



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS REGULAR MEETING

June 5, 2019

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 1<sup>st</sup> Floor Board Room at the Air District Headquarters, 375 Beale Street, San Francisco, California 94105.

### Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff Person to contact for additional information or to resolve concerns is listed for each agenda item.

### Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](http://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 Procedures

Persons wishing to make public comment must fill out a Public Comment Card indicating their name and the number of the agenda item on which they wish to speak, or that they intend to address the Board on matters not on the Agenda for the meeting.

**Public Comment on Non-Agenda Matters, Pursuant to Government Code Section 54954.3** Speakers wishing to address the Board on non-agenda matters will be heard at the end of the agenda, and each will be allowed up to three minutes to address the Board at that time.

Members of the Board may engage only in very brief dialogue regarding non-agenda matters, and may refer issues raised to District staff for handling. In addition, the Chairperson may refer issues raised to appropriate Board Committees to be placed on a future agenda for discussion.

**Public Comment on Agenda Items** The public may comment on each item on the agenda as the item is taken up. Public Comment Cards for items on the agenda must be submitted in person to the Clerk of the Boards at the location of the meeting and prior to the Board taking up the particular item. Where an item was moved from the Consent Calendar to an Action item, no speaker who has already spoken on that item will be entitled to speak to that item again.

Speakers may speak for up to three minutes on each item on the Agenda. However, the Chairperson or other Board Member presiding at the meeting may limit the public comment for all speakers to fewer than three minutes per speaker, or make other rules to ensure that all speakers have an equal opportunity to be heard. The Chairperson or other Board Member presiding at the meeting may, with the consent of persons representing both sides of an issue, allocate a block of time (not to exceed six minutes) to each side to present their issue.

# BOARD OF DIRECTORS REGULAR MEETING AGENDA

WEDNESDAY  
JUNE 5, 2019  
9:30 A.M.

BOARD ROOM  
1<sup>ST</sup> FLOOR

## CALL TO ORDER

Chairperson, Katie Rice

1. **Opening Comments**  
**Roll Call**  
**Pledge of Allegiance**

*The Chair shall call the meeting to order and make opening comments. The Clerk of the Boards shall take roll of the Board members. The Chair shall lead the Pledge of Allegiance.*

## PUBLIC COMMENT ON NON-AGENDA MATTERS

2. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**  
*For the first round of public comment on non-agenda matters at the beginning of the agenda, ten persons selected by a drawing by the Clerk of the Boards from among the Public Comment Cards indicating they wish to speak on matters not on the agenda for the meeting will have two minutes each to address the Board on matters not on the agenda. For this first round of public comments on non-agenda matters, all Public Comment Cards must be submitted in person to the Clerk of the Board at the location of the meeting and prior to commencement of the meeting.*

## CLOSED SESSION

3. **CONFERENCE WITH LEGAL COUNSEL**

- A. **EXISTING LITIGATION (Government Code Section § 54956.9(a))**

*Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case:*

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565

- B. **CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6(a))**

*Agency Negotiators:* Jack P. Broadbent, Executive Officer/APCO  
Rex Sanders, Chief Administrative Officer

*Employee Organizations:* Management and Confidential Employee Groups  
Bay Area Air Quality Employee's Association, Inc.

## OPEN SESSION

### CONSENT CALENDAR (ITEMS 4-9)

Staff/Phone (415) 749-

4. Minutes of the Board of Directors Special Budget Hearing Meeting and Special Meeting of May 15, 2019 **Clerk of the Boards/5073**

*The Board of Directors will consider approving the draft minutes of the Board of Directors Special Budget Hearing and Special Meeting of May 15, 2019.*

5. Board Communications Received from May 15, 2019 through June 4, 2019

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*A copy of communications directed to the Board of Directors received by the Air District from May 15, 2019 through June 4, 2019, if any, will be at each Board Member's place.*

6. Notices of Violations Issued and Settlements in Excess of \$10,000 in the month of April 2019

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*In accordance with Resolution No. 2012-08, the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of April 2019.*

7. Authorization to Execute a Contract for Graphic Design

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute a one-year contract with the selected designed firm for a total amount not to exceed \$175,000.*

8. Authorization to Execute a Contract with KBM-Hogue for Furniture Redesign and Purchase

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with KBM-Hogue for furniture services relative to the reconfiguration of workstations, offices and conference rooms in an amount not to exceed \$120,000.*

9. Consider Approving a Resolution Which Provides Salary Adjustments to the Management and Confidential Employee Groups

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider approving a resolution which provides adjustments to the management and confidential employee groups.*

## **COMMITTEE REPORTS**

10. Report of the Community and Public Health Committee Meeting of May 20, 2019

CHAIR: S. Zane

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee received the following reports:*

**A) Update on the West Oakland Community Action Plan**

1) *None; receive and file.*

**B) Available Community Grant Opportunities: James Cary Smith Community Grants and Assembly Bill (AB) 617 Community Health Protection Grants**

1) *None; receive and file.*

**C) Regional Wildfire Communication Effort**

1) *None; receive and file.*

For the full Committee agenda packet and materials, click on the link below:

[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)

11. Report of the Legislative Committee Meeting of May 22, 2019

CHAIR: D. Kim

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee received the following reports:*

**A) Consideration of New Bills**

1) *Senate Bill (SB) 629 – Mike McGuire (D-Healdsburg) – “Oppose” position with possible district-provided amendments if future amendments weaken air district authority to regulate stationary sources. (Direction was provided to staff on this item)*

**B) Assembly Bill (AB) 836 Wicks – Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program**

1) *None; receive and file.*

**C) Sacramento Legislative Update**

1) *The Committee will receive an update on recent events of significance in Sacramento.*

For the full Committee agenda packet and materials, click on the link below:

[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)

12. Report of the Mobile Source Committee Meeting of May 23, 2019

CHAIR: D. Canepa

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Committee received the following reports:*

**A) Projects and Contracts with Proposed Grant Awards Over \$100,000**

- 1) *Approve recommended projects with proposed grant awards over \$100,000 as shown in Attachment 1; and*
- 2) *Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.*

**B) Fiscal Year Ending (FYE) 2020 Transportation Fund for Clean Air (TFCA) Regional Fund Policies & Evaluation Criteria**

- 1) *Approve the proposed FYE 2020 TFCA Regional Fund Policies and Evaluation Criteria presented in Attachment A; and*
- 2) *Approve a change to FYE 2020 TFCA County Program Manager Fund Policies to increase the cost-effectiveness threshold for the Bicycle Projects category such that it is aligned with the threshold that is proposed for FYE 2020 TFCA Regional Fund Policies.*

**C) Electric Vehicle (EV) Ecosystem Update: EV Equity**

- 1) *None; receive and file.*

For the full Committee agenda packet and materials, click on the link below:

[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)

**PUBLIC HEARINGS**

13. Public Hearing to Consider Adoption of Proposed Amendments to Air District Regulation 3: Fees and Approval of the Filing of a Notice of Exemption from the California Environmental Quality Act

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will consider adoption of proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2019, and approval of a Notice of Exemption from the California Environmental Quality Act. The proposed fee amendments are designed to recover the costs of regulatory program activities in accordance with the Air District's Cost Recovery Policy.*

14. Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal Year Ending (FYE) 2020  
**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will hold a final Public Hearing and will consider the adoption of a resolution to approve the Proposed Budget for FYE 2020 and various budget related actions.*

### **PRESENTATION**

15. Update on West Oakland Community Action Plan

**J. Broadbent/5052**  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Board of Directors will receive an update on the West Oakland Community Action Plan.*

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

*Speakers who did not have the opportunity to address the Board in the first round of comments on non-agenda matters will be allowed two minutes each to address the Board on non-agenda matters.*

### **BOARD MEMBERS' COMMENTS**

17. *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)*

### **OTHER BUSINESS**

18. Report of the Executive Officer/APCO

19. Chairperson's Report

20. Time and Place of Next Meeting:

*Wednesday, July 31, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.*

21. 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](mailto:vjohnson@baaqmd.gov)

**(415) 749-4941**  
**FAX: (415) 928-8560**  
**BAAQMD homepage:**  
[www.baaqmd.gov](http://www.baaqmd.gov)

- To submit written comments on an agenda item in advance of the meeting. Please note that all correspondence must be addressed to the “Members of the Board of Directors” and received at least 24 hours prior, excluding weekends and holidays, in order to be presented at that Board meeting. Any correspondence received after that time will be presented to the Board at the following meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- 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 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](http://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, Rex Sanders, at (415) 749-4951 or by email at [rsanders@baaqmd.gov](mailto:rsanders@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 ANTICIPATED MEETINGS

#### JUNE 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting	Wednesday	5	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Climate Protection Committee	Monday	10	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Regular Meeting (CANCELLED)	Wednesday	19	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Community and Public Health Committee	Thursday	20	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Budget and Finance Committee (CANCELLED)	Wednesday	26	9:30 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee (CANCELLED)	Thursday	27	9:30 a.m.	1 <sup>st</sup> Floor Board Room

#### JULY 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (CANCELLED)	Wednesday	3	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Stationary Source	Monday	8	9:30 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room #109
Board of Directors Stationary Source (Cancelled and Rescheduled to July 8 <sup>th</sup> )	Monday	15	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Personnel Committee (CANCELLED)	Wednesday	17	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Legislative Committee (CANCELLED)	Wednesday	24	9:30 a.m.	1 <sup>st</sup> Floor, Yerba Buena Room #109
Board of Directors Mobile Source Committee	Thursday	25	9:30 a.m.	1 <sup>st</sup> Floor Board Room
Advisory Council Meeting	Monday	29	10:00 a.m.	1 <sup>st</sup> Floor Board Room
Board of Directors Special Meeting	Wednesday	31	9:30 a.m.	1 <sup>st</sup> Floor Board Room

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Minutes of the Board of Directors Special Budget Hearing Meeting and Special  
Meeting of May 15, 2019

---

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors Special Budget Hearing and Special Meeting of May 15, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Special Meeting Budget Hearing and Special Meeting of May 15, 2019.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka

Reviewed by: Vanessa Johnson

Attachment 4A: Draft Minutes of the Board of Directors Special Budget Hearing Meeting of  
May 15, 2019

Attachment 4B: Draft Minutes of the Board of Directors Special Meeting of May 15, 2019

## AGENDA 4A - ATTACHMENT

Draft Minutes - Board of Directors Special Meeting / Budget Hearing of May 15, 2019

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

Board of Directors Special Meeting / Budget Hearing  
Wednesday, May 15, 2019

### **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](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. Board of Directors (Board) Chairperson, Katie Rice, called the meeting to order at 9:34 a.m.

#### **Roll Call:**

Present: Chairperson Katie Rice; Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors Teresa Barrett, John J. Bauters, David J. Canepa, Pauline Russo Cutter, John Gioia, Carole Groom, David Hudson, Tyrone Jue, Doug Kim, Liz Kniss, Gordon Mar, Nate Miley, Mark Ross, Jim Spering, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Margaret Abe-Koga, Scott Haggerty, Karen Mitchoff, and Shirlee Zane.

### **PUBLIC HEARING**

2. **First Public Hearing on the Proposed Air District Budget for Fiscal Year Ending (FYE) 2020. A Final Public Hearing is scheduled for Wednesday, June 5, 2019 to Consider Adoption of the Proposed Budget for FYE 2020.**

NOTED PRESENT: Director Wagenknecht was noted present at 9:38 a.m.; Secretary Chavez was noted present at 9:39 a.m.; Director Mar was noted present at 9:49 a.m.; and Director Miley was noted present at 10:11 a.m.

Dr. Jeff McKay, Chief Financial Officer, gave the staff presentation *First Public Hearing on the Proposed Air District Budget for Fiscal Year Ending 2020*, including: outline, current fiscal year (FYE 2019 projections); financial history (actions taken during downturn); actual reserves and policy (excludes building proceeds); General Fund expenditure trend; staffing trend (filled positions); medical retirement - Other Post-Employment Benefits (OPEB); California Public Employees' Retirement System (CalPERS) pension - historical Rate of Return and funding ratio;

FYE 2020 Proposed Budget overview; General Fund revenue sources and expenditures (of FYE 2020 Proposed Budget); capital budget; cost recovery trend; fees and cost recovery (overview and future state); Reserves policy; reserves designations (of FYE 2020 Proposed Budget); retirement liabilities; OPEB overview; CalPERS pension plan; Budget summary (FYE 2020); actions taken; and future actions.

**Chair Rice opened the first of two required public hearings for the exclusive purpose of considering testimony on the Air District's Proposed Budget for FYE 2020.**

Public Comments

No requests received.

Board Comments

The Board and staff discussed how the Air District's Particulate Matter (PM) Summit relates to the increase in Advisory Council professional services in the FYE 2020 Proposed Program Budget; the Air District's anticipation of fewer vacancies in 2020 than for 2019; the request that new full-time equivalent positions (and their staffing level) be individually listed in future budgets; how filling vacancies will affect the Air District's reserves and cost recovery; the difficulty of projecting medical retirement costs, as staffing increases over time, and the Air District's strategy of funding them as they accrue; the current number of vacancies at the Air District; challenges regarding employee retention, and the ratio of retirement versus resignation; the Board-mandated economic contingency of 20% of budget, regarding reserves designations; how the May revision to the Governor's state budget is projected to affect Assembly Bill (AB) 617 funding, as well as other initiatives and programs of the Air District, and the request that Air District staff continue to monitor activity in Sacramento and alert the Board of opportunities to take action, if needed; whether the Air District's expenditure and revenue trends are considered typical; the anticipated increase to the Air District's total obligation, unfunded percentage, and annual required contribution, should CalPERS decrease the expected rate of return; the suggestion that the Air District conducts a customer service survey of permitted facilities regarding the efficiency of the Air District's permitting program; and the tradeoffs of increasing the Air District's CalPERS pension rate of return.

**Chair Rice closed the public hearing.**

Board Action

None; receive and file.

**PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

No requests received.

**OTHER BUSINESS**

**4. BOARD MEMBERS' COMMENTS**

None.

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

Wednesday, June 5, 2019 Bay Area Air Quality Management District Office, 1<sup>st</sup> Floor Board Room, 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

**6. ADJOURNMENT**

The meeting adjourned at 10:17 a.m.

Marcy Hiratzka  
Clerk of the Boards

## AGENDA 4B – ATTACHMENT

Draft Minutes - Board of Directors Special Meeting of May 15, 2019

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

Board of Directors Special Meeting  
Wednesday, May 15, 2019

### **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](http://www.baaqmd.gov/bodagendas)*

### **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, Katie Rice, called the meeting to order at 10:25 a.m.

#### **Roll Call:**

Present: Chairperson Katie Rice; Vice Chairperson Rod Sinks; Secretary Cindy Chavez; and Directors Teresa Barrett, John J. Bauters, David J. Canepa, Pauline Russo Cutter, John Gioia, Carole Groom, David Hudson, Tyrone Jue, Doug Kim, Liz Kniss, Gordon Mar, Nate Miley, Mark Ross, Jim Spering, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Margaret Abe-Koga, Scott Haggerty, Karen Mitchoff, and Shirlee Zane.

### **PUBLIC COMMENT ON NON-AGENDA MATTERS**

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

No requests received.

### **CLOSED SESSION** (10:27 a.m.)

3. **CONFERENCE WITH LEGAL COUNSEL**

- A. EXISTING LITIGATION (Government Code Section 54956.9(a))**

*Pursuant to Government Code Section 54945.9(a), a need exists to meet in closed session with legal counsel to consider the following case:*

Michael Bachmann and Sarah Steele v. Bay Area AQMD, Contra Costa County Superior Court, Case No. C17-01565.

**REPORT OUT:** Brian Bunger, Air District Counsel, stated that there was no reportable action for this item.

**B. CONFERENCE WITH LABOR NEGOTIATORS (Government Code § 54957.6(a))**

*Agency Negotiators: Jack P. Broadbent, Executive Officer/APCO  
Rex Sanders, Chief Administrative Officer*

*Employee Organizations: Management and Confidential Employee Groups  
Bay Area Air Quality Employee's Association, Inc.*

**REPORT OUT:** Mr. Bunger reported that the Board gave Air District staff authorization to proceed with labor negotiations.

**OPEN SESSION** (11:09 a.m.)

**CONSENT CALENDAR (ITEMS 4 – 7)**

4. **Minutes of the Board of Directors Regular Meeting of May 1, 2019**
5. **Board Communications Received from May 1, 2019 through May 14, 2019**
6. **Air District Personnel on Out-of-State Business Travel**
7. **Renewal of Contract for Spare the Air Advertising and Messaging Campaigns**

Public Comments

No comments received.

Board Comments

None.

Board Action

Director Bauters made a motion, seconded by Director Canepa, to **approve** the Consent Calendar Items 4 through 7, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Barrett, Bauters, Canepa, Chavez, Cutter, Gioia, Groom, Hudson, Jue, Kim, Kniss, Mar, Miley, Rice, Ross, Sinks, Spring, Wagenknecht, Wilson.  
NOES: None.  
ABSTAIN: None.  
ABSENT: Abe-Koga, Haggerty, Mitchoff, Zane.

## **PRESENTATION**

### **8. Update on the Port of Oakland's Seaport Air Quality Plan**

Greg Nudd, Deputy Air Pollution Control Officer of Policy, gave the staff presentation *Update on the Port of Oakland's Seaport Air Quality Plan*, including: Maritime Air Quality Improvement Plan; emission reductions at the Port of Oakland from 2008-2017; Seaport Air Quality 2020 and Beyond Plan – a pathway to zero-emissions seaport operations; local cancer risk, impact zones, and targets for cancer risk; and Zone 2 - cancer risk differences attributed to specific local sources.

Richard Sinkoff, Director of Environmental Programs and Planning at the Port of Oakland (Port), gave the presentation *Seaport Air Quality 2020 and Beyond Plan – the Pathway to Zero Emissions*, including: overview of the Port; why update the Air Quality Plan; 2020 and Beyond Plan goals; plan development milestones and implementation; screening and evaluation process; “review, comment, respond, revise”; relationship to other plans; intermediate term goals; projects currently underway; first hybrid rubber tire gantry (RTG) in service; next steps; and our commitment to their future.

Other stakeholders that were invited to comment on the Port of Oakland's Seaport Air Quality Plan included Ms. Margaret Gordon and Brian Beveridge of the West Oakland Environmental Indicators Project, and Andy Garcia of GSC Logistics.

#### **Public Comments**

Public comments were given by David Wooley, UC Berkeley, Goldman School of Public Policy.

#### **Board Comments**

The Board and staff discussed the approximate number of residents in West Oakland; Port of Long Beach's Middle Harbor Terminal Redevelopment Project and how its operational/technological feasibility compares with capabilities at the Port of Oakland; projections of throughput and growth over time at the Port of Oakland; whether vessel speed reduction would help reduce emissions and whether the Port of Oakland has authority over that; how amendments to the California Air Resources Board's Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port Regulation may affect the Port of Oakland's Seaport Air Quality Plan; the status of the Air District's relationship with the Port of Oakland and whether that relationship can serve as a model for the oil refineries; the Port of Oakland's goal of deploying 44 pieces of zero-emissions cargo-handling equipment by 2025, and whether the Port of Oakland plans to continue electrification beyond 2025; the percentage of harbor craft and ocean-going vessels that visit the Port of Oakland that are currently capable of plugging into shore power; how the City of Oakland Charter appoints and gives the Board of Port Commissioners exclusive control and management of the Port of Oakland; the history of policies that have directly impacted minorities at disproportionate levels in the Bay Area; the concern that the Port of Oakland's Seaport Air Quality Plan is not ambitious or refined enough, and the Board's hope that the Air District and Port of Oakland would conceive bold goals that exceed the public's expectations; the Board's appreciation for the history and continuing work of the West Oakland Environmental Indicators Project; the difficulty of land use planning due to the lack of space with which to accommodate both industrial and residential facilities without one sector impacting the other; the suggestion that the Air District's Technology

Implementation Office analyzes the market penetration of the proposed technologies that will be used by the Port and how to reduce the proposed Plan's implementation costs (for the Port of Oakland); the feasibility of updating the Air District's 2017 Clean Air Plan with some specific technologies that will be utilized by the Port of Oakland in meeting the goals of the Seaport Air Quality Plan; how the Air District, lacking direct mobile source authority, plans to encourage mobile sources of air pollution to upgrade their technologies to achieve greater reductions in emissions, and whether the Air District plans to pursue indirect source authority during the next legislative session; the suggestion that the Air District appeals for help in reducing emission to the Oakland City Council, who has land-use authority over the Port of Oakland; and the importance of connecting policy and regulation to the actual people who are affected in the community.

### Board Action

None; receive and file.

### PUBLIC COMMENT ON NON-AGENDA MATTERS

#### 9. **Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**

No requests received.

### BOARD MEMBER COMMENTS

#### 10. **Board Members' Comments**

- Vice Chair Sinks said that he would welcome an opportunity for Board members to visit the Port of Oakland to see its operations. Director Groom noted that Board members visited the Port almost ten years ago, and that it would be beneficial and interesting to see the differences now, or even hold a Board meeting there.
- Vice Chair Sinks announced that Air District staff will be polling the Stationary Source Committee members for July 15, 2019.
- Director Kniss thanked Chair Rice for providing the Board members opportunity to read The Color of Law, as it pertains to the history of environmental racism and denial of various services to residents of socioeconomic or racially-associated communities.

### OTHER BUSINESS

#### 11. **Report of the Executive Officer/Air Pollution Control Officer**

Mr. Broadbent stated the following:

- On May 5, 2019, Ms. Marie Harrison community activist, and Bayview resident, passed away. The Air District is working with her family to create a scholarship in her name.
- His presentation *Air Quality Management in the San Francisco Bay Area and United States of America*, presented to the U.S. Speaker Program of the U.S. Department of State's Bureau of International Information Programs in April 2019, will be sent to the Board members.

12. **Chairperson's Report**

Chair Rice made the following announcements:

- The vacancies on the Budget & Finance, Mobile Source, and Climate Protection Committees have been filled by Director Jue, Vice Chair Sinks, and Director Hudson, respectively.
- Director Hudson and Chair Rice will be attending the 32<sup>nd</sup> Annual International Electric Vehicle Symposium in Lyon, France.
- The Air District may or may not be affected by planned power outages by the Bay Area utility companies.

13. **Time and Place of Next Meeting**

Wednesday, June 5, 2019, at 375 Beale Street, San Francisco, CA 94105 at 9:30 a.m.

14. **Adjournment**

The meeting adjourned at 1:11 p.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Board Communications Received from May 15, 2019 through June 4, 2019

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from May 15, 2019, through June 4, 2019, if any, will be at each Board Member's place at the June 5, 2019, Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Aloha de Guzman  
Reviewed by: Vanessa Johnson

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 April 2019

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Brian C. Bungler

Attachment 6A: Notices of Violations for the Month of April 2019

**NOTICES OF VIOLATIONS ISSUED**

The following Notice(s) of Violations were issued in April 2019:

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Bayview Environmental	G2974	Oakland	A58919A	4/29/2019	11-2-401.5	Inaccurate start date / ASB106335
C A R Service	C8043	Oakland	A58447A	4/15/2019	2-1-307	Failure to conduct annual testing
FP Investments	Z6093	Pleasanton	A59089A	4/24/2019	11-2-401.3	Late Notification / ASB107467
Homeowner	Z6034	Oakland	A59086A	4/15/2019	11-2-401.3	Late notification
Lawrence Livermore National Laboratory	A0255	Livermore	A59085A	4/10/2019	11-2-401.5	Failure to revise start date
R&B Equipment	Z4338	Hayward	A57885A	4/10/2019	2-1-301	Unpermitted crushers
R&B Equipment	Z4338	Hayward	A57885B	4/10/2019	2-1-302	Unpermitted crushers
SFD	Z6058	Oakland	A59087A	4/19/2019	11-2-401.3	Late Notification
Shivjoti Rani	Z6083	Oakland	A59088A	4/23/2019	11-2-401.3	Late Notifier
Western Digital Corporation	A8391	Fremont	A57020A	4/3/2019	2-1-307	RCA #07H31 / 07H32 denied (PC 23227-7, 10)
Bayview Environmental	G2974	Oakland	A58919A	4/29/2019	11-2-401.5	Inaccurate start date / ASB106335

C A R Service	C8043	Oakland	A58447A	4/15/2019	2-1-307	Failure to conduct annual testing
FP Investments	Z6093	Pleasanton	A59089A	4/24/2019	11-2-401.3	Late Notification / ASB107467

<b>Contra Costa</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Berkeley Ready Mix Services	Z6038	Antioch	A58261A	4/15/2019	2-1-301	Operating concrete batch plant W/O Authority to Construct & Permit to Operate
Berkeley Ready Mix Services	Z6038	Antioch	A58261B	4/15/2019	2-1-302	Operating concrete batch plant W/O Authority to Construct & Permit to Operate
Chevron Products Company	A0010	Richmond	A58934A	4/10/2019	10	Flaring unscrubbed vent gas; H2S>230 ms/dscm; Dev 4930
Chevron Products Company	A0010	Richmond	A58935A	4/10/2019	9-1-307	SO2 emissions > 250ppm 1-hr avg; 527 ppm / RCA# 07F76; Dev 5067
Chevron Products Company	A0010	Richmond	A58936A	4/10/2019	2-6-307	Operated ESP outside of permitted limits; P/C 11066 Sec 36; RCA# 07H80, DEV# 5203
Chevron Products Company	A0010	Richmond	A58937A	4/10/2019	8-18-402.1	Failure to identify all components. Valve was untagged & not monitored in LDAR / Dev 5315
Chevron Products Company	A0010	Richmond	A58937B	4/10/2019	10	Valve was untagged & not monitored in LDAR / Dev 5315
Chevron Products Company	A0010	Richmond	A58938A	4/10/2019	2-6-307	Failure to meet permit condition. Failed to provide find component count and offsets
Chevron Products Company	A0010	Richmond	A58939A	4/10/2019	2-6-307	Exceed CWT daily throughput limit

Chevron Products Company	A0010	Richmond	A58940A	4/10/2019	2-6-307	Exceeded flare NG supplemental gas limit / PC 24136 part 121 / Dev 5299 RCA#07J92
Chevron Products Company	A0010	Richmond	A58941A	4/29/2019	10	Flaring of unstable vent gas H2S 723 odor dev 4962
Chevron Products Company	A0010	Richmond	A58942A	4/29/2019	2-6-307	Exceeded daily flaring rate limit; PC16686
None	Z6068	Antioch	A58917A	4/22/2019	11-2-401.3	Failure to notify
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A59056A	4/8/2019	2-6-307	NOx concentration excess RCA 07J49
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A59058A	4/18/2019	10	40 CFR 60.104(a)(1); BAAQMD Dev# 5286
Pinole Rodeo Auto Wreckers	B9653	Rodeo	A59057A	4/11/2019	2-1-301	No authority to construct or permit to operate for gasoline engine
Pinole Rodeo Auto Wreckers	B9653	Rodeo	A59057B	4/11/2019	2-1-302	No authority to construct or permit to operate for gasoline engine
Plant Hazardous Services	Y4996	Alamo	A58916A	4/2/2019	11-2-401.5	Failure to Revise
Shell Martinez Refinery	A0011	Martinez	A58611A	4/19/2019	6-1-302	RCA# 07J98 Opacity Excess
Shell Martinez Refinery	A0011	Martinez	A58612A	4/19/2019	2-6-307	Failure to meet permit condition

<b>San Francisco</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
San Francisco South East Treatment Plant	A0568	San Francisco	A57575A	4/5/2019	2-1-307	Unabated release of Biogas (RCA 07G67)

Unocal #5458	Z0791	San Francisco	A58540A	4/16/2019	8-7-301.5	Phase I adaptor torque failed (87 vapor + 91 vapor)
William Wu	Z6072	San Francisco	A58918A	4/22/2019	11-2-401.3	Failure to notify

<b>San Mateo</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
ARCO Products Company	A8691	Daly City	A58446A	4/11/2019	2-1-307	Failure to pass drop tube test once in last 36-month period
DPR Construction	Z6041	Redwood City	A58580A	4/17/2019	11-2-401.5	Inaccurate start date / ASB# 105988
Guardant Health Inc.	Z6001	Redwood City	A58023A	4/3/2019	2-1-307	Failure to keep adequate records (P/C#22820 # 4)
Silicon Valley Clean Water	A1534	Redwood City	A58024A	4/11/2019	9-8-302	Failure to meet NOX limit ST#19088
Silicon Valley Clean Water	A1534	Redwood City	A58024B	4/11/2019	2-1-307	Failure to meet NOX limit ST#19088
VKK Signmakers, Inc	A5161	Redwood City	A58025A	4/24/2019	2-1-301	No A/C P10 for spray booth
VKK Signmakers, Inc	A5161	Redwood City	A58025B	4/24/2019	2-1-302	No A/C P10 for spray booth

<b>Santa Clara</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Chevron	Z6059	San Jose	A57769A	4/19/2019	2-1-307	No current annual 2019 Source Tests
City of Sunnyvale Water Pollution Control	A0733	Sunnyvale	A58217A	4/15/2019	2-6-307	Oil change not completed within 1,440 hours
EZ Cleaner & Shoe Repair	B0379	Los Gatos	A56546A	4/5/2019	8-17-404	Expired dry cleaner registration
Fujitsu Technology and Business of America, Inc	A2059	Sunnyvale	A58216A	4/3/2019	2-1-301	No authority to construct
Fujitsu Technology and Business of America, Inc	A2059	Sunnyvale	A58216B	4/3/2019	2-1-302	No permit to operate
Michael Roberts Construction, Inc	V2885	Campbell	A55676A	4/3/2019	11-2-304.1	Hazardous waste bags removed from containment w/o labels & manifest
Michael Roberts Construction, Inc	V2885	Campbell	A55676B	4/3/2019	11-2-401.3	Improper notification
San Jose Country Club	Z2495	San Jose	A57768A	4/3/2019	2-1-307	No Annual ST 2015-2018
Tinh Truong	P4004	Sunnyvale	A58579A	4/8/2019	11-2-401.3	Demolition with no Job #

<b>Solano</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Chevron	Z6112	Vallejo	A59051A	4/29/2019	2-1-302	Permit to operate has expired

Silicon Valley Shell	Z6128	Vallejo	A59050A	4/18/2019	2-1-307	Air Quality testing not performed within 12 months of last testing. PC #24824 & 20666
Valero Refining Company - California	B2626	Benicia	A58470A	4/24/2019	8-5-306.2	5 Leaky safety valves on tank >500 ppm

<b>Sonoma</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
Herc Rentals	Z6009	Rohnert Park	A58539A	4/5/2019	2-1-307	Failure to notify/pass static pressure test in 2019
SFD	Z6031	Sebastopol	A58162A	4/15/2019	5-301.1	Illegal Burn
Sonoma Developmental Center	A1941	Eldridge	A58159A	4/10/2019	9-7-307.3	Source Test number NTV-2182 NST-4847
Sonoma Developmental Center	A1941	Eldridge	A58160A	4/10/2019	9-7-307.3	Source Test Number NTV-2183 NST-4847
Sonoma Developmental Center	A1941	Eldridge	A58161A	4/10/2019	9-7-307.3	Source Test Number NTV-2184 NST-4847

<b>District Wide</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comments</b>
PARC Environmental - Fresno, CA	Y0262	Fresno	A58578A	4/8/2019	11-2-401.3	Improper notification. ASB105958

**SETTLEMENTS FOR \$10,000 OR MORE REACHED**

There were 3 settlement(s) for \$10,000 or more completed in April 2019.

