of the execution of a grant agreement between the County Program Manager and the grantee. Projects must also achieve surplus emission reductions at the time of an amendment to a grant agreement if the amendment modifies the project scope or extends the project completion deadline.

- 2. TFCA Cost-Effectiveness:** Projects must not exceed the maximum cost-effectiveness (C-E) limit specified in Table 1. Cost-effectiveness (\$/weighted ton) is the ratio of TFCA funds awarded to the sum of surplus emissions reduced, during a project’s operational period, of reactive organic gases (ROG), nitrogen oxides (NOx), and weighted PM10 (particulate matter 10 microns in diameter and smaller). All TFCA-generated funds (e.g., reprogrammed TFCA funds) that are awarded or applied to a project must be included in the evaluation. For projects that involve more than one independent component (e.g., more than one vehicle purchased, more than one shuttle route), each component must achieve this cost-effectiveness requirement.

County Program Manager administrative costs are excluded from the calculation of a project’s TFCA cost-effectiveness.

Table 1: Maximum Cost-Effectiveness for TFCA County Program Manager Fund Projects

Policy No.	Project Category	Maximum C-E (\$/weighted ton)
22	Alternative Fuel Light- and Medium-Duty Vehicles	500,000
23	Reserved	Reserved
24	Alternative Fuel Heavy-Duty Trucks and Buses	500,000
25	On-Road Truck Replacements	90,000
26	Alternative Fuel Infrastructure	500,000
27	Ridesharing Projects – Existing	150,000

Attachment 1
Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

28	First- and Last-Mile Connections – Existing	250,000
29.a.	First- and Last-Mile Connections – Pilot projects not in CARE Areas or PDAs. <i>These projects will be evaluated every year.</i>	Year 1 - 500,000 Year 2 and beyond - see Policy #28 service is considered existing
	First- and Last-Mile Connections – <i>Pilot shuttle projects located in Highly Impacted Communities as defined in the Air District CARE Program and/or a Planned or Potential PDA may receive TFCA Funds under the Pilot designation. These projects will be evaluated every year.</i>	Years 1 & 2 - 500,000 Year 3 and beyond - see Policy #28 service is considered existing
29.b.	Pilot Trip Reduction	500,000
30.a.	Bicycle Parking	250,000
30.b.	Bikeways	500,000
31	Bike Share	500,000
32	Reserved	Reserved
33	Infrastructure Improvements for Trip Reduction	500,000
34	Telecommuting	150,000

3. **Eligible Projects and Case-by-Case Approval:** Eligible projects are those that conform to the provisions of the HSC section 44241, Air District Board-adopted policies, and Air District guidance. On a case-by-case basis, County Program Managers must receive approval by the Air District for projects that are authorized by the HSC section 44241 and achieve Board-adopted TFCA cost-effectiveness but do not fully meet other Board-adopted Policies.
4. **Consistent with Existing Plans and Programs:** All projects must comply with the Transportation Control and Mobile Source Control Measures included in the Air District's most recently approved strategies for achieving and maintaining State and national ozone standards ([2017 Clean Air Plan](#)), those plans and programs established pursuant to HSC sections 40233, 40717, and 40919; and, when specified, other adopted federal, State, regional, and local plans and programs.
5. **Eligible Recipients:** Grant recipients must be responsible for the implementation of the project, have the authority and capability to complete the project, and be an applicant in good standing with the Air District (Policies #8-10).
 - a. **Public agencies** are eligible to apply for all project categories.
 - b. **Non-public entities** are eligible to apply for only new alternative-fuel (light, medium, and heavy-duty) vehicle and infrastructure projects, and advanced technology demonstrations that are permitted pursuant to HSC section 44241(b)(7).

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

- 6. Readiness:** Projects must commence by the end of calendar year 2024 or within 24 months from the date of execution of the funding agreement with the subgrantee. For purposes of this policy, “commence” means a tangible preparatory action taken in connection with the project’s operation or implementation, for which the grantee can provide documentation of the commencement date and action performed. “Commence” includes, but is not limited to, the issuance of a purchase order to secure project vehicles and equipment, commencement of first- and last-mile connections and ridesharing service, or the delivery of the award letter for a construction contract.

Prior to contract execution with the subgrantee, projects must have completed all applicable environmental reviews and must have been either deemed exempt by the lead agency or issued the applicable negative declaration, environmental impact report, or statement.

- 7. Maximum Two Years Operating Costs for Service-Based Projects:** Unless otherwise specified in policies #22 through #33, TFCA County Program Manager Funds may be used to support up to two years of operating costs for service-based projects (e.g., ridesharing, first- and last-mile connections service). Grant applicants that seek TFCA funds for additional years must reapply for funding in the subsequent funding cycles.

APPLICANT IN GOOD STANDING

- 8. Independent Air District Audit Findings and Determinations:** Grantees who have failed either the financial statement audit or the compliance audit for a prior TFCA-funded project awarded by either County Program Managers or the Air District are excluded from receiving an award of any TFCA funds for three (3) years from the date of the Air District’s final audit determination in accordance with HSC section 44242 or for a duration determined by the Air District Air Pollution Control Officer (APCO). Existing TFCA funds already awarded to the project sponsor will not be released until all audit recommendations and remedies have been satisfactorily implemented. A failed financial statement audit means a final audit report that includes an uncorrected audit finding that confirms an ineligible expenditure of TFCA funds. A failed compliance audit means an uncorrected audit finding that confirms a program or project was not implemented in accordance with the applicable Funding Agreement or grant agreement.

A failed financial statement or compliance audit of the County Program Manager or its grantee may subject the County Program Manager to a reduction of future revenue in an amount equal to the amount which was inappropriately expended pursuant to the provisions of HSC section 44242(c)(3).

- 9. Authorization for County Program Manager to Proceed:** Only a fully executed Funding Agreement (i.e., signed by both the Air District and the County Program Manager) constitutes the Air District’s award of County Program Manager Funds. County Program Managers may incur costs (i.e., contractually obligate itself to allocate County Program Manager Funds) only after the Funding Agreement with the Air District has been executed.
- 10. Maintain Appropriate Insurance:** Both the County Program Manager and each grantee must obtain and maintain general liability insurance, workers compensation insurance, and additional insurance as appropriate for specific projects, with required coverage amounts provided in Air District guidance and final amounts specified in the respective grant agreements.

INELIGIBLE PROJECTS

- 11. Duplication:** Projects that have previously received any TFCA funds, e.g., TFCA Regional Funds or County Program Manager Funds, and that do not propose to achieve additional emission reductions are not eligible.

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

12. **Planning Activities:** The costs of preparing or conducting feasibility studies are not eligible. Planning activities are not eligible unless they are directly related to the implementation of a specific project or program.
13. **Reserved.**
14. **Cost of Developing Proposals and Grant Applications:** The costs to prepare proposals and/or grant applications are not eligible.

USE OF TFCA FUNDS

15. **Combined Funds:** TFCA County Program Manager Funds may not be combined with TFCA Regional Funds to fund a County Program Manager Fund project. Projects that are funded by the TFCA County Program Manager Fund are not eligible for additional funding from other funding sources that claim emissions reduction credits. However, County Program Manager-funded projects may be combined with funds that do not require emissions reductions for funding eligibility.
16. **Administrative Costs:** The County Program Manager may not expend more than 6.25 percent of its County Program Manager Funds for its administrative costs. The County Program Manager's costs to prepare and execute its Funding Agreement with the Air District are eligible administrative costs. Interest earned on County Program Manager Funds shall not be included in the calculation of the administrative costs. To be eligible for reimbursement, administrative costs must be clearly identified in the expenditure plan application and in the Funding Agreement, and must be reported to the Air District.
17. **Expend Funds within Two Years:** County Program Manager Funds must be expended within two (2) years of receipt of the first transfer of funds from the Air District to the County Program Manager in the applicable fiscal year, unless a County Program Manager has made the determination based on an application for funding that the eligible project will take longer than two years to implement. Additionally, a County Program Manager may, if it finds that significant progress has been made on a project, approve no more than two one-year schedule extensions for a project. Any subsequent schedule extensions for projects can only be given on a case-by-case basis, if the Air District finds that significant progress has been made on a project.
18. **Unallocated Funds:** Pursuant to HSC 44241(f), any County Program Manager Funds that are not allocated to a project within six months of the Air District Board of Directors approval of the County Program Manager's Expenditure Plan may be allocated to eligible projects by the Air District. The Air District shall make reasonable effort to award these funds to eligible projects in the Air District within the same county from which the funds originated.
19. Reserved.
20. Reserved.
21. Reserved.

ELIGIBLE PROJECT CATEGORIES

Clean Air Vehicle Projects

22. **Alternative Fuel Light- and Medium-Duty Vehicles:**

These projects are intended to accelerate the deployment of zero- and partial-zero emissions motorcycles, cars, and light-duty vehicles. All of the following conditions must be met for a project to be eligible for TFCA funds:

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

- a. Vehicles must have a gross vehicle weight rating (GVWR) of 8,500 lbs. or lower;
- b. Vehicles may be purchased or leased;
- c. Eligible vehicle types include plug-in hybrid-electric, plug-in electric, fuel cell vehicles, and neighborhood electric vehicles (NEV) as defined in the California Vehicle Code. Vehicles must also be approved by the CARB;
- d. Vehicles that are solely powered by gasoline, diesel, or natural gas, and retrofit projects are not eligible;
- e. The total amount of TFCA funds awarded may not exceed 90% of the project's eligible cost; the sum of TFCA funds awarded with all other grants and applicable manufacturer and local/state/federal rebates and discounts may not exceed total project costs;
- f. Grantees may request authorization of up to 100% of the TFCA Funds awarded for each vehicle to be used to pay for costs directly related to the purchase and installation of alternative fueling infrastructure and/or equipment used to power the new vehicle; and
- g. Projects that seek to scrap and replace a vehicle in the same weight-class as the proposed new vehicle may qualify for additional TFCA funding. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds.

23. Reserved.

24. Alternative Fuel Heavy-Duty Trucks and Buses:

These projects are intended to accelerate the deployment of qualifying alternative fuel vehicles that operate within the Air District's jurisdiction by encouraging the replacement of older, compliant trucks and buses with the cleanest available technology. If replacing heavy-duty vehicles and buses with light-duty vehicles, light-duty vehicles must meet Policy #22. All of the following conditions must be met for a project to be eligible for TFCA Funds:

- a. Each vehicle must be new and have a GVWR greater than 8,500 lbs.;
- b. Vehicles may be purchased or leased;
- c. Eligible vehicle types include plug-in hybrid, plug-in electric, and fuel cell vehicles. Vehicles must also be approved by the CARB;
- d. Vehicles that are solely powered by gasoline, diesel, or natural gas and retrofit projects are not eligible;
- e. The total amount of TFCA funds awarded may not exceed 100% of the project's eligible cost for School Buses and 90% of the project's eligible cost for all other vehicle types; the sum of TFCA funds awarded combined with all other grants and applicable manufacturer and local/state/federal rebates and discounts may not exceed total project costs;
- f. Grantees may request authorization of up to 100% of the TFCA Funds awarded for each vehicle to be used to pay for costs directly related to the purchase and installation of alternative fueling infrastructure and/or equipment used to power the new vehicle; and
- g. Projects that seek to scrap and replace a vehicle in the same weight-class as the proposed new vehicle may qualify for additional TFCA funding. Costs related to the

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds.

25. **On-Road Truck Replacements:** These projects will replace Class 6, Class 7, and Class 8 diesel-powered trucks that have a gross vehicle weight rating (GVWR) of 19,501 lbs. or greater (per vehicle weight classification definition used by Federal Highway Administration (FHWA) with new or used trucks that have an engine certified to the 2010 CARB emissions standards or cleaner. The existing truck(s) to be replaced must be registered with the California Department of Motor Vehicles (DMV) to an address within the Air District's jurisdiction and must be scrapped after replacement.
26. **Alternative Fuel Infrastructure:** These projects are intended to accelerate the adoption of zero-emissions vehicles through the deployment of alternative fuel infrastructure, i.e., electric vehicle charging sites, hydrogen fueling stations.

Eligible refueling infrastructure projects include new dispensing and charging facilities, or additional equipment or upgrades and improvements that expand access to existing alternative fuel fueling/charging sites. This includes upgrading or modifying private fueling/charging sites or stations to allow public and/or shared fleet access. TFCA funds may be used to cover the cost of equipment and installation. TFCA funds may also be used to upgrade infrastructure projects previously funded with TFCA funds as long as the equipment was maintained and has exceeded the duration of its useful life after being placed into service.

Equipment and infrastructure must be designed, installed, and maintained as required by the existing recognized codes and standards and as approved by the local/state authority.

TFCA funds may not be used to pay for fuel, electricity, operation, and maintenance costs.

Trip Reduction Projects

27. **Existing Ridesharing Services:** The project provides carpool, vanpool, or other rideshare services. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Projects that provide a direct or indirect financial transit or rideshare subsidy *exclusively* to employees of the grantee are not eligible.
28. **Existing First- and Last-Mile Connections:**

The project reduces single-occupancy vehicle trips by providing short-distance connections between mass transit and commercial hubs or employment centers. All the following conditions must be met for a project to be eligible for TFCA funds:

- a. The service must provide direct connections between stations (e.g., rail stations, ferry stations, Bus Rapid Transit (BRT) stations, or airports) and a distinct commercial or employment location.
- b. The service's schedule, which is not limited to commute hours, must be coordinated to have a timely connection with corresponding mass transit service.
- c. The service must be available for use by all members of the public.
- d. TFCA funds may be used to fund only shuttle services to locations that are under-served and lack other comparable service. For the purposes of this policy, "comparable service" means that there exists, either currently or within the last three years, a direct, timed, and publicly accessible service that brings passengers to within one-third (1/3) mile of

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

the proposed commercial or employment location from a mass transit hub. A proposed service will not be deemed “comparable” to an existing service if the passengers’ proposed travel time will be at least 15 minutes shorter and at least 33% shorter than the existing service’s travel time to the proposed destination.

- e. Reserved.
- f. Grantees must be either: (1) a public transit agency or transit district that directly operates the service; or (2) a city, county, or any other public agency.
- g. If an applicant is not the only transit agency serving the area, the applicant(s) must submit a letter of concurrence from all transit districts or transit agencies that provide service in the area of the proposed route, certifying that the service does not conflict with existing service.
- h. Each route must meet the cost-effectiveness requirement in Policy #2.

29. Pilot Projects:

a. Pilot First- and Last-Mile Connections:

The project provides new first- and last-mile connections service that is at least 70% unique and operates where no other service was provided within the past three years. In addition to meeting the conditions listed in Policy #28 for First- and Last-Mile Connections, project applicants must also comply with the following application criteria and agree to comply with the project implementation requirements:

- i. Demonstrate the project will reduce single-occupancy vehicle trips and result in a reduction in emissions of criteria pollutants.
- ii. Provide data and/or other evidence demonstrating the public’s need for the service, such as a demand assessment survey and letters of support from potential users.
- iii. Provide a written plan showing how the service will be financed in the future and require minimal, if any, TFCA funds to maintain its operation after the pilot period.
- iv. If the local transit provider is not a partner, the applicant must demonstrate that they have attempted to have the service provided by the local transit agency. The transit provider must have been given the first right of refusal and determined that the proposed project does not conflict with existing service;
- v. Projects located in Highly Impacted Communities as defined in the Air District CARE Program and/or a Planned or Potential PDA may receive a maximum of two years of TFCA County Program Manager Funds under the Pilot designation. For these projects, the project applicants understand and must agree that such projects will be evaluated every year, and continued funding will be contingent upon the projects meeting the following requirements:
 - 1. During the first year and by the end of the second year of operation, projects must not exceed a cost-effectiveness of \$500,000/ton
 - 2. Projects entering a third year of operation and beyond are subject to all of the requirements, including cost-effectiveness limit, of Policy #28 (existing First- and Last-Mile Connections).

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

- vi. Projects located outside of CARE areas and PDAs may receive a maximum of two years of TFCA County Program Manager Funds under this designation. For these projects, the project applicant understands and must agree that such projects will be evaluated every year, and continued funding will be contingent upon the projects meeting the following requirements:
 1. By the end of the first year of operation, projects shall meet a cost-effectiveness of \$500,000/ton, and
 2. By the end of the second year of operation, projects shall meet all of the requirements, including cost-effectiveness limit, of Policy #28 (existing First- and Last-Mile Connections).

b. **Pilot Trip Reduction:**

The project reduces single-occupancy commute vehicle trips by encouraging mode-shift to other forms of shared transportation. Pilot projects are defined as projects that serve an area where no similar service was available within the past three years, or that will result in significantly expanded service to an existing area. Funding is designed to provide the necessary initial capital to a public agency for the start-up of a pilot project so that by the end of the third year of the trip reduction project's operation, the project will be financially self-sustaining or require minimal public funds, such as grants, to maintain its operation.

- i. Applicants must demonstrate the project will reduce single-occupancy commute vehicle trips and result in a reduction in emissions of criteria pollutants;
- ii. The proposed service must be available for use by all members of the public;
- iii. Applicants must provide a written plan showing how the service will be financed in the future and require minimal, if any, TFCA funds to maintain its operation by the end of the third year;
- iv. If the local transit provider is not a partner, the applicant must demonstrate that they have attempted to have the service provided by the local transit agency. The transit provider must have been given the first right of refusal and determined that the proposed project does not conflict with existing service;
- v. Applicants must provide data and any other evidence demonstrating the public's need for the service, such as a demand assessment survey and letters of support from potential users;
- vi. Pilot trip reduction projects that propose to provide ridesharing service projects must comply with all applicable requirements in policy #27.

30. **Bicycle Projects:**

These projects expand public access to bicycle facilities. New bicycle facility projects or upgrades to an existing bicycle facility that are included in an adopted countywide bicycle plan, Congestion Management Program (CMP), countywide transportation plan (CTP), city plan, or the Metropolitan Transportation Commission's (MTC) Regional Bicycle Plan and/or Regional Active Transportation Plan are eligible to receive TFCA funds. Projects that are included in an adopted city general plan or area-specific plan must specify that the purpose of the bicycle facility is to reduce motor vehicle emissions or traffic congestion.

a. **Bicycle Parking:**

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

The project expands the public's access to new bicycle parking facilities (e.g., electronic bicycle lockers, bicycle racks), which must be publicly accessible and available for use by all members of the public. Eligible projects are limited to the purchase and installation of the following types of bike parking facilities that result in motor vehicle emission reductions:

- i. Bicycle racks, including bicycle racks on transit buses, trains, shuttle vehicles, and ferry vessels;
- ii. Electronic bicycle lockers; and
- iii. Capital costs for attended bicycle storage facilities.

b. Bikeways:

The project constructs and/or installs bikeways for the purpose of reducing motor vehicle emissions or traffic congestion. Bikeways for exclusively recreational use are ineligible. Projects are limited to the following types of bikeways:

- i. Class I Bikeway (bike path), new or upgrade improvement from Class II or Class III bikeway;
- ii. New Class II Bikeway (bike lane);
- iii. New Class III Bikeway (bike route); and
- iv. Class IV Bikeway (separated bikeway), new or upgrade improvement from Class II or Class III bikeway.

All bikeway projects must, where applicable, be consistent with design standards published in the California Highway Design Manual or conform to the provisions of the Protected Bikeway Act of 2014.

31. Bike Share:

Projects that make bicycles available to individuals for shared use for completing first- and last-mile trips in conjunction with regional transit and stand-alone short distance trips are eligible for TFCA funds, subject to all the following conditions:

- a. Projects must either increase the fleet size of existing service areas or expand existing service areas to include new Bay Area communities.
- b. Projects must have a completed a suitability study demonstrating the viability of bicycle sharing.
- c. Projects must have shared membership and/or be interoperable with the Bay Area Bike Share (BABS) project when they are placed into service, in order to streamline transit for end users by reducing the number of separate operators that would comprise bike trips. Projects that meet one or more of the following conditions are exempt from this requirement:
 - i. Projects that do not require membership or any fees for use;
 - ii. Projects that were provided funding under MTC's Bike Share Capital Program to start a new or expand an existing bike share program; or

Attachment 1

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (clean version)

- iii. Projects that attempted to coordinate with, but were refused by, the current BABS operator to have shared membership or be interoperable with BABS. Applicants must provide documentation showing proof of refusal.

TFCA funds may be awarded to pay for up to five years of operations, including the purchase of bicycles or tricycles (self-propelled or electric), plus mounted equipment required for the intended service and helmets.

32. Reserved

33. Infrastructure Improvements for Trip Reduction:

The project expands the public's access to alternative transportation modes through the design and construction of physical improvements that support development projects that achieve motor vehicle emission reductions.

- a. The development project and the physical improvement must be identified in an approved area-specific plan, redevelopment plan, general plan, bicycle plan, pedestrian plan, traffic-calming plan, or other similar plan.
- b. The project must implement one or more transportation control measures (TCMs) in the most recently adopted Air District plan for State and national ambient air quality standards. Pedestrian projects are eligible to receive TFCA funds.
- c. The project must have a completed and approved environmental plan. If a project is exempt from preparing an environmental plan as determined by the public agency or lead agency, then that project has met this requirement.

34. Telecommuting: Implementation of demonstration projects in telecommuting. No funds expended under this policy shall be used for the purchase of personal computing equipment for an individual's home use.

MOBILE SOURCE
IMPACTS COMMISSION
OF 10/27/2022

**PROPOSED UPDATES TO THE
 TFCA COUNTY PROGRAM MANAGER FUND POLICIES FOR FYE 2024**

The following Policies apply to the Bay Area Air Quality Management District’s (Air District) Transportation Fund for Clean Air (TFCA) County Program Manager Fund for fiscal year ending (FYE) 2024~~3~~.

BASIC ELIGIBILITY

1. **Reduction of Emissions:** Only projects that result in the reduction of motor vehicle emissions within the Air District’s jurisdiction are eligible.

Projects must conform to the provisions of the California Health and Safety Code (HSC) sections 44220 et seq. and these Air District Board of Directors adopted TFCA County Program Manager Fund Policies.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, ordinances, contracts, and other legally binding obligations at the time of the execution of a grant agreement between the County Program Manager and the grantee. Projects must also achieve surplus emission reductions at the time of an amendment to a grant agreement if the amendment modifies the project scope or extends the project completion deadline.

2. **TFCA Cost-Effectiveness:** Projects must not exceed the maximum cost-effectiveness (C-E) limit specified in Table 1. Cost-effectiveness (\$/weighted ton) is the ratio of TFCA funds awarded to the sum of surplus emissions reduced, during a project’s operational period, of reactive organic gases (ROG), nitrogen oxides (NOx), and weighted PM10 (particulate matter 10 microns in diameter and smaller). All TFCA-generated funds (e.g., reprogrammed TFCA funds) that are awarded or applied to a project must be included in the evaluation. For projects that involve more than one independent component (e.g., more than one vehicle purchased, more than one shuttle route), each component must achieve this cost-effectiveness requirement.

County Program Manager administrative costs are excluded from the calculation of a project’s TFCA cost-effectiveness.

Table 1: Maximum Cost-Effectiveness for TFCA County Program Manager Fund Projects

Policy No.	Project Category	Maximum C-E (\$/weighted ton)
22	Alternative Fuel Light- and Medium-Duty Vehicles	500,000
23	Reserved	Reserved
24	Alternative Fuel Heavy-Duty Trucks and Buses	500,000
25	On-Road Truck Replacements	90,000
26	Alternative Fuel Infrastructure	500,000
27	Ridesharing Projects – Existing	150,000

Attachment 2

**Proposed TFCA County Program Manager Fund Policies for FYE 2024
(redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)**

28	First- and Last-Mile Connections – Existing	200,000; 250,000 for services in CARE Areas or PDAs
29.a.	First- and Last-Mile Connections – Pilot projects not in CARE Areas or PDAs. <i>These projects will be evaluated every year.</i>	Year 1 - 500,000 Year 2 and beyond - see Policy #28 <i>service is considered existing</i>
	First- and Last-Mile Connections – <i>Pilot shuttle projects located in Highly Impacted Communities as defined in the Air District CARE Program and/or a Planned or Potential PDA may receive TFCA Funds under the Pilot designation. These projects will be evaluated every year.</i>	Years 1 & 2 - 500,000 Year 3 and beyond - see Policy #28 <i>service is considered existing</i>
29.b.	Pilot Trip Reduction	500,000
30.a.	Bicycle Parking	250,000
30.b.	Bikeways	500,000
31	Bike Share	500,000
32	Arterial Management <u>Reserved</u>	250,000 <u>Reserved</u>
33	Infrastructure Improvements for Trip Reduction	500,000
34	Telecommuting	150,000

3. **Eligible Projects and Case-by-Case Approval:** Eligible projects are those that conform to the provisions of the HSC section 44241, Air District Board-adopted policies, and Air District guidance. On a case-by-case basis, County Program Managers must receive approval by the Air District for projects that are authorized by the HSC section 44241 and achieve Board-adopted TFCA cost-effectiveness but do not fully meet other Board-adopted Policies.
4. **Consistent with Existing Plans and Programs:** All projects must comply with the Transportation Control and Mobile Source Control Measures included in the Air District's most recently approved strategies for achieving and maintaining State and national ozone standards ([2017 Clean Air Plan](#)), those plans and programs established pursuant to HSC sections 40233, 40717, and 40919; and, when specified, other adopted federal, State, regional, and local plans and programs.
5. **Eligible Recipients:** Grant recipients must be responsible for the implementation of the project, have the authority and capability to complete the project, and be an applicant in good standing with the Air District (Policies #8-10).
 - a. **Public agencies** are eligible to apply for all project categories.
 - b. **Non-public entities** are eligible to apply for only new alternative-fuel (light, medium, and heavy-duty) vehicle and infrastructure projects, and advanced technology demonstrations that are permitted pursuant to HSC section 44241(b)(7).

