



California Council for Environmental and Economic Balance

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March 19, 2021

Mr. Barry Young
Senior Advanced Projects Advisor, Engineering
Bay Area Air Quality Management District
Submitted Electronically to byoung@baaqmd.gov

RE: Draft Amendments to Regulation 3: Fees

Dear Mr. Young,

Thank you for the opportunity to provide comments on the Draft Amendments to Regulation 3: Fees for FYE 2022 presented at the February 18, 2021 Public Workshop. We submit the following initial comments on behalf of the California Council for Environmental and Economic Balance (CCEEB). CCEEB is a nonpartisan, nonprofit coalition of business, labor, and public leaders that advances strategies for a healthy environment and sound economy. CCEEB represents many facilities that operate in the Bay Area Air Quality Management District (BAAQMD or District) and are subject to Regulation 3. Given the District only recently released budget documents to the public, we have not had sufficient time to review them. While we outline preliminary comments below, CCEEB reserves the right to make additional comments after further review of budget materials.

CCEEB requests the District endeavor to make relevant background documents available to the public in advance of all workshops. We note the presentation and cost recovery study were not made available online until after the February 18, 2021 fees workshop, which made it difficult for stakeholders to participate real time in a meaningful way. Additionally, the draft proposed budget was only released on March 15, 2021 as an attachment to the March 17, 2021 Administrative Committee meeting agenda. CCEEB encourages the District to make these kinds of important documents more easily accessible to the public by posting them online in advance of meetings and in a conspicuous manner. We believe these actions will help facilitate a more productive public process.

CCEEB appreciates the effort of District staff in developing the proposed fee schedules, but we don't believe we can give adequate input on the proposals without further information. Specifically, CCEEB has requested and not yet received several items of background information to help us determine how costs are calculated, and thus how fee increases are determined. Some of this information includes historical and current permit activity and an explanation of how District timekeeping records are used to determine permit processing costs.

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We are attaching slides showing the information that the South Coast Air Quality Management District (SCAQMD) tracks that is of interest to us. We note here the decrease in permit activity, and are curious as to how year-over-year the Bay Area permitting activity (permits received and processed) is trending. See full SCAQMD presentation [here](#). In particular, we are interested in seeing permit activity for emergency generators separately, as the uptick in those permits is likely a time-bound occurrence.

CCEEB reminds the District that, pursuant to Proposition 26, the burden of proof is on the District to demonstrate that fee amounts are no more than necessary to cover the reasonable costs of regulation. Therefore, it is incumbent upon the District to provide us details on how the costs have been calculated.

CCEEB will review the proposed budget and fee documents as released by the BAAQMD and provide more detailed comments in the near future.

Again, we thank staff for this opportunity to comment, and look forward to continued engagement with BAAQMD on development of the upcoming fee schedule and budget. Should you have questions or wish to discuss our comments in more detail, please contact Frances Keeler at francesk@cceeb.org or (415) 512-7890 ext. 113.

Sincerely,

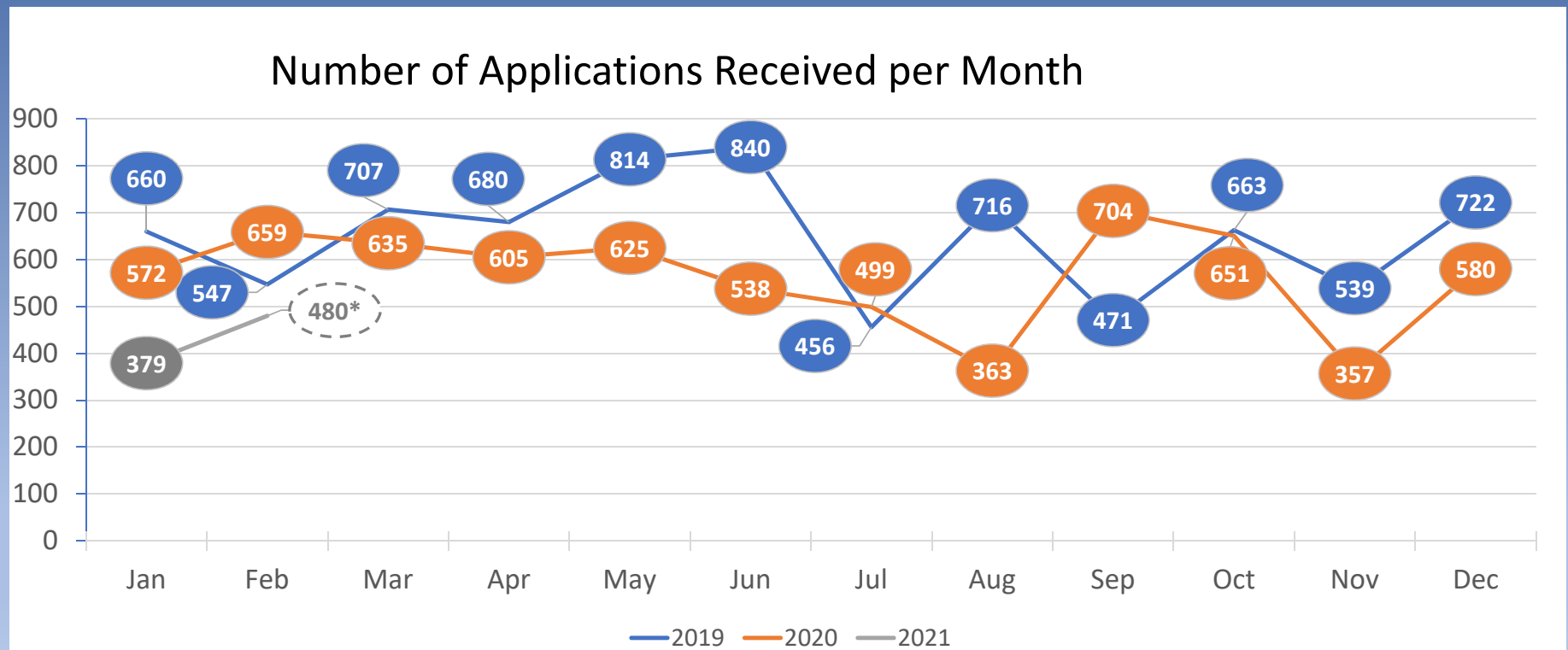
A handwritten signature in blue ink that reads "Frances Keeler". The signature is written in a cursive, flowing style.

Frances Keeler
Vice President, CCEEB

cc:

Mr. Damian Breen
Mr. Jeff McKay
Mr. Bill Quinn, President, CCEEB

Permit Activity



*Preliminary data as of March 1, 2021

Permit Revenue