1) On April 16, 2019, the Air District reached settlement with Ramos Oil Co, Inc for \$64,000, regarding the allegations contained in the following two Notices of Violations:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A56054A	10/21/2016	7/25/2016	8-39-302	District St. #17009
A56054B	10/21/2016	7/25/2016	8-39-308.2	District St. #17009
A56054C	10/21/2016	7/25/2016	8-39-308.3	District St. #17009
A56064A	6/1/2017	3/8/2017	8-39-308.3	District Source Test #17128

2) On April 22, 2019, the Air District reached settlement with Zero Waste Energy Development Company, LLC for \$37,000, regarding the allegations contained in the following six Notices of Violations:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A54130A	6/9/2015	7/31/2014	2-1-307	Failed Source Test. NTV #1517 & 1518.
A54131A	7/29/2015	12/29/2013	2-1-301	Equipment installed w/o A/C or P/O
A54131B	7/29/2015	12/29/2013	2-1-302	Equipment installed w/o A/C or P/O
A54132A	7/29/2015	4/6/2015	2-1-307	Failed to perform source test on Biofilters & ph out of range
A54133A	7/29/2015	4/6/2015	1-523	Failed to report parametric excursions
A54135A	9/2/2015		2-1-307	Failure to maintain temperature at the flare
A54137A	11/24/2015	7/25/2015	2-1-307	Denied RCA 06V75

3) On April 17, 2019, the District Attorney of Alameda County informed the District of a civil judgment reached with 1919 Crew LLC. for \$63,000, regarding the allegations contained in the following three Notices of Violations:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A56003A	7/29/2016	7/29/2016	11-2-401.3	Failure to notify for demolition

A56003B	7/29/2016		11-2-303.8	
A56005A	9/8/2016	7/29/2016	11-2-303.1	Not adequately wetting down during renovation
A56005B	9/8/2016		11-2-303.3	Demolition with RACM in place
A56005C	9/8/2016		11-2-303.6	No containment
A56005D	9/8/2016		11-2-303.7	Not a clean work site
A56005E	9/8/2016		11-2-303.8	No survey prior to renovation or demolition
A56005F	9/8/2016		11-2-303.9	No certified representative on site
A56005G	9/8/2016		11-2-304.1	RACM not kept in leak tight labeled containers
A56006A	9/8/2016	7/29/2016	11-2-401.3	Failure to notify for renovation work

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Authorization to Execute a Contract for Graphic Design

---

**RECOMMENDED ACTION**

The Board of Directors (Board) will consider authorizing the Executive Officer/APCO to execute a one-year contract with the selected design firm for a total amount not to exceed \$175,000 for graphic design.

**BACKGROUND**

The Air District's Communications Office relies on contractors to assist with graphic designing for infographics, Spare the Air campaign materials and presentations. The growing need for social media messaging and illustrative graphics has required ongoing graphic design work.

The Air District received eight (8) submissions from prospective graphic designers. The submissions were evaluated based on statements of qualifications and work samples pursuant to the posted Request for Qualifications (RFQ).

The scores were averaged, and those scores were summed for each bidder. The table on Attachment 1 shows the RFQ criteria and each firm's averaged score for the proposal evaluations.

**DISCUSSION**

Staff is recommending Board approval of a new graphic design contract as needed to coincide with the Fiscal Year Ending (FYE) 2019 budget.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

Funding for this contract comes from the following sources:

- Spare the Air Every Day
  - Transportation Fund for Clean Air (TFCA) - \$25,000 from FYE 2019

- Winter Spare the Air
  - General Revenue - \$25,000 from the proposed FYE 2019 budget
- General Revenue - \$125,000 from the proposed FYE 2019 budget

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Kristine Roselius  
Reviewed by: Wayne Kino

Attachment 7A: Graphic Design Services Scoring Summary

## Graphic Design Services Scoring Summary

<b>Firm</b>	<b>Average Total</b>	<b>Approach</b>	<b>Design Experience</b>	<b>Agency Knowledge</b>	<b>Gov / Env Experience</b>	<b>Unique Qualifications</b>	<b>Design Samples</b>	<b>Staff Availability</b>	<b>Knowledge District Policies</b>	<b>Cost</b>
	<b>/ 45 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>	<b>/ 5 pts</b>
<b>Envall Design</b>	<b>43.25 pts</b>	5 pts	5 pts	5 pts	5 pts	4.5 pts	4.5 pts	5 pts	4.75 pts	4.5 pts
<b>We The Creative</b>	<b>34.5 pts</b>	4 pts	4 pts	4.25 pts	3.5 pts	4 pts	3.75 pts	3.75 pts	4.25 pts	3 pts
<b>Project6 Design</b>	<b>30.5 pts</b>	3.75 pts	3.25 pts	3.75 pts	3.25 pts	2.75 pts	3 pts	3.75 pts	4.25 pts	2.75 pts
<b>Mission Critical Creative</b>	<b>29.5 pts</b>	3.5 pts	3.25 pts	3.25 pts	2.5 pts	3.5 pts	3.25 pts	3.5 pts	3.75 pts	3 pts
<b>OneWorld Communications</b>	<b>27.75 pts</b>	3.5 pts	4 pts	3.5 pts	3.75 pts	3 pts	3.25 pts	2.75 pts	2.25 pts	1.75 pts
<b>Pat David Design Group</b>	<b>27.5 pts</b>	3.5 pts	3.5 pts	2.5 pts	2.75 pts	2.5 pts	3 pts	3.25 pts	3.75 pts	2.75 pts
<b>Nemoi</b>	<b>23.5 pts</b>	3.25 pts	2.75 pts	2 pts	1.75 pts	2.75 pts	3.25 pts	2.75 pts	2.5 pts	2.5 pts
<b>Overstreet Associates</b>	<b>19 pts</b>	2.25 pts	2 pts	2 pts	2.25 pts	1.75 pts	2.25 pts	2.25 pts	2.5 pts	1.75 pts

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Authorization to Execute a Contract with KBM-Hogue for Furniture Redesign and Purchase

---

**RECOMMENDED ACTION**

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract, for an amount not to exceed \$120,000.00, with KBM-Hogue for furniture services relative to the reconfiguration of existing workstations, offices and conference rooms of the eighth-floor at 375 Beale Street and to negotiate and execute related change work orders, as needed.

**BACKGROUND**

At the September 19, 2018, meeting of the Board of Directors, staff was authorized to execute a contract with Swinerton Builders for general contracting services for the renovation of portions of the eighth floor at 375 Beale Street.

**DISCUSSION**

The Air District is preparing to renovate the eighth-floor executive area and has made preliminary plans with KBM-Hogue to inventory, store and reinstall existing furniture in those areas that allow it, while procuring new furniture for areas that require it.

The building manager, Cushman & Wakefield, has established a contractor list based on past projects at 375 Beale Street. The proposed project was not part of a new request for proposals process because of the established contractor list and associated preferred rates available to the Air District as a co-tenant of the Bay Area Headquarters Authority, who ran an extensive bidding process for the Headquarters' furniture KBM-Hogue is the original furniture vendor for 375 Beale Street.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The cost of the proposed project is provided for in the Fiscal Year Ending 2019 Budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sean Gallagher  
Reviewed by: Maricela Martinez

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Consider Approving a Resolution Which Provides Salary Adjustments to the  
Management and Confidential Employee Groups

**RECOMMENDATION**

Recommend the Board of Directors consider approving a resolution, which provides salary adjustments to the management and confidential employee groups effective July 1, 2019.

**BACKGROUND**

The management and confidential employee groups are unrepresented employees whose current salary resolution will expire on June 30, 2019 at the same time as the Memorandum of Understanding (MOU) between the Bay Area Air Quality Management District (Air District) and the Bay Area Air Quality Management District Employees' Association (BAAQMD-EA). The Air District and the BAAQMD-EA are currently in successor contract discussions and have not completed negotiations as of the date of this memorandum. While the parties work to reach an agreement, the Air District proposes to adjust the salaries of the management and confidential employee groups based on the preceding resolution and agreement for salary increases which is based on increases to the Consumer Price Index for Urban Wage Earners and Clerical Workers for San Francisco-Oakland-San Jose (CPI) for the preceding calendar year, as reported by the Bureau of Labor Statistics, U.S. Department of Labor, over the wage and salaries in effect on the preceding June 30, 2018, in an amount no less than one percent (1%) and no more three and one-half percent (3.5%).

The 2018 calendar year CPI exceeded 3.5%.

**DISCUSSION**

The salary changes for the management and confidential employees group include:

1. A one-year term beginning July 1, 2019 and ending on June 30, 2020, or a term equal to the term of a successor contract with the BAAQMD EA, whichever is longest.

2. An annual cost of living adjustment (COLA) effective on July 1, 2019 of 3.5% or an amount equal to a negotiated salary increase for the BAAQMD-EA bargaining group, whichever is highest, on the same terms as the negotiated agreement.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no impact to the Fiscal Year Ending 2020 budget.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Rex Sanders

Attachment 9A: Draft Resolution to Approve Salary Changes to the Management and Confidential Employee Groups

Attachment 9B: Bay Area Air Quality Management District Salary Schedule

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**Resolution No. 2019-**

**A Resolution to Approve Salary Adjustments to the Management and Confidential Employee Groups**

WHEREAS, the Board of Directors established Salary Ranges and Classifications on June 10, 1962, pursuant to Resolution No. 270 and has from time to time amended those Salary Ranges and Classifications;

WHEREAS, current Resolution No. 2018-06 was approved by the Board of Directors on August 2, 2017 and said Resolution has an expiration date of June 30, 2019;

WHEREAS, the Air District Budget for FY 2019-2020 includes funds for Board of Director discretionary use in adjusting salaries and fringe benefits for Air District employees;

WHEREAS, the successor Memorandum of Understanding (the "MOU") with the employees represented by the recognized employee organization Bay Area Air Quality Management District Employees Association ("EA") is set to expire on June 30, 2019, and a successor MOU is being negotiated and completion is anticipated in the FY 2019-2020 period;

WHEREAS, management employees and confidential employees are not represented by a recognized employee organization;

WHEREAS, the preceding resolution and collective bargaining agreement for salary increases is based on increases to the consumer Price Index for Urban Wage Earners and Clerical Workers for San Francisco-Oakland-San Jose for the preceding calendar year, as reported by the Bureau of Labor Statistics, U.S. Department of Labor, over the wage and salaries in effect on the preceding June 30, 2019. The minimum increase will be one percent (1%) and the maximum increase shall be three and one-half percent (3.5%);

WHEREAS, the 2018 calendar year Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco-Oakland-San Jose as reported by the Bureau of Labor Statistics, U.S. Department of Labor exceeded 3.5%;

WHEREAS, the FY 2018-2019 salary schedule attached hereto includes a 3.5% increase for management and confidential employees for FY 2019-2020 pending the completion of negotiations with the recognized employee organization; whereby salaries of management and confidential employee groups will be

adjusted to whichever is highest of 3.5% or an amount negotiated between the Air District and the recognized employee organization; whereby any additionally proposed salary adjustments will be presented to the Board of Directors for approval at such time;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors approves the salary schedules attached hereto effective July 1, 2019 which provides a 3.5% increase to the salaries of Management and Confidential Employee Groups.

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 \_\_\_\_\_ 2019 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
KATIE RICE  
Chairperson of the Board of Directors

\_\_\_\_\_  
CINDY CHAVEZ  
Secretary of the Board of Directors

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
SALARY SCHEDULE FOR MANAGEMENT AND CONFIDENTIAL CLASSES**

Annually/Monthly/Bi-weekly/Hourly effective July 1, 2019

**ID-JDE MANAGEMENT****Per Employment Agreement**

1B101 Executive Officer/Air Pollution Control Officer	319108.92
	26592.41
	12273.42
	153.42

1B102 Counsel	305904.56
	25492.05
	11765.56
	147.07

**ID-JDE MANAGEMENT**

<b>ID-JDE MANAGEMENT</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
3M101 Air Monitoring Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M102 Air Quality Engineering Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M103 Air Quality Planning Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M104 Air Quality Program Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
8M101 Assistant Counsel I	149M	134867.14 11238.93 5187.20 64.84	141610.50 11800.87 5446.56 68.08	148691.02 12390.92 5718.89 71.49	156125.57 13010.46 6004.83 75.06	163931.85 13660.99 6305.07 78.81
7M101 Assistant Counsel II	153M	156570.59 13047.55 6021.95 75.27	164399.12 13699.93 6323.04 79.04	172619.07 14384.92 6639.20 82.99	181250.03 15104.17 6971.15 87.14	190312.53 15859.38 7319.71 91.50
3M121 Assistant Manager	147M	135251.56 11270.96 5201.98 65.02	142014.14 11834.51 5462.08 68.28	149114.85 12426.24 5735.19 71.69	156570.59 13047.55 6021.95 75.27	164399.12 13699.93 6323.04 79.04
3M117 Audit & Special Projects Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99

**ID-JDE MANAGEMENT(CONTINUED)**

	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
3M105 Business Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
2M111 Communications Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
1M101 Deputy Air Pollution Control Officer	160M	185726.01 15477.17 7143.31 89.29	195012.31 16251.03 7500.47 93.76	204762.93 17063.58 7875.50 98.44	215001.07 17916.76 8269.27 103.37	225751.13 18812.59 8682.74 108.53
1M102 Deputy Executive Officer	169M	231326.07 19277.17 8897.16 111.21	242892.37 20241.03 9342.01 116.78	255036.99 21253.08 9809.11 122.61	267788.84 22315.74 10299.57 128.74	281178.28 23431.52 10814.55 135.18
2M110 Director/Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M101 Director of Administration	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M102 Director of Enforcement	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M103 Director of Engineering	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M108 Director of Strategic Incentives	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M104 Director of Information Services	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M105 Director of Planning and Research	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M107 Director of Technical Services	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49

<b>ID-JDE MANAGEMENT(CONTINUED)</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
3M119 Engineering Project Processing Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M113 Executive Operations Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M107 Finance Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M106 Fleet and Facilities Manager	134M	98494.47 8207.87 3788.25 47.35	103419.19 8618.27 3977.66 49.72	108590.15 9049.18 4176.54 52.21	114019.66 9501.64 4385.37 54.82	119720.64 9976.72 4604.64 57.56
2M110 Health Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
3M118 Human Resources Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M108 Human Resources Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
3M109 Information Systems Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
2M109 Information Technology Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
3M110 Manager (Laboratory)	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M120 Manager	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99
3M115 Manager of Executive Operations	148M	138591.61 11549.30 5330.45 66.63	145521.19 12126.77 5596.97 69.96	152797.25 12733.10 5876.82 73.46	160437.11 13369.76 6170.66 77.13	168458.97 14038.25 6479.19 80.99

<b>ID-JDE MANAGEMENT(CONTINUED)</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
-------------------------------------	--------------	---------------	---------------	---------------	---------------	---------------

3M111 Meteorology and Data Analysis Manager	148M	138591.61	145521.19	152797.25	160437.11	168458.97
		11549.30	12126.77	12733.10	13369.76	14038.25
		5330.45	5596.97	5876.82	6170.66	6479.19
		66.63	69.96	73.46	77.13	80.99
3M112 Research and Modeling Manager	148M	138591.61	145521.19	152797.25	160437.11	168458.97
		11549.30	12126.77	12733.10	13369.76	14038.25
		5330.45	5596.97	5876.82	6170.66	6479.19
		66.63	69.96	73.46	77.13	80.99
6M101 Senior Assistant Counsel	157M	172619.07	181250.03	190312.53	199828.15	209819.56
		14384.92	15104.17	15859.38	16652.35	17484.96
		6639.20	6971.15	7319.71	7685.70	8069.98
		82.99	87.14	91.50	96.07	100.87
6M102 Senior Policy Advisor	148M	138591.61	145521.19	152797.25	160437.11	168458.97
		11549.30	12126.77	12733.10	13369.76	14038.25
		5330.45	5596.97	5876.82	6170.66	6479.19
		66.63	69.96	73.46	77.13	80.99
3M116 Strategic Facilities Planning Manager	148M	138591.61	145521.19	152797.25	160437.11	168458.97
		11549.30	12126.77	12733.10	13369.76	14038.25
		5330.45	5596.97	5876.82	6170.66	6479.19
		66.63	69.96	73.46	77.13	80.99

ID-JDE	CONFIDENTIAL	Range	Step A	Step B	Step C	Step D	Step E
7C007	Administrative Secretary (Confidential)	118	64723.24 5393.60 2489.36 31.12	67959.40 5663.28 2613.82 32.67	71357.37 5946.45 2744.51 34.31	74925.24 6243.77 2881.74 36.02	78671.50 6555.96 3025.83 37.82
5C101	Clerk of the Boards	132	91072.09 7589.34 3502.77 43.78	95625.70 7968.81 3677.91 45.97	100406.98 8367.25 3861.81 48.27	105427.33 8785.61 4054.90 50.69	110698.70 9224.89 4257.64 53.22
8C004	Executive Secretary I	128	82605.07 6883.76 3177.12 39.71	86735.33 7227.94 3335.97 41.70	91072.09 7589.34 3502.77 43.78	95625.70 7968.81 3677.91 45.97	100406.98 8367.25 3861.81 48.27
7C001	Executive Secretary II	132	91072.09 7589.34 3502.77 43.78	95625.70 7968.81 3677.91 45.97	100406.98 8367.25 3861.81 48.27	105427.33 8785.61 4054.90 50.69	110698.70 9224.89 4257.64 53.22
8C101	Human Resources Analyst I	130	86735.33 7227.94 3335.97 41.70	91072.09 7589.34 3502.77 43.78	95625.70 7968.81 3677.91 45.97	100406.98 8367.25 3861.81 48.27	105427.33 8785.61 4054.90 50.69
7C103	Human Resources Analyst II	134	95625.70 7968.81 3677.91 45.97	100406.98 8367.25 3861.81 48.27	105427.33 8785.61 4054.90 50.69	110698.70 9224.89 4257.64 53.22	116233.63 9686.14 4470.52 55.88
8C001	Human Resources Technician I	122	71357.37 5946.45 2744.51 34.31	74925.24 6243.77 2881.74 36.02	78671.50 6555.96 3025.83 37.82	82605.07 6883.76 3177.12 39.71	86735.33 7227.94 3335.97 41.70
7C002	Human Resources Technician II	126	78671.50 6555.96 3025.83 37.82	82605.07 6883.76 3177.12 39.71	86735.33 7227.94 3335.97 41.70	91072.09 7589.34 3502.77 43.78	95625.70 7968.81 3677.91 45.97
7C003	Legal Office Services Specialist	124	74925.24 6243.77 2881.74 36.02	78671.50 6555.96 3025.83 37.82	82605.07 6883.76 3177.12 39.71	86735.33 7227.94 3335.97 41.70	91072.09 7589.34 3502.77 43.78
8C002	Legal Secretary I	116	61641.18 5136.76 2370.81 29.64	64723.24 5393.60 2489.36 31.12	67959.40 5663.28 2613.82 32.67	71357.37 5946.45 2744.51 34.31	74925.24 6243.77 2881.74 36.02
7C004	Legal Secretary II	120	67959.40 5663.28 2613.82 32.67	71357.37 5946.45 2744.51 34.31	74925.24 6243.77 2881.74 36.02	78671.50 6555.96 3025.83 37.82	82605.07 6883.76 3177.12 39.71
8C003	Office Assistant I (HR)	104	45997.60 3833.13 1769.14 22.11	48297.48 4024.79 1857.60 23.22	50712.35 4226.03 1950.47 24.38	53247.97 4437.33 2048.00 25.60	55910.36 4659.20 2150.40 26.88

**ID-JDE CONFIDENTIAL(CONTINUED)**

	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
7C005 Office Assistant II (HR)	108	50712.35 4226.03 1950.47 24.38	53247.97 4437.33 2048.00 25.60	55910.36 4659.20 2150.40 26.88	58705.88 4892.16 2257.92 28.22	61641.18 5136.76 2370.81 29.64
7C102 Paralegal	124	74925.24 6243.77 2881.74 36.02	78671.50 6555.96 3025.83 37.82	82605.07 6883.76 3177.12 39.71	86735.33 7227.94 3335.97 41.70	91072.09 7589.34 3502.77 43.78
6C102 Senior Human Resources Analyst	138	105427.33 8785.61 4054.90 50.69	110698.70 9224.89 4257.64 53.22	116233.63 9686.14 4470.52 55.88	122045.31 10170.44 4694.05 58.68	128147.58 10678.97 4928.75 61.61
6C001 Senior Executive Secretary	134	95625.70 7968.81 3677.91 45.97	100406.98 8367.25 3861.81 48.27	105427.33 8785.61 4054.90 50.69	110698.70 9224.89 4257.64 53.22	116233.63 9686.14 4470.52 55.88
5C102 Supervising Human Resources Analyst	142	116233.63 9686.14 4470.52 55.88	122045.31 10170.44 4694.05 58.68	128147.58 10678.97 4928.75 61.61	134554.96 11212.91 5175.19 64.69	141282.71 11773.56 5433.95 67.92

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**SALARY SCHEDULE FOR TECHNICAL/GENERAL AND PROFESSIONAL EMPLOYEES**  
Effective July 1, 2018 per Memorandum of Understanding dated May 15, 2002

<b>ID-JDE PROFESSIONAL</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
7P001 Accountant I	123	70646.90 5887.24 2717.19 33.96	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28
7P014 Accountant II	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7P002 Advanced Projects Advisor	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
8P001 Air Quality Chemist I	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7P003 Air Quality Chemist II	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
8P002 Air Quality Engineer I	132	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42
7P004 Air Quality Engineer II	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
8P003 Air Quality Meteorologist I	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
7P005 Air Quality Meteorologist II	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7P006 Atmospheric Modeler	140	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50
8P004 Environmental Planner I	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97

ID-JDE	PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
7P007	Environmental Planner II	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
7P008	Legislative Analyst	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
7P009	Librarian	128	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64
4P001	Principal Accountant	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
4P002	Principal Air and Meteorological Monitoring Specialist	143	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00	133215.27 11101.27 5123.66 64.05	139876.03 11656.34 5379.85 67.25
4P005	Principal Air Quality Chemist	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
4P003	Principal Air Quality Engineer	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
4P004	Principal Environmental Planner	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
7P010	Research Analyst	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
6P001	Senior Advanced Projects Advisor	148	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91	150496.80 12541.40 5788.34 72.35	158021.64 13168.47 6077.76 75.97
6P002	Senior Air Quality Chemist	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33

<b>ID-JDE PROFESSIONAL(continued)</b>		<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
6P003	Senior Air Quality Engineer	140	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50
6P004	Senior Air Quality Meteorologist	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
6P005	Senior Atmospheric Modeler	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
6P006	Senior Environmental Planner	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
7P011	Statistician	137	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09
5P001	Supervising Air Quality Engineer	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
5P002	Supervising Air Quality Meteorologist	143	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00	133215.27 11101.27 5123.66 64.05	139876.03 11656.34 5379.85 67.25
5P003	Supervising Environmental Planner	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
7P012	Toxicologist	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
<b>ID-JDE TECHNICAL/GENERAL</b>		<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
8T001	Accounting Assistant I	106	46664.23 3888.69 1794.78 22.43	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27
7T001	Accounting Assistant II	110	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06

ID-JDE TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T002 Administrative Analyst	131	85871.75	90165.34	94673.61	99407.29	104377.65
		7155.98	7513.78	7889.47	8283.94	8698.14
		3302.76	3467.90	3641.29	3823.36	4014.52
		41.28	43.35	45.52	47.79	50.18
7T003 Administrative Secretary	118	62534.53	65661.25	68944.32	72391.53	76011.11
		5211.21	5471.77	5745.36	6032.63	6334.26
		2405.17	2525.43	2651.70	2784.29	2923.50
		30.06	31.57	33.15	34.80	36.54
8T002 Air Quality Case Settlement Specialist I	126	76011.11	79811.66	83802.25	87992.36	92391.98
		6334.26	6650.97	6983.52	7332.70	7699.33
		2923.50	3069.68	3223.16	3384.32	3553.54
		36.54	38.37	40.29	42.30	44.42
7T004 Air Quality Case Settlement Specialist II	130	83802.25	87992.36	92391.98	97011.58	101862.16
		6983.52	7332.70	7699.33	8084.30	8488.51
		3223.16	3384.32	3553.54	3731.21	3917.78
		40.29	42.30	44.42	46.64	48.97
8T003 Air Quality Inspector I	124	72391.53	76011.11	79811.66	83802.25	87992.36
		6032.63	6334.26	6650.97	6983.52	7332.70
		2784.29	2923.50	3069.68	3223.16	3384.32
		34.80	36.54	38.37	40.29	42.30
7T005 Air Quality Inspector II	128	79811.66	83802.25	87992.36	92391.98	97011.58
		6650.97	6983.52	7332.70	7699.33	8084.30
		3069.68	3223.16	3384.32	3553.54	3731.21
		38.37	40.29	42.30	44.42	46.64
8T004 Air Quality Instrument Specialist I	124	72391.53	76011.11	79811.66	83802.25	87992.36
		6032.63	6334.26	6650.97	6983.52	7332.70
		2784.29	2923.50	3069.68	3223.16	3384.32
		34.80	36.54	38.37	40.29	42.30
7T006 Air Quality Instrument Specialist II	128	79811.66	83802.25	87992.36	92391.98	97011.58
		6650.97	6983.52	7332.70	7699.33	8084.30
		3069.68	3223.16	3384.32	3553.54	3731.21
		38.37	40.29	42.30	44.42	46.64
8T005 Air Quality Laboratory Technician I	122	68944.32	72391.53	76011.11	79811.66	83802.25
		5745.36	6032.63	6334.26	6650.97	6983.52
		2651.70	2784.29	2923.50	3069.68	3223.16
		33.15	34.80	36.54	38.37	40.29
7T007 Air Quality Laboratory Technician II	126	76011.11	79811.66	83802.25	87992.36	92391.98
		6334.26	6650.97	6983.52	7332.70	7699.33
		2923.50	3069.68	3223.16	3384.32	3553.54
		36.54	38.37	40.29	42.30	44.42
8T006 Air Quality Permit Technician I	122	68944.32	72391.53	76011.11	79811.66	83802.25
		5745.36	6032.63	6334.26	6650.97	6983.52
		2651.70	2784.29	2923.50	3069.68	3223.16
		33.15	34.80	36.54	38.37	40.29

ID-JDE	TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T008	Air Quality Permit Technician II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
8T007	Air Quality Specialist I	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
7T009	Air Quality Specialist II	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
7T010	Air Quality Technical Assistant	118	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54
8T008	Air Quality Technician I	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7T011	Air Quality Technician II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
8T014	Assistant Staff Specialist I	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7T033	Assistant Staff Specialist II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
7T012	Building Maintenance Mechanic	114	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15
7T013	Data Entry Operator	111	52717.81 4393.15 2027.61 25.35	55353.70 4612.81 2128.99 26.61	58121.38 4843.45 2235.44 27.94	61027.45 5085.62 2347.21 29.34	64078.82 5339.90 2464.57 30.81

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T010 Data Support Supervisor	142	112303.03	117918.18	123814.09	130004.79	136505.03
		9358.59	9826.51	10317.84	10833.73	11375.42
		4319.35	4535.31	4762.08	5000.18	5250.19
		53.99	56.69	59.53	62.50	65.63
7T014 Database Specialist	135	94673.61	99407.29	104377.65	109596.53	115076.36
		7889.47	8283.94	8698.14	9133.04	9589.70
		3641.29	3823.36	4014.52	4215.25	4426.01
		45.52	47.79	50.18	52.69	55.33
7T015 Deputy Clerk of the Boards	123	70646.90	74179.25	77888.21	81782.62	85871.75
		5887.24	6181.60	6490.68	6815.22	7155.98
		2717.19	2853.05	2995.70	3145.49	3302.76
		33.96	35.66	37.45	39.32	41.28
7T028 Facilities Maintenance Worker	108	48997.44	51447.31	54019.68	56720.66	59556.69
		4083.12	4287.28	4501.64	4726.72	4963.06
		1884.52	1978.74	2077.68	2181.56	2290.64
		23.56	24.73	25.97	27.27	28.63
5T008 Facilities Services Supervisor	130	83802.25	87992.36	92391.98	97011.58	101862.16
		6983.52	7332.70	7699.33	8084.30	8488.51
		3223.16	3384.32	3553.54	3731.21	3917.78
		40.29	42.30	44.42	46.64	48.97
7T031 Fiscal Services Coordinator	139	104377.65	109596.53	115076.36	120830.18	126871.69
		8698.14	9133.04	9589.70	10069.18	10572.64
		4014.52	4215.25	4426.01	4647.31	4879.68
		50.18	52.69	55.33	58.09	61.00
8T009 Mechanic I	121	67282.76	70646.90	74179.25	77888.21	81782.62
		5606.90	5887.24	6181.60	6490.68	6815.22
		2587.80	2717.19	2853.05	2995.70	3145.49
		32.35	33.96	35.66	37.45	39.32
7T016 Mechanic II	125	74179.25	77888.21	81782.62	85871.75	90165.34
		6181.60	6490.68	6815.22	7155.98	7513.78
		2853.05	2995.70	3145.49	3302.76	3467.90
		35.66	37.45	39.32	41.28	43.35
8T010 Office Assistant I	104	44442.12	46664.23	48997.44	51447.31	54019.68
		3703.51	3888.69	4083.12	4287.28	4501.64
		1709.31	1794.78	1884.52	1978.74	2077.68
		21.37	22.43	23.56	24.73	25.97
7T017 Office Assistant II	108	48997.44	51447.31	54019.68	56720.66	59556.69
		4083.12	4287.28	4501.64	4726.72	4963.06
		1884.52	1978.74	2077.68	2181.56	2290.64
		23.56	24.73	25.97	27.27	28.63
5T001 Office Services Supervisor	116	59556.69	62534.53	65661.25	68944.32	72391.53
		4963.06	5211.21	5471.77	5745.36	6032.63
		2290.64	2405.17	2525.43	2651.70	2784.29
		28.63	30.06	31.57	33.15	34.80
7T029 Organizational Development and Training Specialist	134	92391.98	97011.58	101862.16	106955.26	112303.03
		7699.33	8084.30	8488.51	8912.94	9358.59
		3553.54	3731.21	3917.78	4113.66	4319.35
		44.42	46.64	48.97	51.42	53.99

ID-JDE	TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T018	Permit Coordinator	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
6T009	Principal Air Quality Instrument Specialist (2)	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
4T001	Principal Air Quality Specialist	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
8T011	Programmer Analyst I	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7T019	Programmer Analyst II	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
8T012	Public Information Officer I	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7T020	Public Information Officer II	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
7T027	Purchasing Agent	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7T021	Radio/Telephone Operator	113	55353.70 4612.81 2128.99 26.61	58121.38 4843.45 2235.44 27.94	61027.45 5085.62 2347.21 29.34	64078.82 5339.90 2464.57 30.81	67282.76 5606.90 2587.80 32.35
5T002	Radio/Telephone Operator Supervisor	119	64078.82 5339.90 2464.57 30.81	67282.76 5606.90 2587.80 32.35	70646.90 5887.24 2717.19 33.96	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45
7T022	Receptionist	104	44442.12 3703.51 1709.31 21.37	46664.23 3888.69 1794.78 22.43	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97

(2) Board Approval of 9/5/2018

ID-JDE	TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T023	Secretary	112	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57
6T001	Senior Accounting Assistant	114	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15
6T002	Senior Air Quality Inspector	132	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42
6T003	Senior Air Quality Instrument Specialist	132	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42
6T007	Senior Air Quality Permit Technician	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
6T004	Senior Air Quality Specialist	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
6T006	Senior Air Quality Technician	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
6T005	Senior Public Information Officer	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
6T008	Senior Staff Specialist	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
8T013	Staff Specialist I	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
7T032	Staff Specialist II	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T003 Supervising Air Quality Inspector	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
5T004 Supervising Air Quality Instrument Specialist	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
5T005 Supervising Air Quality Specialist	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
5T006 Supervising Public Information Officer	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
5T009 Supervising Staff Specialist	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
5T007 Supervising Systems Analyst	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
7T024 Systems Analyst	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7T025 Systems Quality Assurance Specialist	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7T026 Web Master	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Report of the Community and Public Health Committee Meeting of May 20, 2019

RECOMMENDED ACTION

The Community and Public Health Committee (Committee) received only informational items and have no recommendations of approval by the Board of Directors (Board).