Attachment 2

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

- 6. Readiness:** Projects must commence by the end of calendar year ~~2023~~2024 or within 24 months from the date of execution of the funding agreement with the subgrantee. For purposes of this policy, “commence” means a tangible preparatory action taken in connection with the project’s operation or implementation, for which the grantee can provide documentation of the commencement date and action performed. “Commence” includes, but is not limited to, the issuance of a purchase order to secure project vehicles and equipment, commencement of first- and last-mile connections and ridesharing service, or the delivery of the award letter for a construction contract.

Prior to contract execution with the subgrantee, projects must have completed all applicable environmental reviews and must have been either deemed exempt by the lead agency or issued the applicable negative declaration, environmental impact report, or statement.

- 7. Maximum Two Years Operating Costs for Service-Based Projects:** Unless otherwise specified in policies #22 through #33, TFCA County Program Manager Funds may be used to support up to two years of operating costs for service-based projects (e.g., ridesharing, first- and last-mile connections service). Grant applicants that seek TFCA funds for additional years must reapply for funding in the subsequent funding cycles.

APPLICANT IN GOOD STANDING

- 8. Independent Air District Audit Findings and Determinations:** Grantees who have failed either the financial statement audit or the compliance audit for a prior TFCA-funded project awarded by either County Program Managers or the Air District are excluded from receiving an award of any TFCA funds for three (3) years from the date of the Air District’s final audit determination in accordance with HSC section 44242 or for a duration determined by the Air District Air Pollution Control Officer (APCO). Existing TFCA funds already awarded to the project sponsor will not be released until all audit recommendations and remedies have been satisfactorily implemented. A failed financial statement audit means a final audit report that includes an uncorrected audit finding that confirms an ineligible expenditure of TFCA funds. A failed compliance audit means an uncorrected audit finding that confirms a program or project was not implemented in accordance with the applicable Funding Agreement or grant agreement.

A failed financial statement or compliance audit of the County Program Manager or its grantee may subject the County Program Manager to a reduction of future revenue in an amount equal to the amount which was inappropriately expended pursuant to the provisions of HSC section 44242(c)(3).

- 9. Authorization for County Program Manager to Proceed:** Only a fully executed Funding Agreement (i.e., signed by both the Air District and the County Program Manager) constitutes the Air District’s award of County Program Manager Funds. County Program Managers may incur costs (i.e., contractually obligate itself to allocate County Program Manager Funds) only after the Funding Agreement with the Air District has been executed.
- 10. Maintain Appropriate Insurance:** Both the County Program Manager and each grantee must obtain and maintain general liability insurance, workers compensation insurance, and additional insurance as appropriate for specific projects, with required coverage amounts provided in Air District guidance and final amounts specified in the respective grant agreements.

INELIGIBLE PROJECTS

Attachment 2

Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

11. **Duplication:** Projects that have previously received any TFCA funds, e.g., TFCA Regional Funds or County Program Manager Funds, and that do not propose to achieve additional emission reductions are not eligible.
12. **Planning Activities:** The costs of preparing or conducting feasibility studies are not eligible. Planning activities are not eligible unless they are directly related to the implementation of a specific project or program.
13. **Reserved.**
14. **Cost of Developing Proposals and Grant Applications:** The costs to prepare proposals and/or grant applications are not eligible.

USE OF TFCA FUNDS

15. **Combined Funds:** TFCA County Program Manager Funds may not be combined with TFCA Regional Funds to fund a County Program Manager Fund project. Projects that are funded by the TFCA County Program Manager Fund are not eligible for additional funding from other funding sources that claim emissions reduction credits. However, County Program Manager-funded projects may be combined with funds that do not require emissions reductions for funding eligibility.
16. **Administrative Costs:** The County Program Manager may not expend more than 6.25 percent of its County Program Manager Funds for its administrative costs. The County Program Manager's costs to prepare and execute its Funding Agreement with the Air District are eligible administrative costs. Interest earned on County Program Manager Funds shall not be included in the calculation of the administrative costs. To be eligible for reimbursement, administrative costs must be clearly identified in the expenditure plan application and in the Funding Agreement, and must be reported to the Air District.
17. **Expend Funds within Two Years:** County Program Manager Funds must be expended within two (2) years of receipt of the first transfer of funds from the Air District to the County Program Manager in the applicable fiscal year, unless a County Program Manager has made the determination based on an application for funding that the eligible project will take longer than two years to implement. Additionally, a County Program Manager may, if it finds that significant progress has been made on a project, approve no more than two one-year schedule extensions for a project. Any subsequent schedule extensions for projects can only be given on a case-by-case basis, if the Air District finds that significant progress has been made on a project.
18. **Unallocated Funds:** Pursuant to HSC 44241(f), any County Program Manager Funds that are not allocated to a project within six months of the Air District Board of Directors approval of the County Program Manager's Expenditure Plan may be allocated to eligible projects by the Air District. The Air District shall make reasonable effort to award these funds to eligible projects in the Air District within the same county from which the funds originated.
19. Reserved.
20. Reserved.
21. Reserved.

ELIGIBLE PROJECT CATEGORIES

Clean Air Vehicle Projects

Attachment 2

**Proposed TFCA County Program Manager Fund Policies for FYE 2024
(redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)**

22. Alternative Fuel Light- and Medium-Duty Vehicles:

These projects are intended to accelerate the deployment of zero- and partial-zero emissions motorcycles, cars, and light-duty vehicles. All of the following conditions must be met for a project to be eligible for TFCA funds:

- a. Vehicles must have a gross vehicle weight rating (GVWR) of 8,500 lbs. or lower;
- b. Vehicles may be purchased or leased;
- c. Eligible vehicle types include plug-in hybrid-electric, plug-in electric, fuel cell vehicles, and neighborhood electric vehicles (NEV) as defined in the California Vehicle Code. Vehicles must also be approved by the CARB;
- d. Vehicles that are solely powered by gasoline, diesel, or natural gas, and retrofit projects are not eligible;
- e. The total amount of TFCA funds awarded may not exceed 90% of the project's eligible cost; the sum of TFCA funds awarded with all other grants and applicable manufacturer and local/state/federal rebates and discounts may not exceed total project costs;
- f. Grantees may request authorization of up to 100% of the TFCA Funds awarded for each vehicle to be used to pay for costs directly related to the purchase and installation of alternative fueling infrastructure and/or equipment used to power the new vehicle; and
- g. Projects that seek to scrap and replace a vehicle in the same weight-class as the proposed new vehicle may qualify for additional TFCA funding. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds.

23. Reserved.

24. Alternative Fuel Heavy-Duty Trucks and Buses:

These projects are intended to accelerate the deployment of qualifying alternative fuel vehicles that operate within the Air District's jurisdiction by encouraging the replacement of older, compliant trucks and buses with the cleanest available technology. If replacing heavy-duty vehicles and buses with light-duty vehicles, light-duty vehicles must meet Policy #22. All of the following conditions must be met for a project to be eligible for TFCA Funds:

- a. Each vehicle must be new and have a GVWR greater than 8,500 lbs.;
- b. Vehicles may be purchased or leased;
- c. Eligible vehicle types include plug-in hybrid, plug-in electric, and fuel cell vehicles. Vehicles must also be approved by the CARB;
- d. Vehicles that are solely powered by gasoline, diesel, or natural gas and retrofit projects are not eligible;
- e. The total amount of TFCA funds awarded may not exceed 100% of the project's eligible cost for School Buses and 90% of the project's eligible cost for all other vehicle types; the sum of TFCA funds awarded combined with all other grants and applicable manufacturer and local/state/federal rebates and discounts may not exceed total project costs;

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Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

- f. Grantees may request authorization of up to 100% of the TFCA Funds awarded for each vehicle to be used to pay for costs directly related to the purchase and installation of alternative fueling infrastructure and/or equipment used to power the new vehicle; and
 - g. Projects that seek to scrap and replace a vehicle in the same weight-class as the proposed new vehicle may qualify for additional TFCA funding. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds.
25. **On-Road Truck Replacements:** These projects will replace Class 6, Class 7, and Class 8 diesel-powered trucks that have a gross vehicle weight rating (GVWR) of 19,501 lbs. or greater (per vehicle weight classification definition used by Federal Highway Administration (FHWA) with new or used trucks that have an engine certified to the 2010 CARB emissions standards or cleaner. The existing truck(s) to be replaced must be registered with the California Department of Motor Vehicles (DMV) to an address within the Air District's jurisdiction and must be scrapped after replacement.

26. **Alternative Fuel Infrastructure:** These projects are intended to accelerate the adoption of zero-emissions vehicles through the deployment of alternative fuel infrastructure, i.e., electric vehicle charging sites, hydrogen fueling stations.

Eligible refueling infrastructure projects include new dispensing and charging facilities, or additional equipment or upgrades and improvements that expand access to existing alternative fuel fueling/charging sites. This includes upgrading or modifying private fueling/charging sites or stations to allow public and/or shared fleet access. TFCA funds may be used to cover the cost of equipment and installation. TFCA funds may also be used to upgrade infrastructure projects previously funded with TFCA funds as long as the equipment was maintained and has exceeded the duration of its useful life after being placed into service.

Equipment and infrastructure must be designed, installed, and maintained as required by the existing recognized codes and standards and as approved by the local/state authority.

TFCA funds may not be used to pay for fuel, electricity, operation, and maintenance costs.

Trip Reduction Projects

27. **Existing Ridesharing Services:** The project provides carpool, vanpool, or other rideshare services. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Projects that provide a direct or indirect financial transit or rideshare subsidy *exclusively* to employees of the grantee are not eligible.

28. **Existing First- and Last-Mile Connections:**

The project reduces single-occupancy vehicle trips by providing short-distance connections between mass transit and commercial hubs or employment centers. All the following conditions must be met for a project to be eligible for TFCA funds:

- a. The service must provide direct connections between stations (e.g., rail stations, ferry stations, Bus Rapid Transit (BRT) stations, or airports) and a distinct commercial or employment location.
- b. The service's schedule, which is not limited to commute hours, must be coordinated to have a timely connection with corresponding mass transit service.

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Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

- c. The service must be available for use by all members of the public.
- d. TFCA funds may be used to fund only shuttle services to locations that are under-served and lack other comparable service. For the purposes of this policy, “comparable service” means that there exists, either currently or within the last three years, a direct, timed, and publicly accessible service that brings passengers to within one-third (1/3) mile of the proposed commercial or employment location from a mass transit hub. A proposed service will not be deemed “comparable” to an existing service if the passengers’ proposed travel time will be at least 15 minutes shorter and at least 33% shorter than the existing service’s travel time to the proposed destination.
- e. Reserved.
- f. Grantees must be either: (1) a public transit agency or transit district that directly operates the service; or (2) a city, county, or any other public agency.
- g. ~~If an Applicant is not the only transit agency serving the area, the Applicant(s)~~ must submit a letter of concurrence from all transit districts or transit agencies that provide service in the area of the proposed route, certifying that the service does not conflict with existing service.
- h. Each route must meet the cost-effectiveness requirement in Policy #2. ~~Projects that would operate in Highly Impacted Communities or Episodic Areas as defined in the Air District Community Air Risk Evaluation (CARE) Program, or in Priority Development Areas (PDAs), may qualify for funding at a higher cost-effectiveness limit (see Policy #2).~~

29. Pilot Projects:

a. Pilot First- and Last-Mile Connections:

The project provides new first- and last-mile connections service that is at least 70% unique and operates where no other service was provided within the past three years. In addition to meeting the conditions listed in Policy #28 for First- and Last-Mile Connections, project applicants must also comply with the following application criteria and agree to comply with the project implementation requirements:

- i. Demonstrate the project will reduce single-occupancy vehicle trips and result in a reduction in emissions of criteria pollutants.
- ii. Provide data and/or other evidence demonstrating the public’s need for the service, such as a demand assessment survey and letters of support from potential users.
- iii. Provide a written plan showing how the service will be financed in the future and require minimal, if any, TFCA funds to maintain its operation after the pilot period.
- iv. If the local transit provider is not a partner, the applicant must demonstrate that they have attempted to have the service provided by the local transit agency. The transit provider must have been given the first right of refusal and determined that the proposed project does not conflict with existing service;
- v. Projects located in Highly Impacted Communities as defined in the Air District CARE Program and/or a Planned or Potential PDA may receive a maximum of

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Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

two years of TFCA County Program Manager Funds under the Pilot designation. For these projects, the project applicants understand and must agree that such projects will be evaluated every year, and continued funding will be contingent upon the projects meeting the following requirements:

1. During the first year and by the end of the second year of operation, projects must not exceed a cost-effectiveness of \$500,000/ton
 2. Projects entering a third year of operation and beyond are subject to all of the requirements, including cost-effectiveness limit, of Policy #28 (existing First- and Last-Mile Connections).
- vi. Projects located outside of CARE areas and PDAs may receive a maximum of two years of TFCA County Program Manager Funds under this designation. For these projects, the project applicant understands and must agree that such projects will be evaluated every year, and continued funding will be contingent upon the projects meeting the following requirements:
1. By the end of the first year of operation, projects shall meet a cost-effectiveness of \$500,000/ton, and
 2. By the end of the second year of operation, projects shall meet all of the requirements, including cost-effectiveness limit, of Policy #28 (existing First- and Last-Mile Connections).

b. **Pilot Trip Reduction:**

The project reduces single-occupancy commute vehicle trips by encouraging mode-shift to other forms of shared transportation. Pilot projects are defined as projects that serve an area where no similar service was available within the past three years, or that will result in significantly expanded service to an existing area. Funding is designed to provide the necessary initial capital to a public agency for the start-up of a pilot project so that by the end of the third year of the trip reduction project's operation, the project will be financially self-sustaining or require minimal public funds, such as grants, to maintain its operation.

- i. Applicants must demonstrate the project will reduce single-occupancy commute vehicle trips and result in a reduction in emissions of criteria pollutants;
- ii. The proposed service must be available for use by all members of the public;
- iii. Applicants must provide a written plan showing how the service will be financed in the future and require minimal, if any, TFCA funds to maintain its operation by the end of the third year;
- iv. If the local transit provider is not a partner, the applicant must demonstrate that they have attempted to have the service provided by the local transit agency. The transit provider must have been given the first right of refusal and determined that the proposed project does not conflict with existing service;
- v. Applicants must provide data and any other evidence demonstrating the public's need for the service, such as a demand assessment survey and letters of support from potential users;

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Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

- vi. Pilot trip reduction projects that propose to provide ridesharing service projects must comply with all applicable requirements in policy #27.

30. Bicycle Projects:

These projects expand public access to bicycle facilities. New bicycle facility projects or upgrades to an existing bicycle facility that are included in an adopted countywide bicycle plan, Congestion Management Program (CMP), countywide transportation plan (CTP), city plan, or the Metropolitan Transportation Commission's (MTC) Regional Bicycle Plan and/or Regional Active Transportation Plan are eligible to receive TFCA funds. Projects that are included in an adopted city general plan or area-specific plan must specify that the purpose of the bicycle facility is to reduce motor vehicle emissions or traffic congestion.

a. Bicycle Parking:

The project expands the public's access to new bicycle parking facilities (e.g., electronic bicycle lockers, bicycle racks), which must be publicly accessible and available for use by all members of the public. Eligible projects are limited to the purchase and installation of the following types of bike parking facilities that result in motor vehicle emission reductions:

- i. Bicycle racks, including bicycle racks on transit buses, trains, shuttle vehicles, and ferry vessels;
- ii. Electronic bicycle lockers; and
- iii. Capital costs for attended bicycle storage facilities.

b. Bikeways:

The project constructs and/or installs bikeways for the purpose of reducing motor vehicle emissions or traffic congestion. Bikeways for exclusively recreational use are ineligible. Projects are limited to the following types of bikeways:

- i. Class I Bikeway (bike path), new or upgrade improvement from Class II or Class III bikeway;
- ii. New Class II Bikeway (bike lane);
- iii. New Class III Bikeway (bike route); and
- iv. Class IV Bikeway (separated bikeway), new or upgrade improvement from Class II or Class III bikeway.

All bikeway projects must, where applicable, be consistent with design standards published in the California Highway Design Manual or conform to the provisions of the Protected Bikeway Act of 2014. ~~Projects must have completed all applicable environmental reviews and either have been deemed exempt by the lead agency or have been issued the applicable negative declaration or environmental impact report or statement.~~

31. Bike Share:

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Proposed TFCA County Program Manager Fund Policies for FYE 2024 (redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)

Projects that make bicycles available to individuals for shared use for completing first- and last-mile trips in conjunction with regional transit and stand-alone short distance trips are eligible for TFCA funds, subject to all the following conditions:

- a. Projects must either increase the fleet size of existing service areas or expand existing service areas to include new Bay Area communities.
- b. Projects must have a completed ~~and approved environmental plan and~~ a suitability study demonstrating the viability of bicycle sharing.
- c. Projects must have shared membership and/or be interoperable with the Bay Area Bike Share (BABS) project when they are placed into service, in order to streamline transit for end users by reducing the number of separate operators that would comprise bike trips. Projects that meet one or more of the following conditions are exempt from this requirement:
 - i. Projects that do not require membership or any fees for use;
 - ii. Projects that were provided funding under MTC's Bike Share Capital Program to start a new or expand an existing bike share program; or
 - iii. Projects that attempted to coordinate with, but were refused by, the current BABS operator to have shared membership or be interoperable with BABS. Applicants must provide documentation showing proof of refusal.

TFCA funds may be awarded to pay for up to five years of operations, including the purchase of ~~two-wheeled bicycles~~ or ~~three-wheeled vehicle tricycles~~ (self-propelled or electric), plus mounted equipment required for the intended service and helmets.

32. ~~Arterial Management Reserved: Arterial management grant applications must identify a specific arterial segment and define what improvement(s) will be made to affect traffic flow on the identified arterial segment. Projects that provide routine maintenance (e.g., responding to citizen complaints about malfunctioning signal equipment) are not eligible to receive TFCA funds. Incident management projects on arterials are eligible to receive TFCA funds. Transit improvement projects include, but are not limited to, bus rapid transit and transit priority projects. Signal timing projects are eligible to receive TFCA funds. Each arterial segment must meet the cost-effectiveness requirement in Policy #2.~~

33. Infrastructure Improvements for Trip Reduction:

The project expands the public's access to alternative transportation modes through the design and construction of physical improvements that support development projects that achieve motor vehicle emission reductions.

- a. The development project and the physical improvement must be identified in an approved area-specific plan, redevelopment plan, general plan, bicycle plan, pedestrian plan, traffic-calming plan, or other similar plan.
- b. The project must implement one or more transportation control measures (TCMs) in the most recently adopted Air District plan for State and national ambient air quality standards. Pedestrian projects are eligible to receive TFCA funds.

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**Proposed TFCA County Program Manager Fund Policies for FYE 2024
(redlined version of Board-approved TFCA CPM Fund Policies for FYE 2023)**

- c. The project must have a completed and approved environmental plan. If a project is exempt from preparing an environmental plan as determined by the public agency or lead agency, then that project has met this requirement.

34. **Telecommuting:** Implementation of demonstration projects in telecommuting. No funds expended under this policy shall be used for the purchase of personal computing equipment for an individual's home use.

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF 10/27/2022

Committer and Organization	Comments received from County Program Managers (CPMs) between June 14 – August 15, 2022	Air District Staff's Responses
<p>Bill Hough, Santa Clara Valley Transportation Authority</p>	<p>Policy 28. Existing First- and Last-Mile Connections Policy 28-g says: Applicants must submit a letter of concurrence from all transit districts or transit agencies that provide service in the area of the proposed route, certifying that the service does not conflict with existing service. Recommend adding, "This policy does not apply if the applicant is the only agency that provides service in the area of the proposed route", to the end of the paragraph. Reason: It is pointless (and a waste of time) for an agency to concur with itself.</p>	<p>Noted. Staff updated the policy to incorporate this feedback and to clarify this requirement.</p>
<p>Mike Pickford, San Francisco County Transportation Authority</p>	<p>Policy 2. TFCA Cost-Effectiveness We support the proposed increase in Cost Effectiveness limit for Policy #28 (First- and Last-Mile Connections - Existing). We support continued increases of this threshold across policies as the vehicle fleet becomes more fuel efficient to maximize the number of eligible projects.</p>	<p>Noted.</p>
	<p>Policy 28. Existing First- and Last-Mile Connections (section d) We recommend removing references to "shuttle services" as Policy 28 can fund micromobility projects that improve first and last mile connections, such as e-scooters, bike share, rideshare services, and more. Additionally, we recommend removing the time and distance requirements in determining "comparable service" as a non-shuttle project may be slower in terms of time spent in motion, but faster and more reliable overall if wait time is eliminated and the service is on-demand. This requirement could have a chilling effect on innovative project proposals that utilize new modes of transportation to improve first and last mile connections, particularly because pilot projects listed in policy 29a have to meet the requirements of policy 28.</p>	<p>Staff reviewed the policy and confirmed that projects funded under this category are limited to shuttle services. Micro-mobility projects may qualify under <i>Pilot Trip Reduction</i> (Policy #29.b.).</p>
	<p>Policy 29. Pilot Projects (section a)</p>	<p>The purpose of this requirement is to ensure that this policy be used to</p>

Committer and Organization	Comments received from County Program Managers (CPMs) between June 14 – August 15, 2022	Air District Staff's Responses
	<p>We recommend removing the requirement that “service is at least 70% unique” as it is unclear how agencies are to measure uniqueness and there are many other policy constraints ensuring that any project must reduce car trips in order to be an eligible and cost effective project.</p> <p>Policy 30. Bicycle Projects (section b)</p> <p>a) We recommend removing the requirement that bikeways exclusively for recreational use are ineligible. It seems unlikely that any bikeway would be exclusively for recreational use and impossible to prove. This requirement is also unnecessary, as project sponsors are already required to demonstrate a cost effective emissions reduction, regardless of trip purpose. Additionally, this requirement could have a chilling effect on project proposals that may result in a mixture of recreational and utilitarian trips.</p> <p>b) We recommend eliminating the requirement that projects must have completed environmental review in order to be eligible for TFCA funds because bikeway projects are exempt from environmental review. We have consistently opposed this requirement since it was originally proposed for the FYE 2016 policies because it is unnecessary and restrictive. County Program Managers are already required to evaluate project readiness per Policy 6, making a separate readiness requirement in Policy 30 redundant. At this time, SB 288 (Wiener) exempted bicycle projects, among others, from California Environmental Quality Act requirements and has proven that it expedites sustainable transportation projects. SB 288 will sunset on January 1, 2023, but SB 922 , which will extend and expand SB 288, has been passed by the Legislature.</p>	<p>evaluate new projects, whereas projects for existing services should be evaluated under other policies. Staff will provide further clarification on this requirement in the Guidance.</p> <p>a) TFCA funds must be used to reduce on-road motor vehicle emissions. Therefore, bikeways that are exclusively recreational are not eligible for this program. Bikeways that might be used for recreation and do provide a means to mode shift and reduce vehicle trips are always eligible.</p> <p>b) All projects that have either completed or are exempt from environmental review are in compliance with the readiness requirement. Based on discussions and upon agreement at the workgroup meeting, staff proposes to move the environmental review language from <i>Bicycle Projects</i> (Policy #30) and <i>Bike Share</i> (Policy #31) to <i>Readiness</i> (Policy #6).</p>