BACKGROUND

The Committee met on Monday, May 20, 2019, and received the following reports:

- A) Update on the West Oakland Community Action Plan;
- B) Available Community Grant Opportunities: James Cary Smith Community Grants and Assembly Bill (AB) 617 Community Health Protection Grants; and
- C) Regional Wildfire Communication Effort.

Chairperson Shirlee Zane will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) Resources to prepare the West Oakland Community Action Plan are included in the FYE 2019 and proposed FYE 2020 budgets. Ongoing implementation of the Plan will require additional resources from the Air District, the state, and others;
- B) None; and
- C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Aloha de Guzman  
Reviewed by: Vanessa Johnson

Attachment 10A: 05/20/2019 – Community and Public Health Committee Meeting Agenda #4  
Attachment 10B: 05/20/2019 – Community and Public Health Committee Meeting Agenda #5  
Attachment 10C: 05/20/2019 – Community and Public Health Committee Meeting Agenda #6

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Shirlee Zane and Members  
of the Community and Public Health Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 6, 2019

Re: Update on the West Oakland Community Action Plan

---

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

Assembly Bill (AB) 617 was passed in 2017, to improve local air quality and health in disproportionately impacted communities. The law requires the California Air Resources Board (CARB) work with community groups, air districts and others to select locations from around the state where communities will work with local air districts to reduce air pollution. In September 2018, CARB approved the Bay Area Air Quality Management District's (Air District) recommendation to develop and implement a Community Emission Reduction Plan (Plan) for West Oakland.

**DISCUSSION**

To develop a Plan for West Oakland, in April 2018 the Air District entered into a contract with the West Oakland Environmental Indicators Project (WOEIP) to serve as our Plan community partner. WOEIP has a long history of community planning and advocacy to reduce residents' exposure to diesel particulate matter and toxic air contaminants.

Since April 2018, WOEIP and Air District staff have worked together to engage the public in the planning process. Air District staff and WOEIP have established a community Steering Committee comprised of residents, neighborhood and business leaders, and partner agencies. The Steering Committee has met approximately monthly since July 2018, for a total of 11 meetings.

Steering Committee meetings are moderated by a neutral facilitator. These meetings seek to gather local knowledge and experience from the Steering Committee members and the public, and to share information about the Air District and other local and regional agency programs that relate to air quality and health. Steering Committee members and the public have shared their experiences living near industrial sources, heavy-duty trucking businesses, freeways, and the Port of Oakland. Air District staff and WOEIP have solicited this information through plenary and small-group discussions, mapping and world café style exercises.

At Steering Committee meetings, the Air District has provided information about the Air District's complaint process, enforcement programs, and authority as a regulatory and permitting agency for stationary sources. The City of Oakland, Port of Oakland, and Alameda County Department of Public Health all serve on the Steering Committee and have made presentations about their agencies proposed and ongoing programs that relate to air quality. These presentations were designed to give the Steering Committee information to understand the opportunities and responsibilities of many government agencies that influence community health in West Oakland.

Steering Committee meetings also have included presentations and exercises that focus on the technical work of the Air District and other partners to better understand air pollution sources and impacts in West Oakland. These presentations explained available West Oakland monitoring and modeling data. Specifically, the Air District completed and presented a modeling assessment of local pollution sources and concentrations in West Oakland. This assessment is designed to assist the Steering Committee as it considers measures to reduce emissions and exposure in their community.

The Steering Committee has identified a range of strategies to reduce emissions and exposure in West Oakland. These strategies include actions by the Air District as well as recommended actions by CARB, the City of Oakland, the Port of Oakland and others.

The Steering Committee's work will result in the five-year West Oakland Community Action Plan, which will guide efforts to reduce emissions and exposure in West Oakland. Air District staff anticipates releasing a draft Plan in June 2019 and taking a final Plan to the Air District Board of Directors for consideration in October 2019. The CARB Board of Directors will consider adopting the Plan in December 2019. Once the Plan is adopted by the Air District Board of Directors, Air District staff will begin working with the Steering Committee, WOEIP, and other partners to implement the Plan.

#### BUDGET CONSIDERATION / FINANCIAL IMPACT

Resources to prepare the West Oakland Community Action Plan are included in the FYE 2019 and proposed FYE 2020 budgets. Ongoing implementation of the Plan will require additional resources from the Air District, the state, and others.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Alison Kirk  
Reviewed by: Henry Hilken

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Shirlee Zane and Members  
of the Community and Public Health Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 7, 2019

Re: Available Community Grant Opportunities: James Cary Smith Community Grants and  
Assembly Bill (AB) 617 Community Health Protection Grants

---

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District Board of Directors has strongly supported the Air District's James Cary Smith Community Grants program since its launch in 2015. This year, the Air District is continuing this program and expanding its community engagement grant efforts by offering new capacity building grants for AB 617 high priority communities as part of the Community Health Protection Grant Program. These grants will provide a unique opportunity to build relationships and local community leadership to facilitate future AB 617 engagement efforts.

DISCUSSION

On April 15, 2019, the Air District opened the 2019 James Cary Smith Community Grants Program: Education and Engagement for applicants throughout the region. Applications are currently open and will be accepted until June 7, 2019. The maximum grant award is \$25,000 and up to \$250,000 will be awarded to certified non-profit organizations, local community-based organizations, faith-based organizations or public schools within the Air District's jurisdiction to support and sponsor community-based solutions that address air pollution. Community-based organizations located in highly impacted communities, or projects that address an environmental justice issue will be prioritized for funding. Examples of eligible projects include non-technical air quality educational campaigns, school or community led tree planting projects, neighborhood level urban greening projects and/or community environmental justice education and outreach. The Air District will announce the grantees in early July 2019. All funded projects will be completed by December 31, 2020.

On April 29, 2019, the Air District launched the Community Health Protection grant program. Applications are currently open and will be accepted until June 21, 2019. The maximum grant amount is \$50,000, and up to \$350,000 will be awarded to certified non-profit organizations, local community-based organizations, and neighborhood associations, based in East Oakland, San Leandro, Eastern San Francisco, Pittsburg-Bay Point area, San Jose, the Tri-Valley, and Vallejo are AB 617 high priority communities. Funded work may include: a community needs assessment,

designing and implementing strategies to organize the community around air quality and/or other environmental justice issues, leadership development, or providing communities with resources and information to meaningfully participate in decisions that impact local environmental health. Grantees will work to build community leadership around air quality concerns and strengthen the community's ability to lead future emission reduction or air monitoring plans under AB 617. The Air District will announce grantees in July 2019. Funded activities will begin this fall and continue through the end of 2020.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sonam Shah-Paul  
Reviewed by: Luz Gomez

Attachment 5A: James Cary Smith Community Grants Application Flyer  
Attachment 5B: Community Health Protection Grant Application Flyer

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

# James Cary Smith Community Grants

## *Call for Applications*

James Cary Smith Community Grants Program seeks to support and sponsor community-based solutions that address air pollution while also helping reduce our global climate impact. Grant funding is available to support air quality education and engagement efforts.

### Deadline

**5:00 PM Friday, June 7, 2019**

### Funding

The Air District will grant awards up to \$25,000

### Program

We seek to engage communities in air quality-related education and community building activities such as:

- Non-technical air quality educational campaigns
- School or community-led tree planting projects
- Neighborhood level urban greening projects
- Air Quality related curriculum development for multiple schools
- Active transportation programming
- Support for community engagement work
- Community environmental justice education and outreach
- and more, propose your idea!

### Apply

Visit <https://baaqmd.bonfirehub.com/> for guidelines and more information. The application opens on April 15, 2019



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

Local community-based organizations, certified 501(c)(3) non-profit organizations, public schools, and faith-based organizations within the nine Bay Area counties are encouraged to apply.

### Contact

Community Engagement & Policy Division – Community Grants Program  
[communitygrants@baaqmd.gov](mailto:communitygrants@baaqmd.gov)



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

# Community Health Protection Grants

## Call for Applications

The Community Health Protection Grants Program seeks to get communities ready, or build community capacity, to participate in decisions that impact local air pollution and community health. AB 617 requires communities to partner with the Air District in developing local emission reduction plans and/or monitoring plans over time. Grants are available to the AB 617 Years 2 through 5 communities, which include East Oakland/San Leandro, Eastern San Francisco, the Pittsburg-Bay Point area, San Jose, the Tri-Valley, and Vallejo.

### Deadline

**5:00 PM Friday, June 21, 2019**

### Funding

The Air District will award grants up to \$50,000

### Program

Local community-based groups may apply to do any of the following:

- Research your community's engagement needs
- Increase engagement and participation in your community
- Help develop local leadership
- Build a coalition
- Mobilize your neighborhood
- Provide air quality education
- And more...!

### Apply

Visit <https://baaqmd.bonfirehub.com/> for guidelines and more information. The application opens on April 29, 2019.

### Contact

Community Engagement & Policy Division | [AB617info@baaqmd.gov](mailto:AB617info@baaqmd.gov)



Community groups, neighborhood associations and other community-based, local non-profits in East Oakland/San Leandro, Eastern San Francisco, the Pittsburg-Bay Point area, San Jose, the Tri-Valley, and Vallejo are encouraged to apply.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Shirlee Zane and Members  
of the Community and Public Health Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 7, 2019

Re: Regional Wildfire Communication Effort

---

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

In November of 2018, the Bay Area suffered the worst smoke pollution the region had ever experienced. The Camp Fire in Butte County burned fast and was driven by its own weather phenomena. Northern California was blanketed with heavy smoke for two weeks straight. The Air District called 14 Spare the Air alerts during this heavy smoke event and schools, cities, health offices and the public were desperate for information regarding how to protect their health.

**DISCUSSION**

The Bay Area Air Quality Management District (Air District), along with the Association of Bay Area Health Officer's (ABAHO) point person from San Mateo County, began working together following the 2018 wildfire events. They collaborated on messaging to ensure the Air District and regional health officers were providing consistent messaging during wildfire events. The City and County of San Francisco's Department of Emergency Management (DEM) approached the Air District in January of 2019 to discuss a regional wildfire messaging effort, utilizing a grant from Bay Area Urban Areas Security Initiative (UASI). In February of 2019, the Air District, ABAHO and San Francisco DEM worked together to develop points of agreement where all agencies could message consistently before and during regional wildfire smoke events.

The Air District, ABAHO and San Francisco DEM have been working to bring regional voices together to help craft and ultimately distribute wildfire preparedness and smoke event messaging. This will help residents, schools, businesses and events make critical decisions about how to protect the public and workers during regional wildfire smoke events.

**BUDGET CONSIDERATION / FINANCIAL IMPACT**

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Fasano  
Reviewed by: Wayne Kino

COMMUNITY AND PUBLIC HEALTH  
COMMITTEE MEETING OF 05/20/2019

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Report of the Legislative Committee Meeting of May 22, 2019

---

**RECOMMENDED ACTION**

The Legislative Committee (Committee) recommends Board of Directors approval of the following items:

A) Consideration of New Bills

- 1) Senate Bill (SB) 629 – Mike McGuire (D-Healdsburg) – “Oppose” position with possible district-provided amendments if future amendments weaken air district authority to regulate stationary sources. (*Direction was provided to staff on this item*).

B) Assembly Bill (AB) 836 (Wicks) – Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program

- 1) None; receive and file.

C) Sacramento Legislative Update

- 1) The Committee will receive an update on recent events of significance in Sacramento.

**BACKGROUND**

The Committee met on Wednesday, May 22, 2019, and received the following reports:

A) Consideration of New Bills;

B) Assembly Bill (AB) 836 (Wicks) – Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program; and

C) Sacramento Legislative Update.

Chairperson Doug Kim will provide an oral report of the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None;
- B) None; and
- C) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Aloha de Guzman  
Reviewed by: Vanessa Johnson

Attachment 11A: 05/22/2019 – Legislative Committee Meeting Agenda #4  
Attachment 11B: 05/22/2019 – Legislative Committee Meeting Agenda #5  
Attachment 11C: 05/22/2019 – Legislative Committee Meeting Agenda #6

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 15, 2019

Re: Consideration of New Bills

---

**RECOMMENDED ACTION**

Recommend the Board of Directors take the following position on proposed legislation:

**Senate Bill (SB) 629** – Mike McGuire (D-Healdsburg) – “Oppose” position with possible district-provided amendments if future amendments weaken air district authority to regulate stationary sources.

**BACKGROUND**

The Committee will discuss and review the attached list, as well as an updated list of bills introduced by the date of its meeting. The Committee will also consider any new recommendations resulting from amended bills submitted by its meeting date.

**DISCUSSION**

Staff will provide a brief summary of bills on the attached list, with a focus on the following bills:

***Bills Recommended for Further Monitoring***

**SB 629** is authored by Senator Mike McGuire (D- Healdsburg). As of May 8, 2019, the bill focuses on noticing requirements for air district hearing boards relating to hearings on interim variance requests. On May 6, 2019, Legislative Officer Alan Abbs, District Counsel Brian Burger, and representatives from California Air Pollution Control Officers Association met with Senator McGuire and representatives from the Wine Institute, regarding emission control devices on winery fermentation tanks that have been successfully installed at two large wineries in Santa Barbara, resulting in a Best Available Control Technology determination for tanks of a certain size. In practice, this would require a small percentage of large volume wineries to install control devices under certain circumstances. It is understood that SB 629 will be used for legislation proposed by the Wine Institute, but we haven't received language to review. Meanwhile, SB 629 has continued to move through the legislative process and is currently awaiting a vote on the

Senate Floor. The bill will be in the Assembly before it's amended with Wine Institute language and staff will have limited time to react.

Staff recommends taking a proactive position of "Oppose" if future amendments weaken air district authority to regulate stationary sources. Staff would provide potential amendments for consideration to the Legislature if appropriate.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment 4A: BAAQMD Bill Discussion List – as of May 8, 2019  
Attachment 4B: 2019 Senate Bill 629 (McGuire)

LEGISLATIVE COMMITTEE MEETING  
OF 05/22/2019

## BAAQMD Bill Discussion List

As of May 8, 2019

Active:

Bill No.	Author	Subject	Status	Position
AB 126	Cooper	Air Quality Improvement Program: Clean Vehicle Rebate Program	Approps	
AB 144	Aguiar Curry	Public Resource Management: Solid Waste	Approps	
AB 185	Grayson	California Transportation Commission: Transportation Policies: Joint Meetings	Floor	
AB 254	Quirk-Silva	Alternative Fuel Vehicles: Flexible Fuel Vehicles	Trans	
AB 257	Mathis	Solid Waste: Woody Biomass: Disposal	Approps	
AB 285	Friedman	California Transportation Plan	Approps	
AB 293	E. Garcia	Greenhouse Gases: Offset Protocols	Floor	
AB 296	Cooley	Climate Change: Climate Innovation Grant Program: Voluntary Tax Contributions	Approps	
AB 343	Patterson	Forestry: Fuels Transportation Program: Biomass Energy Facility: Grant Program	Approps	
AB 345	Muratsuchi	Oil and Gas: Operations: Location Restrictions	Approps	
AB 352	E. Garcia	California Global Warming Solutions Act Of 2006: Greenhouse Gas Reduction Fund: Investment Plan: Transformative Climate Communities Program	Approps	
AB 383	Mayes	Clean Energy Financing Clearinghouse	Approps	
AB 386	E. Garcia	Agricultural Working Poor Energy Efficient Housing Program	Approps	
AB 409	Limon	Climate Change: Agriculture: Grant Program	Approps	
AB 423	Gloria	San Diego County Air Pollution Control District: Members	Approps	

AB 457	Quirk	Occupational Safety and Health: Lead: Permissible Exposure Levels	Senate Rules	
AB 470	Limon	California Green Business Program	Approps	
AB 491	B. Rubio	Energy: Hydrogen	Approps	
AB 556	Carrillo	Outdoor Experiences: Community Access Program: Grant Program	Approps	
AB 639	Cervantes	Commission on Workforce Impacts of Transitioning Seaports to A Lower Carbon Economy	Approps	
AB 661	McCarty	Wildfire Smoke Air Pollution Emergency Plan	Approps	
AB 753	E. Garcia	Alternative and Renewable Fuel and Vehicle Technology Program: Fuels	Approps	
AB 755	Holden	California Tire Fee: Stormwater Permit Compliance Fund	Approps	
AB 784	Mullin	Sales and Use Taxes: Transit Bus Vehicles	Approps	
AB 836	Wicks	Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program	Approps	Support
AB 839	Mullin	Climate Adaptation: Strategy: Adaptation Through Resiliency, Economic Vitality, And Equity Account	Approps	
AB 970	Salas	California Department of Aging: Grants: Transportation	Approps	
AB 1046	Ting	Charge Ahead California Initiative	Approps	
AB 1100	Kamlager-Dove	Electric Vehicles: Parking Requirements	Senate Rules	
AB 1124	Maienschein	Employment, Safety: Outdoor Works: Wildfire Smoke	Senate Rules	
AB 1142	Friedman	Regional Transportation Plans	Senate Trans	
AB 1156	E. Garcia	Methane: Dairy and Livestock: Pilot Financial Mechanism	Approps	
AB 1195	O'Donnell	California Global Warming Solutions Act Of 2006: Low Carbon Fuel Standard Regulations	Approps	

AB 1236	Lackey	Public Resources: Greenhouse Gases: Utilities: Recycling: California Environmental Quality Act	Approps	
AB 1262	O'Donnell	California Sustainable Freight Action Plan	Approps	
AB 1406	O'Donnell	Alternative and Renewable Fuel and Vehicle Technology Program	Approps	
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act	Approps	
AB 1430	E. Garcia	State Government: Public Investment Opportunities: Cost-Effectiveness Definition	Approps	
AB 1500	Carrillo	Hazardous Substances	Approps	
AB 1578	L. Rivas	School Pavement to Parks Grant Program	Approps	
AB 1589	Salas	Carl Moyer Memorial Air Quality Standards Attainment Program: Heavy-duty on Road Replacement	Approps	
SB 1	Atkins	California Environmental, Public Health, And Worker Defense Act Of 2019	Approps	
SB 43	Allen	Carbon Taxes	Approps	
SB 44	Skinner	Medium-Duty and Heavy-Duty Vehicles: Comprehensive Strategy	Approps	Support
SB 45	Allen	Wildfire, Drought, And Flood Protection Bond Act Of 2020	Approps	Support, If Amended
SB 59	Allen	Autonomous Vehicle Technology: Statewide Policy	Approps	
SB 69	Wiener	Ocean Resiliency Act Of 2019	Approps	
SB 127	Wiener	Transportation Funding: Active Transportation: Complete Streets	Approps	
SB 168	Wieckowski	Climate Change: Chief Climate Resilience Officer	Approps	
SB 209	Dodd	Wildfire: California Wildfire Warning Center: Weather Monitoring	Approps	
SB 210	Leyva	Heavy-Duty Vehicle Inspections and Maintenance Program	Approps	Support

SB 216	Galgiani	Carl Moyer Memorial Air Quality Standards Attainment Program: Used Heavy-Duty Truck Exchange	Approps	
SB 293	Skinner	Infrastructure Financing Districts: Oakland Waterfront Revitalization and Environmental Justice Infrastructure Financing District	Assembly	
SB 369	Hertzberg	Safe Parking Program	Approps	
SB 400	Umberg	Reduction of Greenhouse Gases Emissions: Mobility Options	Floor	
SB 460	Beall	DMV Biennial Registration	Approps	
SB 498	Hurtado	Trade Corridors Improvement Fund: Short Line Railroads	Approps	
SB 515	Caballero	California Renewables Portfolio Standard Program: Bioenergy Renewable Feed-In Tariff	Floor	
SB 535	Moorlach	Wildfires and Forest Fires: Air Emissions	Approps	
SB 613	Stern	State Agency Greenhouse Gas Emissions Report Cards	Approps	
SB 629	McGuire	Air Districts: Hearing Boards: Notice Requirements (Spot)	Senate Floor	
SB 662	Archuleta	Green Electrolytic Hydrogen	Approps	
SB 676	Bradford	Transportation Electrification: Electric Vehicles: Grid Integration	Approps	
SB 682	Allen	Climate Change: Radiative Forcing Management Climate Accounting Protocol	Approps	

Inactive:

BILL #	AUTHOR	SUBJECT	STATUS	POSITION
AB 40	Ting	Zero Emission Vehicles: Comprehensive Strategy	Trans/Nat Res	Support
AB 148	Quirk-Silva	Regional Transportation Plans: Sustainable Community Strategies	Trans	
AB 210	Voepel	Smog Check: Exemption	Trans	Oppose
AB 315	C. Garcia	Stationary Sources: Emissions Reporting (Spot)	Nat Res	
AB 464	C. Garcia	California Global Warming Solutions Act Of 2006 (Spot)	Nat Res	
AB 490	Salas	CEQA: Development Projects: Streamlining	Nat Res	
AB 735	Melendez	Vehicular Air Pollution: Child Labor	Trans	
AB 821	O'Donnell	Transportation: Trade Corridor Enhancement Account: Project Nomination: California Port Efficiency Program	Trans	
AB 915	Mayes	California Renewables Portfolio Standards Program	U&E	
AB 935	R. Rivas	Oil and Gas: Facilities and Operations: Monitoring and Reporting	Nat Res &Lg	
AB 939	Frazier	Administrative Procedures Act: Major Regulations	A&Ar	
AB 966	Bonta	Cement Plants	Nat Res	
AB 983	Boerner Horvath	Transportation Electrification	U&E, E&C	
AB 1038	Muratsuchi	Air Quality Management Districts: Scientific and Engineering Review	Nat Res	
AB 1056	E. Garcia	Regional Transportation Plans: State Air Resources Board: Report	Trans	
AB 1115	Quirk-Silva	State Air Resources Board: Low Carbon Fuel Standard and Regulations	Nat Res	

AB 1143	Quirk	Energy: Fuels, Technology, and Equipment for Clean Heating (Tech) Initiative	U&E, Nat Res	
AB 1149	Fong	California Environmental Quality Act (Spot)	Nat Res & Trans	
AB 1167	Mathis	Greenhouse Gas Reduction Fund: High-Speed Rail: Forestry and Fire Protection	Failed Nat Res	
AB 1238	Cunningham	Electric Vehicle Charging Stations	Trans	
AB 1276	Bonta	Green New Deal (Spot)		
AB 1284	Carrillo	Carbon Neutrality	Nat Res	
AB 1347	Boerner Horvath	Electricity: Renewable Energy and Zero-Carbon Resources: State and Local Government Buildings	U&E, Nat Res	
AB 1350	Gonzalez	Youth Transit Pass Program (Spot)	Trans	
AB 1371	Cunningham	California Renewables Portfolio Standard Program: Offshore Wind Generation	U&E, Nat Res	
AB 1411	Reyes	Integrated Action Plan for Sustainable Freight	Trans	
AB 1418	Chiu	Transportation Electrification: Electric School Buses	U&E	
AB 1445	Gloria	Climate Change: Emergency Declaration and Policy		
AB 1463	Gabriel	California Global Warming Solutions Act Of 2006 (Spot)		
AB 1594	Bauer-Kahan	Heavy Duty Vehicles: Electric Vehicle Charging Stations: Ports	Trans	
AB 1621	Frazier	Alternative and Renewable Fuel and Vehicle Technology Program (Spot)		
AB 1655	O'Donnell	Hydrogen Fuel	Nat Res	
AB 1673	Salas	California Environmental Quality Act: Judicial Challenge	Failed Nat Res	
AB 1744	Salas	Carb: Emission Reduction Credit Program	Trans	Oppose

AB 1778	Boerner Horvath	Greenhouse Gas Reduction Fund: Investment Plan (Spot)		
AB 7	Gloria	Green New Deal	Nat Res	
SB 236	Wilk	Low Carbon Innovation Grant Program: Low Carbon Innovation Panel	Bus & Prof, Eq	
SB 319	Moorlach	State Highways: Dept Of Transportation: German Autobahn Report	Rules	
<del>SB 677</del>	<del>Allen</del>	<del>California Global Warming Solutions Act Of 2006 (Spot)</del>	<del>Rules</del>	
<del>SB 736</del>	<del>Umberg</del>	<del>Airport Greenhouse Gas Reduction Account (Spot)</del>	<del>Eq</del>	

LEGISLATIVE COMMITTEE MEETING  
OF 05/22/2019

**SENATE BILL****No. 629****Introduced by Senator McGuire**

February 22, 2019

An act to amend Section 40824 of the Health and Safety Code, relating to nonvehicular pollution.

## LEGISLATIVE COUNSEL'S DIGEST

SB 629, as introduced, McGuire. Air districts: hearing boards: notice requirements.

Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. The State Air Resources Board is designated with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

Existing law establishes one or more hearing boards in each district for the purposes of performing specified functions, including, among others, issuing specified interim variances. The hearing board is required to serve reasonable notice of the time and place of the hearing to consider an interim variance application upon the district air pollution control officer and the applicant.

The Ralph M. Brown Act requires a legislative body of a local agency, at least 72 hours before a regular meeting, to post an agenda containing, among other things, information on the time and location of the meeting. The act requires the body, upon the request of a person, to mail the agenda to the person at the time the agenda is posted.

This bill would require a hearing board to send a notice of the hearing not less than 72 hours before the hearing to any person who requests

the notice, thereby making changes to conform the notice provisions with the notice provisions of the act.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 40824 of the Health and Safety Code is
- 2 amended to read:
- 3 40824. In *the* case of a hearing to consider an application for
- 4 an interim variance, as authorized under Section 42351:
- 5 (a) (1) The hearing board shall serve reasonable notice of the
- 6 time and place of the hearing upon the district air pollution control
- 7 officer and upon the applicant.
- 8 (2) *The hearing board shall send notice of the hearing not less*
- 9 *than 72 hours prior to the hearing to any person who requests the*
- 10 *notice.*
- 11 (b) Subdivision (b) of Section 40823 shall not apply.
- 12 (c) In districts with a population of less than 750,000, the
- 13 ~~chairperson~~ *chair* of the hearing board, or ~~any~~ other member of
- 14 the hearing board designated by the board, may hear an application
- 15 for an interim variance. If ~~any~~ *a* member of the public contests a
- 16 decision made by a single member of the hearing board, the
- 17 application shall be reheard by the full hearing board within 10
- 18 days of the decision.

LEGISLATIVE COMMITTEE MEETING  
OF 05/22/2019

o

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 15, 2019

Re: Assembly Bill (AB) 836 (Wicks) – Wildfire Smoke Clean Air Centers for Vulnerable  
Populations Incentive Program

---

RECOMMENDED ACTION

None; receive and file.

DISCUSSION

AB 836 – Buffy Wicks (D-Oakland) was heard in Assembly Appropriations on May 8, 2019 and was referred to the Suspense File. By meeting time, we will likely know whether the bill made it out of suspense. As part of the analysis by Assembly Appropriations staff, the California Air Resources Board estimated they would require \$500,000 to oversee this type of incentive program. This estimate seems high given that air districts will be doing all the work after development of the required guidelines, which would likely be developed by the districts as well based on previous experience with filtration projects. We have provided this perspective for the purposes of any future analysis.

We have received letters of support from the following organizations as of May 8, 2019:

- California Air Pollution Control Officers Association
- South Coast Air Quality Management District
- Placer County Air Pollution Control District
- Feather River Air Quality Management District
- Butte County Air Quality Management District
- Coalition letter – American Lung Association, Alliance of Nurses for Healthy Environments, American Academy of Pediatrics, California Health Care Climate Alliance, Center for Climate Change and Health, Regional Asthma and Prevention

Attached is the Appropriations Committee analysis and current bill, with amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment 5A: 2019 Assembly Bill 836 (Wicks), as amended  
Attachment 5B: AB 836 Appropriations Analysis

LEGISLATIVE COMMITTEE MEETING  
OF 05/22/2019

AMENDED IN ASSEMBLY APRIL 11, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 836**

**Introduced by Assembly Member Wicks**  
*(Principal coauthor: Assembly Member Kalra)*  
*(Coauthor: Assembly Member Chiu)*

February 20, 2019

An act to add ~~Article 6 (commencing with Section 40280) to Chapter 4 of Part 3 of Division 26 Chapter 9.5 (commencing with Section 39960) to Part 2 of Division 26 of the Health and Safety Code, relating to the Bay Area Air Quality Management District. nonvehicular air pollution.~~

## LEGISLATIVE COUNSEL'S DIGEST

AB 836, as amended, Wicks. ~~Bay Area Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program.~~

~~(1) Existing~~

~~Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma.~~

~~This bill would establish the Bay Area Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program, to be administered by the district, state board, to provide funding through a~~

grant program to retrofit ventilation systems to create a network of clean air centers ~~within the boundaries of the district~~ in order to mitigate the adverse public health impacts due to wildfires and other smoke events, as specified. The bill would specify that moneys for the program would be available upon appropriation. ~~By adding to the duties of the Bay Area Air Quality Management District, the bill would impose a state-mandated local program.~~

(2) ~~This bill would make legislative findings and declarations as to the necessity of a special statute for the Bay Area Air Quality Management District.~~

(3) ~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-no*.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Article 6 (commencing with Section 40280) is~~  
2 ~~added to Chapter 4 of Part 3 of Division 26 of the Health and Safety~~  
3 ~~Code, to read:~~

4  
5 ~~Article 6. Bay Area Clean Air Incentive Program~~  
6  
7 ~~40280.—~~

8 ~~SECTION 1. Chapter 9.5 (commencing with Section 39960)~~  
9 ~~is added to Part 2 of Division 26 of the Health and Safety Code,~~  
10 ~~to read:~~

11  
12 ~~CHAPTER 9.5 WILDFIRE SMOKE CLEAN AIR CENTERS FOR~~  
13 ~~VULNERABLE POPULATIONS INCENTIVE PROGRAM~~

14  
15 ~~39960. (a) (1) The Bay Area Wildfire Smoke Clean Air~~  
16 ~~Centers for Vulnerable Populations Incentive Program is hereby~~  
17 ~~established to be administered by the bay district state board to~~  
18 ~~provide funding through a grant program to retrofit ventilation~~

1 systems to create a network of clean air centers ~~within the~~  
2 ~~boundaries of the bay district~~ in order to mitigate the adverse public  
3 health impacts due to wildfires and other smoke events.

4 (2) Moneys for the program shall be available upon  
5 appropriation by the Legislature.

6 (b) Qualified applicants shall include, but need not be limited  
7 to, all of the following:

8 (1) Schools.

9 (2) Community centers.

10 (3) Senior centers.

11 (4) Sports centers.

12 (5) Libraries.

13 (c) ~~The bay district~~ *state board* shall develop guidelines for the  
14 program in consultation with ~~the districts, cities, counties, public~~  
15 ~~health agencies, school districts, and other stakeholders located~~  
16 ~~within the boundaries of the bay district.~~ *stakeholders*. The  
17 guidelines shall address all of the following:

18 (1) Location of the applicant.

19 (2) Size of the applicant's facility.

20 (3) Facility ventilation characteristics that could provide  
21 healthier indoor air quality in the event of a localized smoke  
22 impact.

23 (d) *The state board shall prioritize applications to the program*  
24 *where the project is located in an area with a high cumulative*  
25 *smoke exposure burden.*

26 ~~SEC. 2. The Legislature finds and declares that a special statute~~  
27 ~~is necessary and that a general statute cannot be made applicable~~  
28 ~~within the meaning of Section 16 of Article IV of the California~~  
29 ~~Constitution because of the unique circumstances that the Bay~~  
30 ~~Area was significantly affected by smoke impacts during the~~  
31 ~~wildfires of the last several years.~~

32 ~~SEC. 3. If the Commission on State Mandates determines that~~  
33 ~~this act contains costs mandated by the state, reimbursement to~~  
34 ~~local agencies and school districts for those costs shall be made~~  
35 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
36 ~~4 of Title 2 of the Government Code.~~

O

Date of Hearing: May 8, 2019

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair  
AB 836 (Wicks) – As Amended April 11, 2019

Policy Committee: Natural Resources Vote: 11 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

**SUMMARY:**

This bill establishes a grant program, to be administered by the California Air Resources Board (ARB), to provide funding for the retrofit ventilation systems to create a network of clean air centers to mitigate adverse health impacts due to wildfires and other smoke events. This bill requires ARB to prioritize applications where the project is located in an area with a high cumulative smoke exposure burden. Specifically, this bill:

- 1) Provides qualified applicants for the incentive programs shall include but need not be limited to schools, community centers, senior centers, sports centers and libraries.
- 2) Directs ARB to develop guidelines for the incentive program in consultation with local air districts, cities, counties, public health agencies, school districts and other stakeholders.
- 3) Requires guidelines to address all of the following:
  - a) Location of the applicant.
  - b) Size of the applicant's facility.
  - c) Facility ventilation characteristics that could provide healthier indoor air quality.
- 4) Specifies that money for the incentive program will be available upon appropriation by the Legislature.

**FISCAL EFFECT:**

- 1) Unknown cost pressures, depending on the size of the grant program, likely in range of \$25 million to \$30 million per grant cycle to run a statewide program (GF or special fund).

Although filtration costs are highly dependent on the nature of existing HVAC systems, estimated costs for filtration equipment for a large common area, i.e., school gyms, libraries, community centers or multipurpose rooms, are approximately \$20,000 to \$30,000.

Estimated costs to retrofit an HVAC system with on air filtration system in a school including all the classrooms is estimated to range from \$80,000 (elementary schools) to \$200,000 (high schools).

- 2) ARB administrative costs of approximately \$500,000 (3 PY) to develop guidelines and administer the grant program (GF or special fund).

**COMMENTS:**

- 1) **Purpose.** The bill requires ARB to administer a new grant program, the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program for the retrofit of ventilation systems to create a network of clean air centers in order to mitigate the adverse public health impacts due to wildfires and other smoke events.

The bill indicates that moneys for the program shall be available upon appropriation by the Legislature, but no fund source is identified. According to the author:

With public health concerns from contaminated air quality, AB 836 would provide better coordination in local communities and healthier indoor environments during emergency smoke events. It will fill a gap in the current wildfire smoke response efforts in affected communities and help mitigate adverse health effects from air pollution.

- 2) **Similar Effort.** In 2008, the South Coast Air Quality Management District partnered with the University of California, Riverside's Center for Environmental Research and Technology on a pilot project to research the efficacy of 15 different air filtration technologies. The study findings identified technologies capable of removing over 90% of ultrafine particulate matter, and the best performing units have subsequently been installed in 72 schools and related facilities across the district since 2008. In schools without modern mechanical central air systems, stand-alone filters that re-circulate air in classrooms can be an effective means of improving air quality if windows and doors are closed. This work has been funded on a project-by-project basis using fees assessed for pollution violations in the district, and there is a persistent and ongoing need to update facilities to mitigate pollution exposure.

Analysis Prepared by: Jennifer Galehouse / APPR. / (916) 319-2081

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Doug Kim and Members  
of the Legislative Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 15, 2019

Re: Sacramento Legislative Update

---

**RECOMMENDED ACTION**

The Committee will receive an update on recent events of significance in Sacramento.

**DISCUSSION**

On May 9, 2019, Governor Newsom released his May Revision Budget for Fiscal Year (FY) 2019/2020. The Environmental Protection Summary document is attached, with pages 73 to 76 of the document describing additional expenditures from the Greenhouse Gas Reduction Fund. Page 75 provides the complete Expenditure Plan, with an increase of \$252 million in expenditures over the January 2019 version. In many cases, however, this May Revision still falls short of budgeted expenditures from the FY 2018/2019 budget. Below are some comparisons for expenditure categories of interest to the Air District:

<b>Program</b>	<b>FY 19/20 May Revision</b>	<b>FY 18/19 Final</b>
Assembly Bill (AB) 617 – Incentives	\$200M	\$245M
AB 617 – Implementation	\$50M	\$50M
AB 617 – Technical Assistance	\$10M	\$10M
Clean Vehicle Rebate	\$200M	\$175M
Clean Truck & Bus	\$182M	\$180M
Agriculture Diesel Engine Replacement	\$90M	\$132M
Enhanced Fleet Modernization Program (EFMP) & EFMP Plus-Up	\$65M	\$100M
Woodstove Replacement	\$0	\$3M
Transformative Climate Communities	\$132M	\$40M

Beginning the week of May 13, 2019, Assembly and Senate Budget Committees will be reviewing the Governor's proposal and developing individual house proposals for eventual negotiations. Staff will provide an additional update after the first week of Assembly and Senate Budget Committee meetings at the Committee meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment 6A: Environmental Protection Section, May Revision 2019-20

LEGISLATIVE COMMITTEE MEETING  
OF 05/22/2019

# ENVIRONMENTAL PROTECTION

California's environmental protection programs promote the state's economic vitality in an environmentally sustainable manner by reducing greenhouse gas emissions, enhancing environmental quality, and protecting public health.

## **SUSTAINABLE PEST MANAGEMENT**

Chlorpyrifos is an insecticide used primarily on nut trees and fruit, vegetable and grain crops in California. Acute exposure to chlorpyrifos presents serious risks to human health including neurological development impairments, especially in children and sensitive populations. California has taken actions to significantly reduce the use of and exposures to chlorpyrifos. The Department of Pesticide Regulation recently recommended additional mitigation measures to further restrict use of the pesticide by instituting larger buffer zones and prohibiting certain application methods, such as aerial spraying. Additionally, the Department will commence a regulatory process to cancel the registration of chlorpyrifos. Cancellation would ban use of this pesticide in California.

As California initiates the cancellation process, it is important that the state proceeds in a way that balances public health, the environment and continued agricultural productivity.

Significant Adjustment:

- Sustainable Pest Management Solutions—A one-time increase of \$5.7 million General Fund to assist in the transition to safer pesticide alternatives. In partnership with growers and workers, research and development of better and safer alternatives, including non-chemical pest management, is necessary to build a stronger more resilient agricultural community in California. This proposal includes \$125,000 for the Department and the California Department of Food and Agriculture to lead a newly created, cross-sector work group that will identify, evaluate and recommend alternative pest management tools. In addition, the May Revision includes \$5.6 million for additional research and technical assistance for the development of safer, practical, more sustainable alternatives to chlorpyrifos. In combination, the work group and funding for the development of alternatives will produce short-term solutions and prioritize the development of long-term solutions to support a thriving agricultural sector and healthy communities.

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

The Department of Toxic Substances Control protects California residents and the environment from the harmful effects of toxic chemicals by restoring contaminated sites, enforcing hazardous waste laws, and compelling the development of safer products.

The Department's two main special funds, the Toxic Substances Control Account and Hazardous Waste Control Account, have structural deficits with ongoing expenditures exceeding revenues. At the time of the Governor's Budget, the Department had not completed the reconciliation of its past year accounting records. As a result, the magnitude of the Department's funding shortfall was unknown. The Governor's Budget reflected several temporary and placeholder funding shifts from other special funds, including the Lead-Acid Battery Cleanup Fund, to support the Department's current funding level. In February, the Department was able to reconcile its accounting records through the 2017-18 fiscal year.

In order to maintain current operations, the May Revision includes one-time \$37.5 million General Fund. This funding is necessary on a temporary basis as the Administration considers reforms necessary to improve accountability and transparency to impacted communities and regulated entities and develops a fee package to generate sufficient revenue to support the Department's mission. Additionally, the Office of State Audits

and Evaluations is currently conducting a performance audit of the Department's accounting functions, including whether its procedures are in compliance with the state's accounting principles and practices, laws, and regulations. It is anticipated that the audit will be completed in the fall of 2019.

## **SAFE DRINKING WATER**

Since 2010, the state has provided over \$3 billion, primarily bond funds and federal funds, in assistance to address safe and affordable drinking water needs, such as the repair, replacement, and improvement of aging infrastructure and new treatment systems for over 600 projects to comply with the federal Safe Drinking Water Act.

Despite these efforts, many local water systems in the state, particularly those serving small disadvantaged communities, will continue to fail to provide safe drinking water to their customers. Currently, approximately 1 million Californians lack access to safe drinking water. The most significant remaining challenge is the lack of a stable funding source for long-term operation and maintenance of drinking water systems.

In recognition of the continued safe drinking water issues, the Governor's Budget proposed an additional \$1.68 billion Proposition 68 to support capital water projects across the state. The Governor's Budget also included \$4.9 billion General Fund to support initial steps towards implementation of the Safe and Affordable Drinking Water Program and statutory changes to establish ongoing sustainable funding to assist disadvantaged communities in paying for the costs of obtaining access to safe and affordable drinking water.

Chapter 1, Statutes of 2019 (AB 72) appropriated \$20 billion General Fund in the current year to accelerate support for safe drinking water emergencies in disadvantaged communities.

The Administration remains committed to working in collaboration with the Legislature and stakeholders on a comprehensive package that includes a sustainable and reliable source of funding to support safe and affordable drinking water for all Californians.

## **ACHIEVING A CARBON-NEUTRAL ECONOMY**

California is committed to achieving a carbon-neutral economy, including the long-term transition away from fossil fuels. The May Revision invests in this transition by

providing additional funds for transit-oriented communities; bus, truck, freight and tractor engine upgrades to reduce diesel use; methane reductions in agriculture; and providing apprenticeships and job training in careers that will build a future green economy. The May Revision also recognizes the need for careful study and planning to decrease demand and supply of fossil fuels, while managing the decline in a way that is economically responsible and sustainable.

The Cap and Trade Program is one important element of California's greenhouse gas emissions reduction strategy. It is a market-based mechanism that establishes a statewide declining cap on greenhouse gas emissions and a state-run auction of emissions allowances. Under the program, major carbon emitters must acquire allowances to represent their emissions and turn them in to the state each year. This establishes a price signal necessary to drive long-term investment in cleaner electricity and fuels, as well as more efficient energy use. The system also provides entities covered by the program the flexibility to reduce emissions in a cost-effective manner.

The Governor's Budget included a \$1 billion Cap and Trade Expenditure Plan to support programs that reduce or sequester greenhouse gases, including programs that benefit disadvantaged and low-income communities.

In recognition of the continued strength of recent Cap and Trade auctions, the May Revision proposes an additional \$251.5 million that promotes affordable housing, sustainability and resiliency priorities (see 2019-20 Cap and Trade Expenditure Plan chart).

- Transformative Climate Communities—A one-time increase of \$92 million to support integrated, community-scale housing, transit-oriented development, and neighborhood projects that reduce emissions in some of the state's most disadvantaged areas.
- Low Carbon Transportation—A one-time increase of \$130 million for programs that will reduce emissions from the transportation sector, with a focus on diesel pollution, including: (1) \$65 million to replace and upgrade diesel engines and equipment in the agricultural sector, and (2) \$50 million to provide incentives for zero-emission trucks, transit buses, and freight equipment. In addition, \$15 million is proposed to help individuals replace old, highly polluting vehicles with newer, more efficient cars and trucks.
- Climate Smart Agriculture—A one-time increase of \$20 million, including:
  - (1) \$10 million for the Healthy Soils program that increases carbon sequestration and

**2019-20 Cap and Trade Expenditure Plan**  
(Dollars in Millions)

Investment Category	Department	Program	Governor's Budget	May Revision	Total
Air Toxic and Criteria Air Pollutants	Air Resources Board	AB 617 - Community Air Protection	\$200	-	\$200
		AB 617 - Local Air District Implementation (\$50 million total, including other funds)	\$20		\$20
		Technical Assistance to Community Groups	\$10		\$10
Low Carbon Transportation	Air Resources Board	Clean Vehicle Rebate Project	\$200	-	\$200
		Clean Trucks, Buses, & Off-Road Freight Equipment	\$132	\$50	\$182
		Enhanced Fleet Modernization Program & Transportation Equity Projects	\$50	\$15	\$65
		Agricultural Diesel Engine Replacement & Upgrades	\$25	\$65	\$90
Healthy Forests	CAL FIRE	Healthy & Resilient Forests	\$165	-	\$165
		Prescribed Fire & Fuel Reduction	\$35	-	\$35
Climate Smart Agriculture	Department of Food & Agriculture	Healthy Soils	\$18	\$10	\$28
		Methane Reduction	\$25	\$10	\$35
Short-Lived Climate Pollutants	CalRecycle	Waste Diversion	\$25	-	\$25
Integrated Climate Action: Mitigation & Resilience	Strategic Growth Council	Transformative Climate Communities	\$40	\$92	\$132
	Coastal Commission & BCDC	Coastal Resilience	\$3	-	\$3
	Community Services & Development	Low-Income Weatherization	\$10	-	\$10
	California Conservation Corps	Energy Corps	\$6	-	\$6
Workforce Training	Workforce Development Board	Preparing Workers for a Carbon-Neutral Economy	\$27	\$8	\$35
Climate and Clean Energy Research	Strategic Growth Council	Climate Change Research	\$10	-	\$10
	California Environmental Protection Agency	Transition to a Carbon-Neutral Economy	-	\$1.5	\$1.5
<b>Total</b>			<b>\$1,001</b>	<b>\$252</b>	<b>\$1,253</b>

keeps our leading agricultural industry productive and growing far into the future, and (2) \$10 million for methane reduction programs that will support the state's short-lived climate pollutant goals.

- **Preparing Workers for a Carbon-Neutral Economy**—An ongoing increase of \$8 million to increase job training and workforce development as the state transitions to a carbon-neutral economy. When combined with the funding proposed in the Governor's Budget, this proposal invests \$35 million annually for five years in two key areas: (1) targeted pre-apprenticeship and apprenticeship programs for the fast-growing construction industry, which is necessary to build the infrastructure needed for climate resiliency and a carbon-neutral economy; and (2) a new High Road Training Partnership program to foster connections between employers, workers, and communities with an emphasis on regions and industries that have been traditionally dependent on fossil fuels, including Kern County, as California transitions to a carbon-neutral economy.
- **Transition to a Carbon-Neutral Economy**—A one-time increase of \$1.5 million for a study laying out the key actions the state must take to transition toward a carbon-neutral economy. The study will emphasize environmental and economic programs and policies to dramatically reduce fossil fuel demand by 2050, in line with the state's overall climate goals. The study will inform the California Air Resources Board's Scoping Plan, which lays the foundation for achieving California's ambitious goals, including achieving carbon-neutrality by 2045 and reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050.

LEGISLATIVE COMMITTEE MEETING  
OF 05/22/2019

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Report of the Mobile Source Committee Meeting of May 23, 2019

---

**RECOMMENDED ACTION**

The Mobile Source Committee (Committee) recommends Board of Directors approval of the following items:

- A) Projects and Contracts with Proposed Grant Awards Over \$100,000
  - 1) Approve recommended projects with proposed grant awards over \$100,000 as shown in Attachment 1; and
  - 2) Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.
- B) Fiscal Year Ending (FYE) 2020 Transportation Fund for Clean Air (TFCA) Regional Fund Policies & Evaluation
  - 1) Approve the proposed FYE 2020 TFCA Regional Fund Policies and Evaluation Criteria presented in Attachment A; and
  - 2) Approve a change to FYE 2020 TFCA County Program Manager Fund Policies to increase the cost-effectiveness threshold for the Bicycle Projects category such that it is aligned with the threshold that is proposed for the FYE 2020 TFCA Regional Fund Policies.
- C) Electric Vehicle (EV) Ecosystem Update: EV Equity
  - 1) None; receive and file.

## BACKGROUND

The Committee met on Thursday, May 23, 2019, and received the following reports:

- A) Projects and Contracts with Proposed Grant Awards Over \$100,000;
- B) Fiscal Year Ending (FYE) 2020 Transportation Fund for Clean Air (TFCA) Regional Fund Policies & Evaluation; and
- C) Electric Vehicle (EV) Ecosystem Update: EV Equity.

Chairperson David Canepa will provide an oral report of the Committee meeting.

## BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None. The Air District distributes CMP, MSIF, Community Health Protection Grant Program, and TFCA funding to public agencies and private entities on a reimbursement basis. Funding for administrative costs is provided by each funding source;
- B) None. TFCA funds are generated from the DMV registration fees and distributed to sponsors of eligible projects on a reimbursement basis. Administrative costs are also covered by TFCA; and
- C) None. Funding for these contracts comes from a grant from the Federal Highway Administration and California Department of Transportation, through the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Aloha de Guzman  
Reviewed by: Vanessa Johnson

Attachment 12A: 05/23/2019 – Mobile Source Committee Meeting Agenda #4  
Attachment 12B: 05/23/2019 – Mobile Source Committee Meeting Agenda #5  
Attachment 12C: 05/23/2019 – Mobile Source Committee Meeting Agenda #6

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson David Canepa and Members  
of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 13, 2019

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

---

**RECOMMENDED ACTION**

Recommend Board of Directors:

1. Approve recommended projects with proposed grant awards over \$100,000 as shown in Attachment 1; and
2. Authorize the Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

**BACKGROUND**

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of oxides of nitrogen (NOx), reactive organic gases (ROG) and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road equipment, marine vessels, locomotives, and stationary agricultural pump engines.

Assembly Bill (AB) 923 (AB 923 - Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase their motor vehicle registration surcharge up to an additional \$2 per vehicle. The revenues from the additional \$2 surcharge are deposited in the Air District's Mobile Source Incentive Fund (MSIF). AB 923 stipulates that air districts may use the revenues generated by the additional \$2 surcharge for projects eligible under the CMP.

In 2017, AB 617 directed CARB, in conjunction with local air districts to establish the Community Air Protection Program. AB 617 provides 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. In advance of the development of the Community Air Protection Program, the Governor and legislature established an early action component to AB 617 to use existing incentive programs to get immediate emission reductions in the communities most

affected by air pollution. AB 134 (2017) appropriated \$250 million from the Greenhouse Gas Reduction Fund (GGRF) to reduce mobile source emissions including criteria pollutants, toxic air contaminants, and greenhouse gases in those communities. The Bay Area has been allocated \$50 million of these funds for emission reduction projects. These funds will be used to implement projects under the CMP, and optionally on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program.

On February 21, 2018, the Board of Directors (Board) authorized Air District participation in Year 20 of the CMP, and authorized the Executive Officer/APCO to execute Grant Agreements and amendments for projects funded with CMP funds or MSIF revenues, with individual grant award amounts up to \$100,000.

In 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 for the Transportation Fund for Clean Air (TFCA) and requirements of the program are set forth in the 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, electric vehicle charging station program) and to a program referred to as the TFCA Regional Fund. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA Regional Fund monies. The remaining forty percent of TFCA funds are pass-through funds to the designated County Program Manager (CPM) in each of the nine counties within the Air District's jurisdiction.

On May 2, 2018, the Board authorized funding allocations for use of the sixty percent of the TFCA revenue in Fiscal Year Ending (FYE) 2019, cost-effectiveness limits for Air District-sponsored FYE 2019 programs, and the Executive Officer/APCO to execute grant agreements and amendments for TFCA-revenue funded projects with individual grant award amounts up to \$100,000. On June 6, 2018, the Board adopted policies and evaluation criteria for the FYE 2019 TFCA Regional Fund program.

The Bay Area Clean Air Foundation (Foundation) is a nonprofit support organization for the Air District. As part of its operation, the Foundation applies for grant funding from various sources and also accepts funding to reduce and offset air emissions within the boundaries of the Air District. To administer the grant programs associated with this funding, the Foundation has a contract with the Air District, which allows for staff to be used to complete work to expend these monies. On December 5, 2017, the Foundation executed a contract to receive an award of \$1.3 million in Reformulated Gasoline Settlement Fund (RFG) funding to help accelerate the adoption of zero- and near-zero-emission equipment and vehicles in and near the Port of Oakland.

Projects with grant award amounts over \$100,000 are brought to the Mobile Source Committee for consideration at least on a quarterly basis. Staff reviews and evaluates grant applications based upon the respective governing policies and guidelines established by the CARB and the Board.

## DISCUSSION

### **Carl Moyer Program and Community Health Protection Grant Program:**

For the CMP Year 20 cycle, the Air District had more than \$11 million available for eligible CMP and school bus projects from a combination of MSIF and CMP funds. The Air District started accepting project applications for the CMP Year 20 funding cycle on June 25, 2018 and applications are accepted and evaluated on a first-come, first-served basis. On December 20, 2017 the Board authorized the Air District to accept, obligate and expend \$50 million in AB 134 funds through the Community Health Protection Grant Program.

As of May 3, 2019, the Air District had received 228 project applications. Of the applications that have been evaluated between April 5, 2019 and May 3, 2019, two eligible projects have proposed individual grant awards over \$100,000. These projects will replace five diesel tractors, and will reduce over 0.88 tons of NO<sub>x</sub>, ROG and PM per year. Staff recommends the allocation of \$271,135 for these projects from a combination of CMP funds and MSIF revenues. Attachment 1, Table 1, provides additional information on these projects.

Attachment 2, lists all of the eligible projects that have been received by the Air District as of May 3, 2019, including information about the equipment category, award amounts, estimated emissions reductions, and county location. Approximately 63% of the funds have been awarded to projects that reduce emissions in highly impacted Bay Area communities. Attachment 4, Figures 4 and 5 summarize the cumulative allocation of CMP, MSIF, and Community Health Protection Grant Program funding since 2009 (more than \$1.69 million awarded to 1,162 projects).

### **Transportation Fund for Clean Air Program and Reformulated Gasoline Settlement Fund (RFG):**

In FYE 2019, the Air District had approximately \$20 million in TFCA funds available for eligible projects. To date, the Air District has issued solicitations for existing shuttle & rideshare, pilot trip reduction, and electric vehicle charging station projects. The Air District also issued a solicitation for the West Oakland Zero-Emission Grant Program, which is funded through the RFG, and which the Air District has provided TFCA funds as match for on-road vehicle projects.

As of May 3, 2019, the Air District had received 39 project applications for TFCA and RFG funds. Of the applications that were evaluated between April 6, 2019 and May 3, 2019, one eligible TFCA and two eligible RFG projects proposed an individual grant award over \$100,000.

The TFCA project that is recommended for award over \$100,000 will support the installation of 20 DC fast charging stations located in San Francisco, Novato, Emeryville and San Jose. This project will reduce approximately 0.4 tons of NO<sub>x</sub>, ROG and PM per year. Staff recommends an award of \$500,000 in TFCA funds for this project.

The two RFG projects that are recommended for awards over \$100,000 will install and operate 10 DC fast charging stations near the Oakland International Airport and purchase and operate six electric yard hostlers at the Union Pacific Railroad Oakland Intermodal Facility. The projects will

reduce over 5 tons of NO<sub>x</sub>, ROG and PM per year. Staff recommends the allocation of \$989,400 in RFG funds for these projects. Since this request exceeds the remaining RFG funds available by \$53,000, the balance of the proposed award will be placed on a contingency list in case additional funds become available. In addition to evaluating emissions reductions, projects that receive RFG funding are also evaluated on the amount of petroleum reduced; the two projects receiving RFG funding are expected to reduce petroleum (diesel and gasoline) consumption by approximately 51,000 gallons per year in West Oakland.

Attachment 1, Table 2, provides additional information on the TFCA and RFG projects proposed for award over \$100,000. Attachment 3 lists all eligible TFCA and RFG projects that were evaluated as of May 3, 2019, including information about the equipment category, award amounts, estimated emissions reductions, and county location. Approximately 31% of the funds have been awarded to projects that reduce emissions in highly impacted Bay Area communities.

#### BUDGET CONSIDERATION / FINANCIAL IMPACT

None. The Air District distributes CMP, MSIF, Community Health Protection Grant Program, and TFCA funding to public agencies and private entities on a reimbursement basis. Funding for administrative costs is provided by each funding source.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Anthony Fournier, Sean Newlin, and Mark Tang

Reviewed by: Karen Schkolnick and Chengfeng Wang

Attachment 1: Projects with Grant Awards Greater than \$100,000

Attachment 2: CMP/MSIF, FARMER and Community Health Protection Grant Program

Approved Projects

Attachment 3: TFCA Approved and Eligible Projects

Attachment 4: Summary of Funding Awarded Between 7/1/18 and 5/3/19

## AGENDA 4 - ATTACHMENT 1

Table 1 - Carl Moyer Program/ Mobile Source Incentive Fund, FARMER, and Community Health Protection Grant Program projects with grant awards greater than \$100k (Evaluated between 4/6/19 and 5/3/19)

Project #	Applicant name	Equipment Category	Project Description	Proposed contract award	Total project cost	Emission Reductions (Tons per year)			County
						NO <sub>x</sub>	ROG	PM	
20MOY202	Clos Du Val Wine Company, Ltd.	Ag/ off-road	Replacement of three diesel tractors	\$ 163,910	\$ 205,467	0.413	0.058	0.049	Napa
20MOY196	Loma Del Sol Farming, Inc.	Ag/ off-road	Replacement of two diesel tractors	\$ 107,225	\$ 134,032	0.287	0.045	0.032	Sonoma
<b>2 Projects</b>				\$ 271,135	\$ 339,499	0.700	0.103	0.081	

Table 2 - Summary of Transportation Fund for Clean Air/Reformulated Gasoline Settlement projects with grant awards greater than \$100k (Evaluated between 4/6/19 and 5/3/19)

Project #	Applicant name	Project Category	Project Description	Proposed contract award	Total project cost	Emission Reductions (Tons per year)			County
						NO <sub>x</sub>	ROG	PM	
19EV006	EVGo Services, LLC	LD Infrastructure	Install and operate twenty 50kW DC Fast charging stations at 7 transportation corridor facilities in San Francisco, Novato, Emeryville and San Jose	\$ 500,000	\$ 1,522,630	0.168	0.249	0.005	Regional
19RFG13*	EVgo Services, LLC	LD Infrastructure	Install and operate ten 50kW DC fast charging stations	\$ 389,400	\$ 778,800	0.040	0.060	0.001	Alameda
19RFG15*	Rail Management Services, LLC	Off-Road	Purchase and operate six electric yard hostlers	\$ 600,000	\$ 1,864,118	0.375	0.015	0.022	Alameda
<b>3 Projects</b>				\$ 1,489,400	\$ 4,165,548	0.583	0.324	0.028	

\* These projects are fully funded by Reformulated Gasoline Settlement (RFG) Fund.