Committer and Organization	Comments received from County Program Managers (CPMs) between June 14 – August 15, 2022	Air District Staff's Responses
	<p>Policy 31. Bike Share We recommend eliminating the proposed requirement that projects must have a completed and approved environmental plan in order to be eligible for TFCA funds. See comment above.</p>	<p>See response for Policy #30 – comment b) above.</p>
	<p>Policy 34. Telecommuting We recommend adding language regarding examples of the types of projects or expenses that are eligible under this category.</p>	<p>Noted. Staff will be including examples of projects and eligible expense information in the Guidance that is issued to CPMs later this year.</p>
<p>Diana Meehan, Napa Valley Transportation Authority</p>	<p>Policy 1. Reduction of Emissions Is the surplus requirement a requirement under statute? To meet emissions goals and targets, a project achieving any reduction should qualify. The challenge to achieve "surplus" built into formulas makes it very difficult to achieve CE for many projects that would have emissions reduction benefits.</p>	<p>Yes, the authorizing legislation requires that the Air District adopts a cost-effectiveness criteria to maximize emissions reductions and public health benefits. Surplus means that emissions reductions are above what is required by law, regulation, or contract; any reductions that aren't surplus would have occurred without funding.</p>
	<p>Policy 22. Alternative Fuel Light- and Medium-Duty Vehicles We would advocate for the inclusion of electric bicycles in this category as well, particularly for CARE areas or where owning and charging an electric vehicle is prohibitive due to high cost, lack of charging infrastructure in multi-unit housing. Electric Bikes are a viable transportation alternative, especially in conjunction with transit as a first/last mile connection, or in areas that have low transit frequency.</p>	<p>E-bikes are not considered motor vehicles under the California Vehicle Code, and therefore cannot be directly funded under this category. Staff have communicated with the commenter and provided information about options for funding e-bikes with incentive funding such as <i>Bike Share</i> (Policy #31).</p>

Committer and Organization	Comments received from County Program Managers (CPMs) between June 14 – August 15, 2022	Air District Staff's Responses
	<p>Policy 29. Pilot Projects</p> <p>a) Is e-bike share/bike share eligible under this category? Would an e-bike or bike rebate program for commuters be eligible under this pilot category? If not, can you provide an explanation for why bikes/e-bikes would not be eligible?</p> <p>b) Why only "shared" transportation and not lease or purchase of bikes or e-bikes as an alternative? Many smaller jurisdictions are reluctant to take on the management of shared systems. Allowance of lease or purchase could encourage VMT and SOV reduction. Other conditions under the pandemic have also put a strain on shared systems, just as it has with public transit. Encouraging ownership or lease of e-bikes or commute bikes could encourage more use.</p> <p>c) Rather than expanded "service" could it be access to nodes or destinations? [This comment is in reference to the following sentence: "Pilot projects are defined as projects that serve an area where no similar service was available within the past three years, or that will result in significantly expanded <i>service</i> access to nodes or destinations to an existing area."] Again, overly focused on service as opposed to empowering individuals to choose a sustainable mode for their commute. If a commute is short-less than 10 miles, e-bikes/bikes are a viable option, but rather than shared, lease or individual ownership. The ongoing operation and maintenance falls on the owner, removing the need for public agency support.</p>	<p>a, b & c)</p> <p>No, see response to Policy #22 above. Projects funded under this category are meant to provide services, specifically shared transportation services. Because shared transportation services tend to maximize emission reductions, these projects tend to be more cost-effective. Staff have communicated with the commenter and provided information about options for funding e-bikes with incentive funding such as <i>Bike Share</i> (Policy #31).</p>
	<p>Policy 30. Bicycle Projects</p> <p>a) Could this [project category] language be changed to include "bicycles" along with bicycle facilities? Bikeways covers facilities, but there is very little under the program to encourage use of a bicycles for transportation</p>	<p>a) No. Per Health and Safety Code 44241, bicycle purchases are not eligible under this category. Staff have communicated with the commenter and provided information about options for</p>

Attachment 3
 Comments Received and Staff's Responses to the Draft Proposed FYE 2024 TFCA County Program Manager Fund Policies

Committer and Organization	Comments received from County Program Managers (CPMs) between June 14 – August 15, 2022	Air District Staff's Responses
	<p>other than shared systems (bike share) which requires operations and maintenance funding.</p> <p>b) In areas where Class II lanes exist on higher volume roadways, upgrading to buffered Class II lanes could encourage more use by creating additional separation. [Therefore, insert the following, "or upgrade to Class II buffered bike lane" to policy 29, b, ii. New Class II Bikeway.]</p> <p>c) [Insert the following to the policy #30, b] "Or current best practices in bikeways standards and designs such as NACTO or AASHTO."</p>	<p>funding e-bikes with incentive funding such as <i>Bike Share</i> (Policy #31).</p> <p>b & c)</p> <p>Staff has not seen evidence that upgrades to existing Class II bike lanes have resulted in mode shift, reduced vehicle trips, and cost-effectiveness projects. Staff will follow up with the commenter to discuss these ideas at a future workgroup meeting.</p>
	<p>Policy 31. Bike Share [Replace "three-wheeled vehicles" with] "three-wheeled bicycles" (instead of "vehicles").</p>	<p>Noted. Staff updated the language in the policy to address the request.</p>

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: October 27, 2022

Re: Interstate 580 Truck Access Study Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

There is currently a truck weight restriction along an 8.7-mile segment of Interstate 580 through the City of Oakland. The restriction bans all trucks weighing over 9,000 pounds (4.5 tons) from that segment of the freeway. The I-580 truck ban is unique. While other freeway truck bans in the US exist because of construction or structural issues, these are not a factor for I-580 which was designed to accommodate all vehicles, including heavy trucks. The I-580 truck ban, originally implemented along MacArthur Boulevard in Oakland in the 1950's, was approved when the freeway was constructed in the early 1960's. The California Legislature acted through Assembly Bill 500 to place the I-580 truck ban into the California Vehicle Code.

As a result of the truck weight restriction on I-580, the I-880 freeway corridor, which parallels to the west, is heavily trafficked by trucks from throughout Oakland. Specifically, trucks transporting goods passing through the Port of Oakland and the Oakland International Airport travel extensively on I-880.

Residents in East and West Oakland, as well as locally elected officials, have questioned why the truck weight restriction exists, especially when underserved communities of color adjacent to I-880 suffer from higher rates of asthma and other illnesses than other parts of Alameda County. Despite prior suggestions to lift the truck ban, earlier plans to study lifting the ban were halted due to strong local opposition. Today, the truck ban remains an overt and persistent legacy of structural racism, one that would require an act of the California Legislature to reverse.

DISCUSSION

Recently, in part due to Caltrans, the Air District, and the City of Oakland increasing their focus on equity and environmental justice, because of recent news articles highlighting racial inequities

in Oakland and surrounding areas, and because of efforts by industry to access roads they help fund, the purpose of the I-580 truck ban is being questioned again. Likewise, the Community Steering Committee for the Assembly Bill (AB) 617 West Oakland Community Action Plan included a strategy to study the changes in health impacts throughout Oakland from allowing trucks on I-580.

In January 2022, Caltrans District 4, in partnership with the Air District and the City of Oakland, submitted a planning grant application for a new study to Caltrans Headquarters: *Interstate 580 Truck Access Study: Community, Equity, Traffic, Environment*. In March 2022, District 4 was notified they were selected to receive funding to conduct the study. A Request for Proposals (RFP) contract is currently in development and the study is set to begin in the spring of 2023. At the conclusion of the study, planned for the end of 2024, a recommendation and a summary of next steps will be provided by Caltrans and the study partners. While removing the ban has been proposed several times over the years, this will be the first time a study will be conducted to address this possibility.

The I-580 truck access study seeks to answer the following question: will the removal of the I-580 truck ban improve truck efficiency and overall corridor reliability along I-580 and I-880 while delivering more equitable public health outcomes? Answering this question will create an opportunity to reevaluate the purpose of the truck ban, find common ground for the potential repeal, address existing issues of inefficient traffic flows for Oakland’s logistics industry, and alleviate disproportionate health impacts for the city’s underserved communities of color.

The study includes four interconnected components:

- Transportation studies concerning truck access and traffic operations, as well as other issues such as pavement, structures, and traffic diversion.
- Health studies concerning air quality, noise, and other social impacts on both the I-580 and I-880 corridors
- A racial equity assessment of impacts and benefits on I-580, I-880, and other corridors.
- A comprehensive community engagement plan to gather ideas and to take suggestions from the community.

The staff presentation will focus on the Air District’s contributions to this study. The Air District is committing in-kind resources to help evaluate potential air quality and health impacts associated with future truck traffic along I-580, as well as changes in air quality and health impacts along I-880 and other connecting state highways and local roadways in Northern and Central Alameda County. This study will be coordinated with the proposed Vision 980 study being led by Caltrans District 4 and with the I-580 Multi-Nodal Study led by the Alameda County Transportation Commission. In partnership with the AB 617 Community Steering Committees, Air District staff will use this study to help enhance the development of the AB 617 Community Emission Reduction Plan in East Oakland and implementation of the adopted Plan in West Oakland.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Phil Martien and Michael Murphy

Reviewed by: Greg Nudd

ATTACHMENTS:

1. Interstate 580 Truck Access Study Update Presentation

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF 10/27/2022

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: December 7, 2022

Re: Report of the Administration Committee Meeting of November 2, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Administration Committee met on Wednesday, November 2, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021), allowing remote meetings. Members of the Committee participated by teleconference (via Zoom).

The Committee **approved** the Consent Calendar, which included:

1. Approval of the Minutes of June 15, 2022
2. Hearing Board Quarterly Reports: April – June & July – September 2022
3. Committee Authorization for Chair Bauters and Vice Chair Hurt to Attend United Nations Climate Change Conference

The Committee then received and discussed the staff presentation *Proposed Amendments to Administrative Code – Board Member Compensation for Meeting Attendance and Board Meeting Start Time*. Four proposed amendments were accompanied by proposed actions that the Committee heard for consideration:

1. Increase the compensation for Board member attendance at multiple meetings on the same day to \$200;
2. Provide compensation for Board members for active transportation travel to meetings in an amount of \$1.56 per mile for travel by bicycle and \$1.50 per mile for travel by foot or wheelchair;

3. Make various other non-substantive changes to reorganize and clarify the provisions for Board member meeting attendance compensation; and
4. The start time for regular Board meetings shall be from either 9:00 am or 9:30 am., at the discretion of the Board Chairperson. **The Committee recommended the Board adopt the above proposed amendments. The Board will receive notice on December 7, 2022 and then consider adoption of the amendments on December 21, 2022.**

The Committee then received the presentations *Performance Audit of Human Resources Functions*, given by George Skiles of Sjoberg Evashenk, and *Management Audit Report on Air District Human Resources Functions*, given by Interim Executive Officer/Air Pollution Control Officer, Sharon L. Landers. The Committee gave the following direction to the Interim Executive Officer:

1. **Directs** the Interim Executive Officer to prepare an action plan to address the Human Resources Audit Report's recommendations and to present the action plan to the Administration Committee for approval within 60 days.

Finally, the Committee received the presentations *Organizational Structure Assessment*, given by Mr. Skiles, and *Management Audit Recommendations on Air District Organizational Structure*, given by Ms. Landers. The Committee gave the following direction to the Interim Executive Officer:

1. In accordance with the auditor's Organizational Structure Assessment, **directs** the Interim Executive Officer to prepare and present to the Board of Directors for approval, within sixty (60) days, recommendations for position classifications and assignments of the twenty (20) vacant and unassigned positions listed in Table 1 of Appendix H in the Fiscal Year Ending 2023 Budget.
2. **Directs** the Interim Executive Officer to prepare an Action Plan to address the Organizational Structure Assessment's restructuring recommendations and present the Plan to the Administration Committee as soon as practicable.

The next meeting of the Administration Committee will be on Wednesday, December 21, 2022, at 11:00 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 Administration 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. Administration Committee November 2, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Valerie J. Armento, Esq.
Chair, Hearing Board

Date: November 2, 2022

Re: Hearing Board Quarterly Report: April - June 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

This report covers the second calendar quarter (April – June) of 2022.

- Held two hearings;
- Processed three orders: and
- Collected a total of \$353.00 in Hearing Board filing fees.

Below is a detail of Hearing Board activity during the same period:

Docket: 3732 – APCO vs. Chemtrade West US, LLC – Accusation and Stipulated Conditional Order for Abatement

Location: Contra Costa County; City of Richmond

Regulation(s): Regulation 1, Rule 522 (General Provisions, Continuous Emission Monitoring and Recordkeeping Procedures)

Synopsis: Respondent operates the Chemtrade sulfuric acid manufacturing plant, a source of sulfur dioxide (“SO₂”) emissions which are monitored, in part, by a Continuous Emissions Monitoring System (“CEMS”) on its Sulfuric Acid Manufacturing Plant (“S-1”). Air District

staff determined the S-1 CEMS is improperly configured and cannot comply with applicable monitoring requirements without replacement and reconfiguration. The Stipulated Order requests the Hearing Board enter a Conditional Order for Abatement against Respondent requiring Respondent to refrain from operating its Plant after the deadlines unless Respondent has completed all Compliance Actions by their deadlines. All Compliance Actions refer specifically to the CEMS unit installed at S-1.

Status: Accusation filed by Complainant (Air District) on February 24, 2022; Notice of Defense filed by Respondent on March 10, 2022; Notice of Hearing (for April 5, 2022) filed/issued on March 15, 2022; Notice of Continued Hearing (for April 12, 2022) filed/issued on March 17, 2022; hearing held on April 12, 2022 (10 members of the public present); Stipulated Conditional Order for Abatement filed/issued on April 12, 2022 (see language below).

THE HEARING BOARD ORDERED:

Respondent Chemtrade West US, LLC shall refrain from operating its Plant after the compliance action deadlines stated below, unless Respondent has completed all compliance actions enumerated below by their indicated deadlines:

Compliance Actions

I.1 – Adequately heat and maintain sample line above moisture dew point of stack gas. Install new/used or rental sample line if necessary. (Reg. 1-522.10). Complete by 4/15/2022.

I.2 – Install calibration gas line to existing “T” on CEM probe and ensure daily calibrations challenge the entire CEM system. (Reg. 1-522.5, MOP Vol. V, Section 5.2) Complete by 4/15/2022.

I.3 – Ensure daily calibrations (O₂ and SO₂) are being conducted and are passing performance criteria. This can be achieved manually or automatically through the use of software. (Reg. 1-522.5, MOP Vol. V, Section 5.2). Complete by 4/15/2022.

I.4 – Install new/used or rental sample conditioning system for removal of moisture or directly measure moisture content in real-time. Alternatively, indicate to the District that a default value of 3 percent moisture will be assumed for all periods. (SO₂ limit= 300 ppm dry). Complete by 4/15/2022.

I.5 – Install new/used or rental stack flow probe or develop an alternative approach to measure stack flow in dry standard cubic feet (dscf). (Reg. 1-522.10, MOP Vol. V, Section 3). Complete by 4/15/2022.

I.6 – Ensure daily calibration records are being maintained and available upon request. (MOP Vol. V, Sec. 5.2, Reg. 1-522.9). Complete by 4/15/2022.

I.7 – Conduct 7-day calibration drift procedure and a Relative Accuracy Test Audit (RATA) on O2/SO2 analyzers as detailed in EPA 40 CFR 60, App. B, Performance Specification 2. The final report for the RATA shall include: exhaust gas flow rate in standard cubic feet per minute (scfm), exhaust gas moisture content (%), percent oxygen content (%), raw sulfur dioxide concentration (ppm), sulfur dioxide concentration at 12 percent oxygen (ppm, dry basis), and sulfur dioxide mass emission rate (lb/hour). Complete by 5/2/2022.

I.8 – Submit 7-Day drift and RATA results to the recipients below within 45 days of testing. (Reg.1-522.3). Submit by 6/16/2022.

Docket: 3733 – APCO vs. Green Sage Management, LLC, et al. – Accusation and Request for Order for Abatement

Location: Alameda County; City of Oakland

Regulation(s): Regulation 2, Rule 1, Section 301 (Permits – Authority to Construct; and Regulation 2, Rule 1, Section 302 (Permits – Permit to Operate)

Synopsis: Seven (7) respondents were originally named by the Air District:

Referred to collectively as “Landlord Respondents”:

1. Green Sage Management, LLC, a Colorado Limited Liability Corporation;
2. Oakland Cannery Real Estate, LLC, a California Limited Liability Corporation;
3. 5601 SLOCA, LLC, a California Limited Liability Corporation;
4. 5733 SLOCA, LLC, a California Limited Liability Corporation;
5. Romspen California Mortgage Limited Partnership; an Ontario Limited Partnership;

AND

Referred to collectively as “Cultivator Residents”:

6. 5601-A LLC, a California Limited Liability Corporation; and
7. 5601-B LLC, a California Limited Liability Corporation

Landlord Respondents are owners or operators of a 10+ acre floor area mixed-use (indoor cannabis cultivation, live-work residential lofts, and other uses) warehouse complex located at 5601 and 5733 San Leandro Street, Oakland, California (hereinafter, the "Site"). The Site principally consists of two large buildings historically known as "The Oakland Cannery" and "The Oakland Tinnery." Cultivator Respondents are owners or operators of expansive indoor cannabis cultivation facilities within the Site. Since at least July 2, 2021 - and possibly as early as mid-2020 - a number of Portable Equipment Registration Program (PERP)-registered portable diesel generators stationed within the Site's loading docks and other exterior spaces have supplied power to the Site without District-required permits. These generators operate all day and all night. These generators are connected to transfer boxes within the Site's buildings, providing *primary power*.

A PERP registration is not a valid authorization to operate where engines are "used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment," except, as the California Air Resources Board ("CARB") states, in "very specific circumstances." (13 Cal. Code Regs. § 2453(m)(4)(E); CARB 's 2019 Portable Equipment -- Frequently Asked Questions.) According to the Air District, none of the "very specific circumstances" that might allow a business or landlord to use generators as primary power to buildings are present. Additionally, the Air District is informed and believes that at least one - and possibly all nine - of the PERP-registered generators currently on Site have either (1) been at the Site for more than 12 consecutive months; or (2) replaced generators that collectively and consecutively have been at the Site for more than 12 months. As such, the Air District believes there is a second reason why PERP registration is invalid for continuing operation (i.e., a second reason a District permit must now be obtained and an abatement order must issue). 13 CCR. Section 2452(d).

Note: On June 13, 2022, prior to the first hearing regarding this matter, one of the seven original respondents, Romspen California Mortgage Limited Partnership, submitted 1) a Stipulation to Dismiss Romspen as a Respondent and File Intervention Application, and 2) Application for Intervention to the Hearing Board. Within these two documents, Romspen asserted that it was not an "owner/operator" of the site, that Romspen did not review or approve of any of the leases for the Site, that Romspen did not approve or authorize the use of diesel generators at the site, and that the Air District consented to dismissing Romspen as a respondent and agreed to let Romspen participate instead as an intervenor. Based upon Romspen's requests within these two documents, the Hearing Board Chairperson issued an Order of Dismissal of Respondent Romspen and Approval of Romspen as Intervenor, on June 22.

Status: Accusation and Statement to Respondent filed by Complainant (Air District) on April 20, 2022; Notice of Defense & Objection to Accusation submitted by Green Sage Management, LLC on May 5, 2022; Notice of Defense filed by Romspen on May 5, 2022; Notice of Hearing (for June 28, 2022) filed/issued on June 2, 2022; Stipulation to Dismiss Romspen as a Respondent and File Intervention Application and Application for Intervention submitted by Romspen on June 13, 2022; Order of Dismissal of Respondent Romspen and Approval of Romspen as Intervenor filed on June 21, 2022; hearing held on June 28, 2022 (25 members of the public present, 6 speakers); Notice of Continued Hearing (for July 5, 2022) filed/issued on June 30, 2022.

Docket: 3734 – Cypress AMLOC Land Co. – Request for Emergency Variance

Location: San Mateo County; City of Colma

Regulation(s): Regulation 8, Rule 34, Section 301.1 (Organic Compounds, Solid Waste Disposal Sites, Landfill Gas Collection and Emission Control System Requirements)

Synopsis: Applicant is a closed landfill operating a McGill Model EGF-26 enclosed flare with a flow range from 200 -850 scfm. The flare currently operates 24 hours a day with a reducing gas generation and methane quality. The site consists of 33 vertical wells and 8 horizontal collectors. The collection system piping consists of an above ground headers and laterals. The Applicant sought a variance for the McGill enclosed landfill gas flare, A2. On May 7th, the flare had become in-operable due to a failed HMI controller damaged by a PG&E electrical outage. The purpose of the HMI controller is to controls all flare functions, such as flare startup sequence, blower operation, maintain flare temperature, and emergency shut down. The flare operation is essential to the company to stay in compliance with its Permit to Operate, PTO#1364. The Applicant claimed that the malfunction of the HMI controller was unforeseen and identified as a sudden equipment failure, and that there were no symptoms which would have caused the technician to take corrective action during his visual inspection. Blue Flame has recommended to facility to install an electrical surge protection on the incoming power to help eliminate damage to the controls.

Status: Application for Emergency Variance filed by Applicant on May 12, 2022; Air District staff response received on May 19, 2022; Hearing Board response received on May 26, 2022; Order Granting Emergency Variance filed on June 3, 2022.

Requested Period of Variance: May 7, 2022 to May 13, 2022

Estimated Excess Emissions: None.

Fees collected this quarter: \$353.00.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

/S/ Valerie J. Armento

Valerie J. Armento, Esq.
Chair, Hearing Board

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Valerie J. Armento, Esq.
Chair, Hearing Board

Date: November 2, 2022

Re: Hearing Board Quarterly Report: July - September 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

This report covers the third calendar quarter (July – September) of 2022.

- Held three hearings;
- Processed three orders: and
- Collected a total of \$14,088.00 in Hearing Board filing fees.

Below is a detail of Hearing Board activity during the same period:

Docket: 3733 – APCO vs. Green Sage Management, LLC, et al. – Accusation and Request for Order for Abatement

Location: Alameda County; City of Oakland

Regulation(s): Regulation 2, Rule 1, Section 301 (Permits – Authority to Construct; and Regulation 2, Rule 1, Section 302 (Permits – Permit to Operate)

Synopsis: Seven (7) respondents were originally named by the Air District:

Referred to collectively as “Landlord Respondents”:

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2. Oakland Cannery Real Estate, LLC, a California Limited Liability Corporation;

3. 5601 SLOCA, LLC, a California Limited Liability Corporation;
4. 5733 SLOCA, LLC, a California Limited Liability Corporation;
5. Romspen California Mortgage Limited Partnership; an Ontario Limited Partnership;

AND

Referred to collectively as "Cultivator Residents":

6. 5601-A LLC, a California Limited Liability Corporation; and
7. 5601-B LLC, a California Limited Liability Corporation

Landlord Respondents are owners or operators of a 10+ acre floor area mixed-use (indoor cannabis cultivation, live-work residential lofts, and other uses) warehouse complex located at 5601 and 5733 San Leandro Street, Oakland, California (hereinafter, the "Site"). The Site principally consists of two large buildings historically known as "The Oakland Cannery" and "The Oakland Tinnery." Cultivator Respondents are owners or operators of expansive indoor cannabis cultivation facilities within the Site. Since at least July 2, 2021 - and possibly as early as mid-2020 - a number of Portable Equipment Registration Program (PERP)-registered portable diesel generators stationed within the Site's loading docks and other exterior spaces had supplied power to the Site without District-required permits. These generators operated all day and all night. These generators were connected to transfer boxes within the Site's buildings, providing *primary power*.

A PERP registration is not a valid authorization to operate where engines are "used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment," except, as the California Air Resources Board ("CARB") states, in "very specific circumstances." (*13 Cal. Code Regs. § 2453(m)(4)(E); CARB 's 2019 Portable Equipment -- Frequently Asked Questions.*) According to the Air District, none of the "very specific circumstances" that might allow a business or landlord to use generators as primary power to buildings were present. Additionally, the Air District was informed, and believes that at least one - and possibly all nine - of the PERP-registered generators on Site were either (1) at the Site for more than 12 consecutive months; or (2) replaced generators that collectively and consecutively had been at the Site for more than 12 months. As such, the Air District believed there was a second reason why PERP registration was invalid for continuing operation (i.e., a second reason a District permit must be obtained and an abatement order must issue). *13 CCR. Section 2452(d).*

***Note:** On June 13, 2022, prior to the first hearing regarding this matter, one of the seven original respondents, Romspen California Mortgage Limited Partnership, submitted 1) a Stipulation to Dismiss Romspen as a Respondent and File Intervention Application, and 2) Application for Intervention to the Hearing Board. Within these two documents, Romspen asserted that it was not an "owner/operator" of the site, that Romspen did not review or approve of any of the leases for the Site, that Romspen did not approve or authorize the use of diesel generators at the site, and that the Air District consented to dismissing Romspen as a respondent and agreed to let Romspen participate instead as an intervenor. Based upon Romspen's requests within these two documents, the Hearing Board Chair issued an Order of Dismissal of Respondent Romspen & Approval of Romspen as Intervenor, on June 22.*

Status: Accusation and Statement to Respondent filed by Complainant (Air District) on April 20, 2022; Notice of Defense & Objection to Accusation submitted by Green Sage Management, LLC on May 5, 2022; Notice of Defense filed by Romspen on May 5, 2022; Notice of Hearing (for June 28, 2022) filed/issued on June 2, 2022; Stipulation to Dismiss Romspen as a Respondent and File Intervention Application and Application for Intervention submitted by Romspen on June 13, 2022; Order of Dismissal of Respondent Romspen and Approval of Romspen as Intervenor filed on June 21, 2022; hearing held on June 28, 2022; Notice of Continued Hearing (for July 5, 2022) filed/issued on June 30, 2022; both parties submitted their chronology of significant dates regarding this matter, as well as their Pacific Gas & Electric (PG&E) contacts, per the Hearing Board, by July 1, 2022; second hearing held on July 5, 2022; Notice of Continued Hearing (for July 12, 2022) filed/issued on July 5, 2022; Hearing Board issued subpoena to PG&E representatives related to the matter, to be present at July 12, 2022 hearing; PG&E submitted documentation on July 11, 2022, and attended the third hearing, held July 12, 2022; Order for Abatement filed/issued on July 21, 2022 (see language below).