## ATTACHMENT 2

*CMP/MSIF, FARMER and Community Health Protection Grant Program approved projects  
(between 7/6/18 and 5/3/19)*

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
19MOY166	On-road	Equipment replacement	1	\$ 45,000.00	Deol Trans / Piara Singh	0.668	0.050	0.004	APCO	Contra Costa
19MOY168	Ag/ off-road	Equipment replacement	1	\$ 33,000.00	Rancho Las Juntas Vineyard	0.028	0.006	0.004	APCO	Contra Costa
19MOY163	Marine	Engine replacement	1	\$ 180,000.00	Bettencourt and Son (Commercial fishing)	0.647	0.009	0.021	10/17/2018	San Mateo
19MOY182	On-road	Equipment replacement	1	\$ 45,000.00	Thy Trucking	0.677	0.050	0.004	APCO	Alameda
19MOY185	On-road	Equipment replacement	1	\$ 60,000.00	Puerta Trucking	0.717	0.097	0.032	APCO	Merced
19MOY158	Ag/ off-road	Equipment replacement	1	\$ 117,000.00	Ocean Breeze Dairy	0.310	0.020	0.015	10/17/2018	Sonoma
19MOY159	Ag/ off-road	Equipment replacement	1	\$ 40,480.00	Trefethen Farming LLC	0.173	0.030	0.021	APCO	Napa
19MOY176	Ag/ off-road	Equipment replacement	1	\$ 60,030.00	Bazan Vineyard Management	0.198	0.033	0.025	APCO	Napa
19SBP12	School bus	Equipment replacement	4	\$ 512,170.00	Moreland School District	0.237	0.016	0.000	10/17/2018	Santa Clara
19MOY148	Off-road	Equipment replacement	2	\$ 197,278.00	The Lumber Baron, Inc.	0.178	0.044	0.008	10/17/2018	Alameda
19SBP97	School bus	Equipment replacement	8	\$ 1,635,693.00	Vallejo City Unified School District	0.826	0.065	0.000	10/17/2018	Solano
19MOY175	Off-road	Equipment replacement	1	\$ 75,680.00	Mt. Diablo Landscape Centers, LLC	0.189	0.031	0.023	APCO	Contra Costa
20MOY51	Ag/ off-road	Equipment replacement	5	\$ 467,856.00	Johnson and Neles Dairy	1.985	0.208	0.124	10/17/2018	Sonoma
20MOY52	On-road	Equipment replacement	1	\$ 60,000.00	James Marlowe Carson	0.904	0.068	0.005	APCO	Napa
19MOY181	Ag/ off-road	Equipment replacement	1	\$ 50,300.00	Jensen Ranch	0.122	0.019	0.011	APCO	Marin
19SBP140	School bus	Equipment replacement	18	\$ 4,076,369.00	Fremont Unified School District	1.717	0.139	0.034	10/17/2018	Alameda

## AGENDA 4 - ATTACHMENT 2

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
20SBP45	School bus	Equipment replacement	2	\$ 1,291,000.00	Campbell Union School District	0.104	0.006	0.000	10/17/2018	Santa Clara
19MOY180	On-road	Equipment replacement	26	\$ 492,100.00	Nestle Waters North America	1.061	0.046	0.003	11/7/2018	Alameda, Solano
20MOY36	On-road	Equipment replacement	1	\$ 60,000.00	ZQR Trucking	0.982	0.074	0.006	APCO	Alameda
20MOY48	Marine	Engine replacement	1	\$ 99,500.00	Michael Thomas Hudson (Commercial fishing)	0.257	0.006	0.010	APCO	Alameda
20MOY60	Ag/ off-road	Equipment replacement	1	\$ 46,355.00	Siqueira Vineyard Management	0.156	0.026	0.018	APCO	Napa
20MOY50	Marine	Engine replacement	2	\$ 159,000.00	Captain Joe's Sport fishing	0.267	0.009	0.017	11/7/2018	San Francisco
20MOY71	Ag/ off-road	Equipment replacement	6	\$ 258,796.00	Vina Management Services	0.865	0.124	0.084	11/7/2018	Sonoma
20MOY65	On-road	Equipment replacement	1	\$ 40,000.00	Zahniser Trucking	0.738	0.122	0.006	APCO	Contra Costa
20MOY29	Off-road	Equipment replacement	3	\$ 15,000.00	D. C. Metals, Inc.	0.126	0.034	0.001	APCO	Alameda
20MOY62	Ag/ off-road	Equipment replacement	1	\$ 60,190.00	Vezer Family Vineyards	0.048	0.012	0.010	APCO	Solano
20MOY46	On-road	Equipment replacement	1	\$ 49,000.00	Akal Sahai Truck Lines Inc.	1.446	0.217	0.000	APCO	Alameda
20MOY63	On-road	Equipment replacement	1	\$ 23,500.00	Always Express Transportation	0.179	0.011	0.001	APCO	Alameda
20MOY49	Marine	Engine replacement	1	\$ 148,000.00	F/V Rose Marie Inc.	0.597	-0.011	0.024	12/19/2018	San Francisco
20MOY94	Marine	Engine replacement	1	\$ 44,000.00	Jeffrey A Sylva (Commercial fishing)	0.116	0.001	0.004	APCO	Santa Clara
20MOY41	Ag/ off-road	Equipment replacement	1	\$ 29,500.00	Kehoe Dairy, Inc	0.049	0.002	0.003	APCO	Marin
20MOY66	Ag/ off-road	Equipment replacement	3	\$ 188,700.00	Pina Vineyard Management, LLC.	0.160	0.037	0.028	12/19/2018	Napa
20MOY64	On-road	Equipment replacement	1	\$ 60,000.00	Basra Trucking	1.570	0.239	0.083	APCO	Santa Clara

## AGENDA 4 - ATTACHMENT 2

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
20SBP08	School bus	Equipment replacement	3	\$ 1,143,464.00	Antioch Unified School District	0.298	0.023	0.011	12/19/2018	Contra Costa
20MOY76	Ag/ off-road	Equipment replacement	4	\$ 169,400.00	FN Viticulture, LLC	0.514	0.057	0.048	12/19/2018	Napa
20MOY97	On-road	Equipment replacement	1	\$ 40,000.00	Gosal Trucking	0.835	0.138	0.047	APCO	Contra Costa
20MOY43	Marine	Engine replacement	2	\$ 458,000.00	Michael Peery (Commercial fishing)	1.409	0.009	0.059	12/19/2018	Solano
20MOY100	Ag/ off-road	Equipment replacement	3	\$ 136,520.00	Grand Crew Vineyard Management	0.211	0.077	0.033	12/19/2018	Napa
20MOY96	On-road	Equipment replacement	1	\$ 60,000.00	Reliable Express Transportation Inc.	0.586	0.043	0.003	APCO	Alameda
20MOY67	Marine	Engine replacement	4	\$ 1,613,500.00	Harley Marine Services, Inc. Vessel: Z-Three	4.801	-0.135	0.380	12/19/2018	Alameda
20MOY68	Marine	Engine replacement	4	\$ 1,613,500.00	Harley Marine Services, Inc. Vessel: Z-Four	4.801	-0.135	0.380	12/19/2018	Alameda
20MOY69	Marine	Engine replacement	4	\$ 1,613,500.00	Harley Marine Services, Inc. Vessel: Z-Five	4.801	-0.135	0.380	12/19/2018	Alameda
20MOY110	Off-road	Equipment replacement	3	\$ 328,500.00	Steven's Creek Quarry, Inc.	5.136	0.232	0.138	12/19/2018	Santa Clara
20MOY117	On-road	Hydrogen fueling infrastructure	1	\$ 1,750,000.00	Alameda-Contra Costa Transit District	0.718	0.011	0.004	12/19/2018	Alameda
20SBP1	School bus	Equipment replacement	2	\$ 320,000.00	Pittsburg Unified School District	0.199	0.164	0.001	12/19/2018	Contra Costa
20MOY95	Ag/ off-road	Equipment replacement	4	\$ 159,600.00	Stan Poncia dba Terrilinda Dairy	0.893	0.116	0.066	12/19/2018	Sonoma
20MOY99	Ag/ off-road	Equipment replacement	2	\$ 121,800.00	T and M Agricultural Services, LLC	0.359	0.047	0.032	12/19/2018	Napa
20SBP72	School bus	Equipment replacement	6	\$ 1,246,785.00	Milpitas Unified School District	0.318	0.019	0.007	12/19/2018	Santa Clara
20SBP73	School bus	Equipment replacement	8	\$ 1,659,507.00	Berkeley Unified School District	0.617	0.045	0.132	12/19/2018	Alameda
20MOY119	On-road	Equipment replacement	1	\$ 40,000.00	Francisco Aguilar dba Salazar Trucking	1.113	0.183	0.000	APCO	Contra Costa
20MOY15	On-road	Equipment replacement	1	\$ 10,500.00	RCS Enterprises Inc	0.172	0.019	0.009	APCO	Santa Clara

## AGENDA 4 - ATTACHMENT 2

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
20MOY120	On-road	Equipment replacement	1	\$ 40,000.00	Goga Trucking	1.066	0.175	0.000	APCO	Alameda
20MOY74	Ag/ off-road	Equipment replacement	1	\$ 57,766.00	Garvey Vineyard Management LLC	0.156	0.009	0.009	APCO	Napa
20MOY107	Marine	Equipment replacement	1	\$ 109,000.00	Argo Sportfishing	1.031	0.016	0.036	2/6/2019	San Francisco
20MOY132	Off-road	Equipment replacement	1	\$ 540,000.00	County Quarry Products, LLC	2.412	0.112	0.066	2/6/2019	Contra Costa
20MOY53	On-road	Equipment replacement	1	\$ 20,000.00	Pars Trucking	0.644	0.097	0.005	APCO	Solano
20MOY111	On-road	Equipment replacement	1	\$ 40,000.00	Jasvir Dosanjh	0.432	0.037	0.000	APCO	Placer
20MOY85	On-road	Equipment replacement	1	\$ 40,000.00	Gurchetan Johal	0.403	0.034	0.003	APCO	Placer
20MOY81	On-road	Equipment replacement	1	\$ 35,000.00	Bevin Thomas	0.366	0.031	0.002	APCO	Sacramento
20MOY92	On-road	Equipment replacement	1	\$ 50,000.00	Sukhvir Singh Tatlah	0.506	0.037	0.003	APCO	Alameda
20MOY87	On-road	Equipment replacement	1	\$ 30,000.00	Rajanpal Singh	0.329	0.028	0.002	APCO	Placer
20MOY108	On-road	Equipment replacement	1	\$ 40,000.00	Sukhdev Singh Johal	0.402	0.034	0.003	APCO	Sacramento
20MOY135	Ag/ off-road	Equipment replacement	1	\$ 38,235.00	Perry Kozlowski Ranch	0.117	0.015	0.010	APCO	Sonoma
20MOY134	Off-road	Engine replacement	8	\$ 1,901,000.00	DeSilva Gates Construction	6.636	0.358	0.190	2/6/2019	Alameda
20MOY141	Off-road	Engine replacement	1	\$ 111,000.00	Concord Iron Works, Inc.	0.308	0.034	0.021	2/6/2019	Contra Costa
20MOY126	Ag/ off-road	Equipment replacement	1	\$ 134,000.00	Kabeela, Inc.	0.229	0.024	0.014	2/6/2019	Santa Clara
20MOY144	Ag/ off-road	Equipment replacement	1	\$ 66,379.00	JPW Development Co., LLC	0.134	0.020	0.012	APCO	Solano
20MOY149	Locomotive	Locomotive replacement	1	\$ 1,550,000.00	Napa Valley Wine Train, Inc.	4.855	0.159	0.110	2/6/2019 & 5/1/2019	Napa
20SBP140	School bus	Equipment replacement	5	\$ 751,061.00	Sunnyvale School District	0.235	0.013	0.005	2/6/2019	Santa Clara

## AGENDA 4 - ATTACHMENT 2

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
20MOY151	Ag/ off-road	Equipment replacement	1	\$ 68,475.00	Bianchini Inc.	0.165	0.020	0.011	APCO	Marin
20MOY147	On-road	Equipment replacement	1	\$ 40,000.00	Surjit Singh	1.162	0.241	0.000	APCO	Santa Clara
20MOY131	Ag/ off-road	Equipment replacement	1	\$ 25,117.00	E & M Deniz Dairy	0.153	0.024	0.014	APCO	Sonoma
20MOY136	Ag/ off-road	Equipment replacement	1	\$ 27,690.00	Hidden Gem Farms, LLC	0.024	0.023	0.006	APCO	Sonoma
20MOY125	Ag/ off-road	Equipment replacement	1	\$ 41,900.00	O'Brien Family Vineyard LLC	0.199	0.031	0.018	APCO	Napa
20MOY61	On-road	Equipment replacement	1	\$ 15,000.00	Lindsey Anderson Trucking Service	0.437	0.041	0.002	APCO	San Mateo
VBB FYE2019	VBB	Vehicle retirement program	tbd	\$ 7,000,000.00	Pick n Pull, and Environmental Engineering Services	TBD	TBD	TBD	3/6/2019	Regional
VBB FYE2019	VBB	Vehicle retirement outreach	tbd	\$ 200,000.00	Direct Mail Center	TBD	TBD	TBD	3/6/2019	Regional
20MOY137	Ag/ off-road	Equipment replacement	1	\$ 58,320.00	Dotti Bros. LLC	0.198	0.033	0.025	APCO	Sonoma
20MOY157	Ag/ off-road	Equipment replacement	1	\$ 205,830.00	McClelland's Dairy	0.716	0.066	0.038	3/6/2019	Sonoma
20MOY159	Ag/ off-road	Equipment replacement	1	\$ 186,400.00	Petaluma Pumpkin Patch, LLC	0.341	0.031	0.017	3/6/2019	Sonoma
20MOY102	Ag/ off-road	Equipment replacement	1	\$ 18,420.00	Leonard Gianno (Farmer)	0.023	0.023	0.006	APCO	Solano
20MOY148	Marine	Engine replacement	1	\$ 196,500.00	John Henry Mellor (Commercial fishing)	0.460	0.008	0.017	3/6/2019	San Francisco
20MOY3	Marine	Engine replacement	2	\$ 97,000.00	Christopher Noel Smith, DBA, Captain Hook Sportfishing	0.947	-0.014	0.038	APCO	Alameda
20MOY90	Marine	Engine replacement	2	\$ 156,000.00	Riverview Equipment Company LLC	0.274	0.000	0.015	3/6/2019	Solano
20MOY70	Marine	Engine replacement	2	\$ 160,000.00	Bay Marine Services, LLC	1.490	0.029	0.047	3/6/2019	Solano
20SBP23	School bus	Equipment replacement	2	\$ 361,692.00	Sonoma Valley Unified School District	0.131	0.009	0.001	3/6/2019	Sonoma
20MOY175	Locomotive	Equipment replacement	2	\$ 7,400,000.00	California Department of Transportation	18.485	0.698	0.288	3/6/2019	Solano, Contra Costa, Alameda, Santa Clara

## AGENDA 4 - ATTACHMENT 2

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
20MOY91	Marine	Engine replacement	2	\$ 70,000.00	Riverview Equipment Company LLC	0.125	0.001	0.006	APCO	Solano
20MOY152	Marine	Engine replacement	1	\$ 39,000.00	Patrick Lazzari (Commercial fishing)	0.078	0.001	0.003	APCO	San Francisco
20MOY163	Ag/ off-road	Equipment replacement	1	\$ 32,920.00	Haire Management Co. LLC	0.130	0.023	0.013	APCO	Napa
20SBP75	School bus	Equipment replacement	4	\$ 787,704.00	Napa Valley Unified School District	0.373	0.032	0.000	4/3/2019	Napa
20MOY158	Ag/ off-road	Equipment replacement	1	\$ 58,900.00	Cortina Vineyard Management	0.105	0.007	0.007	APCO	Napa
20MOY156	Ag/ off-road	Equipment replacement	1	\$ 65,000.00	Robert Giacomini Dairy, Inc	0.107	0.011	0.006	APCO	Marin
20MOY171	On-road	Equipment replacement	1	\$ 25,000.00	ELC Trucking	0.715	0.094	0.004	APCO	Santa Clara
20MOY180	On-road	Equipment replacement	1	\$ 27,000.00	Salvador Uribe dba/ Don Luis	0.269	0.019	0.001	APCO	Santa Clara
20MOY179	On-road	Equipment replacement	1	\$ 13,000.00	Bayside Building Materials, Inc.	0.360	0.043	0.002	APCO	San Mateo
20MOY166	Ag/ off-road	Equipment replacement	5	\$ 236,560.00	Freixenet Sonoma Caves Inc.	1.028	0.155	0.119	4/3/2019	Sonoma
20SBP169	School bus	CNG Tank Replacement	3	\$ 60,000.00	West County Transportation Agency	0.000	0.000	0.000	APCO	Sonoma
20SBP187	School bus	Equipment replacement	7	\$ 1,437,212.00	Ravenswood City School District	0.388	0.022	0.014	5/1/2019	San Mateo
20MOY181	On-road	Equipment replacement	3	\$ 55,000.00	Zepeda's Trucking	0.533	0.043	0.003	APCO	Alameda
20MOY37	Off-road	Equipment replacement	1	\$ 50,500.00	Sugar City Building Materials Company	0.134	0.020	0.012	APCO	Contra Costa
20MOY160	Ag/ off-road	Equipment replacement	2	\$ 99,900.00	San Antonio Creek Vineyards	0.179	0.027	0.018	APCO	Solano
20MOY182	Marine	Engine replacement	2	\$ 180,000.00	Pacific Pescador LLC (Commercial fishing)	1.171	0.011	0.047	5/1/2019	San Mateo
20MOY168	On-road	Equipment replacement	1	\$ 45,000.00	Gurwinder Singh	1.214	0.182	0.009	APCO	Alameda

## AGENDA 4 - ATTACHMENT 2

Project #	Equipment category	Project type	# of engines	Proposed contract award	Applicant name	Emission Reductions (Tons per year)			Board approval date	County
						NOx	ROG	PM		
20MOY128	Off-road	Equipment replacement	2	\$ 163,795.00	Coastside Lumber dba South City Lumber & Supply	0.728	0.127	0.029	5/1/2019	San Mateo
20MOY198	Marine	Engine replacement	2	\$ 134,000.00	Amnav Maritime Corporation (Vessel: Sandra Hugh)	0.599	0.054	0.016	5/1/2019	Alameda
20MOY199	Marine	Engine replacement	2	\$ 134,000.00	Amnav Maritime Corporation (Vessel: Revolution)	0.599	0.054	0.016	5/1/2019	Alameda
20SBP165	School bus	Equipment replacement	2	\$ 379,500.00	West County Transportation Agency	0.140	0.006	0.000	5/1/2019	Sonoma
20SBP186	School bus	Equipment replacement	7	\$ 1,352,217.00	Franklin-McKinley School District	0.461	0.030	0.003	5/1/2019	Santa Clara
20MOY77	Off-road	Equipment replacement	1	\$ 73,969.00	Economy Lumber Company of Oakland, Inc.	0.093	0.019	0.002	APCO	Alameda
20MOY192	On-road	Equipment replacement	1	\$ 26,000.00	Anit Kumar (Truck owner/operator)	0.283	0.024	0.000	APCO	Sacramento
20MOY202	Ag/ off-road	Equipment replacement	3	\$ 163,910.00	Clos Du Val Wine Company, Ltd.	0.413	0.058	0.049	TBD	Napa
20MOY188	On-road	Equipment replacement	1	\$ 15,000.00	SK Transportation, Inc.	0.171	0.014	0.000	APCO	Alameda
20MOY183	Ag/ off-road	Equipment replacement	1	\$ 64,805.00	Chappellet Vineyard, LLC	0.131	0.008	0.008	APCO	Napa
20MOY193	Ag/ off-road	Equipment replacement	1	\$ 34,530.00	Domenico J. Carinalli, Jr.	0.111	0.020	0.014	APCO	Sonoma
20MOY191	Ag/ off-road	Equipment replacement	1	\$ 48,000.00	David Vella DBA Dave Vella Vineyard Mgt	0.051	0.005	0.007	APCO	Napa
20MOY196	Ag/ off-road	Equipment replacement	2	\$ 107,225.00	Loma Del Sol Farming, Inc.	0.287	0.045	0.032	TBD	Sonoma
<b>117 Projects</b>			<b>265</b>	<b>\$ 51,597,405.00</b>		<b>102.621</b>	<b>6.272</b>	<b>3.829</b>		

## AGENDA 4 - ATTACHMENT 3

Summary of all TFCAs approved and eligible projects (evaluated between 7/1/18 and 5/3/19)

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (Tons per year)			Board/APCO Approval Date	CARE Area	County
					NO <sub>x</sub>	ROG	PM			
18EV029	LD Infrastructure	Install and operate 16 single port Level 2 (high) charging stations at 1 workplace facility in Los Altos Hills	\$48,000	Creative Center of Los Altos	0.026	0.034	0.001	10/30/18	No	Santa Clara
18EV035	LD Infrastructure	Install and operate 2 dual-port Level 2 (high) charging stations at 1 destination facility in Greenbrae	\$8,000	Marin Rowing Association	0.004	0.006	0.000	7/31/18	No	Marin
18EV038	LD Infrastructure	Install and operate 1 single port Level 2 (high) and one 25 kW DC Fast charging stations with solar at 1 transportation corridor facility in Petaluma	\$25,900	Solar Action Network	0.01	0.01	0.00	11/30/18	No	Sonoma
18EV047	LD Infrastructure	Install and operate 4 single port Level 2 (high) charging stations at 1 destination facility in San Mateo	\$12,000	Nazareth Plaza Owners' Association	0.007	0.009	0.000	7/30/18	No	San Mateo
18EV049	LD Infrastructure	Install and operate 12 single-port Level 2 (high) charging stations at 6 destination facilities in San Mateo, Burlingame, San Bruno, and Millbrae	\$36,000	San Mateo Union High School District	0.020	0.025	0.000	7/5/18	No	San Mateo
19EV002	LD Infrastructure	Install and operate 20 dual port level 2 (high) charging stations with solar at 1 destination facility in San Rafael	\$84,000	San Rafael Airport LLC	0.007	0.055	0.001	4/5/19	No	Marin
19EV003	LD Infrastructure	Install and operate two 25kW DC Fast charging stations at 1 transportation corridor facility in San Francisco	\$23,298	Union Investment Real Estate Group	0.008	0.012	0.002	4/5/19	Yes	San Francisco
19EV009	LD Infrastructure	Install and operate 2 dual port and 1 single port level 2 (high) charging stations at 1 workplace and 1 destination facility in Moraga	\$11,000	Town of Moraga	0.005	0.008	0.000	5/1/19	No	Contra Costa
19EV006	LD Infrastructure	Install and operate twenty 50kW DC Fast charging stations at 7 transportation corridor facilities in San Francisco, Novato, Emeryville and San Jose	\$500,000	EV Go Service, LLC	0.168	0.249	0.005	Pending	Yes	Multi-County
19RFG06 *	LD Infrastructure	Install and operate 43 dual port level 2 EV charging stations	\$266,000	Hayward Unified School District	0.054	0.071	0.001	10/17/18	Yes	Alameda
19RFG13 *	LD Infrastructure	Install and operate ten 50kW DC fast charging stations	\$389,400	EVgo Service, LLC	0.040	0.060	0.001	Pending	Yes	Alameda
19R02	LD Vehicles	Vehicle Buy Back Program	\$150,000	BAAQMD	NA	NA	NA	NA	No	Regional
18R14	Bicycle Facilities	Install and maintain 3.62 miles of Class III bikeways in Petaluma	\$48,500	City of Petaluma	0.007	0.009	0.014	8/6/18	No	Sonoma
18R18	Bicycle Facilities	Install and maintain 0.09 miles of Class I and 0.28 miles of Class IV bikeways in Los Gatos	\$242,000	Town of Los Gatos	0.029	0.056	0.039	8/1/18	No	Santa Clara
18R20	Bicycle Facilities	Install and maintain 1.57 miles of Class II bikeways and 23 bike racks (2 bikes per rack)	\$38,000	City of Gilroy	0.008	0.010	0.013	8/22/18	No	Santa Clara
18R21	Bicycle Facilities	Install and maintain 32 electronic bicycle lockers in Danville	\$80,000	Town of Danville	0.012	0.015	0.023	8/7/18	No	Contra Costa
18R22	Bicycle Facilities	Install and maintain 16 electronic bicycle lockers in San Francisco	\$32,000	San Francisco Community College District	0.004	0.006	0.007	8/22/18	No	San Francisco
19R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	\$554,842	BAAQMD	0.722	0.806	1.171	NA	No	Regional
19R03	Trip Reduction	Spare The Air/Intermittent Control Programs	\$2,305,927	BAAQMD	42.952	50.253	67.862	NA	No	Regional
19R10	Trip Reduction	Pleasanton Connector Shuttles	\$80,000	San Joaquin Regional Rail Commission	0.234	0.387	0.647	10/18/18	Yes	Alameda
19R13	Trip Reduction	Juvenile Justice Center/ Fairmont Hospital Shuttle	\$29,700	County of Alameda	0.011	0.040	0.058	10/18/18	Yes	Alameda

### AGENDA 4 - ATTACHMENT 3

Summary of all TFCAs approved and eligible projects (evaluated between 7/1/18 and 5/3/19)

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (Tons per year)			Board/APCO Approval Date	CARE Area	County
					NO <sub>x</sub>	ROG	PM			
19R14	Trip Reduction	PresidiGO Downtown Shuttle	\$100,000	Presidio Trust	0.252	0.352	0.471	11/7/2018	Yes	San Francisco
19R15	Trip Reduction	Caltrain Shuttle Program	\$652,600	Peninsula Corridor Joint Powers Board	2.64	3.66	5.14	11/7/2018	No	Multi-County
19R16	Trip Reduction	ACE Shuttle Bus Program	\$960,000	Santa Clara Valley Transportation Authority	2.43	2.60	4.29	11/7/2018	Yes	Santa Clara
19R17	Trip Reduction	Carpool incentive, vanpool subsidy, Spare the Air messaging and advertising	\$3,000,000	Metropolitan Transportation Commission	NA	NA	NA	5/1/2019	No	Regional
19R18	Trip Reduction	SJSU Ridesharing & Trip Reduction	\$139,500	Associated Students, San Jose State University	0.231	0.266	0.366	11/7/2018	No	Multi-County
19R22	Trip Reduction	Union City Transit Microtransit Pilot	\$663,229	City of Union City - Union City Transit	0.182	0.212	0.304	5/1/2019	No	Alameda
19R23	Trip Reduction	GoTriValley On-Demand Shared-Ride Service	\$257,000	Livermore Amador Valley Transit Authority	0.135	0.135	0.228	5/1/2019	Yes	Alameda
19R25	Trip Reduction	First- and last-mile services to Walnut Creek BART	\$1,448,116	Bay Area Rapid Transit District	0.395	0.398	0.669	5/1/2019	Yes	Contra Costa
19RFG04*	Off-road (non-ag)	Purchase and operate 5 electric forklifts, 1 electric vacuum unit, and 1 electric terminal truck	\$221,000	Wyse Logistics	0.107	0.015	0.008	10/17/18	Yes	Alameda
19RFG15*	Off-road (non-ag)	Purchase and operate six electric yard hostlers	\$600,000	Rail Management Services LLC	0.375	0.015	0.022	Pending	Yes	Alameda
<b>31 Projects*</b>			<b>\$13,006,012</b>		<b>51.104</b>	<b>59.776</b>	<b>81.344</b>			

\* The award amounts for these projects include a total of \$1,225,000 of Reformulated Gasoline Settlement (RFG) funds.