THE HEARING BOARD ORDERED:

1. *Immediately, Respondents and their agents, employees, successors and assigns shall cease violation of District Regulation 2, Rule 1, Sections 301 and 302 at 5601 and 5733 San Leandro Street, Oakland, California, by ceasing operation of any and all portable diesel generators at the Site unless and until they obtain a current and valid permit to do so; and*
2. *Respondents shall demonstrate compliance with this Order by submitting to the Hearing Board either (a) a copy of a current and valid District permit to operate the Facility, or (b) written affirmation executed by Respondents that they have ceased operating all portable generators at The Site and that they shall not recommence operating any generators, if ever, until they have met all applicable requirements to obtain and maintain a valid District permit to operate pursuant to District Regulation 2, Rule 1. Respondents shall deliver such documentation via electronic mail and certified mail to the Clerk of the Hearing Board, by no later than fifteen (15) calendar days from the Effective Date, with a copy of such documentation to Adan Schwartz, Senior Assistant District Counsel, also delivered via electronic mail and certified mail; and*
3. *The Hearing Board shall retain jurisdiction over this matter for three years from the date of conclusion of the hearing in this matter, pursuant to Hearing Board Rule 4.12, during which period the parties may apply to modify or terminate this Order in accordance with the Rules of the Hearing Board; and*
4. *Landlord Respondents shall provide actual notice of this Order to all prospective tenants, buyers, lenders, and successors in interest in the Site for as long as the Hearing Board retains jurisdiction over this matter; and*
5. *Cultivator Respondents shall provide actual notice of this Order to any prospective sub-tenants or assignees with respect to their leasehold interest in the Site for as long as the Hearing Board retains jurisdiction over this matter; and*

6. *Once the Order in this matter is finalized, that a copy of it be provided electronically to the City of Oakland City Attorney, City Administrator, Building Division and Fire Prevention Bureau; and*

7. *That a copy of the final Order be provided electronically to the United Rentals branch manager and account manager; and*

8. *That a copy of the final Order be provided to the Compliance Division of the California Department of Cannabis Control; and*

9. *That a copy of the final Order be posted by Green Sage, so that every page is readable, at every entrance to both 5601 and 5733 San Leandro Street, Oakland; and that the Order remain posted until all portable diesel generators are either removed from the properties or proper permits are obtained; and*

10. *On a monthly basis through December 2022, due no later than the fifth of the month, that Green Sage provides a list of all cannabis tenants with full contact information to the Air Pollution Control Officer.*

AFTERMATH:

Following the abatement order issued by the Hearing Board on July 21, 2022, ordering that all nine generators be shut down, the Respondent continued to use five generators, in defiance of the order, through August. The Respondent argued, in a late July court filing, that it needed more power than PG&E could provide in order to meet the needs of cannabis cultivation, citing millions of dollars of crop lost if there was a sudden change in energy supply.

On September 13, 2022, the Air District received a ruling from an Alameda County Superior Court judge, finding that the abatement order to shut down diesel generators at the Green Sage cannabis facilities in Oakland was immediately enforceable, by further order of the court. The judge's ruling rejected technical arguments that the order was not immediately enforceable and ratified the Hearing Board's order to post the abatement order on the property. The judge also invited the Air District to apply for a temporary restraining order in the event there is any evidence of renewed interest in bringing diesel generators to the property in defiance of the Hearing Board's order.

The Air District worked with the Oakland City Attorney's Office to contact the generator rental company, United Rentals, and have the generators removed. After the Hearing Board inquired directly with United Rentals on September 6, 2022, United Rentals confirmed that all nine generators had been removed from the Site.

On September 27, 2022, the Respondent submitted a Request for Dismissal of its court filing.

Docket: 3735 – Waste Connections: Potrero Hills Landfill, Inc. – Request for Emergency Variance

Location: Solano County; City of Suisun City

Regulation(s): Regulation 2, Rule 1 (Permits, General Requirements), and Permit Condition #27218.

Synopsis: Applicant is a municipal solid waste landfill (the “Facility”) located at 3675 Potrero Hills Lane, Suisun City, California, 94585. The Facility is considered an essential public service that serves as a critical public health function. The equipment that is the subject of the petition is two portable diesel tipper engines (S-38 and S-39) which are critical to the facility’s waste disposal operations. These engines are 174 brake-horsepower , Tier 4F certified engines. The tippers are mobile hydraulic platforms powered by a diesel engine and are used to tip cargo trailer truck containers vertically to empty the loads. On Friday, August 5, 2022, the Facility experienced a small, isolated fire in the active filling area, suspected to be caused by a hot load from a residential refuse hauling truck. The fire was centralized in the trash and caused damage to the two tippers, S-38 and S-39, rendering them inoperable. There was no damage caused to any other equipment or to the landfill gas system, nor were there any excess emissions as a result the event. The Tier 4F engines were not damaged by the fire. Applicant applied for an Emergency Variance for relief to temporarily operate two tippers that use a 174 bhp Tier 4 interim tipper engine and 156 bhp Tier 3 tipper engine.

Requested Period of Variance: 7:00 a.m. on August 15, 2022, to 7:00 a.m. on September 15, 2022.

Estimated Excess Emissions: (See below, provided by applicant)

Air Pollutant	Net Emissions Increase (Proposed Temp. Engines - Existing Tipper Engines)		
	lb/hr	tons/year	lbs - 30 days
VOCs	0.0462	0.0614	33.26
NOx	1.4514	1.9295	1,045.04
SOx	0.0006	0.0210	0.44
CO	1.0185	1.3508	733.30
PM10	0.0040	0.0055	2.88
Total HAPs	7.88E-06	2.69E-04	0.01

Emissions estimates based on proposed operation of 5,304 hrs/yr combined for the two temporary engines (2,652 hrs each).

Fees collected this quarter: \$2,009.00.

Status: Application for Emergency Variance filed by Applicant on August 11, 2022; Air District staff response received on August 18, 2022; Hearing Board response received on August 22, 2022; Order Granting Emergency Variance filed/issued on August 23, 2022.

Docket: 3736 – Waste Connections: Potrero Hills Landfill, Inc. – Request for Interim and Regular Variances

Location: Solano County; City of Suisun City

Regulation(s): Regulation 2, Rule 1 (Permits, General Requirements), and Permit Condition #27218.

Synopsis: Applicant is a municipal solid waste landfill (the “Facility”) located at 3675 Potrero Hills Lane, Suisun City, California, 94585. The Facility is considered an essential public service that serves as a critical public health function. The equipment that is the subject of the petition is two portable diesel tipper engines (S-38 and S-39) which are critical to the facility’s waste disposal operations. These engines are 174 brake-horsepower , Tier 4F certified engines. The tippers are mobile hydraulic platforms powered by a diesel engine and are used to tip cargo trailer truck containers vertically to empty the loads. On Friday, August 5, 2022, the Facility experienced a small, isolated fire in the active filling area, suspected to be caused by a hot load from a residential refuse hauling truck. The fire was centralized in the trash and caused damage to the two tippers, S-38 and S-39, rendering them inoperable. There was no damage caused to any other equipment or to the landfill gas system, nor were there any excess emissions as a result the event. The Tier 4F engines were not damaged by the fire. Applicant applied for an Emergency Variance for relief to temporarily operate two tippers that use a 174 bhp Tier 4 interim tipper engine and 156 bhp Tier 3 tipper engine.

Following the issuance of the Order Granting Emergency Variance on August 23, 2022, the Applicant contacted the Clerk of the Hearing Board on September 1, 2022, seeking relief beyond that stipulated within the granted Emergency Variance, in the form of an Application for Interim and Regular Variances. The Applicant’s plan for returning to compliance included repair, retrofitting, and replacement options, but all options were being impacted by either high workload demand or supply chain delays. Applicant represented that there were only two companies that made tippers appropriate for this facility; a repair quote and a replacement quote were obtained from Columbia Industries, but Columbia had not yet provided an estimated timeframe for implementation. The Applicant also represented that it had sought quotes from two companies for retrofitting the temporary tippers with the permitted Tier 4F engines. Some scenarios would have required an Air District permit application for Authority to Construct.

The Applicant promised to notify the Air District and provide a tentative schedule detailing the course of actions planned to return to compliance, once a decision has been made (whether to replace, retrofit, or repair the tippers.)

Requested Period of Variance: September 15, 2022, to September 15, 2023.

Estimated Excess Emissions: (See below, provided by applicant)

Air Pollutant	12 - Month Net Emissions Increase (Temporary - Existing Tipper Engines)		
	Existing Tippers S - 38 & S - 39	Temporary Tipper Engines	Net Emissions
	lbs - 12 Months	lbs - 12 Months	lbs - 12 Months
VOCs	15.18	136.89	121.71
NOx	455.38	4,281.06	3,825.68
SOx	1,891.94	1,795.71	-96.23
CO	30.36	2,729.77	2,699.41
PM10	15.18	25	9.82
Total HAPs	24.49	23.24	-1.25

Permit Condition #27218 allows S-38 and S-39 tipper engines to operate up to 5,304 hours combined during any 12-month consecutive (approximately 2,652 hours per year per engine.) Emissions estimates assumes each temporary engine will operate approximately 2,652 hours during the requested 12-month period, based on permitted annual operation.

Fees collected this quarter: \$12,079.00.

Status: Application for Interim and Regular Variances filed by Applicant on September 1, 2022; Notice of Hearings filed/issued on September 7, 2022; Interim Variance hearing held on September 13, 2022; Order Granting Interim Variance, granting relief from 10:30 a.m. on September 13, 2022 through the date the Hearing Board makes a determination on the regular variance application (anticipated to be October 18, 2022), filed/issued on September 22, 2022.

The Regular Variance hearing scheduled for October 18, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

/S/ Valerie J. Armento

Valerie J. Armento, Esq.
Chair, Hearing Board

Prepared by: Marcy Hiratzka

Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

ADMINISTRATION COMMITTEE
MEETING OF 11/02/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 2, 2022

Re: Committee Authorization for Chair Bauters and Vice Chair Hurt to Attend United
Nations Climate Change Conference (COP27)

RECOMMENDED ACTION

Consider approving Chair Bauters and Vice Chair Hurt to attend the United Nations (UN) Climate Change Conference (COP27) from November 11, 2022 to November 19, 2022, and reimbursement for actual and necessary travel expenses incurred in connection with such attendance.

BACKGROUND

For the last three decades, the UN has convened almost every country on earth for an annual global climate summit, or “Conference of the Parties” or “COP.” In that time, climate change has gone from being a fringe issue to a global priority. This year will be the 27th annual summit, thus “COP27.” COP27 takes place in Sharm El-Sheikh, Egypt, and will run from November 6, 2022 to November 18, 2022.

Directors may attend COP meetings upon approval by the Administration Committee. Directors are also authorized to receive reimbursement for actual and necessary expenditures incurred in connection with attendance at meetings of this type on behalf of the Air District pursuant to Division II, Section 5.1 of the Administrative Code. For meetings outside of California, travel needs to be approved in advance by the Administration Committee. Approval by the Administration Committee is sufficient to authorize such travel; the Administrative Code does not require further approval by the full Board of Directors.

Board members are also entitled to \$100 per diem compensation for attendance at such meetings pursuant to Division I, Section 1.2 of the Administrative Code. Compensation for meeting attendance for meetings outside of California needs to be approved in advance by the full Board of Directors. The Board of Directors approved compensation for Chair Bauters and Vice Chair Hurt at its meeting of October 19, 2022.

DISCUSSION

More than 190 world leaders will travel to Egypt to attend this conference. Joining them will be tens of thousands of negotiators, government representatives, scientists, policymakers, businesses, and citizens for twelve days of talks. Participation from the California delegation includes members from the Air District, California Air Resources Board, state legislators, and other organizations. Chair Bauters and Vice Chair Hurt have been nominated for approval by the Administration Committee for attendance at this meeting pursuant to Division II, Section 5.1(b) of the Administrative Code.

COP27 provides a unique and diverse experience for members of the Air District to participate in some of the important and consequential discussions surrounding climate change. The attendance of Chair Bauters and Vice Chair Hurt will be an asset to the Air District and State of California, as a global climate leader.

For future international travel, staff will develop a policy on selection of Board members, to ensure equity and transparency, in determining which Board members will represent the Air District at such events.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for Board member travel for this conference, including travel expenses and per diem compensation for meeting attendance, is estimated at \$19,500 and is included in Program 104, Fiscal Year Ending 2023.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Henry Hilken
Reviewed by: Sharon L. Landers

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 2, 2022

Re: Proposed Amendments to Administrative Code – Board Member Compensation for
Meeting Attendance and Board Meeting Start Time

RECOMMENDED ACTION

Recommend the Board of Directors adopt revisions to the Administrative Code to: (i) increase the compensation for Board member attendance at multiple meetings on the same day to \$200; (ii) provide compensation for Board members for active transportation travel to meetings in an amount of \$1.56 per mile for travel by bicycle and \$1.50 per mile for travel by foot or wheelchair; (iii) make various other non-substantive changes to reorganize and clarify the provisions for Board member meeting attendance compensation; and (iv) change the start time for regular Board meetings from 9:30 am to 9:00 am.

BACKGROUND

Governor Newsom signed Assembly Bill 2721 (Lee) on September 23, 2022. This bill revises the amount of compensation that a member of the Board of Directors may receive for attending a meeting of the Board or a Board committee, or attending a meeting while on official business of the Air District, to an amount not to exceed \$100 per meeting and \$200 per day.

The bill also authorizes Board members to receive compensation for active transportation travel to such meetings. Active transportation travel is defined in the bill as bicycling, walking, and other modes of travel that "... reduce traffic, improve health outcomes, and reduce air pollution." Compensation for active transportation travel can be set on a per mile basis or at a fixed daily, weekly, monthly, or annual rate. The bill's definition of active transportation travel as including bicycling and walking aligns well with the active transportation strategies in the 2017 Clean Air Plan, Plan Bay Area 2050, and the State of California's active transportation funding program.

Total compensation for meeting attendance, including active transportation travel compensation, is subject to a limit of \$6,000 per year.

DISCUSSION

To implement AB 2721's revised authority for Board meeting compensation, Staff are proposing amendments to Division I, Section 1.2 of the Administrative Code.

First, the proposed revisions would provide for compensation for Board member attendance at Board meetings, Committee meetings, and various other types of meetings of \$100 per meeting, up to \$200 per day. Section 1.2 currently limits compensation to \$100 per day, even if a Board member attends multiple meetings in a single day.

Second, the proposed revisions would provide compensation for Board members who travel to such meetings by bicycle, foot or wheelchair. Bicycle travel would be compensated at \$1.56 per mile. This rate is based on studies and research that show that (i) bicycle upkeep costs \$0.06 per mile on average; (ii) increases in bicycling provide an air quality benefit of \$0.10 per mile; and (iii) bicycling provides an additional \$1.40 per mile in benefits from reduced congestion, roadway cost savings, noise pollution reduction, parking facilities and traffic safety benefits. Travel by foot or wheelchair would be compensated at \$1.50 per mile. Research into equivalent per-mile rates for walking is less robust than it is for bicycle usage. However, since walking and bicycling both displace automobile trips, resulting in comparable air quality and societal benefits, staff recommend that the compensation rate for walking to meetings be set at \$1.50 per mile. Staff further recommend that this rate be applied for walking the entire distance to a meeting or the distance for connecting to/from public transit.

Total compensation for meeting attendance would continue to be capped at \$6,000 per year, consistent with AB 2721.

Staff are also proposing a number of other non-substantive revisions to Section 1.2 to clarify all of the applicable rules and procedures for compensation for meeting attendance. The current version of Section 1.2 is not well organized and is unclear and difficult to follow in many areas. The proposed revisions would make these provisions clearer, without changing the substance of the rules for when and how Board members are eligible for compensation when they attend meetings on behalf of the District.

Finally, Staff are also proposing an amendment to Division I, Section 1.1 to change the start time for regular meetings of the Board of Directors from 9:30 am to 9:00 am, in order to reflect the Board's recent preference for starting meetings at 9:00 am.

All of the proposed revisions to Sections 1.1 and 1.2 are indicated in the attached proposed revised versions, including a redline markup of the current text and a clean version of the proposed revised text.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Compensation rates will be reflected in the Air District budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Michael Murphy
Reviewed by: Henry Hilken

ATTACHMENTS:

1. Proposed Amendments to Admin Code Division I Sections 1.1 and 1.2 - Redline Version
2. Proposed Amendments to Admin Code Division I Sections 1.1 and 1.2 - Clean Version
3. Board Compensation and Active Transportation Presentation

ADMINISTRATION COMMITTEE
MEETING OF 11/02/2022

SECTION 1 BOARD OF DIRECTORS, MEETINGS

1.1 MEETING DATES. (Revised __/__/2022)

Regular meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of ~~9:00~~ 9:30 a.m., with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

1.2 ~~A.~~ COMPENSATION FOR- MEETING ATTENDANCE. (Revised / /2022) (Revised 3/7/2018)

~~Board members shall receive compensation of one hundred dollars (\$100) for each day attending~~

(a) MEETINGS ELIGIBLE FOR COMPENSATION.

Board members shall receive compensation for attendance at:

(1) ~~M~~meetings of the Air District Board and of Board Committees; ~~;~~ and

(~~1~~) ~~or upon authorization of the Board~~ Other meetings while on official business of the District, including but not limited t-but such compensation shall not exceed six thousand dollars (\$6,000) in any one fiscal year. Board members may receive compensation for attendance at the following types of meetings other than Board and Committee meetings:

(~~2~~) ~~eo~~ educational seminars designed to improve officials' skill and information levels; ~~;~~

(~~3~~) ~~meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance. ~~;~~~~

(~~4~~) Air District events. ~~;~~ and

(~~5~~)(2) ~~and~~ meetings to discuss community and/or business concerns with regard to air quality in the region.

(b) BOARD MEETING ATTENDANCE REQUIRMENTS.

Unless excused by the Chairperson, a Board member shall receive compensation for attending meetings of the Board only if:

(1) the Board member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and

(2) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.

(c) PRE-APPROVAL AND REPORTING REQUIREMENTS.

Board members shall not receive compensation for attending meetings of ~~any~~ the type specified in subparagraph (a)(2) above unless the compensation ~~for attendance at such meeting(s)~~ is approved by the Chairperson in an open session prior to attendance at the meeting, or, for meetings held outside the State of California, unless the compensation is approved by the Board in an open session prior to attendance at the meeting. Board members who receive compensation for attending a meeting of the type specified in subparagraph (a)(2) above must provide a

~~Report(s) on any the meetings that members have attended at the Air District's expense will be given at the next regular board meeting.~~

(d) AMOUNT OF COMPENSATION.

Board members shall receive compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 1.2, up to a maximum of two hundred dollars (\$200) per day; plus compensation for active transportation travel calculated as specified in Paragraph (e) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any fiscal year for meeting attendance pursuant to this Section 1.2.

~~(a)~~

(e) ACTIVE TRANSPORTATION TRAVEL CALCULATION.

Compensation for active transportation travel pursuant to Paragraph (d) above shall be calculated as follows:

- (1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar non-motorized pedal-operated vehicle;
- (2) \$1.50 per mile for travel by foot or wheelchair.

For multi-modal travel, compensation shall be provided only for miles actually traveled using the alternative transportation travel modes specified in this Paragraph (e). Board members must provide details on the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

(f) REIMBURSEMENT FOR EXPENSES.

In addition to compensation for meeting attendance as specified in this Section 1.2, Board members shall also be entitled to reimbursement for actual and necessary expenditures in connection with meeting attendance as provided for in Division II, Section 5. Board members do not need prior approval to be eligible for reimbursement for expenditures in connection with meetings of the Air District Board and Board Committees. To the extent a meeting for which compensation is available includes a meal, ~~a Board members may~~ ~~be~~ ~~shall~~ ~~be~~ ~~entitled~~ ~~to~~ ~~reimbursed~~ ~~reimbursement~~ ~~for~~ ~~their~~ ~~meal~~ ~~expenditures~~ ~~as~~ ~~long~~ ~~as~~ ~~specified~~ ~~in~~ ~~Division~~ ~~II,~~ ~~Section~~ ~~5.1(g),~~ ~~notwithstanding~~ ~~that~~ ~~provision's~~ ~~limitation~~ ~~on~~ ~~meal~~ ~~reimbursement~~ ~~for~~ ~~One~~ ~~Day~~ ~~Travel.~~ ~~A~~ ~~the~~ ~~Board~~ ~~member~~ ~~receiving~~ ~~reimbursement~~ ~~for~~ ~~expenditures~~ ~~under~~ ~~this~~ ~~Paragraph~~ ~~(f)~~ ~~must~~ ~~complies~~ ~~comply~~ ~~with~~ ~~the~~ ~~limits~~ ~~and~~ ~~reporting~~ ~~requirements~~ ~~of~~ ~~local,~~ ~~state~~ ~~and~~ ~~federal~~ ~~law~~ ~~and~~ ~~the~~ ~~meal~~ ~~expenditure~~ ~~is~~ ~~reasonable~~ ~~and~~ ~~necessary.~~

~~1.2~~ B. LIMITS ON COMPENSATION FOR MEETING ATTENDANCE.
(Revised 4/5/2006)

~~Board members shall not receive compensation for attendance at meetings of any type held outside the State of California unless compensation for attendance at such meeting(s) is approved by the Board in an open session prior to attendance at the meeting.~~

~~Unless excused by the Chairperson, a Board member shall receive such compensation for attending meetings of the Board only if:~~

~~the Board member arrives for the meeting within 30 minutes of the scheduled beginning of the meeting; and~~

~~the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.~~

SECTION 1 BOARD OF DIRECTORS, MEETINGS

1.1 MEETING DATES. (Revised __/__/2022)

Regular meetings of the Bay Area Air Quality Management District Board of Directors shall be held on the first and third Wednesday of each month, beginning at the hour of 9:00 a.m., with either meeting being subject to cancellation by the APCO with the concurrence of the Chairperson if there is insufficient District business to warrant such meeting. When the day, or the day preceding the day, fixed for a regular meeting of the District Board falls upon a legal holiday, that meeting shall be held at the same hour seven (7) days later not on a holiday.

1.2 COMPENSATION FOR MEETING ATTENDANCE. (Revised __/__/2022)

(a) MEETINGS ELIGIBLE FOR COMPENSATION.

Board members shall receive compensation for attendance at:

- (1) Meetings of the Air District Board and of Board Committees; and
- (2) Other meetings while on official business of the District, including but not limited to educational seminars designed to improve officials' skill and information levels, meetings of regional, state and national organizations whose activities affect the Air District's interest with a District staff member in attendance, Air District events, and meetings to discuss community and/or business concerns with regard to air quality in the region.

(b) BOARD MEETING ATTENDANCE REQUIREMENTS.

Unless excused by the Chairperson, a Board member shall receive compensation for attending meetings of the Board only if:

- (1) the Board member arrives for the meeting no later than 30 minutes after the scheduled beginning of the meeting; and
- (2) the Board member misses no more than 30 minutes of the meeting plus, in the event a meeting continues beyond noon, the time between noon and adjournment.

(c) PRE-APPROVAL AND REPORTING REQUIREMENTS.

Board members shall not receive compensation for attending meetings of the type specified in subparagraph (a)(2) above unless the compensation is approved by the Chairperson in an open session prior to attendance at the meeting, or, for meetings held outside the State of California, unless the compensation is approved by the Board in an open session prior to attendance at the meeting. Board members who receive compensation for attending a meeting of the type specified in subparagraph (a)(2) above must provide a report on the meeting at the next regular board meeting.

(d) AMOUNT OF COMPENSATION.

Board members shall receive compensation of one hundred dollars (\$100) per meeting for attendance at meetings under this Section 1.2, up to a maximum of two hundred dollars (\$200) per day; plus compensation for active transportation travel calculated as specified in Paragraph (e) below. No Board member may receive compensation of more than six thousand dollars (\$6,000) in any fiscal year for meeting attendance pursuant to this Section 1.2.

(e) ACTIVE TRANSPORTATION TRAVEL CALCULATION.

Compensation for active transportation travel pursuant to Paragraph (d) above shall be calculated as follows:

- (1) \$1.56 per mile for travel by personal/private non-motorized bicycle or similar non-motorized pedal-operated vehicle;
- (2) \$1.50 per mile for travel by foot or wheelchair.