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

# AGENDA 4 - ATTACHMENT 4

Figures 1-3 shown below summarize funding awarded between 7/1/18 and 5/3/19 from funding sources including:

- Carl Moyer Program (CMP)
- Community Health Protection Program (CHP)
- Funding Agricultural Replacement Measures for Emission Reductions (FARMER)
- Mobile Source Incentive Fund (MSIF)
- Transportation Fund for Clean Air (TFCA)
- Reformulated Gasoline Settlement Fund (RFG)

Figure 1. Status of FYE2019 funding by source

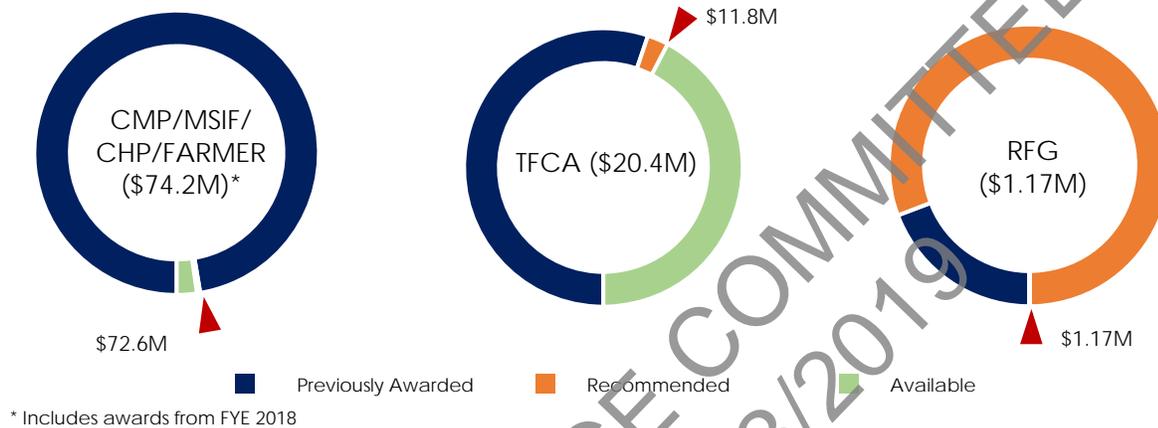


Figure 2. Funding awarded in FYE2019 by county

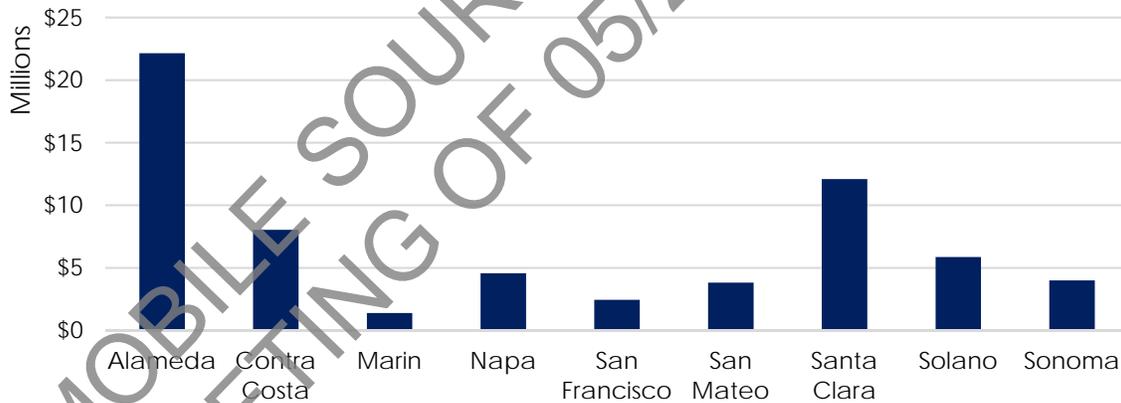
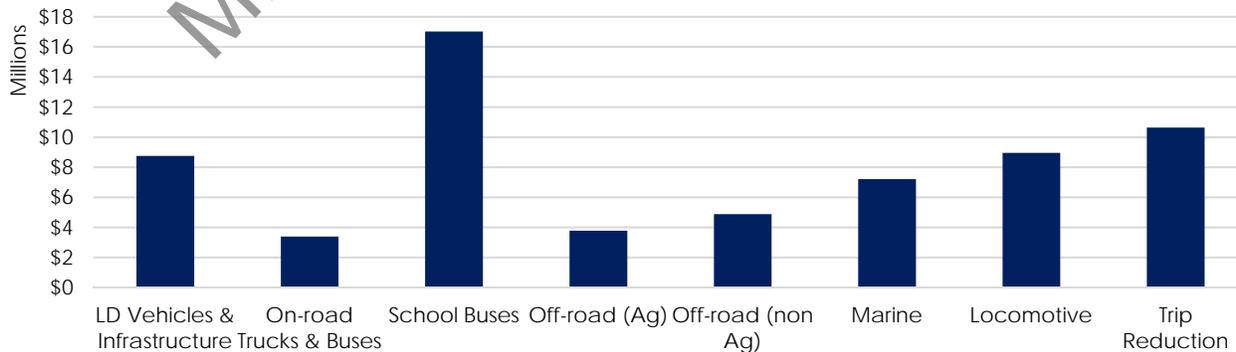


Figure 3. Funding awarded in FYE2019 by project category



## AGENDA 4 - ATTACHMENT 4

Figure 4. CMP/MSIF/CHP/FARMER funding awarded since 2009 by county

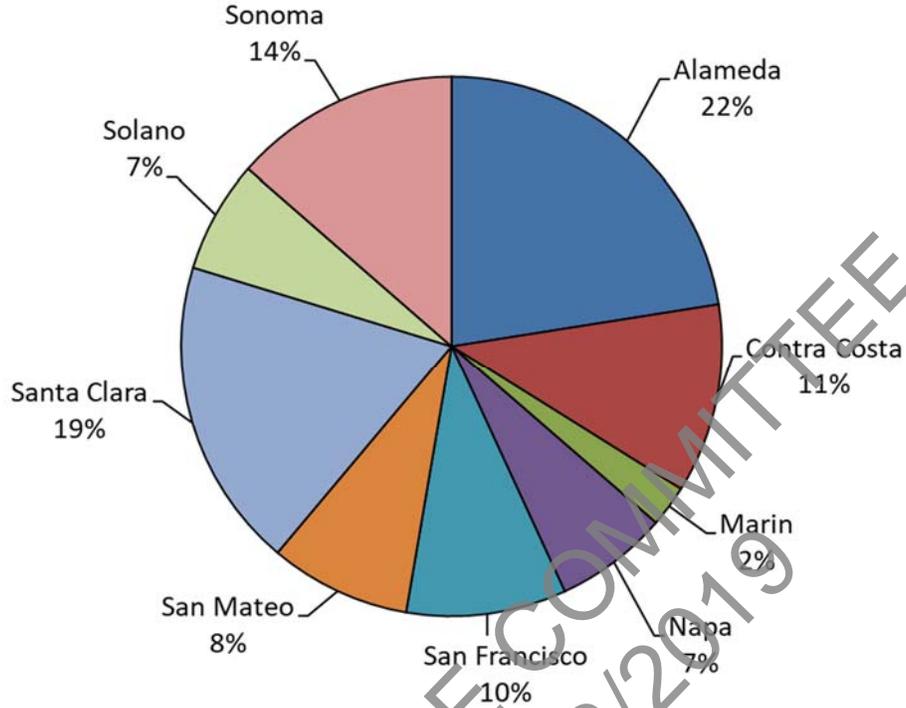
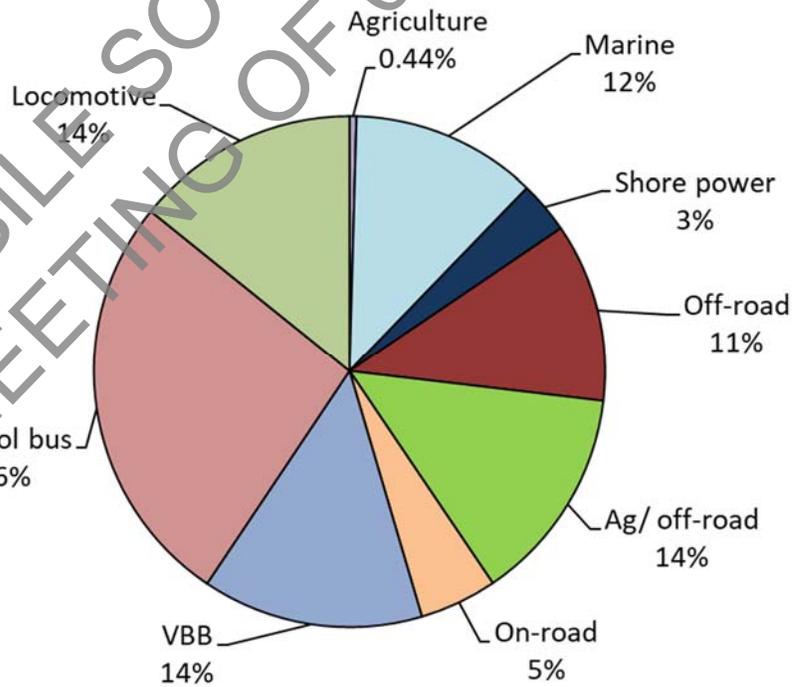


Figure 5. CMP/MSIF/CHP/FARMER funding awarded since 2009 by category



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson David Canepa and Members  
of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 13, 2019

Re: Fiscal Year Ending (FYE) 2020 Transportation Fund for Clean Air (TFCA) Regional  
Fund Policies & Evaluation Criteria

**RECOMMENDED ACTION**

Recommend Board of Directors:

1. Approve the proposed FYE 2020 TFCA Regional Fund Policies and Evaluation Criteria presented in Attachment A, and
2. Approve a change to FYE 2020 TFCA County Program Manager Fund Policies to increase the cost-effectiveness threshold for the Bicycle Projects category such that it is aligned with the threshold that is proposed for the FYE 2020 TFCA Regional Fund Policies.

**BACKGROUND**

In 1991, the California State Legislature authorized the Bay Area Air Quality Management District (Air District) to impose a \$4 surcharge on each motor vehicle 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 for the Transportation Fund For Clean Air (TFCA) and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242. The authorizing legislation requires that the Air District's Board of Directors (Board) adopt cost-effectiveness criteria that govern the use of the TFCA funds.

Sixty percent of the TFCA funds are allocated by the Board to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air, Charge! Program) and to a program referred to as the TFCA Regional Fund. The remaining forty percent (40%) of TFCA funds are passed-through to the County Program Manager Fund, based on each county's proportionate share of vehicle registration fees paid, and awarded by the nine designated agencies within the Air District's jurisdiction.

On April 3, 2019, the Board approved an allocation of \$14 million in new TFCA monies to three program categories, including trip reduction, clean air vehicles, and other Air District sponsored programs for FYE 2020. An estimated \$32.30 million in TFCA funds, including both the new funds and carryover from projects that have been cancelled or completed under budget, will be

available in FYE 2020. At the same meeting, the Board also authorized the Executive Officer/APCO to execute grant agreements with project sponsors who propose projects with individual grant award amounts of up to \$100,000 for projects that meet the respective governing policies and guidelines. TFCA Regional Fund projects with grant award amounts over \$100,000 are brought to the Air District's Mobile Source Committee for consideration at least on a quarterly basis.

Every year, the Board adopts updated TFCA Regional Fund Policies and Evaluation Criteria (Policies), which guide the evaluation and award of TFCA Regional Fund projects. The Policies include both general requirements that are applicable to all TFCA Regional Fund projects, as well as specific requirements for each project category. This report discusses the proposed updates to the Policies for FYE 2020 and the public process, through which these updates were developed.

## DISCUSSION

### *Public Outreach Process*

For FYE 2020, the proposed updates to the prior year Policies reflect feedback received from stakeholders over the past year. On April 8, 2019, the Air District posted the Policies with proposed updates on the Air District's website and opened the public comment period. The public comment process was advertised via the Air District's TFCA grants email notification system, which was sent to more than 2,000 stakeholders, including representatives from each of the nine Bay Area Congestion Management Agencies (CMAs). One webinar workshop was held on May 1, 2019 to discuss the proposed changes for FYE 2020 and was attended by four stakeholders. Additional meetings were held with the CMAs. Attachment C provides a summary of the public comments received, along with staff's response.

### *Proposed Updated Policies for FYE 2020*

For FYE 2020, proposed updates were made to the Policies to address the comments and suggestions received during the public outreach process. Language and grammatical revisions were also made for clarification purposes.

A redlined copy of the Policies for FYE 2020, which shows the proposed updates to the Policies, is included as Attachment B. Below is a summary of the key proposed updates:

- **Policy #2. Cost-Effectiveness (C-E):** Raise the C-E threshold for zero- and partial-zero-emission cars, trucks and buses, pilot trip reduction, and bikeway projects from \$250,000 to \$500,000 per ton of criteria emissions reduced. Also, included a cost-effectiveness for a newly proposed project category—Vehicle Scrapping.
- **Policy #20. Administrative Costs:** Raise maximum administrative costs from 5% to 6.25% to be consistent with California Health and Safety Code Section 44233.

- **Policy #22. On-Road Truck Replacements:** Remove buses from this policy such that this policy would help to support diesel-to-diesel replacement of highly-polluting on-road trucks that are not currently able to transition to zero-emissions technology. Also, Policy #24 was revised to clarify that zero- and near-zero emissions bus projects are eligible for funding.
- **Policy #23. Light- and Medium- Duty Zero- and Partial-Zero-Emissions Vehicles for Fleets and Policy #24. On-Road Heavy-Duty Zero- and Partial-Zero-Emissions Trucks and Buses:** Remove the requirement that vehicles must be the latest model year in order to make previous model year new vehicles eligible. And, for Policy #24, clarify that eligible vehicles include both trucks and buses.
- **Policy #26. Vehicle Scrapping:** Add this new policy to accelerate the removal of highly polluting vehicles from Bay Area roads by providing funding to owners of on-road motor vehicles who voluntarily scrap old, polluting vehicles that are not eligible for funding from other Air District programs or other public agencies.
- **Policy #29. Pilot Trip Reduction:** Remove the requirement that projects must be located in an Air District Community Air Risk Evaluation (CARE) Program or in a Priority Development Area (PDA). The evaluation criteria require prioritization of funding for projects in CARE areas and PDAs.

In addition, staff is also recommending a change to the FYE 2020 TFCA County Program Manager (CPM) Fund Policies to increase the cost-effectiveness threshold for the Bicycle Projects category. This request would align the CPM's cost-effectiveness threshold with the recommended threshold for the FYE 2020 Regional Fund Policies and addresses input received from CPMs.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. TFCA funds are generated from DMV registration fees and distributed to sponsors of eligible projects on a reimbursement basis. Administrative costs are also covered by TFCA.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Chengfeng Wang, Sean Newlin, and Ken Mak

Reviewed by: Karen Schkolnick

Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020  
(Clean)

Attachment B: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020  
(Redline)

Attachment C: Comments Received and Staff Responses to Proposed FYE 2020 Policies

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

**TFCA REGIONAL FUND POLICIES  
AND EVALUATION CRITERIA FOR FYE 2020**

The following policies apply to the Bay Area Air Quality Management District’s (Air District) Transportation Fund for Clean Air (TFCA) Regional Fund for fiscal year ending (FYE) 2020.

**BASIC ELIGIBILITY**

1. **Eligible Projects:** 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 Air District Board of Directors adopted TFCA Regional Fund Policies and Evaluation Criteria.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, contracts, and other legally binding obligations at the time the Air District executes the project’s funding agreement.

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).

**Table 1: Maximum Cost-Effectiveness for TFCA Regional Fund Projects**

<b>Policy #</b>	<b>Project Category</b>	<b>Maximum C-E (\$/weighted ton)</b>
22	On-Road Truck Replacements	\$90,000
23	Light- and Medium-Duty Zero- and Partial-Zero-Emissions Vehicles for Fleets	\$500,000
24	On-Road Heavy-Duty Zero- and Partial-Zero-Emissions Trucks and Buses	\$500,000
25	Hydrogen Stations	\$500,000
26	Vehicle Scrapping	\$50,000
27	Reserved	Reserved
28	Existing Shuttle/Feeder Bus Services	\$200,000; \$250,000 for services in CARE Areas or PDAs
29	Pilot Trip Reduction	\$500,000
30	Existing Regional Ridesharing Services	\$150,000
31	Electronic Bicycle Lockers	\$250,000
32	Bikeways	\$500,000

3. **Consistent with Existing Plans and Programs:** All project categories must comply with the Transportation Control and Mobile Source Control Measures included in the Air District’s most recently approved strategy(ies) for achieving and maintaining State and national ozone standards; those plans and programs established pursuant to California Health & Safety Code (HSC) sections 40233, 40717 and 40919; and, when specified, other adopted federal, State, regional, and local plans and programs.
4. **Eligible Recipients and Authority to Apply:** Applicants must have the legal authority, as well as the financial and technical capability, to complete projects. In addition, the following conditions apply:
  - a. **Eligible Recipients:**
    - i. **Public agencies** are eligible to apply for all project categories.
    - ii. **Non-public entities** are only eligible to apply for Clean Air Vehicle Projects and advanced technology demonstrations that are permitted pursuant to HSC section 44241b(7).

## **Agenda 5 – Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020 (CLEAN)**

- b. **Authority to Apply:** Applicants must demonstrate that they have the authority to submit the application, to enter into a funding agreement, to carry out the project, and to bind the entity to perform these tasks by including either: 1) a signed letter of commitment from the applicant’s representative with authority (e.g., Chief Executive or Financial Officer, Executive Director, or City Manager); or 2) a signed resolution from the governing body (e.g., City Council, Board of Supervisors, or Board of Directors).
5. **Viable Project and Matching Funds:** Applicants must demonstrate that they have adequate funds to cover all stages of their proposed project(s) from commencement through completion. Unless otherwise specified in policies #22 through 32, project applicants must demonstrate evidence that they have at least 10% of the total eligible project costs (matching funds) from a non-Air District source available and ready to commit to the proposed projects.
6. **Minimum Grant Amount:** \$10,000 per project.
7. **Maximum Grant Amount:** Unless otherwise specified in policies #22 through 32, the maximum grant award amounts are:
  - a. Each public agency may be awarded up to \$1,500,000 per calendar year; and
  - b. Each non-public entity may be awarded up to \$500,000 per calendar year.
8. **Readiness:** Unless otherwise specified in policies #22 through 32, projects must commence by the end of calendar year 2020 or within 12 months from the date of execution of the funding agreement with the Air District, whichever is later. For purposes of this policy, “commence” means a tangible preparatory action taken in connection with the project’s operation or implementation, for which the project sponsor 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 shuttle/feeder bus and ridesharing service; or the delivery of the award letter for a construction contract.
9. **Maximum Two Years Operating Costs for Service-Based Projects:** Unless otherwise specified in policies #22 through 32, TFCA Regional Funds may be used to support up to two years of operating costs for service-based projects (i.e., Trip Reduction Projects).
10. **Project Revisions:** The Air District will consider only requests for modifications to approved projects that are within the same project categories, achieve the same or better cost-effectiveness, comply with all TFCA Regional Fund Policies, and are in compliance with all applicable federal and State laws, and Air District rules and regulations. The Air District may also approve minor modifications, such as to correct typographical mistakes in the grant agreements or to change the name of the grantees, without re-evaluating the proposed modification in light of the regulations, contracts, and other legally-binding obligations that are in effect at the time the minor modification was proposed.

### **APPLICANT IN GOOD STANDING**

11. **In Compliance with Air Quality Regulations:** Applicants must certify that, at the time of the application and at the time of issuance of the grant, they are in compliance with all local, State, and federal air quality regulations. Applicants who are in compliance with those laws, rules and regulations, but who have pending litigation or who have unpaid civil penalties owed to the Air District, may be eligible for funding, following a review and approval by the Air District. The Air District may terminate a grant agreement and seek reimbursement of distributed funds from the project sponsor who was not eligible for funding at the time of the grant.
12. **In Compliance with Agreement Requirements:** Project sponsors who have failed to meet contractual requirements such as project implementation milestones or monitoring and reporting requirements for any project funded by the Air District may not be considered eligible for new funding until such time as all of the unfulfilled obligations are met.
13. **Independent Air District Audit Findings and Determinations:** Project sponsors who have failed either a fiscal audit or a performance audit for a prior Air District funded project will be excluded from future funding for three (3) years from the date of the Air District’s final determination in accordance with HSC

## Agenda 5 – Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020 (CLEAN)

section 44242. Additionally, project sponsors with open projects will not be reimbursed until all audit recommendations and remedies have been satisfactorily implemented.

A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of funds. A failed performance audit means that a project was not implemented as set forth in the project funding agreement.

Project sponsors must return funds under any of the following circumstances:

- a. The funds were expended in a manner contrary to the TFCA Regional Funds' requirements and/or requirements of HSC Code section 44220 et seq.;
- b. The project did not result in a surplus reduction of air pollution from the mobile sources or transportation control measures pursuant to the applicable plan;
- c. The funds were not spent for surplus reduction of air pollution pursuant to a plan or program to be implemented by the TFCA Regional Fund;
- d. The project sponsor failed to comply with the approved project scope, as set forth in the project funding agreement.

Applicants who failed to reimburse such funds to the Air District from prior Air District funded projects will be excluded from future TFCA funding.

14. **Executed Funding Agreement:** Only a fully-executed funding agreement (i.e., signed by both the project sponsor and the Air District) constitutes the Air District's award of funds for a project. Approval of an application for the project by the Air District Board of Directors or Air District's notices such as a transmittal letter announcing the proposed award do not constitute a final obligation on the part of the Air District to fund a project.

Applicants must sign funding agreements within 60 days from the date the agreements were transmitted to them in order to remain eligible for award of TFCA Regional Funds. Applicants may request, in writing, an extension of up to no more than 180 days from the transmittal date to sign the grant agreements. The request shall include the basis for an extended signature period. At its discretion, the Air District may authorize such an extension.

15. **Maintain Appropriate Insurance:** Project sponsors must obtain and maintain general liability insurance and additional insurance that is appropriate for its specific project type throughout the life of the project, with coverage being no less than the amounts specified in the respective funding agreement. Project sponsors shall require their subcontractors to obtain and maintain such insurance of the type and in the amounts required by the grant agreements.

### **INELIGIBLE PROJECTS**

16. **Planning Activities:** The costs of preparing or conducting feasibility studies are not eligible. Other planning activities may be eligible, but only if the activities are both: 1) directly related to the implementation of a specific project or program, and 2) directly contribute to the project's emissions reductions.
17. **Cost of Developing Proposals and Grant Applications:** The costs to prepare grant applications are not eligible.
18. **Duplication:** Projects that have previously received TFCA Regional or County Program Manager funds and do not propose to achieve additional emission reductions are not eligible.

### **USE OF TFCA FUNDS**

19. **Combined Funds:** Unless otherwise specified in policies #22 through 32, TFCA County Program Manager Funds may not be combined with TFCA Regional Funds to fund a TFCA Regional Fund project.

## Agenda 5 – Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020 (CLEAN)

20. **Administrative Costs:** Unless otherwise specified in policies #22 through 32, TFCA Regional Funds may not be used to pay for administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant). In cases where administrative costs may be paid for by TFCA Regional Funds, they are limited to a maximum of 6.25% of total TFCA Regional Funds expended on a project and are only available to projects sponsored by public agencies. To be eligible for reimbursement, administrative costs must be clearly identified in the project budget at the time of application and in the funding agreement between the Air District and the project sponsor.
21. **Expend Funds within Two Years:** Project sponsors must expend the grant funding within two (2) years of the effective date of their grant agreement. Applicants may request a longer period in the application, by submitting evidence that a longer period is justified to complete the project due to its unique circumstance. Project sponsors may request a longer period before the end of the agreements' second year in the event that significant progress has been made in the implementation of the project. If the Air District approves a longer period, the parties shall memorialize the approval and length of the extension formally (i.e., in writing) in the grant agreement or in an amendment to the executed grant agreement.

### ELIGIBLE PROJECT CATEGORIES

**To be eligible for funding from the TFCA Regional Fund, a proposed project must meet the purposes and requirements for the particular category's type of project.**

#### Clean Air Vehicle Projects

22. **On-Road Truck Replacements:** The project 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 California Air Resources Board (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.
23. **Light and Medium-Duty Zero- and Partial-Zero-Emissions Vehicles for Fleets:** The project will accelerate the deployment of zero- and partial-zero-emissions motorcycles, cars, and light- and medium-duty vehicles:
- Each project (fleet deployment) must consist of the purchase or lease of three or more new vehicles registered to a single owner;
  - Vehicles must have a GVWR not exceeding 14,000 lbs.;
  - Each car and truck must be maintained and operated within the Air District's jurisdiction for a minimum of three years and 15,000 miles. All other vehicle types must be maintained and operated within the Air District's jurisdiction for a minimum of three years and 9,000 miles;
  - Eligible vehicle types include plug-in hybrid-electric, plug-in electric, and fuel cell vehicles approved for on-road use by the CARB;
  - Project Sponsors 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;
  - Projects that seek to scrap and replace a vehicle may qualify for additional TFCA funding toward the purchase or lease of a new vehicle. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds;
  - Vehicles that are solely powered by gasoline, natural gas, or diesel, and retrofit projects are not eligible; and
  - The total amount of TFCA funds awarded combined with all other grants and applicable manufacturer and local/State/federal rebates and discounts may not exceed 90% of the project's eligible cost.

**Agenda 5 – Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020 (CLEAN)**

24. **On-Road Heavy-Duty Zero- and Partial-Zero-Emissions Trucks and Buses:** The project will help fleet operators achieve significant voluntary emission reductions by encouraging the replacement of older, compliant trucks and buses with the cleanest available technology, and help fleet operators who are expanding their fleet to choose the cleanest available technology:
- a. Each vehicle must be new and have a GVWR greater than 14,000 lbs.;
  - b. Vehicles may be purchased or leased;
  - c. Each vehicle must be maintained and operated within the Air District’s jurisdiction for a minimum of three years and 15,000 miles;
  - d. Eligible vehicles must be approved by the CARB;
  - e. Project Sponsors 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;
  - f. Projects that seek to scrap and replace a vehicle may qualify for additional TFCA funding toward the purchase or lease of a new vehicle. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds;
  - g. Vehicles that are solely powered by gasoline, natural gas, or diesel, and retrofit projects are not eligible; and
  - h. The total amount of TFCA funds awarded combined with all other grants and applicable manufacturer and local/State/federal rebates and discounts may not exceed 90% of the project’s eligible cost.
25. **Hydrogen Stations:** The project is intended to accelerate the deployment of hydrogen fueling stations. Funding may be used for the purchase and installation of equipment for new dispensing facilities and for upgrades and improvements that expand access to existing refueling sites. The following additional conditions must also be met:
- a. Stations must be located within the Air District’s jurisdiction and be available and accessible to the public;
  - b. Equipment and infrastructure must be designed, installed, and maintained as required by the existing recognized codes and standards and approved by the local/State authority; and
  - c. Each station must be maintained and operated for a minimum of three years.
  - d. TFCA funding may not be used to pay for fuel or on-going operations and maintenance costs.
  - e. TFCA funding is limited to 25% of the total eligible project cost and may not exceed a maximum award amount of \$250,000 per station.
  - f. Stations must have received a passing score and/or received approval for funding from a State or federal agency.
26. **Vehicle Scrapping:** The project is intended to accelerate the removal of highly polluting vehicles, including cars, motorcycles, trucks and buses from Bay Area roads. Funding will be provided to owners of eligible on-road motor vehicles who voluntarily scrap vehicles that meet the following requirements:
- a. Vehicles must be roadworthy and pass an inspection by the Air District or its designee.
  - b. Vehicles must be currently registered with the DMV to an address within the Air District’s jurisdiction and have had continuous registration to the same owner for a minimum of two years.
  - c. Vehicles are not eligible for funding from other Air District programs or other public agencies.

27. **Reserved.**

Trip Reduction Projects

28. **Existing Shuttle/Feeder Bus Services:** The project will reduce single-occupancy vehicle commute-hour trips by providing the short-distance connection between a mass transit hub and one or more definable commercial hubs or employment centers:

## Agenda 5 – Attachment A: Proposed TFCA Regional Fund Policies and Evaluation Criteria for FYE 2020 (CLEAN)

- a. The service must provide direct service connections between a mass transit hub (e.g., a rail or Bus Rapid Transit (BRT) station, ferry or bus terminal, or airport) and a distinct commercial or employment location;
  - b. The service’s schedule must be coordinated to have a timely connection with the corresponding mass transit service;
  - c. The service must be available for use by all members of the public;
  - d. TFCA Regional 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. TFCA Regional Funds may be used to fund services only during commuter peak-hours, i.e., 5:00-10:00 AM and/or 3:00-7:00 PM;
  - g. Matching funds must be provided to cover at least 10% of the total project cost and must include only direct operational costs. Administrative costs are not eligible for use as matching funds. For shuttle/feeder bus service projects, the total project cost is the sum of direct operational costs (i.e., shuttle driver wages and fuel) of the project;
  - h. Project Sponsors must be either: (1) a public transit agency or transit district that directly operates the shuttle/feeder bus service, or (2) a city, county, or any other public agency;
  - i. Applicants must submit a letter of concurrence from all transit districts or transit agencies that provides service in the area of the proposed route, certifying that the service does not conflict with existing service; and
  - j. 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 Trip Reduction:** The project will reduce single-occupancy commute-hour 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 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:
- a. Applicants must demonstrate the project will reduce single-occupancy commute-hour vehicle trips and result in a reduction in emissions of criteria pollutants;
  - b. The proposed service must be available for use by all members of the public;
  - c. Applicants must provide a written plan documenting steps that would be taken to ensure that the project will be financially self-sustaining or require minimal public funds to maintain its operation by the end of the third year;
  - d. 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;
  - e. Applicants must provide data and/or other evidence demonstrating the public’s need for the service, including a demand assessment survey and letters of support from potential users;
- Pilot trip reduction projects that propose to provide shuttle/feeder bus and ridesharing service projects must comply with all applicable requirements in policies #28 and #30

30. **Existing Regional Ridesharing Services:** The project will provide carpool, vanpool, and other rideshare services. For TFCA Regional Fund eligibility, ridesharing projects must be comprised of riders from at least five counties within Air District’s jurisdiction, with no one county accounting for more than 80% of all riders, as verified by documentation submitted with the application.

If a project includes ride-matching services, *only* ride-matches that are not already included in the Metropolitan Transportation Commission’s (MTC) regional ridesharing program are eligible for TFCA Regional Funds. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Applications for projects that provide a direct or indirect financial transit or rideshare subsidy *exclusively* to employees of the project sponsor are not eligible.

Bicycle Projects

31. **Electronic Bicycle Lockers:** The project will expand the public’s access to new electronic bicycle lockers. The project must be included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), or the Metropolitan Transportation Commission’s Regional Bicycle Plan, and must serve a major activity center (e.g. transit station, office building, or school). The electronic bicycle lockers must be publicly accessible and available for use by all members of the public.

TFCA Regional Funds may not be used to pay for costs for maintenance, repairs, upgrades, rehabilitation, operations, and project administration.

The maximum award amount is based on the number of lockers, at the rate of \$2,500 per locker, for example, a quad contains four lockers and would be eligible for a maximum award amount of \$10,000.

Monies expended by the Project Sponsor to maintain, repair, upgrade, rehabilitate, or operate the electronic lockers are not eligible for use as matching funds.

32. **Bikeways:** The project will construct and/or install bikeways that are included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), countywide transportation plan (CTP), city general plan or area-specific plan, or the Metropolitan Transportation Commission’s Regional Bicycle Plan. To be eligible for funding, the purpose of bikeways that are included in an adopted city general plan or area-specific plan must be to reduce motor vehicle emissions or traffic congestion. Projects must have completed all applicable State and federal 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.

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 reduce vehicle trips made for utilitarian purposes (e.g., work or school commuting) and cannot be used exclusively for recreational use. Projects must also meet at least one of the following conditions:

- a. Be located within one-half mile biking distance from the closer of a public transit station/stop (e.g., local, county-wide or regional transit stops/stations/terminals) or a bike share station;
- b. Be located within one-half mile biking distance from a major activity center that serves at least 2,500 people per day (e.g., employment centers, schools, business districts);
- c. Be located within one-half mile biking distance from three activity centers (e.g., employment centers, schools, business districts).

Projects are limited to the following types of bikeways:

- a. Class I Bikeway (Bike Path), new or upgrade improvement from Class II or Class III bikeway;
- b. New Class II Bikeway (Bike Lane);
- c. New Class III Bikeway (Bike Route); or
- d. Class IV Bikeway (Separated Bikeway), new or upgrade improvement from Class II or Class III bikeway.