For multi-modal travel, compensation shall be provided only for miles actually traveled using the alternative transportation travel modes specified in this Paragraph (e). Board members must provide details on the date of travel, starting and ending points, and purpose of travel when claiming compensation, and must document the distance traveled with a printout from a map website such as Google Maps.

(f) REIMBURSEMENT FOR EXPENSES.

In addition to compensation for meeting attendance as specified in this Section 1.2, Board members shall also be entitled to reimbursement for actual and necessary expenditures in connection with meeting attendance as provided for in Division II, Section 5. Board members do not need prior approval to be eligible for reimbursement for expenditures in connection with meetings of the Air District Board and Board Committees. To the extent a meeting for which compensation is available includes a meal, Board members shall be entitled to reimbursement for their meal expenditures as specified in Division II, Section 5.1(g), notwithstanding that provision's limitation on meal reimbursement for One Day Travel. A Board member receiving reimbursement for expenditures under this Paragraph (f) must comply with the limits and reporting requirements of local, state and federal law.

ADMINISTRATIVE MEETING OF 11/02/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 2, 2022

Re: Management Audit Recommendations on Air District Organizational Structure

RECOMMENDED ACTION

Recommend the Administration Committee:

- Receive and file the Management Auditor's Organizational Structure Assessment.
- In accordance with the auditor's Organizational Structure Assessment, direct the Interim Executive Officer to prepare and present to the Board of Directors for approval, within sixty (60) days, recommendations for position classifications and assignments of the twenty (20) vacant and unassigned positions listed in Table 1 of Appendix H in the Fiscal Year Ending (FYE) 2023 Budget.
- Direct the Interim Executive Officer to prepare an Action Plan to address the Organizational Structure Assessment's restructuring recommendations and present the Plan to the Administration Committee as soon as practicable.

BACKGROUND

On December 15, 2021, the Air District Board reviewed the scores for bids for management audit services and authorized the execution of a contract with the highest scoring vendor, Sjoberg Evashenk, for independent management audit services in an amount not to exceed \$250,000.

The initial task order under the contract called for a first deliverable in March 2022 to inform new Fiscal Year Ending (FYE) 2022 staffing authorization, and a second deliverable in May 2022 which will provide information regarding Air District-wide risk and rank the Air District's divisions for further audit priority.

Sjoberg Evashenk presented the FYE 2022 staffing authorization review to the Air District Board on April 6, 2022. The Auditor presented the conclusion that (a) the allocation of additional positions in the FYE 2022 budget is reasonable and consistent with their independent analysis; (b) internal control weaknesses led to the filling of 10 of 26 of the positions as of the end of February 2022; and (c) despite these weaknesses, it is evident that the need for the

remaining 16 positions is supported by current workload demands and Air District priorities.

During the April 6, 2022 Board meeting, the Board directed staff to execute a second Task Order under the management audit services contract with Sjoberg Evashenk that would require the immediate commencement of a performance audit of human resources management functions at the Air District. The human resources audit was concluded on October 28, 2022.

During the June 15, 2022 Administrative Committee meeting, the Committee directed staff to execute a third Task Order to provide specific recommendations on which unfilled positions should be filled as a priority, and to provide recommendations regarding the agency’s organizational structure, the alignment of resources to meet organizational needs, and the allocation of unfilled positions.

DISCUSSION

During today’s Committee meeting, the management auditor will present the final deliverable under Task Order 3 Recommendations on Staffing and Air District Organizational Structure. The attached deliverable specifies the recommended position classifications and program allocation for the 20 vacant positions authorized in the fiscal year ending (FYE) 2023 budget.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The recommended staffing actions are currently budgeted in the FYE 2023 budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: John Chiladakis
Reviewed by: Sharon Landers, George Skiles

ATTACHMENTS:

- 1. Organizational Structure Assessment Presentation
- 2. Organizational Structure Assessment Interim EO/APCO Presentation

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 2, 2022

Re: Management Audit Report on Air District Human Resources Functions

RECOMMENDED ACTION

Recommend the Administration Committee:

- Receive and file the Human Resources Audit Report.
- Consider directing the Interim Executive Officer to prepare an action plan to address the Human Resources Audit Report's recommendations and to present the action plan to the Administration Committee for approval within 60 days.

BACKGROUND

On December 15, 2021, the Air District Board reviewed the scores for bids for management audit services and authorized the execution of a contract with the highest scoring vendor, Sjoberg Evashenk, for independent management audit services in an amount not to exceed \$250,000.

The initial task order under the contract called for a first deliverable in March 2022 to inform new Fiscal Year Ending (FYE) 2022 staffing authorization, and a second deliverable in May 2022 which will provide information regarding Air District-wide risk and rank the Air District's divisions for further audit priority.

Sjoberg Evashenk presented the FYE 2022 staffing authorization review to the Air District Board on April 6, 2022. The Auditor presented the conclusion that (a) the allocation of additional positions in the FYE 2022 budget is reasonable and consistent with their independent analysis; (b) internal control weaknesses led to the filling of 10 of 26 of the positions as of the end of February 2022; and (c) despite these weaknesses, it is evident that the need for the remaining 16 positions is supported by current workload demands and Air District priorities.

During the April 6, 2022 Board meeting, the Board directed staff to execute a second Task Order under the management audit services contract with Sjoberg Evashenk that would require the immediate commencement of a performance audit of human resources management functions at the Air District. The human resources audit was concluded on October 28, 2022.

During the June 15, 2022 Administrative Committee meeting, the Committee directed staff to execute a third Task Order to provide specific recommendations on which unfilled positions should be filled as a priority, and to provide recommendations regarding the agency's organizational structure, the alignment of resources to meet organizational needs, and the allocation of unfilled positions.

DISCUSSION

During today's Committee meeting, the Management Auditor will present the final deliverable under Task Order 2: The Audit of Air District Human Resources Functions.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: John Chiladakis
Reviewed by: Sharon Landers, George Skiles

ATTACHMENTS:

1. Performance Audit of Human Resources Function Presentation
2. Performance Audit of Human Resources Function Interim EO/APCO Presentation

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: December 7, 2022

Re: Report of the Community Equity, Health & Justice Committee Meeting of November
3, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Community Equity, Health & Justice Committee met on Thursday, November 3, 2022, and approved the minutes of October 6, 2022. This meeting was conducted under procedures in accordance with Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then received the guest presentation *CalEnviroScreen 4.0*, given by Laura August of the Office of Environmental Health Hazard Assessment.

The Committee then received an oral presentation from Cindy Curiel, Clinical Research Coordinator at the University of California San Francisco, who oversees the University's Youth Participatory Action Research Student Interns Program. This is an 8-week summer program that engages high school students from the Richmond area. Students attend class sessions 5 days a week to conceptualize, design, carry out, and analyze research topics/questions that are important to them as youth leaders in their communities. The focus of their projects is centered around environmental and health disparities in Richmond and surrounding areas.

Finally, the Committee received the staff presentation *Diversity, Equity, and Inclusion Office Update and Report of the Air District's Equity Resource Team*.

The next meeting of the Community Equity, Health & Justice Committee will be Thursday, December 1, 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 Community Equity, Health & Justice 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. Community Equity, Health and Justice Committee November 3, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 3, 2022

Re: Community Perspectives

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Community Equity, Health and Justice Committee provides local and regional community environmental justice advocates and local leaders a platform to present and share their expertise and/or lived experiences. Specific subjects/topics will vary based upon each Community Perspective member's unique experience.

The University of California at San Francisco (UCSF) KIPP Youth Participatory Action Research (YPAR) program is an 8-week summer program with 6 to 8 high school students (ages 13-17) from the Richmond, CA area. Created by Dr. Neeta Thakur from UCSF, the program collaborates closely with Lifelong Medical Care and UC Berkeley. Students attend class sessions 5 days a week to conceptualize, design, carry out, and analyze research topics/questions that are important to them as youth leaders in their communities. The focus of their projects is centered around environmental and health disparities in Richmond and surrounding areas.

DISCUSSION

Cindy Curiel is a Clinical Research Coordinator at UCSF. Cindy and an YPAR alumni member will provide information regarding the program including past and current environmental justice related projects. In addition, they will discuss the group's grassroots approach to data collection and how program participants present their findings to the students' family members, the Lifelong Medical Care team, public officials of Richmond and Contra Costa County, key community stakeholders, and UCSF and UC Berkeley faculty. The 2022 cohort recently completed their assignments where they surveyed an array of community members to better understand opportunities to improve the environment and reduce health inequities in Richmond.

Cindy Curiel is a graduate of the University of California at Davis and holds degrees in Psychology and Mexican America/Chicano Studies. She is interested in the intersection of youth empowerment, environmental justice and equitable environmental restoration.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tim Williams
Reviewed by: Veronica Eady

ATTACHMENTS:

None

COMMUNITY EQUITY, HEALTH &
JUSTICE COMMITTEE MEETING
OF 11/03/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 3, 2022

Re: Overview of CalEnviroScreen

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The California Communities Environmental Health Screening Tool (CalEnviroScreen) is a geospatial screening tool that analyzes data on environmental, public health and socioeconomic conditions in California's 8,000 census tracts to provide a picture of cumulative pollution burdens and vulnerabilities in communities throughout the state.

The tool, developed by CalEPA and its Office of Environmental Health Hazard Assessment (OEHHA), demonstrates who is most affected by environmental injustice and can be used to help drive more equitable decision-making. CalEnviroScreen has guided significant public investments aimed at improving environmental conditions in California's disadvantaged communities and ameliorating environmental injustice.

DISCUSSION

Laura August, Chief of the Community Assessment and Research section of the Office of Environmental Health Hazard Assessment (OEHHA) within the California EPA, will give the presentation. The presentation will include an overview of CalEnviroScreen, a discussion of how the indicators are scored, an explanation of the designation of disadvantaged communities (DACs), and examples of how the CalEnviroScreen tool can be used.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Judith Cutino
Reviewed by: Greg Nudd

ATTACHMENTS:

None

COMMUNITY EQUITY, HEALTH &
JUSTICE COMMITTEE MEETING
OF 11/03/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Davina Hurt and Members
of the Community Equity, Health and Justice Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 3, 2022

Re: Diversity, Equity, and Inclusion Office Update and Report of the Air District's Equity
Resource Team

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Diversity, Equity & Inclusion (DEI) Office works with staff to strengthen programs, processes, and practices in support of diversity, equity, and inclusion internal and external initiatives.

Further, the active promotion of diversity, equity, and inclusion in the workplace is a healthy business objective. As the World Economic Forum noted, “the business case for diversity in the workplace is now overwhelming.” When highly skilled workers from different backgrounds collaborate, the variety of experiences, perspectives and creative ideas they’ll contribute can lead to innovative and even disruptive new ways of thinking and problem solving.

DISCUSSION

The Office of Diversity, Equity & Inclusion (Office) will provide an update on equity efforts currently underway at the Air District. Efforts discussed will include employee trainings, cultural awareness events and activities, and strategic partnerships with other agencies across California. Additionally, the Office will share a five-year staff demographic trend analysis report based upon gender and race/ethnicity.

Equity work is not a one-off professional development training. This work requires a transformational and institutional shift. For this to occur, the Air District established an Equity Resource Team consisting of dedicated employees who seek justice and equitable outcomes for all. The team meets throughout the year to continuously develop strategies to implement equitable practices, policies and procedures for internal and external initiatives, while looking through an equity lens. The Office will discuss the team’s efforts to work with the community to

develop a roadmap to include equity into all decision making within the agency, where applicable.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tim Williams
Reviewed by: Veronica Eady

ATTACHMENTS:

None

COMMUNITY EQUITY, HEALTH &
JUSTICE COMMITTEE MEETING
OF 11/03/2022

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: December 7, 2022

Re: Report of the Legislative Committee Meeting of November 14, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Legislative Committee met on Monday, November 14, 2022. This meeting was conducted under procedures in accordance with Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

Due to the lack of a quorum, the minutes of October 3, 2022, were not approved, and will be continued until the next meeting.

The Committee then received the staff presentation Draft 2023 *Legislative Platform*, including the state and federal topics of: funding for air district clean air, energy, and transportation projects; Assembly Bill 617 Community Air Protection Program implementation & incentive funding; wildfire smoke mitigation; clean tech financing; low-carbon transportation incentives; climate change; emergency backup generation; land use; leaded aviation gas; stationary source greenhouse gas authority; and emissions standards.

Finally, the Committee received the staff presentation *Potential Legislative Activities for 2023*, including the topics of: refinery penalties; school siting for private and charter schools; Brown Act teleconferencing provisions; commuter benefits; vessel speed reduction for ocean-going vessels; Air District Board composition; Goods Movement-related port cargo fee; installation of heat pumps in neighborhoods with homeowners' associations; and Air District Advisory Council meeting stipends. Each topic was accompanied by a proposed action that the Committee was to vote on, but due to a lack of quorum, the Committee could not consider the

proposed actions. This will be continued until the next meeting.

The next meeting of the Legislative Committee will be held on Monday, December 12, 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 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 November 14, 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: November 14, 2022

Re: Draft 2023 Legislative Platform

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

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

DISCUSSION

The platform is divided into three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

Based on discussion from the Committee, staff will provide an updated draft for review and approval at the February 2023 Committee meeting.

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. Draft 2023 Legislative Platform
2. PowerPoint - Draft 2023 Legislative Platform

LEGISLATIVE COMMITTEE
MEETING OF 11/14/2022



Legislative Platform (2023)

State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, Assembly Bill (AB) 118, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Program Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The 2022-23 budget includes statewide funding in the amount of \$50 million (M) for implementation, \$250M for incentives, and \$10M for community grants.
3. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020-21 for \$5M. Subsequent budgets have absorbed clean air center funding into a concept called "resilience centers." The Air District will strongly advocate for continued funding of resilience centers and clean air centers.
4. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 has provided funding for air districts to support prescribed fire and other forest health activities by land managers, which has been continuously funded since then. The Air District will continue to advocate for this funding.
5. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
6. **Low-Carbon Transportation Incentives:** Support proposals for mobile source incentive programs that accelerate the turnover of older and more polluting diesel engines with cleaner alternatives, including zero-emission alternatives, that reduce emissions of greenhouse gases, criteria pollutants and precursors, and toxic air contaminants.
7. **Commercial Harbor Craft Funding:** The 2022-23 budget includes \$60M to reduce emissions from commercial harbor craft subject to regulation by the California Air Resources Board (CARB). The Air District will continue to strongly advocate for additional funding for this program.



Legislative Platform (2023)

State Legislation

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



Legislative Platform (2023)

Federal Legislation

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

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Pauline Russo Cutter and Members
of the Legislative Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 14, 2022

Re: Potential Legislative Activities for 2023

RECOMMENDED ACTION

The Legislative Committee (Committee) will discuss and consider recommending to the Board of Directors (Board) Legislative Activities for 2023.

BACKGROUND

The first year of the 2023-24 Legislative Session will officially begin on December 5, 2022, although little legislative activity is likely to occur until January. The exception being that Governor Newsom has stated a desire for an extraordinary session in December to discuss, among other things, an oil profits windfall tax. To do so, the Governor would likely wait until after the elections on November 8 to issue the proclamation, and even so, the Senate and Assembly could choose to respond in a very minimal fashion. Aside from that, key deadlines for Members are January 20, 2023, to submit potential bills to the Office of Legislative Counsel, and February 17, 2023, the deadline for bill introductions.

DISCUSSION

1. ***Refinery Penalty Bill***

Reintroduction/modification of the 2022 Air District-sponsored refinery penalty bill to raise penalty ceilings for some air quality regulatory and emissions violations at refineries. Aside from a modest annual Consumer Price Index (CPI) increase beginning in 2017, these penalties have not been changed since 2001.

Staff Notes/Recommendation: Sponsor

2. ***School Siting for Private and Charter Schools***

Reintroduction of the Air District-sponsored schools bill to address environmental review of new school siting for private and charter schools to ensure the public health and safety of all students and school employees in California by requiring that private schools and charter schools meet the same siting requirements as public schools.

Staff Notes/Recommendation: Will likely be taken up in 2023 by an L.A. area senator. Defer sponsorship to stakeholders in this senatorial district. Act as potential co-sponsor or major supporter.

3. ***Brown Act Teleconferencing Provisions***

Address concerns regarding Assembly Bill (AB) 2449 (Rubio, Chapter 285, Statutes of 2022) and the limitations that the teleconferencing provisions within the Brown Act have on the legislative bodies of regional agencies. Several regional agencies across the state have indicated a desire to relax some of the attendance limitations, targeting relaxation for regional agencies specifically.

Staff Notes/Recommendation: Support any legislative efforts to address these concerns.

4. ***Commuter Benefits***

AB 2206 (Lee, Chapter 866, Statutes of 2022) was originally introduced as a bill to identify parking benefits provided to employers in a way that exempted them from some parking cash out programs. Ultimately, the bill was amended to a different commuter benefits topic. District staff is interested in revisiting the original AB 2206 bill and has approached legislative staff about this idea.

Staff Notes/Recommendation: Potential sponsorship or co-sponsorship.

5. ***Vessel Speed Reduction – Ocean-Going Vessels***

Several coastal air districts have administered a voluntary vessel speed reduction program with ocean-going vessels that has documented significant cost-effective reductions in NO_x and particulate matter (PM), and anecdotally lowers the risk of “whale strikes” during migration periods. Unfortunately, funding for this program is intermittent from a variety of sources. A legislative effort could include direction to various state agencies to develop an official vessel speed reduction program that could make funding more reliable.

Staff Notes/Recommendation: Legislative effort currently led by Ventura County Air Pollution Control District (APCD). Potential co-sponsor or major supporter.

6. ***Air District Board Composition***

The Board and various committees have, on several occasions, discussed the possibility of changes to the Board’s composition, including the size and the types of appointees. Doing this would require a legislative change in the Health and Safety Code related to the authorities and responsibilities of the Air District. The Community Advisory Council may agendaize this topic for future discussion, the results of which will be presented to the Committee and the Board for potential future action.

Staff Notes/Recommendation: No recommendation at this time. Moving forward would require the Air District to be the sponsor.

7. Goods Movement-Related Port Cargo Fee

This is a Legislative idea proposed by the South Coast Air Quality Management District staff to their Legislative Committee. The proposed bill would create a goods movement-related port cargo fee that would generate funding for air quality related incentives for port and cargo equipment replacement with low emission and zero emission equipment. It is unknown if the concept will move forward.

Staff Notes/Recommendation: Legislative effort currently led by South Coast Air Quality Management District (AQMD). Potential co-sponsorship or major supporter.

8. Installation of Heat Pumps in Neighborhoods with Homeowners' Associations

The concept was proposed at the October 17, 2022, Air District Stationary Source and Climate Impacts Committee meeting. There is concern/anecdotal evidence of occasions in which property owners may desire to replace gas furnaces with heat pumps, yet be prevented by their homeowners' association (HOA) for various reasons. Heat pumps for space heating require outdoor compressors, which are sometimes disallowed by HOAs. These appliances eliminate harmful pollutants from gas combustion such as NO_x, CO₂, and formaldehyde. Proposed legislation could prevent HOAs from prohibiting the installation of these clean appliances. This concept has previously been used to fix similar issues associated with installation of water-efficient landscaping and electric vehicle (EV) infrastructure.

Staff Notes/Recommendation: Potential Air District sponsorship or co-sponsorship.

9. Air District Advisory Council Meeting Stipend

The Air District's Advisory Council is codified in the Health and Safety Code (HSC) Sections 40260-40268. Section 40266, passed into law in 1975, specifies that Advisory Council members shall receive no compensation other than actual and necessary expenses, usually defined as travel expenses. Given the importance of the Advisory Committee's work, a proposed bill could either specify compensation in statute, or allow compensation to be established in the Air District's Administrative Code.

Staff Notes/Recommendation: Sponsor.

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. PowerPoint - Potential Legislative Activities for 2023

LEGISLATIVE COMMITTEE
MEETING OF 11/14/2022

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: December 7, 2022

Re: Report of the Community Advisory Council meeting of November 17, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Air District's Community Advisory Council met on November 17, 2022 and approved the Minutes of September 8, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Council participated by teleconference.

The Council then received the staff presentation *Community-Focused Air Monitoring And Data Assessments: Aclima, Long-Term Monitoring, Mobile Monitoring, and Sensor Networks*. The Council was asked to consider the following questions:

- How do you want to use air monitoring data for your work?
- How can the Air District help make existing monitoring data easier to understand and use?
- How should we engage with the CAC and each community on monitoring data analyses or draft reports?

The Council then received the presentation *Ideas for Community Engaged Incident Response and Enforcement*. Council member Ken Szutu had requested Air District staff to proactively involve community residents to collaborate and enhance enforcement activities in impacted communities in a concept he calls "Community Engaged Enforcement." This presentation featured ideas on how to engage the community in enhancing monitoring and enforcement work. The Council **endorsed** the following motion:

- **Endorse** the Air District’s Compliance and Enforcement Division’s scheduling of bi-monthly community meetings;
- **Request** baseline complaint data from 2018 to present day, noting who is making those calls and which communities are most frequently identified;
- **Request** that a system be implemented to publicly report outcomes and resolutions of complaints; and
- **Request** that Compliance and Enforcement staff be trained to engage the public and build capacity in a given community.

The Council then received updates from the Council’s Work Plan and Governance Ad Hoc Committees.

The next meeting of the Community Advisory Council will be held on Thursday, January 19, 2023, at 6:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021.) This concludes the Summary Report of the Community Advisory Council.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Community Advisory Council November 17, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 17, 2022

Re: Community-Focused Air Monitoring and Data Assessments: Aclima, Long-Term Monitoring, Mobile Monitoring, and Sensor Networks

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Aclima measured air pollution on every street in the Bay Area and came up with an estimate of annual average exposure. This data is interesting and an important step in understanding how air pollution varies within communities.

There are other sources of air quality information in addition to Aclima that also provide useful insights that can support action. The Air District will share how to access different types of publicly available air quality monitoring datasets and how this data can be used to help inform air quality improvement efforts.

DISCUSSION

The Air District is developing monitoring data summaries for impacted communities by compiling and analyzing existing monitoring data, and requests guidance from the Council members on the approach to best meet community needs.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Kate Hoag
Reviewed by: Veronica Eady

ATTACHMENTS:

None

COMMUNITY ADVISORY COUNCIL
MEETING OF 11/17/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Members of the Community Advisory Council

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 17, 2022

Re: Ideas for Community Engaged Incident Response and Enforcement

RECOMMENDED ACTION

Discuss and consider endorsing Compliance and Enforcement Division staff's plan to schedule bi-monthly community meetings.

BACKGROUND

This is an action item for the CAC to endorse Compliance and Enforcement's bi-monthly community meetings. Council Member Szutu requested Air District staff to proactively involve community residents to collaborate and enhance enforcement activities in impacted communities in a concept he calls "Community Engaged Enforcement." Air District staff will utilize this agenda item to present ideas on how to engage the community in enhancing monitoring and enforcement work.

DISCUSSION

Meteorology & Measurement Assistant Manager Kate Hoag will speak on monitoring during incidents, including goals and challenges and how those could be ameliorated by a more comprehensive incident monitoring program (a program that arose from a proposed discussion with the Air District Board of Directors). This presentation will also include examples from other organizations, resources needed, and how to balance different monitoring goals and requirements. Air District staff will request direction on a proposed discussion with the Board of Directors regarding options for a more comprehensive incident monitoring program at the Air District, and to help craft the community-based enforcement program.

Compliance & Enforcement Manager Tracy Lee will highlight a proposed effort to host bi-monthly meetings led by Compliance & Enforcement (C&E) in impacted communities, which seeks to address air quality concerns by improving communications and transparency with communities. The proposed bi-monthly meetings will provide an opportunity for community members to engage with staff and learn about C&E core programs and enforcement activities, as well as create an open dialogue for the community to express their concerns. Staff will provide details on the proposed framework and agenda and requests the CAC's endorsement to begin the

effort. Staff also seeks guidance from the CAC as to what the community-based enforcement program may entail. The presentation will cover next steps such as research and evaluation of program feasibility, and logistics. Finally, staff will request to return at a future date to provide an update on the proposed programs and ideas.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tracy Lee
Reviewed by: Veronica Eady

ATTACHMENTS:

None

COMMUNITY ADVISORY COUNCIL
MEETING OF 11/17/2022

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: December 7, 2022

Re: Report of the Stationary Source and Climate Impacts Committee Meeting of
November 21, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Stationary Source and Climate Impacts Committee met on Monday, November 21, 2022, and approved the minutes of October 17, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the presentation *Air Monitoring during Incidents: Programs at the South Coast Air Quality Management District*, given by Dr. Jason Low, Deputy Executive Officer of Monitoring and Analysis Division of the South Coast Air Quality Management District.

The Committee then reviewed and discussed the staff presentation *Fugitive Dust Emissions Overview*.

Finally, the Committee reviewed and discussed the staff presentation *Fugitive Dust Controls and Programs Overview*.

The next meeting of this committee will be at the Call of the Chair. This concludes the report of the Stationary Source and 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. Stationary Source and Climate Impacts Committee November 21, 2022 Meeting Memorandums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Lynda Hopkins and Members
of the Stationary Source and Climate Impacts Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 21, 2022

Re: Air Monitoring during Incidents: Programs at South Coast Air Quality Management
District

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

An incident is defined in Regulation 3 (Fees) as a “non-routine release of an air contaminant that may cause adverse health consequences, ... a public nuisance, or environmental damage.” When there is an incident (e.g. facility incident, odors, flaring, wildfire), the Air District often gets requests to conduct monitoring during and around the incident from community members. There is some measurement information that the Air District collects during incidents, but there are many gaps in current capabilities. Air District’s current measurement capabilities are mainly designed for other goals. The Air District does not have a comprehensive and dedicated incident monitoring program.

Through a series of presentations to the Stationary Source and Climate Impacts Committee, Air District staff will present on multiple topics to help the Board evaluate whether to prioritize incident monitoring, including relative to current regulatory requirements and commitments or other potential priorities. Possible goals for a potential program include addressing community concerns, providing real-time information to the public during an incident, addressing questions about short- and long-term health impacts, strengthening investigations and enforcement, and preventing incidents.

DISCUSSION

The Board of Directors will hear a presentation from Dr. Jason Low, Deputy Executive Officer of the Monitoring and Analysis Division at the South Coast Air Quality Management District. Dr. Low will give an overview of their incident response monitoring capabilities and community-focused monitoring programs. The presentation will also discuss operational logistics, resources needed for the program, how results are communicated, as well as challenges and limitations.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Ranyee Chiang

Reviewed by: Greg Nudd

ATTACHMENTS:

None

STATIONARY SOURCE AND
CLIMATE IMPACTS COMMITTEE
MEETING OF 11/21/22

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Lynda Hopkins and Members
of the Stationary Source and Climate Impacts Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 21, 2022

Re: Fugitive Dust Emissions Overview

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Fine particulate matter (PM_{2.5}), particles with diameters of 2.5 microns or less, are small enough to penetrate deep into the lungs and cross into the bloodstream, where they contribute to a range of health problems. Numerous studies have linked PM_{2.5} exposures with increased hospital admissions, emergency room visits, asthma onsets and attacks, and premature deaths. People with respiratory problems, children, and the elderly are particularly sensitive to fine particle pollution. While larger particles can also cause health impacts, the smaller particle sizes are thought to be the greatest concern.

An important contributor to PM_{2.5} exposures is fugitive dust, particulate matter generated by open air operations that does not pass through a stack or vent. Fugitive dust particles are suspended in the air by the wind or mechanical processes, such as earth moving. These emissions are influenced by weather (such as wind speed and precipitation) and are not as well-characterized as emissions from combustion sources. Dust in urban environments may contain heavy metals and organic compounds that are more toxic than typical wind-blown dust with geologic crustal materials. With a growing understanding of the health impacts of all sources of PM_{2.5}, increased attention is being placed on understanding and controlling fugitive dust sources.

This update provides an overview of fugitive dust sources, their contribution to particulate matter (PM) emissions, and the health concerns related to these emissions.

DISCUSSION

The Air District has administered various programs and strategies to control particulate matter (PM) and fugitive dust emissions, including the Permitting Program, rulemaking activities, and incentives. Historically, these programs and strategies were created to meet regional emission standard goals as required by the Clean Air Act.

In late 2020, the Air District's Advisory Council published the report, "Particulate Matter Spotlight on Health Protection, Advisory Council Particulate Matter Strategy Report" and highlighted the need to further reduce PM emissions and exposures as "PM is the most important health risk driver in the Bay Area air quality, both PM_{2.5} as a criteria pollutant and diesel PM as a toxic air contaminant." The Advisory Council also recognized the geographic variability of PM emissions exposures and concluded "there is no threshold for harmful PM_{2.5} health effects."

Recent scientific studies and community engagement activities have also highlighted the importance and concerns of localized PM emissions and exposures, especially around fugitive dust. Through the Community Health Protection Program, in response to Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), the Air District has also heard from community members concerning health impacts due to fugitive dust emissions and exposures in their communities – which are already overburdened with air pollution.

Key sources of fugitive dust include construction projects, industrial facilities, road dust, and windblown dust from exposed soils. Fugitive dust sources account for about 17% of annual PM_{2.5} emissions in the Bay Area and over half of coarser PM₁₀ emissions (particles with diameters of 10 microns or less). At the local scale, fugitive dust emissions can contribute significantly to PM_{2.5} exposures, especially when dust sources such as roadways and infill construction projects are near residential areas or sensitive receptors such as schools and senior centers.

While the Air District's existing programs have reduced regional PM emissions from facilities, several factors contribute to challenges in both quantifying and controlling fugitive dust emissions. Fugitive dust emissions are often episodic and unpredictable because of intermittent wind events and due to fluctuating control methods, which cause materials with low moisture content to become airborne. Additionally, fugitive dust emissions originate from a wide array of sources, some of which may be temporary construction projects and pose unique challenges in enforcement. Staff are currently evaluating potential rule development opportunities to further address fugitive dust issues and is developing a white paper as part of this effort.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Song Bai and Mark Tang
Reviewed by: Phil Martien and Greg Nudd

ATTACHMENTS:

None

STATIONARY SOURCE AND
CLIMATE IMPACTS COMMITTEE
MEETING OF 11/21/22

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Lynda Hopkins and Members
of the Stationary Source and Climate Impacts Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 21, 2022

Re: Fugitive Dust Controls and Programs Overview

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Fugitive dust emissions are generated from earth moving operations, such as construction sites, road dust and at industrial facilities. Concerns about dust emissions are increasing because these emissions are not well-characterized and effectively controlled as compared to emissions from other (e.g., fuel combustion) point-sources. In late 2020, the Air District's Advisory Council published a Particulate Matter (PM) Reduction Strategy Report and concluded particulate matter (including fugitive dust) was the "most important risk driver in Bay Area air quality" highlighting the need to investigate and develop strategies to further reduce exposure to particulate matter and fugitive dust emissions.

The Air District administers programs to control and reduce fugitive dust emissions. These include permitting, enforcement, rulemaking, incentives and planning programs that combined have been effective in improving air quality and making progress towards our air quality goals. However, opportunities exist to redesign and administer these programs to provide greater emission reductions especially for local communities already overburdened by environmental pollution.

This update provides an overview of the Air District's existing programs to control fugitive dust. The Air District is exploring other opportunities to strengthen these programs. One such effort includes potential amendments to the Air District's fugitive dust regulations, which are further discussed.

DISCUSSION

The Air District has administered various programs and strategies to control PM and fugitive dust emissions from earth-moving and construction activities, road dust and industrial facilities.

These programs and strategies include:

Regulation 6 – Particulate Matter and the Rules it contains establish limits and other requirements to reduce particulate matter and fugitive dust emissions. Specifically, Regulation 6, Rule 1 - General Requirements and Regulation 6, Rule 6 - Prohibition of Trackout sets standards and requirements for controlling and mitigating fugitive dust emissions at dust generating facilities;

Rulemaking activities, to research and implement health-protective rules and regulations to reduce air quality emissions;

Permitting Program. The Air District issues air quality permits for stationary equipment and manages the resulting air emissions. Applications for new or modified equipment at earth-moving operations are evaluated for compliance with the Air District's Rules and Regulations;

Enforcement Program, which conducts compliance inspections of sources of air pollution including fugitive dust; and

Incentives programs to support adoption of low carbon technologies and reduce vehicle miles traveled.

However, Air District staff recognize concerns surrounding fugitive dust emissions, especially among marginalized communities, are increasing. Through the Community Health Protection Program, in response to Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), the Air District has heard from community members concerning health impacts due to exposures to fugitive dust emissions.

While the Air District's existing programs have served regional emissions reduction goals, fugitive dust emissions largely impact localized receptors and may require alternative methods of control. To this end, Air District staff are exploring potential rulemaking opportunities to address localized exposures to fugitive dust. The initial phase of this effort includes the publication of a white paper to further explore mitigation and control opportunities.

The purpose of the white paper is to provide an overview of the Air District's existing particulate matter programming, focusing on fugitive dust, and to identify strategies and recommendations for potential rule development activities to further address fugitive dust issues. The white paper will explore potential strategies for program improvements through an analysis and review of rules and regulations from other jurisdictions, as well as advancements in monitoring and control techniques. Through this work, staff can identify potential opportunities and preliminary recommendations for further actions, which may include regulatory amendments, new rules or programs, or other strategies. Some of these potential opportunities for the mitigation of fugitive dust will be discussed in the presentation and include:

- Dust control plans
- Best management practices
- Notification requirements
- Property line requirements
- Immediate cleanup of trackout

As part of this process, staff will continue to engage with community groups and representatives to seek input and help shape future recommendations for further Air District efforts.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Mark Tang and Eric Lara
Reviewed by: Henry Hilken and Elizabeth Yura

ATTACHMENTS:

None

STATIONARY SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF 11/21/22

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: December 7, 2022

Re: Report of the Budget and Finance Committee Meeting of November 23, 2022

RECOMMENDED ACTION

A) Cost Recovery and Containment Policy:

1. **Adopt** the proposed amended Cost Recovery and Containment Policy: A) clarify that the Air District's cost recovery analyses be periodically reviewed by an independent entity; and B) update the cost recovery goals including the 100% cost recovery goal from fee-based activities.

BACKGROUND

None.

DISCUSSION

The Budget & Finance Committee met on Wednesday, November 23, 2022, and approved the minutes of October 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 staff presentation *Preliminary Fourth Quarter Financial Report Fiscal Year Ending 2022*.

The Committee then reviewed and discussed the staff presentation *Cost Recovery and Containment Policy*. The Committee recommends the Board:

1. **Adopt** the proposed amended Cost Recovery and Containment Policy: A) clarify that the Air District's cost recovery analyses be periodically reviewed by an independent entity; and B) update the cost recovery goals including the 100% cost recovery goal from fee-based activities.

The next meeting of the Budget & Finance Committee was scheduled for Wednesday, December 28, 2022, at 9:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). After the meeting was adjourned, the December 28, 2022 meeting was canceled and is scheduled at the Call of the Chair. This concludes the Chair Report of the Budget & Finance 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. Budget and Finance Committee November 23, 2022 Meeting Memoramdums

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 23, 2022

Re: Fourth Quarter Preliminary Financial Report - Fiscal Year Ending June 30, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The finance staff will present an update on the Air District's preliminary financial results for the fourth quarter of the 2021-2022 fiscal year. Attachment A summarizes the preliminary financial results.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Jun Pan
Reviewed by: Stephanie Osaze

ATTACHMENTS:

1. Fourth Quarter Financial Report Fiscal Year Ending 2022 - Attachment A

BUDGET AND FINANCE
COMMITTEE MEETING
OF 11/23/2022

Attachment A: Financial Summary

The following information summarizes the financial results of the 4th quarter of the fiscal year ending 2022.

GENERAL FUND: STATEMENT OF REVENUES – Comparison of Prior Year Quarter Actual and Current Year Budget to Actual

REVENUE TYPE	4th QTR FY 2021	4th QTR FY 2022	FY 2022 - % of BUDGETED REVENUE
County Receipts	\$39,778,798	\$41,502,972	106%
Permit Fee Receipts	\$39,684,361	\$41,868,340	105%
Title V Permit Fees	\$6,210,781	\$7,136,860	114%
Asbestos Fees	\$4,094,654	\$4,336,520	108%
Toxic Inventory Fees	\$1,995,672	\$1,441,310	197%
Community Health Impact	\$0	\$1,277,852	139%
Criteria Pollutant Toxic	\$0	\$1,288,653	99%
Penalties and Settlements	\$4,212,013	\$4,829,132	176%
Interest Income	\$828,005	\$872,547	54%
Total Revenue	\$96,804,285	\$104,554,187	108%

GENERAL FUND: STATEMENT OF EXPENDITURES - Comparison of Prior Year Quarter Actual and Current Year Budget to Actual

EXPENDITURE TYPE	4th QTR FY 2021	4th QTR FY 2022	FY 2022 - % of BUDGETED EXPENDITURES
Personnel - Salaries*	\$51,515,900	\$55,209,036	99%
Personnel - Benefits*	\$26,992,260	\$28,743,216	96%
Operational Services / Supplies	\$24,583,454	\$27,215,385	85%
Capital Outlay	\$3,501,905	\$3,367,283	65%
Total Expenditures	\$106,593,520	\$114,534,920	93%
* Consolidated (includes Special Funds)			

CASH INVESTMENTS IN COUNTY TREASURY – Account Balances as of the Fourth Quarter

CASH/INVESTMENTS	4th QTR FY 2021	4th QTR FY 2022
General Fund	\$84,042,994	\$102,053,412
TFCA	\$119,332,833	\$123,411,783
MSIF	\$48,518,058	\$58,878,326
Carl Moyer	\$74,573,104	\$70,304,482
CA Goods Movement	\$21,186,646	\$21,041,228
AQ Projects	\$1,609,109	\$3,249,005
Vehicles Mitigation	\$7,615,319	\$24,500,089
Total	\$356,878,064	\$403,438,325

FUND BALANCES	6/30/2020	6/30/2021	6/30/2022
	Audited	Audited	Projected
DESIGNATED: *			
Community Benefits			\$3,000,000
Economic Contingency	\$20,082,966	\$21,294,922	\$23,303,025
Pension Liability	\$3,000,000	\$4,000,000	\$4,000,000
Technology Implementation Office	\$3,350,000	\$3,350,000	\$3,350,000
Wildfire Mitigation	\$1,000,000	\$1,000,000	\$2,000,000
AB617 Staffing Contingency			\$6,000,000
Pandemic Contingency			\$7,000,000
Total Designated Reserves	\$27,432,966	\$29,644,922	\$48,653,025
Undesignated Fund Balance	\$26,401,581	\$34,385,565	\$14,877,462
TOTAL DESIGNATED & UNDESIGNATED	\$53,834,547	\$64,030,487	\$63,530,487
TOTAL FUND BALANCE	\$53,834,547	\$64,030,487	\$63,530,487
* Designated Fund Balances are subject to change at Board's discretion.			
OUTSTANDING LIABILITIES			
CalPERS Pension Retirement			\$101,305,734
Certificate of Participation Notes			\$21,173,770
TOTAL OUTSTANDING LIABILITIES			\$122,479,504

VENDOR PAYMENTS

In accordance with provisions of the Administrative Code, Division II Fiscal Policies and Procedures - Section 4 Purchasing Procedures: 4.3 Contract Limitations, the staff is required to present recurring payments for routine business needs such as utilities, licenses, office supplies and the like, more than, or accumulating to more than \$100,000 for the fiscal year. In addition, this report includes all of the vendors receiving payments in excess of \$100,000 under contracts that have not been previously reviewed by the Board. In addition, staff will report on vendors that undertook work for the Air District on several projects that individuals were less than \$100,000, but cumulatively exceed \$100,000.

Below is a list of vendors with cumulative payments made through the Fourth quarter of 2021-22 fiscal year that exceeded \$100,000 and meets the reporting criteria noted above. All expenditures have been appropriately budgeted as a part of the overall Air District budget for The fiscal Year 2021-22.

	VENDOR NAME	AMOUNT PAID (July 2021 - June 2022)	Explanation
1	Alliant Insurance Services	\$730,435	Various Business Insurance Policies
2	BAAQMD Employee Association	\$180,239	Employee Union Dues
3	Bay Area Headquarters Authority	\$3,057,469	Shared Services & Common Areas
4	Benefits Coordinators Corp.	\$1,454,708	Life Insurance Plan & LTD Insurance
5	CA Public Employee Retirement System (Heath)	\$8,184,417	Health Insurance Plan
6	CA Public Employee Retirement System (Retirement)	\$7,418,141	Retirement Benefits & 457 Supplemental Plan
7	CA Vision Plan	\$107,535	Vision Insurance Plan
8	CAPCOA	\$916,608	Pass through EPA grants
9	Ceridian Corp	\$169,560	Payroll Processing Services
10	Comcast Cable Communications	\$177,640	Internet Data Services
11	Cubic Transportation Systems	\$457,613	Clipper Transit Subsidy
12	Denovo Ventures, LLC	\$171,084	Financial application JD Edward services
13	Enterprise Fleet Services	\$631,042	Fleet Leasing and Maintenance services
14	Pacific Gas & Electric	\$211,743	Utility Services
15	EPlus Technology	\$164,565	Cisco Computer Network Equipment Warranty
16	MEB Consulting Group	\$120,000	External Review Services
17	P&A Administrative Services	\$292,000	Flexible Spending & Cobra Benefit Services
18	Preferred Benefit Insurance AD	\$552,043	Dental Insurance Plan
19	Robert Half, Inc.	\$769,884	Temporary Staffing Services
20	Sedwick Claims Management	\$149,308	Worker's Compensation Insurance Services
21	Sloan Sakai Yeung & Wong LLP	\$237,332	Human Resources Consulting Services
22	Thermo Environmental Instrument	\$107,348	Equipment Purchase and Maintenance
23	True North Research	\$118,800	Survey and Analysis Services
24	Verizon Wireless	\$215,587	Cell Phone Services
25	WEX Fleet Universal	\$168,619	Fleet Fuel Purchase
26	Wang Brothers Investment LLC	\$510,259	Richmond Site Lease

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Carole Groom and Members
of the Budget and Finance Committee

From: Sharon L. Landers
Interim Executive Officer/APCO

Date: November 23, 2022

Re: Proposed Amendment to the Cost Recovery and Containment Policy

RECOMMENDED ACTION

Recommend to the Board of Directors that the Board adopt the proposed amended Cost Recovery and Containment Policy.

BACKGROUND

The Cost Recovery and Containment Policy provides the framework for the Air District to contain costs and to adjust fees in support of its regulatory programs.

DISCUSSION

On March 7, 2012, the Board of Directors adopted a Cost Recovery and Containment Policy for fee-based activity that established a goal of increasing fee revenue sufficient to achieve at least 85 percent recovery of regulatory program costs.

The policy has three (3) main elements: 1) Cost Containment, 2) Analysis of Cost Recovery and 3) Cost Recovery Goals. Part 3 provides the strategic framework for the Regulation 3 rule development process that is conducted in parallel with the next fiscal year annual budget.

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 associated with fee-based activities and schedules. The final report was presented to the Budget and Finance Committee on April 27, 2022.

The proposed policy was developed using the 2022 Matrix study findings and comments from the Board meetings.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The policy alone does not have a budget impact. The policy will impact the budget when implemented as a strategy in Regulation 3 rule development processes.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Fred Tanaka
Reviewed by: Pamela J. Leong, Veronica Eady

ATTACHMENTS:

1. 2022 Cost Recovery and Containment Policy - FINAL DRAFT
2. 2012 Cost Recovery and Containment Policy

COST RECOVERY AND CONTAINMENT POLICY FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATORY PROGRAMS

PURPOSE

WHEREAS, the Air District has the primary authority for the control of air pollution from all sources of air emissions located in the San Francisco Bay Area, other than emissions from motor vehicles, in accordance with the provisions of Health & Safety Code sections 39002 and 40000.

WHEREAS, the Air District is responsible for implementing and enforcing various Air District, State, and federal air quality regulatory requirements that apply to non-vehicular sources.

WHEREAS, the Air District's regulatory programs include but are not limited to permitting and notification programs, compliance and enforcement of permitted and registered facilities, compliance assistance at permitted and registered facilities, source testing and monitoring at permitted facilities, rule development for regulated industries, the development of the emissions inventory for permitted and registered facilities and other permit work at permitted facilities.

WHEREAS, the Air District is authorized to assess fees to regulated entities for the purpose of recovering the reasonable costs of regulatory program activities, and these authorities include those provided for in California Health and Safety Code sections 42311, 42364, and 44380.

WHEREAS, the Air District's fees fall within the categories provided in Section 1(e) of Article XIII C of the California Constitution, which indicates that charges assessed to regulated entities to recover regulatory program activity costs, and charges assessed to cover the cost of conferring a privilege or providing a service, are not taxes.

WHEREAS, the Air District has adopted, and periodically amends, a fee regulation for the purpose of recovering regulatory program activity costs, and this regulation with its various fee schedules, is used to allocate costs to fee payers in a manner which bears a fair or reasonable relationship to the payer's burden on, or benefits received from, regulatory activities.

WHEREAS, the Air District analyzes whether assessed fees result in the collection of sufficient revenue to recover the costs of related program activities; and Air District staff conduct these analyses on an annual basis, with an independent contractor review of these analyses and methodologies -conducted approximately every five years, with the most recent independent study conducted in 2022. . Each fee study and cost recovery update completed revealed that District fee revenue falls short of recovering the costs of related program activities.

WHEREAS, the Air District's most recent independent fee report (*2022 Cost Recovery Report, Bay Area Air Quality Management District, May 2022*) concluded that in Fiscal Year Ending (FYE) 2021, the Air District recovered approximately 83.7 percent of its fee-related activity costs (up from 65 percent in FYE 2011), resulting in an under-recovery of costs (i.e., a cost recovery gap), and a subsidy to fee payers, of approximately \$10.2 million, and that this cost recovery gap resulted despite the implementation of a number of strategies to contain costs.

WHEREAS, the Air District's Board of Directors has recognized since 1999 that the Air District's cost recovery gap has been an issue that needs to be addressed, and since that time has adopted annual fee amendments in order to increase fee revenue.

WHEREAS, the Air District's Board of Directors adopted a policy in 2012 with a goal to increase overall recovery of regulatory program activity costs to 85 percent.

WHEREAS, in addition to fee revenue, the Air District receives revenue from Bay Area counties that is derived from property taxes, and a large portion of this tax revenue has historically been used on an annual basis to fill the cost recovery gap.

WHEREAS, the tax revenue that the Air District receives varies on a year-to-year basis, and cannot necessarily be relied on to fill the cost recovery gap and also cover other Air District operational costs necessitating, in certain years, the use of reserve funds.

WHEREAS, tax revenue that the Air District receives, to the extent that it is not needed to fill the cost recovery gap, can be used to fund initiatives or programs that may further the Air District's mission but that lack a dedicated funding source.

WHEREAS, it may be appropriate as a matter of policy to establish specific fee discounts for small businesses, green businesses, or other regulated entities or members of the public, where tax revenue is used to cover a portion of regulatory program activity costs, and the Air District's existing fee regulation contains several fee discounts of this type.

POLICY

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bay Area Air Quality Management District that:

(1) Cost Containment – In order to ensure that the costs of its regulatory programs remain reasonable, the Air District should continue to implement feasible cost containment measures, including the use of appropriate best management practices, without compromising the Air District's effective implementation and enforcement of applicable regulatory requirements. The Air District's annual budget documents should include a summary of cost containment measures that are being implemented.

(2) Analysis of Cost Recovery – The Air District should continue to analyze the extent to which fees recover regulatory program activity costs, both on an overall basis, and at

the level of individual fee schedules. An independent review of the Air District cost recovery analyses should be periodically completed by a qualified Air District contractor and should be updated on an annual basis by Air District staff using a consistent methodology.

(3) Cost Recovery Goals – It is the general policy of the Air District, except as otherwise noted below, that the costs of regulatory program activities be fully recovered by assessing fees to regulated entities. To move towards this goal, the Air District should amend its fee regulation over the next several years, in conjunction with the adoption of the Air District budget, in a manner sufficient to increase overall recovery of regulatory program activity costs to 100 percent. Proposed amendments to specific fee schedules should also be made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being adopted for the schedules that have the larger cost recovery gaps. Proposed fee amendments should include fee-recoverable work that is currently not being charged a fee. As allowed by law, any proposed regulatory measures should also propose new fees or fee amendments that are designed to recover increased regulatory program implementation costs concurrent with rule adoption, unless the Board of Directors determines that a portion of those costs should be covered by tax revenue. Tax revenue should also continue to be used to cover existing fee discounts that the Air District provides (e.g., for small businesses, green businesses, and third-party permit appeals).

BE IT FURTHER RESOLVED that this resolution is non-binding in the case of unforeseen financial circumstances, and may also be reconsidered or updated by the Air District's Board of Directors.

BUDGET AND
COMMITTEE
OF 1/1/23/2024

COST RECOVERY POLICY FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATORY PROGRAMS

PURPOSE

WHEREAS, the District has the primary authority for the control of air pollution from all sources of air emissions located in the San Francisco Bay Area, other than emissions from motor vehicles, in accordance with the provisions of Health & Safety Code sections 39002 and 40000.

WHEREAS, the District is responsible for implementing and enforcing various District, State, and federal air quality regulatory requirements that apply to non-vehicular sources.

WHEREAS, the District's regulatory programs involve issuing permits, performing inspections, and other associated activities.

WHEREAS, the District is authorized to assess fees to regulated entities for the purpose of recovering the reasonable costs of regulatory program activities, and these authorities include those provided for in California Health and Safety Code sections 42311, 42364, and 44380.