**REGIONAL FUND EVALUATION CRITERIA:**

1. Projects must meet all of the applicable TFCA Regional Fund policies.
2. Applications will also be evaluated using the evaluation process listed in Table 2:

**Table 2: Evaluation Process by Project Category**

<b>Policy #</b>	<b>Project Category</b>	<b>Evaluation Process</b>
22	On-Road Truck Replacements	Applications will be reviewed on a first-come, first-served basis, and funding amounts for eligible projects will be determined based on a project’s cost-effectiveness and conformity to their respective project specific Policy requirements.
23	Light- and Medium-Duty Zero- and Partial-Zero- Emissions Vehicles for Fleets	
24	On-Road Heavy-Duty Zero- and Partial-Zero- Emissions Trucks and Buses	
25	Hydrogen Stations	Applications will be reviewed after the submittal deadline and eligible projects will be ranked based on their cost-effectiveness score and conformity to Policy #25.
26	Vehicle Scrapping	Applications will be reviewed on a first-come, first-served basis and eligible projects will be recommended for funding until funding has been depleted.
27	Reserved	Reserved
28	Existing Shuttle/Feeder Bus Services	Applications will may be reviewed on either a first-come, first-served basis or a competitive basis after the submittal deadline. Eligible projects will be evaluated based on their cost-effectiveness score and conformity to their respective project specific Policy requirements. In the case of a competitive solicitation, projects will also be ranked based on their potential to expand access to 1 <sup>st</sup> and last mile connections to regional or county-wide transit stops/stations/terminals (e.g., BART, Caltrain, Capitol Corridor, ferry terminals) and bike share stations.
29	Pilot Trip Reduction	
30	Existing Regional Ridesharing Services	
31	Electronic Bicycle Lockers	Applications will be reviewed on a first-come, first-served basis and eligible projects will be recommended for funding until funding has been depleted.
32	Bikeways	Applications may be reviewed on either a first-come, first-served basis or a competitive basis after the submittal deadline. Eligible projects will be evaluated based on their cost-effectiveness score and conformity to Policy #32. In the case of a competitive solicitation, projects will also be ranked based on their potential to expand access to 1 <sup>st</sup> and last mile connections to regional or county-wide transit stops/stations/terminals (e.g., BART, Caltrain, Capitol Corridor, ferry terminals) and bike share stations.

3. Up to sixty percent (60%) of TFCA Regional Funds will be prioritized for projects that meet one or more of the following criteria:
  - a. Projects in Highly Impacted Communities or Episodic Areas as defined in the Air District Community Air Risk Evaluation (CARE) Program;
  - b. Projects in Priority Development Areas (PDAs).

**TFCA REGIONAL FUND POLICIES  
AND EVALUATION CRITERIA FOR FYE ~~2019~~2020**

The following policies apply to the Bay Area Air Quality Management District’s (Air District) Transportation Fund for Clean Air (TFCA) Regional Fund for fiscal year ending (FYE) ~~2019~~2020.

**BASIC ELIGIBILITY**

1. **Eligible Projects:** 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 Air District Board of Directors adopted TFCA Regional Fund Policies and Evaluation Criteria.

Projects must achieve surplus emission reductions, i.e., reductions that are beyond what is required through regulations, contracts, and other legally binding obligations at the time the Air District executes the project’s funding agreement.

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).

**Table 1: Maximum Cost-Effectiveness for TFCA Regional Fund Projects**

Policy #	Project Category	Maximum C-E (\$/weighted ton)
22	On-Road Truck <del>and Bus</del> Replacements	\$90,000
23	Light- and Medium-Duty Zero- and Partial-Zero Emissions Vehicles for Fleets	<del>\$250</del> 500,000
24	<del>On-Road</del> Heavy-Duty Zero- and Partial-Zero Emissions <del>Vehicles Trucks and Buses</del>	<del>\$250</del> 500,000
25	Hydrogen Stations	\$500,000
26	<del>Reserved</del> Vehicle Scrapping	<del>Reserved</del> \$50,000
27	Reserved	Reserved
28	Existing Shuttle/Feeder Bus Services	\$200,000; \$250,000 for services in CARE Areas or PDAs
29	Pilot Trip Reduction <del>in Community Air Risk Evaluation (CARE) areas or Priority Development Areas (PDAs)</del>	<del>\$250</del> 500,000
30	Existing Regional Ridesharing Services	\$150,000
31	Electronic Bicycle Lockers	\$250,000
32	Bikeways	<del>\$250</del> 500,000

3. **Consistent with Existing Plans and Programs:** All project categories must comply with the Transportation Control and Mobile Source Control Measures included in the Air District’s most recently approved strategy(ies) for achieving and maintaining State and national ozone standards; those plans and programs established pursuant to California Health & Safety Code (HSC) sections 40233, 40717 and 40919; and, when specified, other adopted ~~Federal~~federal, State, regional, and local plans and programs.
4. **Eligible Recipients and Authority to Apply:** Applicants must have the legal authority, as well as the financial and technical capability, to complete projects. In addition, the following conditions apply:
  - a. **Eligible Recipients:**
    - i. **Public agencies** are eligible to apply for all project categories.

- ii. **Non-public entities** are only eligible to apply for Clean Air Vehicle Projects and advanced technology demonstrations that are permitted pursuant to HSC section 44241b(7).
  - b. **Authority to Apply:** Applicants must demonstrate that they have the authority to submit the application, to enter into a funding agreement, to carry out the project, and to bind the entity to perform these tasks by including either: 1) a signed letter of commitment from the applicant’s representative with authority (e.g., Chief Executive or Financial Officer, Executive Director, or City Manager); or 2) a signed resolution from the governing body (e.g., City Council, Board of Supervisors, or Board of Directors).
5. **Viable Project and Matching Funds:** Applicants must demonstrate that they have adequate funds to cover all stages of their proposed project(s) from commencement through completion. Unless otherwise specified in policies #22 through 32, project applicants must demonstrate evidence that they have at least 10% of the total eligible project costs (matching funds) from a non-Air District source available and ready to commit to the proposed projects.
6. **Minimum Grant Amount:** \$10,000 per project.
7. **Maximum Grant Amount:** Unless otherwise specified in policies #22 through 32, the maximum grant award amounts are:
  - a. Each public agency may be awarded up to \$1,500,000 per calendar year; and
  - b. Each non-public entity may be awarded up to \$500,000 per calendar year.
8. **Readiness:** Unless otherwise specified in policies #22 through 32, projects must commence by the end of calendar year ~~2019~~2020 or within 12 months from the date of execution of the funding agreement with the Air District, whichever is later. For purposes of this policy, “commence” means a tangible preparatory action taken in connection with the project’s operation or implementation, for which the project sponsor 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 shuttle/feeder bus and ridesharing service; or the delivery of the award letter for a construction contract.
9. **Maximum Two Years Operating Costs for Service-Based Projects:** Unless otherwise specified in policies #22 through 32, TFCA Regional Funds may be used to support up to two years of operating costs for service-based projects (i.e., Trip Reduction Projects).
10. **Project Revisions:** The Air District will consider only requests for modifications to approved projects that are within the same project categories, achieve the same or better cost-effectiveness, comply with all TFCA Regional Fund Policies, and are in compliance with all applicable federal and State laws, and Air District rules and regulations. The Air District may also approve minor modifications, such as to correct typographical mistakes in the grant agreements or to change the name of the grantees, without re-evaluating the proposed modification in light of the regulations, contracts, and other legally-binding obligations that are in effect at the time the minor modification was proposed.

#### APPLICANT IN GOOD STANDING

11. **In Compliance with Air Quality Regulations:** Applicants must certify that, at the time of the application and at the time of issuance of the grant, they are in compliance with all local, State, and federal air quality regulations. Applicants who are in compliance with those laws, rules and regulations, but who have pending litigation or who have unpaid civil penalties owed to the Air District, may be eligible for funding, following a review and approval by the Air District. The Air District may terminate a grant agreement and seek reimbursement of distributed funds from the project sponsor who was not eligible for funding at the time of the grant.
12. **In Compliance with Agreement Requirements:** Project sponsors who have failed to meet contractual requirements such as project implementation milestones or monitoring and reporting requirements for any project funded by the Air District may not be considered eligible for new funding until such time as all of the unfulfilled obligations are met.

13. **Independent Air District Audit Findings and Determinations:** Project sponsors who have failed either a fiscal audit or a performance audit for a prior Air District funded project will be excluded from future funding for three (3) years from the date of the Air District’s final determination in accordance with HSC section 44242. Additionally, project sponsors with open projects will not be reimbursed until all audit recommendations and remedies have been satisfactorily implemented.

A failed fiscal audit means an uncorrected audit finding that confirms an ineligible expenditure of funds. A failed performance audit means that a project was not implemented as set forth in the project funding agreement.

Project sponsors must return funds ~~that~~under any of the Air District has determined following circumstances:

- a. The funds were expended in a manner contrary to the TFCA Regional Funds’ requirements and/or requirements of HSC Code section 44220 et seq.; ~~the~~
- b. The project did not result in a surplus reduction of air pollution from the mobile sources or transportation control measures pursuant to the applicable plan; ~~the~~
- c. The funds were not spent for surplus reduction of air pollution pursuant to a plan or program to be implemented by the TFCA Regional Fund; ~~or otherwise~~
- d. The project sponsor failed to comply with the approved project scope, as set forth in the project funding agreement.

Applicants who failed to reimburse such funds to the Air District from prior Air District funded projects will be excluded from future TFCA funding.

14. **Executed Funding Agreement:** Only a fully-executed funding agreement (i.e., signed by both the project sponsor and the Air District) constitutes the Air District’s award of funds for a project. Approval of an application for the project by the Air District Board of Directors or Air District’s notices such as a transmittal letter announcing the proposed award do not constitute a final obligation on the part of the Air District to fund a project.

Applicants must sign funding agreements within 60 days from the date the agreements were transmitted to them in order to remain eligible for award of TFCA Regional Funds. Applicants may request, in writing, an extension of up to no more than 180 days from the transmittal date to sign the grant agreements. The request shall include the basis for an extended signature period. At its discretion, the Air District may authorize such an extension.

15. **Maintain Appropriate Insurance:** Project sponsors must obtain and maintain general liability insurance and additional insurance that is appropriate for its specific project type throughout the life of the project, with coverage being no less than the amounts specified in the respective funding agreement. Project sponsors shall require their subcontractors to obtain and maintain such insurance of the type and in the amounts required by the grant agreements.

#### INELIGIBLE PROJECTS

16. **Planning Activities:** The costs of preparing or conducting feasibility studies are not eligible. Other planning activities may be eligible, but only if the activities are both: 1) directly related to the implementation of a specific project or program, and 2) directly contribute to the project’s emissions reductions.
17. **Cost of Developing Proposals and Grant Applications:** The costs to prepare grant applications are not eligible.
18. **Duplication:** Projects that have previously received TFCA Regional or County Program Manager funds and do not propose to achieve additional emission reductions are not eligible.

#### USE OF TFCA FUNDS

19. **Combined Funds:** Unless otherwise specified in policies #22 through 32, TFCA County Program Manager Funds may not be combined with TFCA Regional Funds to fund a TFCA Regional Fund project.
20. **Administrative Costs:** Unless otherwise specified in policies #22 through 32, TFCA Regional Funds may not be used to pay for administrative costs (i.e., the costs associated with administering a TFCA Regional Fund grant). In cases where administrative costs may be paid for by TFCA Regional Funds, they are limited to a maximum of ~~five percent (5%)~~ 6.25% of total TFCA Regional Funds expended on a project and are only available to projects sponsored by public agencies. To be eligible for reimbursement, administrative costs must be clearly identified in the project budget at the time of application and in the funding agreement between the Air District and the project sponsor.
21. **Expend Funds within Two Years:** Project sponsors must expend the grant funding within two (2) years of the effective date of their grant agreement. Applicants may request a longer period in the application, by submitting evidence that a longer period is justified to complete the project due to its unique circumstance. Project sponsors may request a longer period before the end of the agreements' second year in the event that significant progress has been made in the implementation of the project. If the Air District approves a longer period, the parties shall memorialize the approval and length of the extension formally (i.e., in writing) in the grant agreement or in an amendment to the executed grant agreement.

## ELIGIBLE PROJECT CATEGORIES

To be eligible for funding from the TFCA Regional Fund, a proposed project must meet the purposes and requirements for the particular category's type of project.

### Clean Air Vehicle Projects

22. **On-Road Truck ~~and Bus~~ Replacements:** The project will replace Class 6, Class 7, and Class 8 diesel-powered trucks ~~and buses~~ 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 ~~and buses~~ that have an engine certified to the 2010 California Air Resources Board (CARB) emissions standards or cleaner. The existing truck ~~(s) or bus(es)~~ 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.
23. **Light ~~and Medium- Duty~~ Zero- and Partial-Zero-Emissions Vehicles for Fleets:** The project will accelerate the deployment of zero- and partial-zero-emissions motorcycles, cars, and light- and medium-duty vehicles:
  - a. Each project (fleet deployment) must consist of the purchase or lease of three or more new vehicles registered to a single owner;
  - b. ~~Each vehicle~~ Vehicles must ~~be 2018 model year or newer, and~~ have a GVWR ~~of not exceeding~~ not exceeding 14,000 ~~lbs. or lighter.~~;
  - c. Each car and truck must be maintained and operated within the Air District's jurisdiction for a minimum of three years and 15,000 miles. All other vehicle types must be maintained and operated within the Air District's jurisdiction for a minimum of three years and 9,000 miles;
  - d. Eligible vehicle types include plug-in hybrid-electric, plug-in electric, and fuel cell vehicles approved for on-road use by the CARB;
  - e. Project Sponsors 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;
  - f. Projects that seek to scrap and replace a vehicle may qualify for additional TFCA funding toward the purchase or lease of a new vehicle. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds;
  - g. Vehicles that are solely powered by gasoline, natural gas, or diesel, and retrofit projects are not eligible; and

- h. The total amount of TFCA funds awarded ~~may not exceed 90% of the project's cost after combined with~~ all other grants and applicable manufacturer and local/~~state~~State/federal rebates and discounts ~~are applied~~may not exceed 90% of the project's eligible cost.
24. **On-Road Heavy-Duty Zero- and Partial-Zero-Emissions ~~Vehicles~~Trucks and Buses:** The project will help fleet operators achieve significant voluntary emission reductions by encouraging the replacement of older, compliant ~~trucks and buses~~vehicles with the cleanest available technology, and help fleet operators who are expanding their fleet to choose the cleanest available technology:
- a. ~~Vehicles~~Each vehicle must be new, ~~2018 model year or newer~~, and have a GVWR ~~of~~ greater than 14,000 lbs.;
  - b. Vehicles may be purchased or leased;
  - c. Each vehicle must be maintained and operated within the Air District's jurisdiction for a minimum of three years and 15,000 miles;
  - d. Eligible vehicles must be approved by the CARB;
  - e. Project Sponsors 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 ~~;~~;
  - f. Projects that seek to scrap and replace a vehicle may qualify for additional TFCA funding toward the purchase or lease of a new vehicle. Costs related to the scrapping and/or dismantling of the existing vehicle are not eligible for reimbursement with TFCA funds;
  - g. Vehicles that are solely powered by gasoline, natural gas, or diesel, and retrofit projects are not eligible; and
  - h. The total amount of TFCA funds awarded ~~may not exceed 90% of the project's cost after combined with~~ all other grants and applicable manufacturer and local/~~state~~State/federal rebates and discounts ~~are applied~~may not exceed 90% of the project's eligible cost.
25. **Hydrogen Stations:** ~~These projects are~~The project is intended to accelerate the deployment of hydrogen fueling stations. Funding may be used for the purchase and installation of equipment for new dispensing facilities and for upgrades and improvements that expand access to existing refueling sites. The following additional conditions must also be met:
- a. Stations must be located within the Air District's jurisdiction and be available and accessible to the public;
  - b. Equipment and infrastructure must be designed, installed, and maintained as required by the existing recognized codes and standards and approved by the local/~~state~~State authority; and
  - c. Each station must be maintained and operated for a minimum of three years.
  - d. TFCA funding may not be used to pay for fuel or on-going operations and maintenance costs.
  - e. TFCA funding is limited to 25% of the total eligible project cost and may not exceed a maximum award amount of \$250,000 per station.
  - f. Stations must have received a passing score and/or received approval for funding from a State or federal agency.
26. **Reserved. Vehicle Scrapping:** The project is intended to accelerate the removal of highly polluting vehicles, including cars, motorcycles, trucks and buses from Bay Area roads. Funding will be provided to owners of eligible on-road motor vehicles who voluntarily scrap vehicles that meet the following requirements:
- a. Vehicles must be roadworthy and pass an inspection by the Air District or its designee.
  - b. Vehicles must be currently registered with the DMV to an address within the Air District's jurisdiction and have had continuous registration to the same owner for a minimum of two years.
  - c. Vehicles are not eligible for funding from other Air District programs or other public agencies.
27. **Reserved.**

Trip Reduction Projects

28. **Existing Shuttle/Feeder Bus Services:** The project will reduce single-occupancy vehicle commute-hour trips by providing the short-distance connection between a mass transit hub and one or more definable commercial hubs or employment centers:
- a. The service must provide direct service connections between a mass transit hub (e.g., a rail or Bus Rapid Transit (BRT) station, ferry or bus terminal, or airport) and a distinct commercial or employment location;
  - b. The service’s schedule must be coordinated to have a timely connection with the corresponding mass transit service;
  - c. The service must be available for use by all members of the public;
  - d. TFCRA Regional 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. TFCRA Regional Funds may be used to fund services only during commuter peak-hours, i.e., 5:00-10:00 AM and/or 3:00-7:00 PM;
  - g. Matching funds must be provided to cover at least 10% of the total project cost and must include only direct operational costs. Administrative costs are not eligible for use as matching funds. For shuttle/feeder bus service projects, the total project cost is the sum of direct operational costs (i.e., shuttle driver wages and fuel) of the project;
  - h. Project Sponsors must be either: (1) a public transit agency or transit district that directly operates the shuttle/feeder bus service, or (2) a city, county, or any other public agency;
  - i. Applicants must submit a letter of concurrence from all transit districts or transit agencies that provides service in the area of the proposed route, certifying that the service does not conflict with existing service; and
  - j. 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 Trip Reduction.** The project will reduce single-occupancy commute-hour 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 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:
- ~~a.~~ **The proposed project must be located in a Highly Impacted Community or Episodic Area as defined in the Air District Community Air Risk Evaluation (CARE) Program, or in a Priority Development Area (PDA);**
  - ~~b.~~**a.** Applicants must demonstrate the project will reduce single-occupancy commute-hour vehicle trips and result in a reduction in emissions of criteria pollutants;
  - ~~e.~~**b.** The proposed service must be available for use by all members of the public;
  - ~~d.~~**c.** Applicants must provide a written plan documenting steps that would be taken to ensure that the project will be financially self-sustaining or require minimal public funds to maintain its operation by the end of the third year;

- e.d. 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;
- f.e. Applicants must provide data and/or other evidence demonstrating the public's need for the service, including a demand assessment survey and letters of support from potential users; ~~and~~  
Pilot trip reduction projects that propose to provide shuttle/feeder bus and ridesharing service projects must comply with all applicable requirements in policies #28 and #30.

30. **Existing Regional Ridesharing Services:** The project will provide carpool, vanpool, and other rideshare services. For TFCA Regional Fund eligibility, ridesharing projects must be comprised of riders from at least five counties within Air District's jurisdiction, with no one county accounting for more than 80% of all riders, as verified by documentation submitted with the application.

If a project includes ride-matching services, *only* ride-matches that are not already included in the Metropolitan Transportation Commission's (MTC) regional ridesharing program are eligible for TFCA Regional Funds. Projects that provide a direct or indirect financial transit or rideshare subsidy are also eligible under this category. Applications for projects that provide a direct or indirect financial transit or rideshare subsidy *exclusively* to employees of the project sponsor are not eligible.

#### Bicycle Projects

31. **Electronic Bicycle Lockers:** The project will expand the public's access to new electronic bicycle lockers. The project must be included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), or the Metropolitan Transportation Commission's Regional Bicycle Plan, and must serve a major activity center (e.g. transit station, office building, or school). The electronic bicycle lockers must be publicly accessible and available for use by all members of the public.

TFCA Regional Funds may not be used to pay for costs for maintenance, repairs, upgrades, rehabilitation, operations, and project administration.

The maximum award amount is based on the number of lockers, at the rate of \$2,500 per locker, for example, a quad contains four lockers and would be eligible for a maximum award amount of \$10,000.

Monies expended by the Project Sponsor to maintain, repair, upgrade, rehabilitate, or operate the electronic lockers are not eligible for use as matching funds.

32. **Bikeways:** The project will construct and/or install bikeways that are included in an adopted countywide bicycle plan, Congestion Management Plan (CMP), countywide transportation plan (CTP), city general plan or area-specific plan, or the Metropolitan Transportation Commission's Regional Bicycle Plan. To be eligible for funding, the purpose of bikeways that are included in an adopted city general plan or area-specific plan must be to reduce motor vehicle emissions or traffic congestion. Projects must have completed all applicable State and federal 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.

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 reduce vehicle trips made for utilitarian purposes (e.g., work or school commuting) and cannot be used exclusively for recreational use. Projects must also meet at least one of the following conditions:

- a. Be located within one-half mile biking distance from the closer of a public transit station/stop (e.g., local, county- wide or regional transit stops/stations/terminals) or a bike share station;
- b. Be located within one-half mile biking distance from a major activity center that serves at least 2,500 people per day (e.g., employment centers, schools, business districts);
- c. Be located within one-half mile biking distance from three activity centers (e.g., employment centers, schools, business districts).

Projects are limited to the following types of bikeways:

- a. Class I Bikeway (Bike Path), new or upgrade improvement from Class II or Class III bikeway;
- b. New Class II Bikeway (Bike Lane);
- c. New Class III Bikeway (Bike Route); or
- d. Class IV Bikeway (Separated Bikeway) ~~-, New~~, new or upgrade improvement from Class II or Class III bikeway.

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

**REGIONAL FUND EVALUATION CRITERIA:**

1. Projects must meet all of the applicable TFCA Regional Fund policies.
2. Applications will also be evaluated using the evaluation process listed in Table 2:

**Table 2: Evaluation Process by Project Category**

Policy #	Project Category	Evaluation Process
22	On-Road Truck <del>and Bus</del> Replacements	Applications will be reviewed on a first-come, first-served basis, and funding amounts for eligible projects will be determined based on a project’s cost-effectiveness and conformity to their respective project specific Policy requirements.
23	Light- and Medium-Duty Zero- and Partial-Zero- Emissions Vehicles for Fleets	
24	<del>On-Road</del> Heavy-Duty Zero- and Partial-Zero- Emissions <del>Vehicles</del> Trucks and Buses	
25	Hydrogen Stations	Applications will be reviewed after the submittal deadline and eligible projects will be ranked based on their cost-effectiveness score and conformity to Policy #25.
26	<del>Reserved</del> Vehicle Scrapping	<del>Reserved</del> Applications will be reviewed on a first-come, first-served basis and eligible projects will be recommended for funding until funding has been depleted.
27	Reserved	Reserved
28	Existing Shuttle/Feeder Bus Services	Applications will <del>may</del> be reviewed <del>on either a first-come, first-served basis or a competitive basis</del> after the submittal deadline, <del>and</del> eligible projects will be <del>evaluated</del> ranked based on their cost-effectiveness score and conformity to their respective project specific Policy requirements. <del>In the case of a competitive solicitation, projects will also be ranked based on their potential to expand access to 1<sup>st</sup> and last mile connections to regional or county-wide transit stops/stations/terminals (e.g., BART, Caltrain, Capitol Corridor, ferry terminals) and bike share stations.</del>
29	Pilot Trip Reduction	
30	Existing Regional Ridesharing Services	
31	Electronic Bicycle Lockers	Applications will be reviewed on a first-come, first-served basis, and eligible projects will be recommended for funding until funding has been depleted.
32	Bikeways	Applications <del>will</del> <del>may</del> be reviewed <del>on either a first-come, first-served basis or a competitive basis</del> after the submittal deadline, <del>and</del> eligible projects will <del>be evaluated</del> <del>be</del> ranked based on their cost-effectiveness score and conformity to Policy #32. <del>In the case of a competitive solicitation, projects will also be ranked based on their -</del> <del>Projects that potential to serve</del> expand access to 1 <sup>st</sup> and last mile connections to regional or county-wide transit stops/stations/terminals (e.g., BART, Caltrain, Capitol Corridor, ferry terminals) <del>or</del> <del>and</del> bike share stations <del>will</del> receive a higher priority.

3. Up to sixty percent (60%) of TFCA Regional Funds will be prioritized for projects that meet one or more of the following criteria:
  - a. Projects in Highly Impacted Communities or Episodic Areas as defined in the Air District Community Air Risk Evaluation (CARE) Program;
  - b. Projects in Priority Development Areas (PDAs).

**Agenda 5—Attachment C: Comments Received and Staff Responses to Proposed FYE 2020 TFCA Regional Fund Policies**

Committer & Agency	Comment	Staff Response
<p>Ying C. Smith, Town of Los Gatos</p>	<p>1. We highly support the proposed changes to Category 29. Pilot Trip Reduction. We believe by eliminating the geographic area restrictions, the TFCA program can incentivize more innovative projects in this category and make bigger impacts on emission reduction. The change to the maximum cost-effectiveness (C-E) limit in this category will better reflect the costs in bringing these projects forward. Specifically, in the case of the School Bus Pilot Program in Los Gatos, these changes will allow our successful program to leverage local funds with TFCA funds to sustain for a two-year period and achieve our trip reduction goals. We are further encouraged by the staff recommendation to implement these changes as early as in the FY19/20 County program.</p>	<p>1. Noted.</p>
	<p>2. We also recommend that you review the maximum cost-effectiveness (C-E) limit in the 32. Bikeways Category. The limit hasn't changed in many years while it is evident that construction costs have increased substantially in recent years. The TFCA amounts eligible for many bikeway projects have become a smaller percentage of the total project costs due to the increase in construction costs. A review and update to the limit will facilitate the completion of many meaningful bikeway projects throughout the Bay Area.</p>	<p>2. Noted. Air District staff is recommending an increase to the C-E threshold for the bikeways project category.</p>
<p>Mike Pickford, San Francisco County Transportation Authority</p>	<p>3. Is the cost-effectiveness (C-E) limit for the new Vehicle Scrapping supposed to be \$500,000 instead of \$50,000?</p>	<p>3. \$50,000 is the correct value. This newly proposed category targets vehicles, e.g., motorcycles, trucks, that are not currently eligible under the Air District's Vehicle Buyback or Clean Cars for All programs. Based on data from the California Air Resources Board EMFAC model, staff estimates that the proposed cost-effectiveness limit will allow sufficient funding to incentivize the early retirement of motorcycles and trucks.</p>

**Agenda 5—Attachment C: Comments Received and Staff Responses to Proposed FYE 2020 TFCA Regional Fund Policies**

	4. It would be helpful if the Air District added “buses” (explicitly) in policy #24 so it is obvious that zero-emission buses are eligible for TFCA funds.	4. Noted. Air District staff has made proposed text revisions change to address this comment.
	5. The language in policy #13 on returning funds – if the project is found to be not cost-effective, will the sponsor have to refund the full amount of the award or an amount so that the project would become cost-effective? The language may discourage applicants.	5. The purpose of this policy is to ensure that eligible TFCA funded projects are implemented and completed as proposed by project sponsors and approved by the Air District. Air District staff will circle back with the commenter to further discuss this comment and evaluate the opportunities to update this requirement.
	6. Is there a schedule for when solicitations for the various TFCA project categories will open?	6. Air District staff will provide a tentative schedule for TFCA solicitations to the CMAs and post the notice on the Air District’s website in early summer to help interested stakeholders to plan for the next cycle of funding.
	7. Battery buses are a big topic, but there hasn’t been a lot of interest in the past to apply for grant funding because the eligible TFCA amount TFCA isn’t enough to impact replacement efforts.	7. The proposed increase to the C-E limit for the On-Road Heavy-Duty Zero- and Partial-Zero-Emissions Trucks and Buses category is intended to address this comment as the higher limit may allow more funding to be allocated to each project. Also, TFCA may be used to supplement funding from other sources, such as Federal Transit Administration and HVIP.
Bill Hough, Santa Clara Valley Transportation Authority	8. Will these changes in C-E [for Bikeways] be reflected in the County Program Manager (CPM) policies for FYE 2021? Suggest that we make these proposed updates to the CPM FYE 2021 policies, too.	8. Noted. Air District staff is recommending an increase to the C-E threshold for the bikeways project category in both the FYE2020 Regional Fund policies and the previously adopted FYE2020 CPM policies. This same limit is currently being considered for the FYE 2021 CPM policies.
Jacki Taylor, Alameda County Transportation Commission (ACTC)	9. ACTC supports the increase of the C-E limit for bikeway project and ACTC has been advocating for this for a few years.	9. Noted. Air District staff has been proposing periodic updates to the C-E thresholds for all project categories and has worked with stakeholders to evaluate the effect of incremental increases.

**Agenda 5—Attachment C: Comments Received and Staff Responses to Proposed FYE 2020 TFCA Regional Fund Policies**

<p>Emily Heard, San Francisco Municipal Transportation Agency (SFMTA)</p>	<p>10. Eligible projects: "surplus emissions" clause [Policy #1]. Given the progressive state and city policies on emissions reductions, this restriction greatly reduces eligible projects or parts of projects that can qualify for TFCA funding.</p>	<p>10. Noted. TFCA has historically limited funding to projects that achieve surplus emissions. Staff has been working along with County Program Managers and other stakeholders to ensure that the policies do not penalize applicants who are progressive or ahead of the compliance schedule of rules and regulations. During this next year, Air District staff will be working with the commenter and other stakeholders to evaluate opportunities for addressing this comment.</p>
	<p>11. The strict correlation to CE [Policy #24] for these projects reduces the potential to apply for funds in a geographically constrained service area. When combined with the surplus clause in policy number 1, this particularly impacts San Francisco, which has relatively clean fleets already as well a municipal service area. However, the City's efforts to upgrade its fleets to zero emissions would arguably align with the goals of the program, which are to bring the cleanest technologies to bear on the Bay Area. Additionally, the relatively poor CE of infrastructure that is required to run these clean fleets provides a funding conundrum wherein the agency has to fund one to be able to apply for the other. While infrastructure does not inherently provide vehicle emissions reductions, it is required for the effective implementation of new technologies.</p>	<p>11. Noted. Air District staff is currently proposing an increase to the maximum C-E for On-Road Heavy-Duty Zero- and Partial-Zero-Emissions Trucks and Buses project category to address this comment as the higher limit may allow more funding to be allocated to zero-emission fueling infrastructure projects. Staff is currently working with transit agencies, including SFMTA, who are interesting in deploying zero-emission buses, to develop a program to address this challenge.</p>
	<p>12. The program to policies in 28 and 29 make the program exceptionally difficult to design an eligible project that also meets the needs of the service area. For example, 28a requires specific end points of a route, while recent Pilot Trip reduction cycles have required a dynamic route and/or schedule. Similarly, many under-served service areas would benefit from evening or late night service that serves non-traditional employment destinations and their workers, particularly industrial and retail employment, which are more likely to utilize workers from highly impacted communities and PDAs. This would not be allowable under 28f.</p>	<p>12. Noted. The policies allow TFCA funding to support both project types: those with fixed-routes (existing shuttle services) and those with dynamic routes and schedules (pilot trip reduction projects). TFCA funding has also historically been prioritized to support the reduction of peak commuter-hour traffic since funding is limited and demand is high. During this next year, Air District staff will be working with the commenter and other stakeholders to evaluate opportunities to support non-commuter hour services that effectively reduce emissions.</p>

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson David Canepa and Members  
of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 13, 2019

Re: Electric Vehicle (EV) Ecosystem Update: EV Equity

---

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

As part of its deliberations, the Mobile Source Committee (Committee) received several presentations in 2018 on the light- and heavy-duty electric vehicle (EV) ecosystem in the Bay Area. In order to expand upon and disseminate the information in those presentations, the Committee requested that staff prepare a comprehensive written report on the status of EVs in the Bay Area.