WHEREAS, the District's fees fall within the categories provided in Section 1(e) of Article XIII C of the California Constitution, which indicates that charges assessed to regulated entities to recover regulatory program activity costs, and charges assessed to cover the cost of conferring a privilege or providing a service, are not taxes.

WHEREAS, the District has adopted, and periodically amends, a fee regulation for the purpose of recovering regulatory program activity costs, and this regulation with its various fee schedules, is used to allocate costs to fee payers in a manner which bears a fair or reasonable relationship to the payer's burden on, or benefits received from, regulatory activities.

WHEREAS, the District analyzes whether assessed fees result in the collection of sufficient revenue to recover the costs of related program activities; these analyses have included contractor-conducted fee studies completed in 1999, 2005, and 2011, and annual District staff-conducted cost recovery updates completed in 2006 through 2010. Each fee study and cost recovery update completed revealed that District fee revenue falls significantly short of recovering the costs of related program activities.

WHEREAS, the District's most recently completed fee study (*Cost Recovery and Containment Study, Bay Area Air Quality Management District*, Final Report, Matrix Consulting Group, March 9, 2011) concluded that in Fiscal Year Ending (FYE) 2010, the District recovered approximately 62 percent of its fee-related activity costs, resulting in an under-recovery of costs (i.e., a cost recovery gap), and a subsidy to fee payers, of approximately \$16.8 million, and that this cost recovery gap resulted despite the

implementation of a number of strategies to contain costs.

WHEREAS, cost recovery analyses have indicated that the District's Fee Schedule P: Major Facility Review Fees, which establishes fees for program activities associated with the Title V permit program, has under-recovered costs by an average of \$3.4 million per year over the period FYE 2004 through FYE 2010.

WHEREAS, the District's Board of Directors has recognized since 1999 that the District's cost recovery gap has been an issue that needs to be addressed, and since that time has adopted annual fee amendments in order to increase fee revenue.

WHEREAS, in addition to fee revenue, the District receives revenue from Bay Area counties that is derived from property taxes, and a large portion of this tax revenue has historically been used on an annual basis to fill the cost recovery gap.

WHEREAS, the tax revenue that the District receives varies on a year-to-year basis, and cannot necessarily be relied on to fill the cost recovery gap and also cover other District expenses necessitating, in certain years, the use of reserve funds.

WHEREAS, tax revenue that the District receives, to the extent that it is not needed to fill the cost recovery gap, can be used to fund initiatives or programs that may further the District's mission but that lack a dedicated funding source.

WHEREAS, it may be appropriate as a matter of policy to establish specific fee discounts for small businesses, green businesses, or other regulated entities or members of the public, where tax revenue is used to cover a portion of regulatory program activity costs, and the District's existing fee regulation contains several fee discounts of this type.

POLICY

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bay Area Air Quality Management District that:

(1) Cost Containment –In order to ensure that the costs of its regulatory programs remain reasonable, the District should continue to implement feasible cost containment measures, including the use of appropriate best management practices, without compromising the District's effective implementation and enforcement of applicable regulatory requirements. The District's annual budget documents should include a summary of cost containment measures that are being implemented.

(2) Analysis of Cost Recovery – The District should continue to analyze the extent to which fees recover regulatory program activity costs, both on an overall basis, and at the level of individual fee schedules. These cost recovery analyses should be periodically completed by a qualified District contractor, and should be updated on an annual basis by District staff using a consistent methodology.

(3) Cost Recovery Goals – It is the general policy of the District, except as otherwise noted below, that the costs of regulatory program activities be fully recovered by assessing fees to regulated entities. In order to move towards this goal, the District should amend its fee regulation over the next four years, in conjunction with the adoption of budgets for Fiscal Year Ending (FYE) 2013 through FYE 2016, in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent. Amendments to specific fee schedules should also be made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being adopted for the schedules that have the larger cost recovery gaps. This includes Fee Schedule P: Major Facility Review Fees, which has been determined to under-recover costs by a significant amount. Newly adopted regulatory measures should include fees that are designed to recover increased regulatory program activity costs associated with the measure, unless the Board of Directors determines that a portion of those costs should be covered by tax revenue. Tax revenue should also continue to be used to subsidize existing fee discounts that the District provides (e.g., for small businesses, green businesses, and third-party permit appeals), and to cover the cost of the District’s wood smoke enforcement program.

BE IT FURTHER RESOLVED that this resolution is non-binding in the case of unforeseen financial circumstances, and may also be reconsidered or updated by the District’s Board of Directors.

BUDGET AND FINANCIAL
COMMITTEE MEETING
OF 11/23/2022

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: December 7, 2022

Re: Report of the Mobile Source and Climate Impacts Committee Meeting of November
28, 2022

RECOMMENDED ACTION

A) Projects and Contracts with Proposed Awards Over \$500,000:

1. Approve projects with proposed grant awards over \$500,000; and
2. Authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

B) Acceptance of 2022-2023 Carl Moyer Program Funding from the California Air Resources Board.

1. Authorize the Air District to participate in Fiscal Year 2022-2023 of the Carl Moyer Program;
2. Adopt a resolution to authorize the Air District's participation in the program; and
3. Authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements to accept, obligate, and expend program funds.

BACKGROUND

None.

DISCUSSION

The Mobile Source & Climate Impacts Committee met on Monday, November 28, 2022, and approved the minutes of October 27, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021). Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the presentation *Clean Cars For All Program Update and Allocation*.

The Committee then reviewed and discussed the staff presentation *Projects and Contracts with Proposed Awards Over \$500,000*. The Committee recommends the Board:

1. **Approve** projects with proposed grant awards over \$500,000; and
2. **Authorize** the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

Finally, the Committee reviewed and discussed the staff presentation *Acceptance of 2022-2023 Carl Moyer Program Funding from the California Air Resources Board*. The Committee recommends the Board:

1. **Authorize** the Air District to participate in Fiscal Year 2022-2023 of the Carl Moyer Program;
2. **Adopt** a resolution to authorize the Air District's participation in the program; and
3. **Authorize** the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements to accept, obligate, and expend program funds.

The next meeting of the Mobile Source & Climate Impacts Committee will be at the Call of the Chair. 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 November 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: November 28, 2022

Re: Clean Cars For All Program Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

Wide-scale adoption of zero-emission vehicles (ZEVs) and the electrification of all types of transportation are essential to achieving local, state, and federal emission reduction targets for greenhouse gases and criteria air pollutants. California has set a goal of five million ZEVs sold by 2030, and the Air District has set a target of 90% of vehicles in the Bay Area being ZEVs by 2050. The Bay Area and California also share the goal to cut greenhouse gas emissions to 80% below 1990 levels by 2050. Additionally, Governor Newsom's 2020 Executive Order N-79-20 sets a goal for 100% of state sales of new passenger cars and trucks to be zero-emission by 2035, which was included as part of the recently adopted California Air Resources Board (CARB) Advanced Clean Cars II Regulation.

At the end of 2021, there were a total of 266,890 ZEVs registered and operating on Bay Area roads, representing 4.95% of the region's light-duty fleet and more than 31% of the state's ZEV population, according to data from the California Energy Commission. Of the ZEVs registered in the Bay Area, 67% were battery electric vehicles (BEVs), 32% were plug-in hybrid vehicles (PHEVs), and 1% were fuel cell electric vehicles (FCEVs). As of Q3 2022, over 17% of new light duty vehicle sales in California were ZEVs signaling a continued interest locally and statewide. The increasing demand for ZEVs and supply chain shortages during the past year have contributed to limited vehicle supply and rising sales prices at dealerships, which have made incentives a key to vehicle affordability.

Through the Clean Cars for All Program (Program or CCFA) the Air District provides incentives for low-income households (up to 400% of the Federal Poverty Level (FPL)) to retire older, high-polluting vehicles and replace them with a newer, cleaner vehicle or with mobility options (e.g. public transit card or e-bikes). Participants may purchase or lease a new or used hybrid electric vehicle, PHEV, BEV or FCEV. A rebate to install a home charger or to purchase a

portable charger is available for participants that purchase a PHEV or BEV through CCFA. Alternatively, participants may opt to retire their vehicle in exchange for funding for public transit or an electric bike. The Program reduces criteria air pollutants and greenhouse gas emissions throughout the Bay Area and supports the goal of equitable access to electric vehicles and clean transportation.

DISCUSSION

The CCFA Program began in 2019 and continues to be a popular and beneficial program that has been supported by a total of \$45 million from a variety of state and local funds. The Air District administers the CCFA program in collaboration with its partners: CARB, GRID Alternatives, a network of 75 vehicle dealers, and two auto dismantlers. CARB requires participating air districts to focus California Climate Investment (CCI) Program funding in disadvantaged communities (based on CalEnviroScreen 3.0) which has limited program eligibility to 76 zip codes in the Bay Area. The demand for the CCFA incentives has steadily increased since the Program began. The Program quickly allocates new funding to qualified low-income residents and is an important tool in achieving our air quality and climate goals.

As of early November 2022, over 3,500 applications have been awarded in the Bay Area. Over 75% of applicants traded in their existing vehicle for a PHEV or BEV, with about 20% of applicants purchasing hybrid vehicles. Of those that purchased vehicles through the Program, 62% purchased new vehicles while 38% purchased used vehicles. About 59% of applicants reside in AB1550 areas and over 80% of the awards made were to applicants with household income less than 225% of the FPL. Finally, 61% of participants live in single-family homes and 29% live in apartments or condos. Additional program details will be provided as part of the staff presentation.

An effective and adaptive outreach campaign is essential to the success of the CCFA program. Working with various stakeholders, staff have participated in 39 in-person events since 2019, and the Program has been promoted throughout the region in numerous media placements and in a range of languages. One highlight was the 2021 Clean Air Day Event, which generated broad media coverage and contributed to a spike in applications and program interest. Additionally, staff have utilized DMV registration data to send out targeted mailers to residents in qualifying zip codes that have a vehicle that's eligible for the Program.

Staff track applicant participant data to gauge program demand, identify gaps in participating group demographics and locations, and to evaluate the effectiveness of outreach methods. Staff pull this data monthly for review, tracking and analysis. Based on this data, staff can adjust outreach methods to attempt to increase demand in underserved communities or participant groups. As an example, staff may increase social media advertising in areas with low participation and decrease advertising in areas where there is high demand. Staff are always available to interested groups/ stakeholders and are always looking for new outreach methods and for more ways to engage local communities.

The CCFA program has grown to be incredibly popular in the region and is successfully making clean transportation achievable for more low-income residents. At times, application volumes have swelled, making it difficult for staff to provide the one-on-one assistance needed to guide applicants through the process and move applications as quickly as we would like. As an example, the 2021 Clean Air Day press event mentioned earlier generated the Program's highest application rates, which created a backlog where it took staff approximately 90 days to review some applications. We recognize that more efficient processing is critical and we are always looking for new ways to improve efficiency as well as add new resources. CARB also recognizes the importance of quicker response times and has indicated that it would be looking to set goals for future processing times that could be as short as 2 weeks. Other challenges that we continue to experience are the availability of new or used vehicles for purchase with many applicants having to request extensions due to manufacturer delivery delays and increasing vehicle costs. The Air District has an open Request for Qualifications to enroll additional dealerships to increase vehicle choices and availability.

FY2023 Funding allocation

In November 2022, CARB notified the Air District that up to \$28 million was available in CCI and General Funds for the Air District's CCFA Program. This funding is available as part of the Fiscal Year 2022-23 Funding Plan for Clean Transportation Incentives which has a total FY 2022-2023 statewide CCFA Program allocation of \$80 million. As part of the 2022-2023 Low Carbon Transportation Funding Plan, CARB is proposing several changes that will impact future implementation for the region. Some of those changes include: higher funding amounts including up to \$2,000 more for participants in disadvantaged communities; expansion to include non-DAC areas; focus on the lowest-income residents (<300% of FPL); and, updates to the survey and data collection processes. Additionally, CARB is looking to expand the Program to other parts of the state that currently do not have a local CCFA program.

This funding will allow the Air District to continue providing incentives to low-income residents in disadvantaged communities to increase access to clean transportation for more residents. Up to 15% of the funds awarded to the Air District may be used to administer the Program, with 10% available to support Air District staff costs to manage applications. The remaining 5% may be used to subcontract with third party entities to assist applicants and help increase participation. The CCFA program was started in 2019 with a \$5 million program allocation from CARB and was supported at the time by 4.5 full-time employees (FTE). Since this time, the Program added \$40 million in funding and is considering acceptance of the highest annual allocation to date (an additional \$28 million). Despite growing program revenues and high public demand, staffing resources still stand at about 4.5 FTEs.

CARB requires the Air District Board adopt a resolution to accept funds before it enters into a contract with the Air District for the Program funds. Staff plan to present a recommendation to the Board of Directors to accept new CCFA Program funding and add staffing to support this Program and other EV programs. Additional staffing would be funded from administrative funds from the new program allocation as well as other grant administrative funds.

BUDGET CONSIDERATION/FINANCIAL IMPACT

These CARB funds are considered “pass-through” funds, which are offered to grantees directly or to reduce the purchase or lease costs for vehicles. Up to 10% of the funds awarded can be used for Air District staff costs and other program costs.

Each cycle of grant funding that is accepted by the Air District creates an obligation of effort that has a typical duration of multiple years, whereby most work occurs in the first two years, involving project solicitation and outreach, awarding, and reimbursements, as well as project monitoring and reporting to CARB. Future years work includes continued project monitoring, reporting to CARB, and enforcement action when needed.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Tin Le
Reviewed by: Anthony Fournier

MOBILE SOURCE & CLIMATE
IMPACTS COMMITTEE MEETING
OF 11/28/2022

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: November 28, 2022

Re: Projects and Contracts with Proposed Grant Awards Over \$500,000

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Interim Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

BACKGROUND**Carl Moyer Program and Mobile Source Incentive Fund**

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Projects eligible under the CMP guidelines include heavy-duty diesel engine applications such as on-road trucks and buses, off-road construction, agricultural equipment, marine vessels, locomotives, stationary agricultural pump engines, and refueling or recharging infrastructure that supports the deployment of new zero-emission vehicles and equipment. Per AB 1390, 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.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle-registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

The Board of Directors (Board) authorizes the Air District's participation in each cycle of the CMP, including an allocation of MSIF revenue as match funds.

Community Air Protection Program

In 2017, AB 617 directed CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection Program (CAPP). CAPP funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAPP funds may also potentially be used to fund stationary source and mobile source projects that have been identified and prioritized by communities with a Community Emissions Reduction Program - Incentives, pursuant to HSC Section 44391.2. At least 80% of CAPP funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB)535) and low-income communities (AB 1550).

Funding Agricultural Replacement Measures for Emission Reductions (FARMER)

In February 2018, CARB developed the FARMER Program Guidelines that outline requirements for eligible agricultural equipment replacement projects evaluated under the CMP guidelines, including harvesting equipment, heavy-duty trucks, pump engines, tractors, and other equipment used in agricultural operations. Subsequent updates to the FARMER guidelines expanded eligible projects to include zero-emission demonstration projects and added flexibility for funding zero-emission equipment. Under the California State Budget, GGRF funds are appropriated to CARB for each new cycle of the FARMER program for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector.

Transportation Fund for Clean Air

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. The remaining forty percent of the funds are passed through to the designated Bay Area County Program Managers who in turn award TFCA funds to eligible projects within their county. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. On April 6, 2022, the Board authorized funding allocations for use of the 60% portion of the TFCA revenue in FYE 2023, and cost-effectiveness limits for Air District-sponsored FYE 2023 programs. On May

4, 2022, the Board adopted policies and evaluation criteria for the FYE 2023 Regional Fund program.

For each new CMP, TFCA, CAPP, and FARMER funding cycle, the Board authorizes the Air District’s participation in these programs. The current cycles for these funding sources are shown in Table 1, with initial or estimated revenues, \$117 million of which will be available for funding FYE 23 projects. Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board.

At least quarterly, staff provides updates to the Mobile Source and Climate Impacts Committee on the status of incentive funding for the current fiscal year, including total funding awarded, remaining funds available for award, funds allocated by county and by equipment category type, and percentage of funding benefitting low-income residents and impacted communities, including Air District-identified Community Air Risk Evaluation (CARE) areas, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The reported award allocations and emissions reduction benefits to counties and impacted communities are based on information provided by applicants, and do not include “regional” projects, where all communities receive benefits, or projects where the location of the benefit has not yet been determined, for example in cases where funds are set aside/allocated but have not yet been awarded (e.g., Vehicle Buy-back Program).

Table 1
Funding Sources and Initial Revenues

Funding Source Cycle	Initial or Estimated Revenue (in Millions)*	Board Authorization Date
CMP Year 23	\$10.7	1/20/2021
CMP Year 24	\$31.2	12/1/2021
CAPP Year 5	\$35.4	12/1/2021
FARMER Year 4	\$ 3.5	12/1/2021
TFCA Regional Fund FYE 2023	\$28.9	4/6/2022
MSIF	\$12.0	n/a
Total	\$121.7	

*Some revenues were partially obligated to projects in FYE22 and therefore full amounts may not be available for award to projects in FYE23.

On April 6, 2022, the Board authorized the Air Pollution Control Office (APCO)/Executive Officer to approve projects with awards up to \$500,000. For all projects with proposed awards greater than \$500,000, staff brings recommendations of these projects to the Board for approval.

DISCUSSION

For the FYE 2023, the Air District had approximately \$117 million available in CMP, MSIF, CAPP, FARMER, and TFCA funds for eligible projects, including prior year funds. This total may change as additional revenues are awarded to the Air District. Under these funding sources, the Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

Between September 27, 2022, and October 28, 2022, staff evaluated five new eligible projects with proposed awards of over \$500,000. Three of the projects will install 30 charging stations for on-road trucks, one project will repower three diesel rubber-tired gantry cranes with hybrid technology, and one project will replace a diesel dozer and a diesel excavator to the cleanest diesel standard.

In addition, staff is recommending a sixth project that proposes an increase (change) in the amount awarded to each school bus for a project that was previously approved by the Board on March 2, 2022, for \$4,593,083. The original project involved the replacement of twelve school buses with electric buses and supporting infrastructure. Subsequent to the Board's action, the Oak Grove School District notified staff that the project is being down-scoped to nine buses (instead of 12) and charging infrastructure, with a request to increase the amount of funding for each school bus to cover increased costs due to inflation. The revised project is recommended for an award of \$3,474,877.

The six proposed projects are estimated to reduce over 6.8 tons of NO_x, ROG, and PM emissions per year. Staff recommends approval of the allocation of up to \$8,057,777 for these projects from a combination of CMP, MSIF, CAPP, and TFCA revenues. Attachment 1 provides additional information on the projects. All six projects proposed for approval benefit priority areas.

Attachment 2, updated at least quarterly, lists all eligible projects that have been awarded by the Air District between July 1, 2022, and October 28, 2022, including information about project equipment, award amounts, estimated emissions reductions, community benefits, and project locations. Approximately 96% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

Attachment 3 provides fiscal year facts and figures on the status of funding available and allocations by county and category as of October 28, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District distributes the CMP, MSIF, CAPP, FARMER, and TFCA funding to project sponsors on a reimbursement basis. All of the projects shown in Attachment 2, including the recommended projects, will be paid for using monies from state and local incentive revenues upon project completion, which is expected within the next one to three years. Funding for the Air District's administrative costs to implement these programs, including evaluating, contracting, processing reimbursement requests, and monitoring projects for multiple years, is provided by each funding source.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Daniel Langmaid, Jessica DePrimo, and Linda Hui
Reviewed by: Minda Berbeco, Alona Davis, and Karen Schkolnick

ATTACHMENTS:

1. Projects with grant awards greater than \$500,000 (evaluated 9/27/22 to 10/28/22)
2. All projects (awarded, allocated, and recommended 7/1/22 to 10/28/22)
3. Funding Facts and Figures (7/1/22 through 10/28/22)

ATTACHMENT 1

Table 1 - Projects with grant awards greater than \$500k (Evaluated between 9/27/22 and 10/28/22)
Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Program

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emission Reductions (tons per year)			County	Benefits Priority Area(s)
						NO _x	ROG	PM		
22SBP203*	Oak Grove School District	School Bus	Replace 9 diesel school buses with 9 electric school buses and install supporting charging infrastructure.	\$3,474,877.00	\$4,116,995.08	0.5705	0.0470	0.0035	Santa Clara	Yes
22MOY325	Penske Truck Leasing Co., L.P.	On-road Infrastructure	Install 10 360-kW charging stations (cabinets) with 20 350-kW single-port DCFC dispensers.	\$1,000,000.00	\$3,021,100.00	N/A	N/A	N/A	Alameda	Yes
22MOY326	Penske Truck Leasing Co., L.P.	On-road Infrastructure	Install 10 360-kW charging stations (cabinets) with 20 350-kW single-port DCFC dispensers.	\$1,000,000.00	\$2,906,469.00	N/A	N/A	N/A	Alameda	Yes
22MOY327	Penske Truck Leasing Co., L.P.	On-road Infrastructure	Install 10 charging stations (10 200-kW single-port DCFC dispensers supplied by 2 MW of power from a centralized charging system).	\$1,000,000.00	\$3,144,101.00	N/A	N/A	N/A	San Mateo	Yes
22MOY284	TraPac, LLC	Off-road	Repower 3 rubber-tired gantry (RTG) cranes with hybrid technology	\$850,500.00	\$2,980,000.00	2.5922	0.2022	0.0828	Alameda	Yes
23MOY1	Ielmorini Custom Spreading, LLC	Off-road	Replace one Tier-0 diesel-powered dozer with one Tier-4 diesel-powered dozer and one Tier-0 diesel-powered excavator with one Tier-4 diesel-powered excavator.	\$732,400.00	\$915,721.00	2.9688	0.3026	0.1775	Marin	Yes
6	Projects		Totals	\$8,057,777.00	\$17,084,386.08	6.131	0.552	0.264		

*A grant award for 22SBP203 was initially approved by the Board on March 2, 2022 for \$4,593,083. The proposed award amount shown here reflects a reduction in the overall project scope and an increase in the price per bus due to inflation. Staff is requesting a grant increase per bus for a total grant increase of \$94,024.

ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

CMP/MSIF, TFCA, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/22 and 10/28/22)

Project #	Project Category	Project Description	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			County	Board/ APCO Approval Date	Benefits Priority Area(s)	Funding Source ¹
						NOx	ROG	PM				
23R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	N/A	\$ 150,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
23R02	LD Vehicles	Vehicle Buy Back Program Implementation	N/A	\$ 200,000	BAAQMD	N/A	N/A	N/A	Regional	6/15/22	N/A	1
23R03	Trip Reduction	Spare The Air/ Intermittent Control/ Flex Your Commute Programs	N/A	\$ 2,290,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
21R04	LD Infrastructure	FYE 23 Charge! Program	N/A	\$ 5,350,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
22MOY305	Ag/ off-road	Equipment replacement	2	\$ 123,600	Shifflett Ranch & Vineyard LLC	0.241	0.035	0.024	Napa	7/11/22	No	2
22MOY311	Ag/ off-road	Equipment replacement	1	\$ 153,100	Jay A Clay	0.363	0.047	0.027	Sonoma	7/8/22	Yes	2
22SBP337	School Bus	Equipment replacement	1	\$ 400,000	Hayward Unified School District	0.042	0.002	0.001	Alameda	7/11/22	Yes	1, 2
22MOY229	Ag/ off-road	Equipment replacement	1	\$ 43,900	Boething Treeland Farms inc.	0.059	0.009	0.006	San Mateo	7/11/22	No	2
22MOY334	Ag/ off-road	Equipment replacement	1	\$ 135,800	Point Reyes Pastures Inc.	0.276	0.036	0.020	Marin	7/11/22	Yes	2
22SBP117	School Bus	Equipment replacement + Infrastructure	8	\$ 4,370,779	San Mateo Union High School District	0.731	0.058	0.026	San Mateo	7/20/22	Yes	1, 2
22SBP232	School Bus	Equipment replacement + Infrastructure	5	\$ 1,916,236	Antioch Unified School District	0.378	0.029	0.002	Contra Costa	7/20/22	Yes	1, 2
22SBP248	School Bus	Equipment replacement	3	\$ 648,794	Mt. Diablo Unified School District	0.203	0.016	0.008	Contra Costa	7/20/22	Yes	1
22MOY320	Ag/ off-road	Equipment replacement	1	\$ 49,300	Atlas Oaks Ranch, LLC	0.047	0.011	0.009	Napa	8/12/22	No	2
22MOY342	Ag/ off-road	Equipment replacement	3	\$ 100,300	Vinas Del Norte LLC	0.181	0.028	0.025	Napa	8/16/22	Yes	2
22MOY341	Ag/ off-road	Equipment replacement	1	\$ 65,800	Williams Ranch	0.276	0.036	0.025	Sonoma	8/17/22	No	2
22MOY234	Ag/ off-road	Equipment replacement	3	\$ 253,300	DCS END POST DRIVING	0.755	0.107	0.062	Napa	9/2/22	No	2
22MOY318	Ag/ off-road	Equipment replacement	1	\$ 49,300	Ahmann Ranches, LLC	0.156	0.024	0.014	Napa	9/9/22	No	2
22MOY359	Ag/ off-road	Equipment replacement	1	\$ 38,900	Spaletta Dairy	0.118	0.018	0.011	Marin	9/21/22	Yes	2
22MOY349	Ag/ off-road	Equipment replacement	1	\$ 92,700	Cobb Creek Holdings, LLC DBA CCH Ag Services	0.162	0.027	0.019	Napa	9/21/22	No	2
22MOY63	Ag/ off-road	Equipment replacement	1	\$ 286,800	B & T Farms	0.684	0.072	0.037	Santa Clara	9/21/22	Yes	2
22SBP279	School Bus	Equipment replacement + Infrastructure	5	\$ 1,640,986	East Side Union High School District	0.502	0.045	0.003	Santa Clara	9/21/22	Yes	1, 2
22SBP340	School Bus	Equipment replacement + Infrastructure	3	\$ 1,237,496	Sequoia Union High School District	0.325	0.033	0.002	San Mateo	9/21/22	Yes	1, 2
22MOY202	On-road	Infrastructure	0	\$ 600,000	Solano County Transit	N/A	N/A	N/A	Solano	Pending	Yes	2
22SBP236	School Bus	Equipment replacement + Infrastructure	6	\$ 2,087,000	Liberty Union High School District	0.652	0.050	0.004	Contra Costa	Pending	Yes	1, 2
23MOY2	Ag/ off-road	Equipment replacement	2	\$ 440,600	Simoni & Massoni Farms, LLC	1.007	0.062	0.029	Contra Costa	10/24/22	Yes	2
23MOY6	Ag/ off-road	Equipment replacement	1	\$ 72,200	Ortiz Family Farm	0.172	0.021	0.014	Sonoma	10/24/22	Yes	2
23MOY3	Ag/ off-road	Equipment replacement	1	\$ 418,300	Poncia Fertilizer, Inc.	1.056	0.096	0.060	Sonoma	10/28/22	Yes	2
23MOY5	Ag/ off-road	Equipment replacement	1	\$ 60,500	German Vineyards LLC	0.041	0.010	0.008	Solano	10/28/22	No	2
22SBP203 ¹	School Bus	Equipment replacement + Infrastructure	9	\$ 94,024	Oak Grove School District	0.5705	0.0470	0.0035	Santa Clara	Pending	Yes	1

ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

CMP/MSIF, TFCA, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/22 and 10/28/22)

Project #	Project Category	Project Description	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			County	Board/ APCO Approval Date	Benefits Priority Area(s)	Funding Source ¹
						NOx	ROG	PM				
22MOY325	On-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	N/A	N/A	N/A	Alameda	Pending	Yes	2
22MOY326	On-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	N/A	N/A	N/A	Alameda	Pending	Yes	2
22MOY327	On-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	N/A	N/A	N/A	San Mateo	Pending	Yes	2
22MOY284	Off-road	Engine replacement	3	\$ 850,500	TraPac, LLC	2.592	0.202	0.083	Alameda	Pending	Yes	2
23MOY1	Ag/ off-road	Equipment replacement	2	\$ 732,400	Ielmorini Custom Spreading, LLC	2.969	0.303	0.178	Marin	Pending	Yes	2
34 Projects			67	\$ 27,952,615		14.6	1.4	0.7				

† Funding source includes (1) Transportation Fund for Clean Air; (2) CMP/MSIF, FARMER and Community Air Protection Program.

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

¹ This project was previously approved on March 2, 2022 for \$4,593,083. This line item represents an increase in funding for the school buses under this project in FYE 2023. The current total project award amount is \$3,474,877.

MOBILE SOURCE & CLIMATE IMPACTS COMMITTEE MEETING OF 11/28/2022

ATTACHMENT 3

Funding Facts and Figures

7/1/22 through 10/28/22

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

Figure 1. Status of FYE 2023 funding

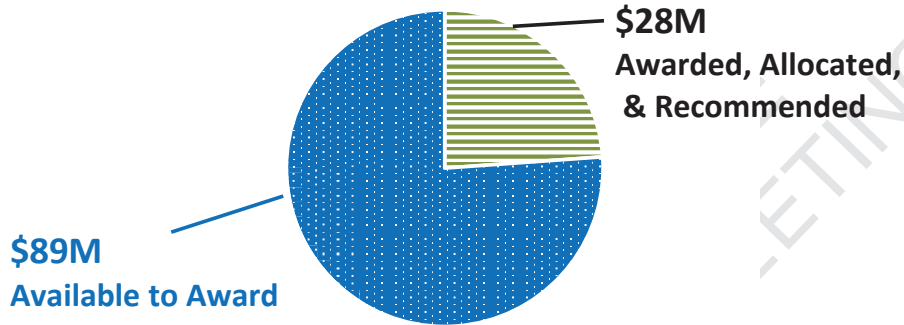


Figure 2. Funding Awarded by County in FYE 2023

includes funds allocated, awarded, & recommended for award

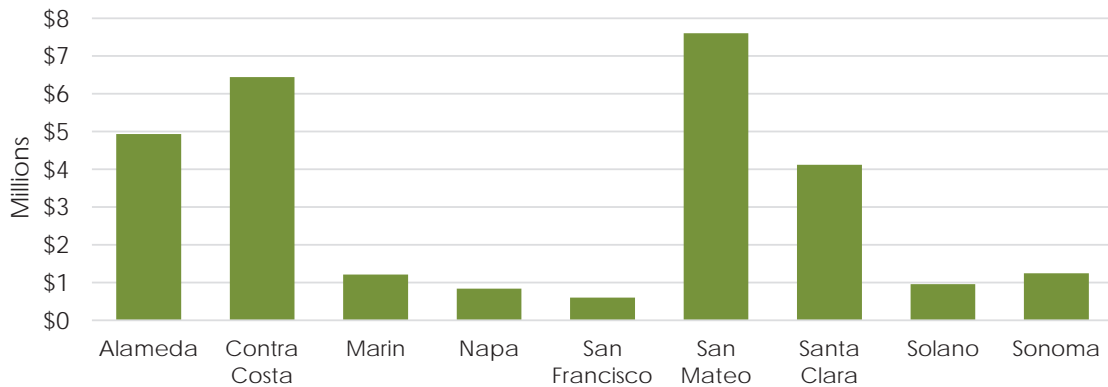
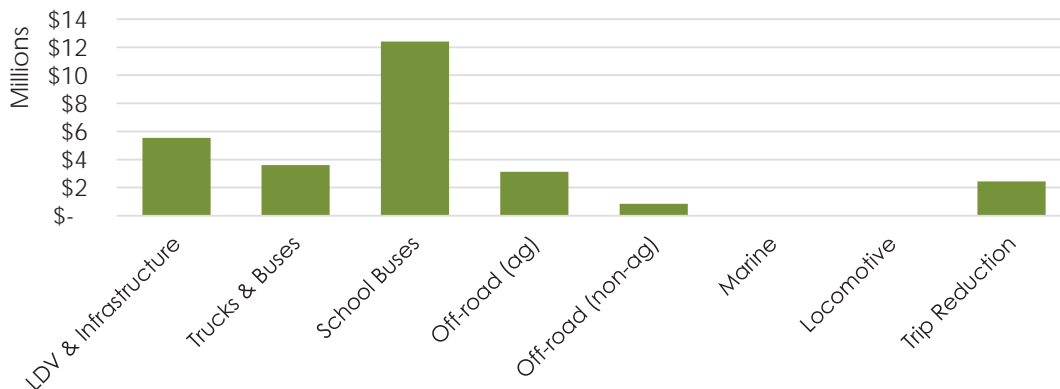


Figure 3. Funding Awarded by Project Category in FYE 2023

includes funds allocated, awarded, & recommended for award



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: November 28, 2022

Re: Participation in 2022-2023 Carl Moyer Program

RECOMMENDED ACTION

This is an action item for the Committee to consider recommending the Board of Directors:

1. Authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend new fiscal year 2022-2023 State funds from California Air Resources Board (CARB) for Carl Moyer Program Year 25 (up to \$25 million);
2. Allocate up to \$3.3 million in Mobile Source Incentive Funds to provide the required match funding and additional monies for projects eligible for funding under the Carl Moyer Program guidelines;
3. Adopt a resolution authorizing the Air District's participation in the Carl Moyer program; and
4. Authorize the Interim Executive Officer/APCO to enter into all agreements necessary to accept, obligate, and expend this funding, and to execute grant agreements and amendments for projects.

BACKGROUND*Carl Moyer Program (CMP)*

The Bay Area Air Quality Management District (Air District) has participated in the CMP since the program began in Fiscal Year (FY) 1998-1999. Through the CMP, the Air District provides grants to public and private entities to reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible CMP projects include vehicle and equipment replacements, repowers, or retrofits from on-road, marine, locomotive, agricultural, and off-road engines, and infrastructure to support zero-emission equipment. The 2023 California State Budget allocated approximately \$123 million for CARB to distribute to local air districts under the Carl Moyer program.

Mobile Source Incentive Fund (MSIF)

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

Community Air Protection Program (CAP) Incentives

In 2017, AB 617 directed the California Air Resources Board (CARB), in conjunction with local air districts, to establish the CAP Program. The Air District has participated in the CAP Program since its inception in 2018. A large goal of CAP is to benefit communities disproportionately impacted by air pollution, by focusing on reducing emissions from mobile sources and stationary sources that spend a substantial amount of time within impacted communities. CAP funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAP funds may also potentially be used to fund stationary source and mobile source projects that have been identified and prioritized by communities with a Community Emissions Reduction Plan.

Funding Agricultural Reduction Measures for Emission Reductions Program (FARMER)

The Air District has participated in the FARMER Program since it first began in 2017. CARB developed the FARMER Program to meet the Legislature's objectives and for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector, in service of the State's emission reduction goals. FARMER Program funds may be used to replace agricultural equipment that is also eligible under the CMP program including harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations.

DISCUSSION

CMP Year 25

The Air District recently applied for up to \$22 million for the implementation of the CMP Year 25 funding cycle (FY 2022-2023) and plans to apply for up to \$3 million in funding under the State Reserve Portion of the Carl Moyer Program for the fiscal year (FY) 2022-2023 (Year 25) cycle. Up to 6.25% of the total funds awarded to the Air District may be used to pay for administrative expenses related to the implementation of this program. The acceptance of CMP funds requires a minimum of 15% in matching funds for local districts and staff is recommending up to \$3.3 million in MSIF be provided as match for the CMP Year 25 funding cycle.

If the Board of Directors approve participation in the program, and following execution of a grant agreement with CARB, Air District staff expect to begin accepting CMP Year 25 applications in 2023 using the online “Moyer” system, which is also used to award CAP and FARMER funding. Applications for funding are evaluated on a first-come, first-served basis until all funds have been allocated.

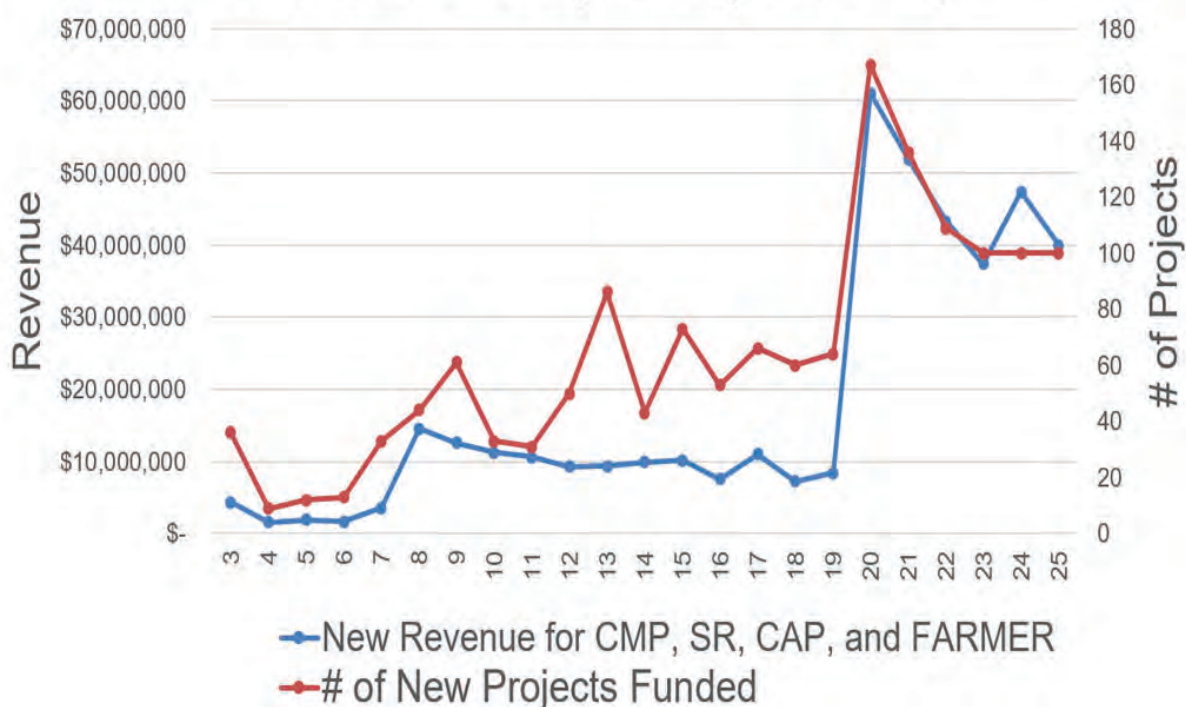
The Air District will use the most current CARB approved CMP Guidelines and subsequent updates for the Year 25 CMP cycle. In accordance with AB 1390, at least 50% of all CMP funding allocated by the Air District must be awarded to projects that benefit impacted communities. The process that will be used for identifying and prioritizing CMP Year 25 projects will be similar to the process used for the previous CMP funding cycles with priority given to projects that reduce emissions in communities based on data from the Air District’s Community Air Risk Evaluation (CARE) program, as well as Disadvantaged Communities designated in Senate Bill (SB) 535 and Low-Income Communities defined in AB 1550.

State Incentive Funds Historical Totals and Impacts

Although the amount of grant funding that is distributed by CARB to local air districts varies from year to year, prior to 2021, the amount of funding received for the CMP and state reserve programs averaged around \$8 million annually. Beginning in 2021 (Year 24 cycle), the Air District received over \$31 million for CMP and state reserve. This high level of funding was due to two factors: 1) a funding cap that had previously limited the amount of funds that could be allocated by CARB annually to the CMP was raised to \$130 million (up from \$93.7 million), and 2) a one-time pass-through of excess funds that had accrued in CARB’s Air Pollution Control Fund over a three-year period due to the previously mentioned cap. As a result of the new higher cap limit, the Air District will continue to receive more revenue from the CMP and state reserve programs, estimated to be \$14 - \$25 million annually. In addition, beginning with FY 2017-2018, the Air District has been receiving revenue for two new incentive programs, CAP and FARMER, which together have totaled more than \$166 million since FYE 2018.

The nature of these grant programs is such that the work-effort that is required for each cycle spans a period of years. Figure 1 shows revenue received from the State for the CMP, CAP, and FARMER, and the associated number of new projects funded in each cycle.

**Figure 1. CMP/CAP/FARMER Programs
FYE 2001-2023 (CMP Cycles 3-25)**



For the data shown in Figures 1 and 2, the funding amount shown in Year 25 is an estimate because the amount of CAP funding to be awarded to the Air District has not yet been announced. It is expected to be announced in early 2023, although the total amount to be distributed statewide has been approved in the State budget. The number of projects shown in the last three cycles (years 23, 24, and 25) are also estimates.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Carl Moyer Program Year 25

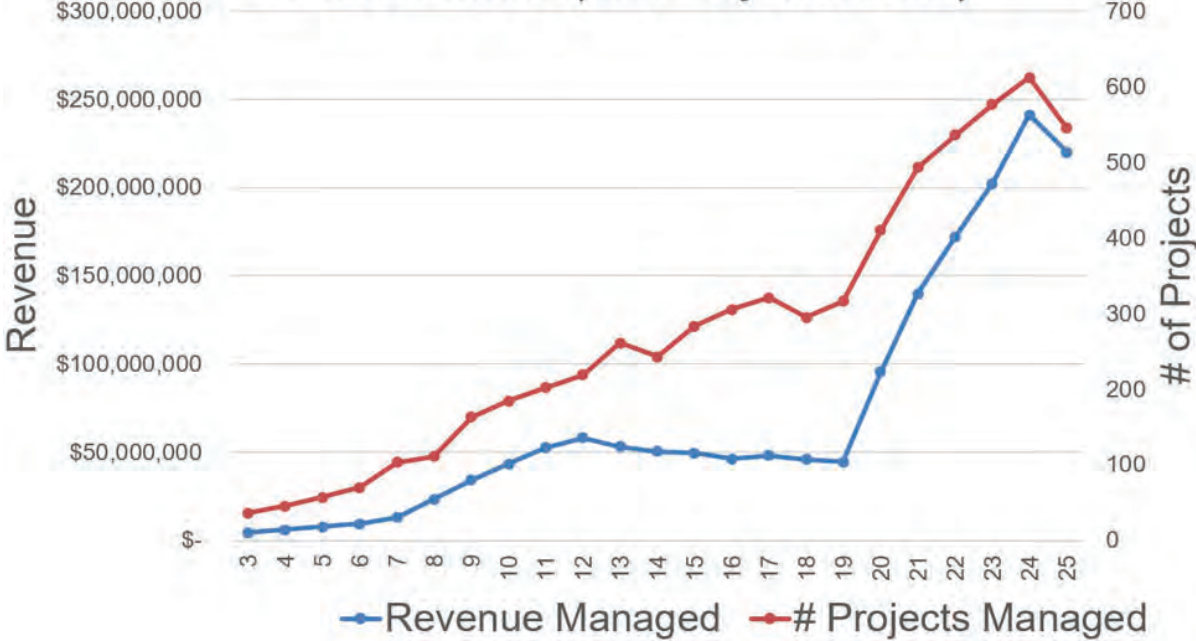
Revenue from CMP Year 25 (including state reserve funds) is anticipated to be up to \$25 million. At least 92.75% of the funding will be distributed to grantees on a reimbursement basis for direct project expenses, and up to 6.25% of the revenue will be used by the Air District for its own administrative costs. These revenues will be budgeted in FYE 24 and future years, as needed. MSIF funds allocated for CMP Year 25 match will also be budgeted in FYE 24 and future years, as needed.

Staffing for State Funded Programs

Each cycle of grant funding that is accepted by the Air District creates an obligation of effort that has a typical duration of between ten to fourteen years, whereby most of the work occurs in the first four to five years, involving project solicitation and outreach, awarding, contracting,

inspections, reimbursements, project monitoring, and reporting to CARB. Future years work includes continued project monitoring, reporting to CARB, and enforcement action when needed. Figure 2 shows the same data as shown in Figure 1, i.e., amount of revenue and # of associated projects but over a rolling or cumulative five-year basis, which provides a more complete representation of the total funding being actively managed and the associated work effort annually and over time.

**Figure 2. 5 Year Totals for CMP/CAP/FARMER Programs
FYE 2001-2023 (CMP Cycles 3-25)**



The Air District has been administering state incentive funds under the CMP since 1998 and the FARMER and CAP programs since FY 2017-2018. During the past five years there has been more than a four-fold increase in annual revenue for these programs with minimal increase in staffing. Given that funding for the CMP has been reauthorized through 2033, if the Board approves this action, staff will work with the Executive Management and the management auditor to identify opportunities to increase staffing needed to continue to implement the CMP and state reserve programs.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Daniel Langmaid
Reviewed by: Alona Davis & Karen Schkolnick

ATTACHMENTS:

1. Draft Board Resolution Accepting Year 25 Carl Moyer Program Funds from the California Air Resources Board

MOBILE SOURCE & CLIMATE
IMPACTS COMMITTEE MEETING
OF 11/28/2022

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2022 -

**Resolution Accepting Year 25 Carl Moyer Program Funds
From the California Air Resources Board**

WHEREAS, California Health and Safety Code Division 26, Part 5, Chapter 9, empowers the California Air Resources Board (CARB) to allocate Carl Moyer Program funds to local air quality districts to provide financial incentives to both the public and private sectors to implement eligible projects to reduce emissions of oxides of nitrogen (NO_x), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them;

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

WHEREAS, the Bay Area Air Quality Management District (District) has successfully implemented the Carl Moyer Program since its inception in 1998;

WHEREAS, the District will be submitting applications to CARB requesting up to \$22 million in Carl Moyer Program funds and up to \$3 million in Carl Moyer Program State Reserve funds to implement the Carl Moyer Program within the District for the fiscal year (FY) 2022-2023 (Year 25) cycle;

WHEREAS, the District proposes to commit up to \$3.3 million in matching funds from the District's Mobile Source Incentive Fund (MSIF) as part of the Year 25 Carl Moyer Program cycle, in accordance with the requirements of California Health and Safety Code section 44287;

WHEREAS, eligible projects include vehicle and equipment replacements or retrofits from on-road, marine, locomotive, agricultural, and off-road engines, and infrastructure to support zero-emission equipment;

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

WHEREAS, the District will follow the most recent version of the Carl Moyer Program Guidelines for the Year 25 CMP cycle, in the implementation of Carl Moyer Year 25 and MSIF funds;

WHEREAS, the District may use up to 6.25 percent of the funds it receives to pay the reasonable costs of implementing the incentive program.

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors hereby approves the District's acceptance of FY 2022-2023 CMP funds, including the State Reserve portion thereof, to be awarded to eligible District projects in accordance with legislative and applicable program requirements.

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

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

The foregoing resolution was duly and regularly introduced, passed, and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2022, by the following vote of the Board:

AYES:

NOES:

ABSENT:

John J. Bauters
Chairperson of the Board of Directors

ATTEST:

Teresa Barrett
Secretary of the Board of Directors

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: December 7, 2022

Re: COP27 Report Out

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

The 2022 United Nations Climate Change Conference, also known as COP27, was held this year from November 6, 2022 through November 18, 2022, in Sharm El-Sheikh, Egypt. COP27 brought together 190 countries to accelerate action towards achieving the greenhouse gas reduction goals of the Paris Agreement and the UN Framework Convention on Climate Change.

The Air District sent representatives to COP27 to share some of its key regional efforts and successes focused on climate and equity and to connect with international climate leaders and policy makers. The representatives included Air District staff Jennifer Elwell, Areana Flores, and Idania Zamora, and members of the Board of Directors, Vice-Chair Davina Hurt and Chair John J. Bauters. During COP27, Air District representatives made strategic contacts and gathered valuable implementation lessons from local climate action programs and policies being enacted around the world.

DISCUSSION

Air District staff and Board Members will provide a brief overview of the Air District's participation at COP27, including key knowledge and insights gained, and will share highlights from the COP27 conference.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Idania Zamora
Reviewed by: Abby Young

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: December 7, 2022

Re: Update on 2022-2023 Spare the Air Winter Season and Summary of 2022 Spare the
Air Summer Season

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

Created in 1991, the Spare the Air program alerts residents when air quality is forecast to be unhealthy and calls on the public to make clean air choices to reduce air pollution. The Spare the Air program is known regionwide and is a trusted source of air quality information in the Bay Area.

In 2008, the Air District's Board of Directors adopted Regulation 6, Rule 3, to protect Bay Area residents from the public health impacts of wood smoke pollution and ban wood burning when air quality is unhealthy. The Spare the Air winter wood smoke season runs from November 1, 2022, through February 28, 2023.

DISCUSSION

Staff will provide an overview of the 2022-2023 Spare the Air winter season, a summary of the 2022 Spare the Air summer season and an overview of the results from the 2022 Spare the Air summer survey.

The Spare the Air winter campaign makes the link between the unhealthy air quality the region experiences during wildfires to wood smoke pollution from fireplaces. The campaign will continue to focus on the localized health impacts from wood smoke as well as indoor air quality impacts from wood burning. Staff will present an overview of this year's creative and campaign strategy.

The 2022 Spare the Air summer campaign focused on promoting the return to transit as more Bay Area residents returned to the office. The campaign continued to use transit-focused creative

targeting residents returning to the office, sporting events and other gatherings region-wide. Through social media and media outreach, the campaign also promoted active transportation. Results from the 2022 Spare the Air survey conducted during the summer campaign will also be presented. Survey topics included Spare the Air program recognition, behavior change and specific survey data from impacted communities.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the Spare the Air summer season was included in the FYE 2022 and FYE 2023 budgets. The campaign is funded primarily through the Congestion Mitigation Air Quality program, supplemented by the Transportation Fund for Clean Air.

Funding for the Spare the Air winter season is included in the FYE 2023 budget.

Respectfully submitted,

Sharon L. Landers
Interim Executive Officer/APCO

Prepared by: Kristina Chu
Reviewed by: Kristine Roselius

ATTACHMENTS:

None