**DISCUSSION**

The Bay Area Air Quality Management District (Air District) has invested significant resources to reduce transportation emissions through the deployment of electric vehicles (EVs). In this memo, electric vehicles are defined as battery electric vehicles (BEVs), hydrogen fuel cell vehicles (FCEVs), and plug-in hybrid electric vehicles (PHEVs). Attachment 1 is a comprehensive report on light-duty EV adoption trends, infrastructure, barriers, and Air District programs to increase EV awareness, equity, and adoption. Across multiple Mobile Source Committee meetings in 2019, staff are providing an overview of the topics covered in this report, including:

- Status of Light-Duty EV Adoption in the Bay Area (March 28, 2019)
- EV Programs: Incentives and Awareness (April 25, 2019)
- **EV Programs: EV Equity** (current meeting)

This update on EV Equity will include an update on the EV adoption trends, incentives and awareness programs, heavy-duty EV market, and the Clean Cars for All Program which was launched by the Air District in 2019.

This report (Attachment 1) will be the basis for additional stakeholder review and input in order to develop an update to 2013 Bay Area EV Readiness Plan: the “Bay Area EV Acceleration Plan.” At a future Committee meeting, staff will also provide a similar update on the market for heavy duty EVs and zero-emissions vehicles.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. Funding for these contracts comes from a grant from the Federal Highway Administration and California Department of Transportation, through the Congestion Mitigation and Air Quality Improvement (CMAQ) Program.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Tin Le  
Reviewed by: Ranyee Chiang

Attachment 6A: Bay Area Electric Vehicle Ecosystem: 2019 Update for the BAAQMD Board of Directors

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

Attachment 1: Bay Area Electric Vehicle Ecosystem: 2019 Update for the BAAQMD Board of Directors

**Table of contents**

DEFINITIONS.....1

BACKGROUND .....2

CURRENT BAY AREA EV ECOSYSTEM .....2

    Environmental Benefits .....2

    Available Vehicles .....3

    Adoption and Sales.....6

    Charging Infrastructure.....9

    Consumer Sentiments .....12

POLICIES, PROGRAMS, AND INCENTIVES.....12

AIR DISTRICT PROGRAMS.....15

    Planning .....16

    Incentives .....16

    Outreach and Partnerships .....20

OPPORTUNITIES TO ACCELERATE THE MARKET.....20

    Market research on consumers and EV market actors .....22

    Updated Bay Area EV Acceleration Plan.....22

    Move beyond early adopters and achieve equitable access to EVs .....22

    Expand and fill in gaps in charging infrastructure .....23

    Action oriented and effective partnerships .....24

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

## DEFINITIONS

### **Vehicle Types:**

BEV – battery electric vehicle

EV – electric vehicle, including BEV, PHEV, and FCEV

FCEV – hydrogen fuel cell electric vehicle

ICE – internal combustion engine

PHEV – plug-in hybrid electric vehicle

ZEV – zero-emissions vehicle

### **Organizations:**

CARB – California Air Resources Board

CEC – California Energy Commission

PG&E – Pacific Gas and Electric

### **Relevant Terms:**

GHG – greenhouse gases

MSRP – manufacturer's suggested retail price

TCO – a vehicle's total cost of ownership, including purchase cost, repairs, fuel, maintenance, taxes, insurance, finance, incentives, and depreciation

TFCFA – Transportation Fund for Clean Air

## BACKGROUND

The nine-county Bay Area is home to approximately 7.6 million people<sup>1</sup> and 5.3 million light duty vehicles<sup>2</sup>, with an additional 600,000 vehicles passing daily through the region from adjacent areas.<sup>3</sup> Three-quarters of Bay Area residents drive to work (64% drive alone and 10% carpool) and 12% take transit to work.<sup>4</sup> Tailpipe emissions from these light duty vehicles account for approximately 28% of greenhouse gas (GHG) emissions (CO<sub>2</sub>e) and a significant portion of other pollutants (31% of carbon monoxide and 12% of nitrogen oxide) in the Bay Area.

In addition to alternative transit modes that include walking, biking, mass transit, and shared transportation, wide-scale adoption of electric vehicles (EVs) and electrification of all types of transportation are essential to achieving local, State, and Federal emission reduction targets for greenhouse gases and criteria pollutants. California has set a goal of 5 million EVs sold by 2030, and the Bay Area has set a target of 90% of vehicles in the Bay Area being zero emissions by 2050. The Bay Area and California also share the goal to cut greenhouse gas emissions to 80% below 1990 levels by 2050. Rapid growth in the EV market, especially for BEVs, will be a significant part of achieving these goals.

With the first introduction of commercially available light-duty EVs in 2010, the Air District began programs to monitor the EV market and increase EV adoption in the Bay Area. The Air District's efforts have included development and implementation of region-wide EV plans, outreach and awareness activities, and direct financial incentives. This report includes an update of the EV ecosystem, ongoing Air District programs, and future areas of focus to further accelerate EV adoption.

## CURRENT BAY AREA EV ECOSYSTEM

### ***Environmental Benefits***

Compared to internal combustion engine (ICE) vehicles, battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs) emit fewer greenhouse gas emissions (Figure 1). All BEVs and fuel-cell vehicles produce zero direct GHG emissions, while PHEVs produce direct emissions when operating on gasoline. The lifecycle emissions of a BEV depend on the energy mix of the region's grid. For example, the U.S. average emissions from charging a Chevy Bolt is 1.7 times higher than charging in the Bay Area, due to California's high fraction of renewable energy versus coal and natural gas. In recent years, GHG emissions associated with BEVs and PHEVs have decreased because of increased renewable energy generation on the grid (which reduces lifecycle emissions), as well as improvements in vehicle technology (which reduces direct emissions).

---

<sup>1</sup> *United States Census Bureau, American Community Survey, Demographic and Housing Estimates, 2017*

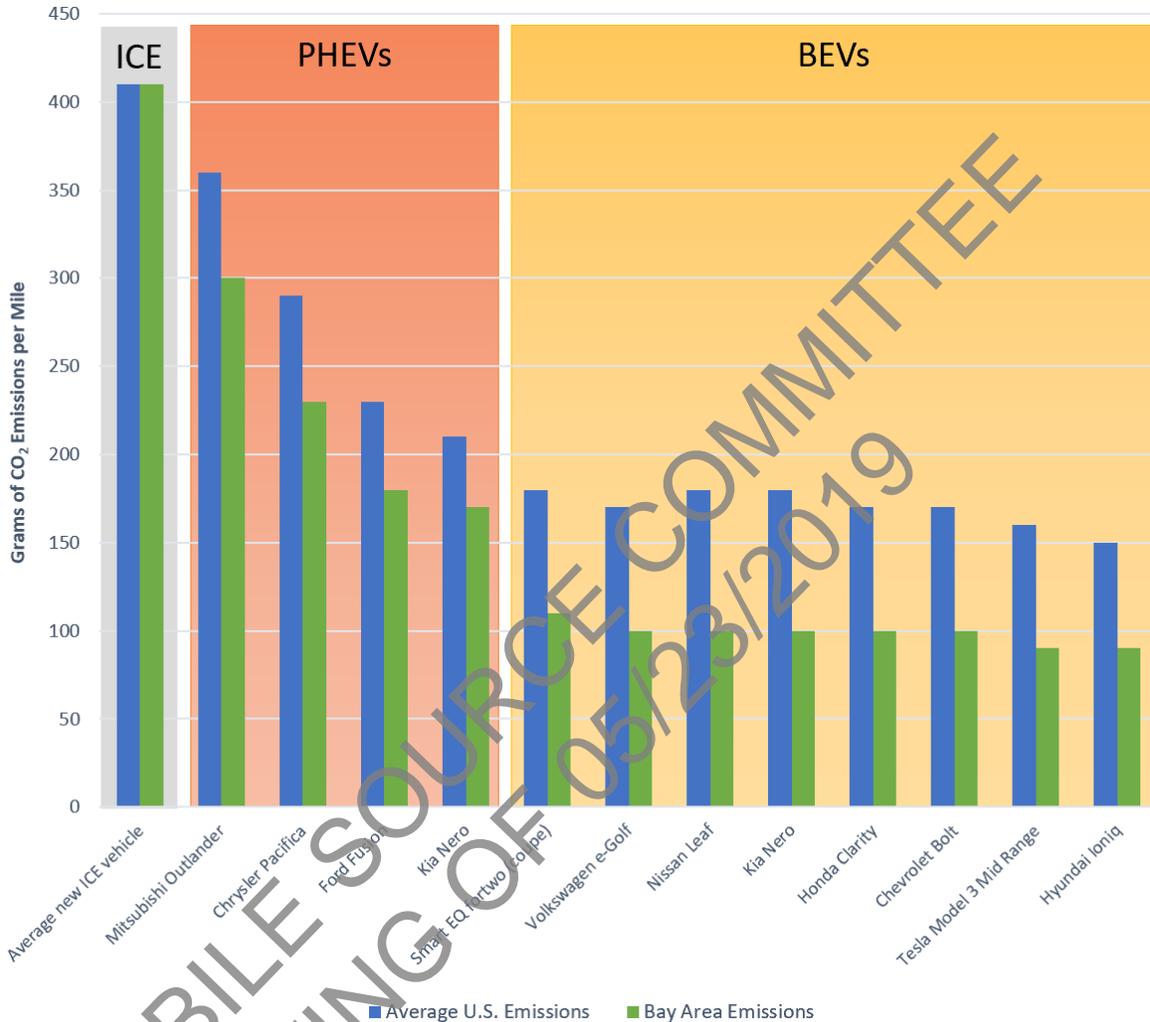
<sup>2</sup> *California Department of Transportation: Estimated Vehicles Registered by County, 2017*

<sup>3</sup> *California Department of Transportation: Annual Traffic Volume Reports (1992-2015)*

<sup>4</sup> *United States Census Bureau, American Community Survey, 2016*

Further emissions benefits will be realized over time as more of the region’s power grid shifts to renewable energy sources<sup>5</sup> and as battery technologies improve.

Figure 1: Example Vehicle Emissions for EVs in the Bay Area compared to the U.S. Average



Source: FuelEconomy.gov, 2019 emissions and models. Bay Area charging emissions data is from Oakland, CA, which is used as a representative city in the Bay Area. The calculator can be used for other Bay Area cities as well.

**Available Vehicles**

Until a few years ago, the availability of EV models was a major hurdle for interested consumers. However, following the implementation of the California’s Zero Emission Vehicle (ZEV) Program, the market grew significantly. The ZEV program required auto manufacturers to offer a specific number of EVs in the state and thereby provided drivers more options compared to other

<sup>5</sup> Environmental Assessment of a Full Electric Transportation Portfolio, Electric Power Research Institute/National Resources Defense Council, September 2015.

states. This requirement, combined with incentives, rebates, and carpool lane access, has made California a leader in the EV automotive market. In 2015, California drivers could choose from 20 different EV models<sup>6</sup>; that number has climbed to 43 EV models in 2019, which includes 20 BEVs and 3 FCEV.

The manufacturer's suggested retail price (MSRP) and battery range of BEVs available in California vary widely (Table 1). While the average MSRP of BEVs has decreased over the past few years, EVs are still priced higher than conventional vehicles, on average. The average BEV MSRP in the U.S. is \$58,000, which is still above the average transaction price for all new light duty vehicles, which is \$37,149.<sup>7</sup> The price differential between conventional vehicles and EVs is seen as a key barrier to EV adoption, particularly for low- and moderate-income households.

Table 1: Availability, Cost, and Range of BEVs sold in the U.S.

Type of Vehicle	BEVs Available in CA	MSRP	Range
City 2-door	3	\$24,000-\$45,000	84-114 miles
Compact	6	\$29,000-\$38,000	89-238 miles
Sedan	7	\$34,000-\$135,000	111-335 miles
SUV	4	\$37,000-\$140,000	64-100 miles
Pick-up Truck		Expected in 2020	
Minivan		Expected in 2020	

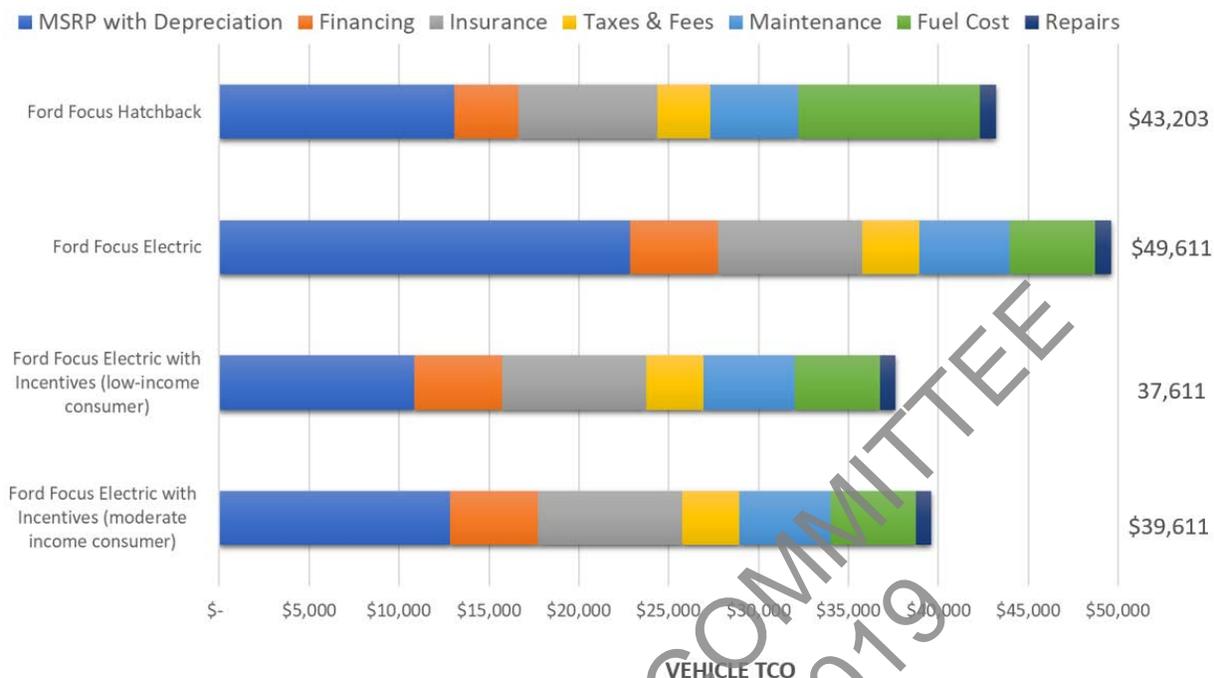
While BEVs have higher MSRPs than conventional vehicles, the difference in purchase price is typically offset by savings on fuel and maintenance, as well as financial incentives. A useful metric to compare the costs of BEVs to conventional vehicles is total cost of ownership (TCO). TCO includes costs incurred by vehicle owners throughout a car's lifecycle, such as repairs, fuel, maintenance, taxes, insurance, finance, and depreciation (Figure 2). BEV's total cost of ownership is lower compared to other vehicle categories (including PHEV) because of less wear on the brakes, fewer moving parts, and availability of incentives.<sup>8</sup> Uncertainty in how battery range and performance degrades over time is a factor in TCO. However, because of high demand for used EVs in California, the depreciation rate of BEVs has been less than EVs sold in other markets.

<sup>6</sup> *Electrifying the Vehicle Market (2016)*, Union of Concerned Scientists, August 2016.

<sup>7</sup> *Average New-Car Prices Up More Than 4 Percent Year-Over-Year for January 2019*, Kelly Blue Book, February 2019.

<sup>8</sup> *Total cost of ownership and market share for hybrid and electric vehicles in the UK, US and Japan*, Applied Energy, January 2018.

Figure 2: Example 5-year Total Cost of Ownership, 2019 ICE vehicle (Ford Focus) and BEV (Ford Focus EV)



Source: Edmunds True Cost to Own calculator

The example presented above shows how federal tax credits (\$7,500) and California rebates (\$4,500 for low-income, \$2,500 for moderate income) together make the electric version of the Ford Focus cost competitive compared to the ICE version of the Ford Focus. The federal tax credit is phased out after each manufacturer sells 200,000 vehicles of their electric models. Tesla and General Motors have hit the phase out limit. Other car manufacturers are expected to reach the phase out limit within the next seven years, if current sales trends continue.<sup>9</sup> Around this time frame, Bloomberg New Energy Finance (BNEF) is projecting that EVs will become cost-competitive on an unsubsidized basis.<sup>10</sup> Starting in 2024 and by 2029, most EV models will reach parity with ICE vehicles as battery prices continue to fall (due to economies of scale associated with the increase in mass manufacturing of lithium-ion batteries).

The following automakers have pledged to support the large-scale transition from internal combustion engine vehicles to electric vehicles (Table 2).<sup>11</sup> The commitments include electrifying their entire lineups, increasing the number of EV models available, emissions reduction targets, and phasing out internal combustion engine vehicles.

<sup>9</sup> Federal EV Tax Credit Phase Out Tracker by Automaker, EVAdoption.com, November 2018.

<sup>10</sup> Electric Vehicle Outlook 2018, Bloomberg New Energy Finance, 2017.

<sup>11</sup> What does automakers commitments to EVs entail, Clean Technica, October 2018.

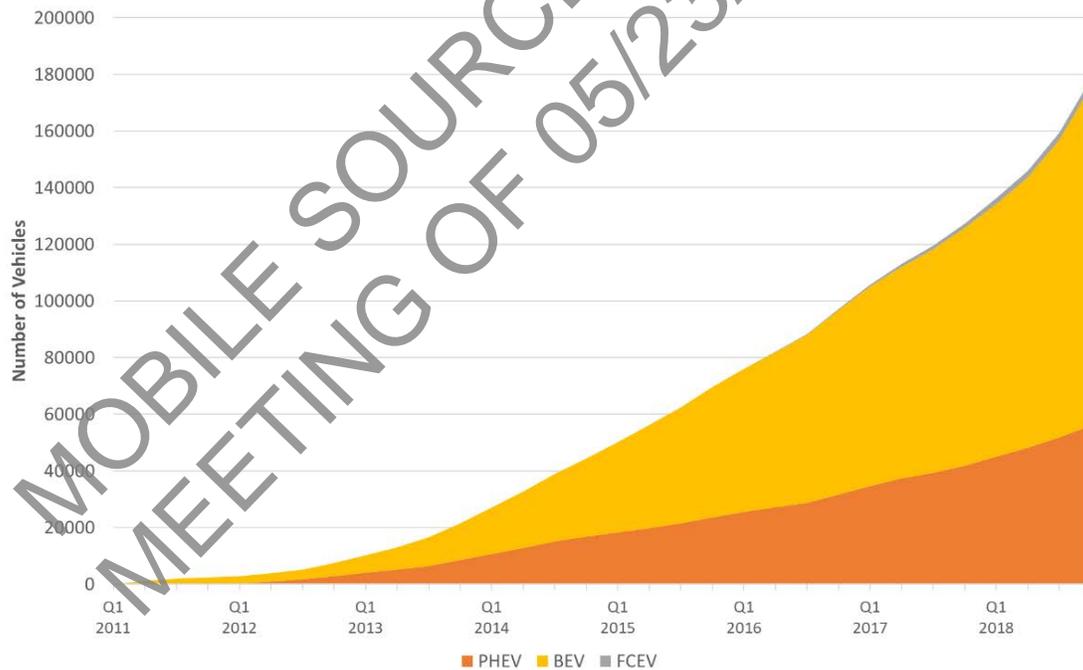
Table 2: Auto Manufacturer EV Commitments

Automaker	Year	Commitment
Volvo	2019	Sell an electrified version of each of its models
Jaguar Land Rover	2020	Sell an electrified version of each of its models
Daimler (Mercedes-Benz)	2022	Sell an electrified version of each of its models and add 10+ BEVs to market
Fiat Chrysler Automobiles	2022	Sell 12 battery-electric, plug-in, and hybrid versions across 30 different lines of vehicles
Ford Motor Company	2022	Sell 40 hybrid and fully electric vehicles
Nissan Motor Company	2022	Sell 12 new zero-emission vehicles through their partnership with Mitsubishi and Renault
General Motors	2023	Sell 20+ battery electric models and committed to an "all-electric future"
Toyota Motor Company	2025	Sell an electrified version of each of its models
Honda Motor Company	2030	Sell an electrified version of 2/3 of its models
Volkswagen Group	2030	Sell an electrified version of each of its models
Toyota Motor Company	2050	Eliminate almost all CO <sub>2</sub> emissions from new Toyota vehicles

### Adoption and Sales

Using a conservative estimate from data from the CVRP program, at the end of 2018, the Bay Area had more than 180,000 EVs, representing 3% of the region's fleet.<sup>12</sup> The Bay Area has generally had about 50% of EVs in California and one quarter of the EVs in the US. The Bay Area market saw a massive increase in EV sales, growing 68% from 2017 to 2018. (Figure 3).

Figure 3: EVs (PHEV, BEV, and FCEV) in the Bay Area

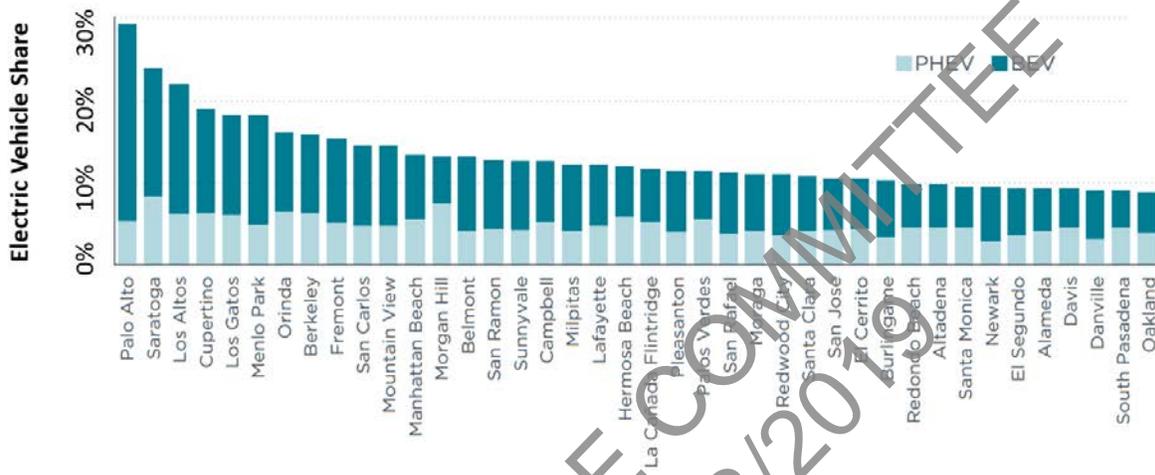


Source: Clean Vehicle Rebate Program (January 2019)

<sup>12</sup> Program Statistics, Clean Vehicle Rebate Program, January 2019

The San Francisco and San Jose metropolitan areas, ranked among the top four markets nationally in terms of electric vehicle sales share in 2017, and accounted for 13% and 7% of sales in the national EV light-duty market, respectively.<sup>13</sup> During 2017, 30 of the top 40 California cities for EV sales were in the Bay Area, ranging from 9% to 29% of market share (Figure 4). Cities that have percentages of electric vehicles sold also tended to have a much higher proportion of BEVs.<sup>13</sup>

Figure 4: Top California Cities for New EV Market Share in 2017

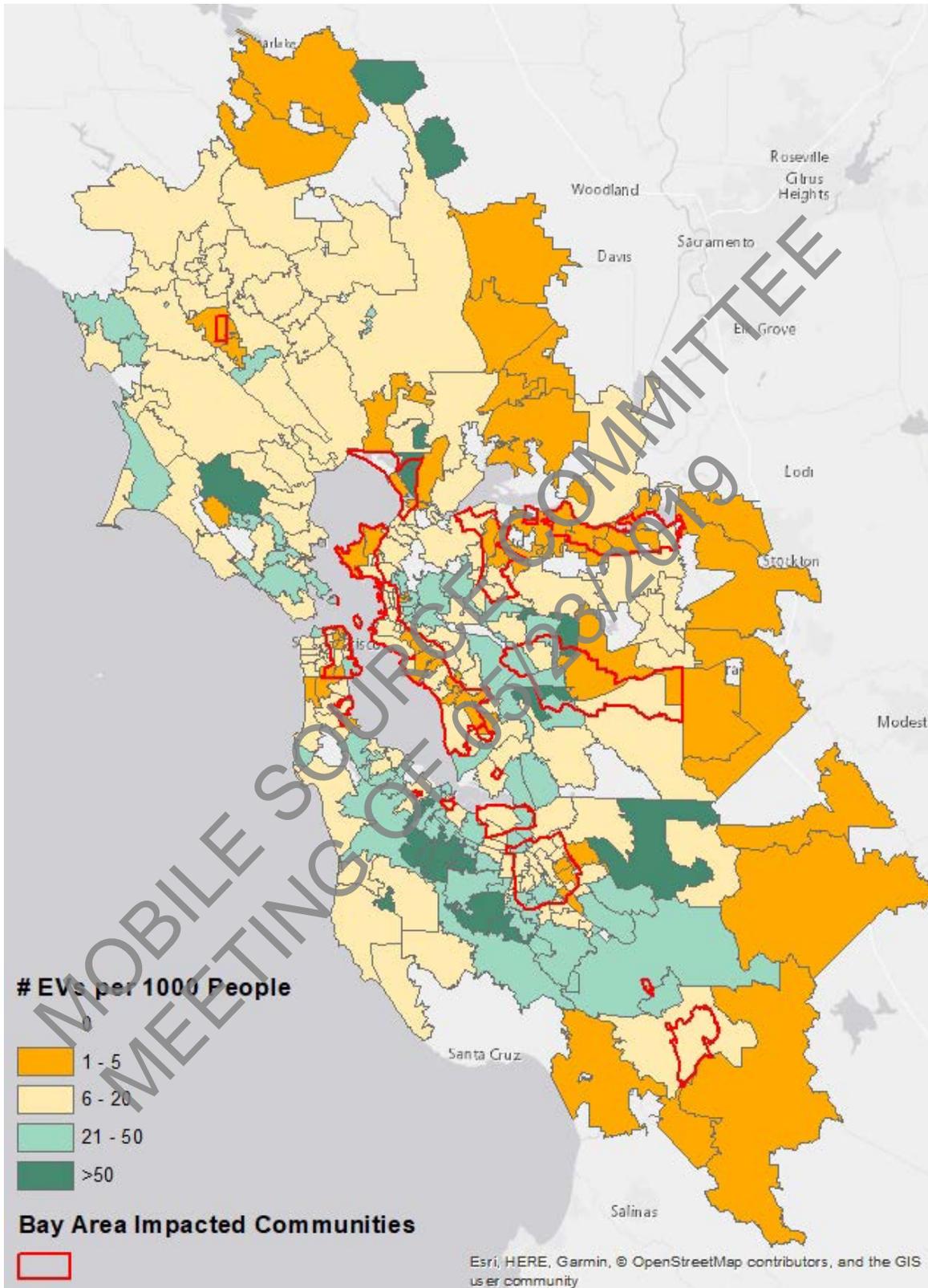


Source: ICCT, Vehicle registrations from IHS Automotive

Other areas in the Bay Area have significantly lower rates of EV adoption (Figure 5). Expanding EVs beyond early adopters and to all geographies and demographics is critical to achieve the Bay Area and California's goals for reductions in greenhouse gas emission. EVs also offer savings on fuel and maintenance as well as an improved driving experience, which can benefit all Bay Area residents.

<sup>13</sup> California's continued electric vehicle market development, The International Council on Clean Transportation, May 2018.

Figure 5: Bay Area EV Adoption Map, with Impacted Community Boundaries Highlighted



### **Charging Infrastructure**

The availability of charging infrastructure is a critical factor influencing the number of people who switch to EVs. Publicly accessible EV chargers are needed to support the growing number of EV drivers, especially for long-distance trips and for drivers that do not have access to private home chargers. Determining the correct charger types for charging locations is also an important decision to maximize efficiency, cost-effectiveness and provide the convenience that EV drivers want and need. In many instances, a mix of charger types will be appropriate.

Charging stations are categorized by the power output into Level 1, Level 2, DC Fast, and DC Ultra-Fast (Table 3). Level 1 and Level 2 chargers are appropriate for locations where users dwell for longer periods of time, such as at workplaces, and destinations such as parks and transit park-and-ride lots. DC fast chargers can quickly charge EVs within an hour and are best suited for drivers that are making longer trips, or for situations in which a quick charge is required to resume work such as for taxis, transportation network companies, or fleets. Recently, higher powered DC Ultra-Fast chargers have been deployed, although to date, only a few vehicles can accept these higher power outputs. It is anticipated as EV battery technology advances improving EV ranges, higher powered chargers will be helpful to support future EV technology.

*Table 3: Types of EV Chargers*

	<b>Level 1</b>	<b>Level 2</b>	<b>DC Fast</b>	<b>DC Ultra-Fast</b>
<b>Electric Output (kW)</b>	1.4	6.2+	50+	80+
<b>Ideal charging locations</b>	<i>Home, Long-term Parking Lots, Overnight</i>	<i>Workplace and Destination such as parks</i>	<i>Quicker charging at grocery stores &amp; near highways</i>	<i>Extremely quick charging at grocery stores &amp; near highways</i>
<b>Approximate time to fully charge*</b>	<i>8+ hours</i>	<i>3-8 hours</i>	<i>20 minutes-1 hour</i>	<i>20 minutes-1 hour</i>

\* Charging times vary based on the size of batteries. As newer EVs increase battery sizes to support longer ranges, charging times may increase.

In addition to power outputs, charging stations can also appear with multiple ports so one charger may connect to multiple vehicles for charging. Depending on site design and anticipated utilization, single versus dual-port chargers are a consideration.

There are currently 1,600+ charging locations with 7,500+ publicly available ports in the Bay Area (Figure 6). Of those publicly available ports, the vast majority are L2 charging ports (87%). A smaller portion (11%) are DC Fast charging ports (Figure 7).

Figure 6: Publicly Accessible EV Charging Stations in the Bay Area

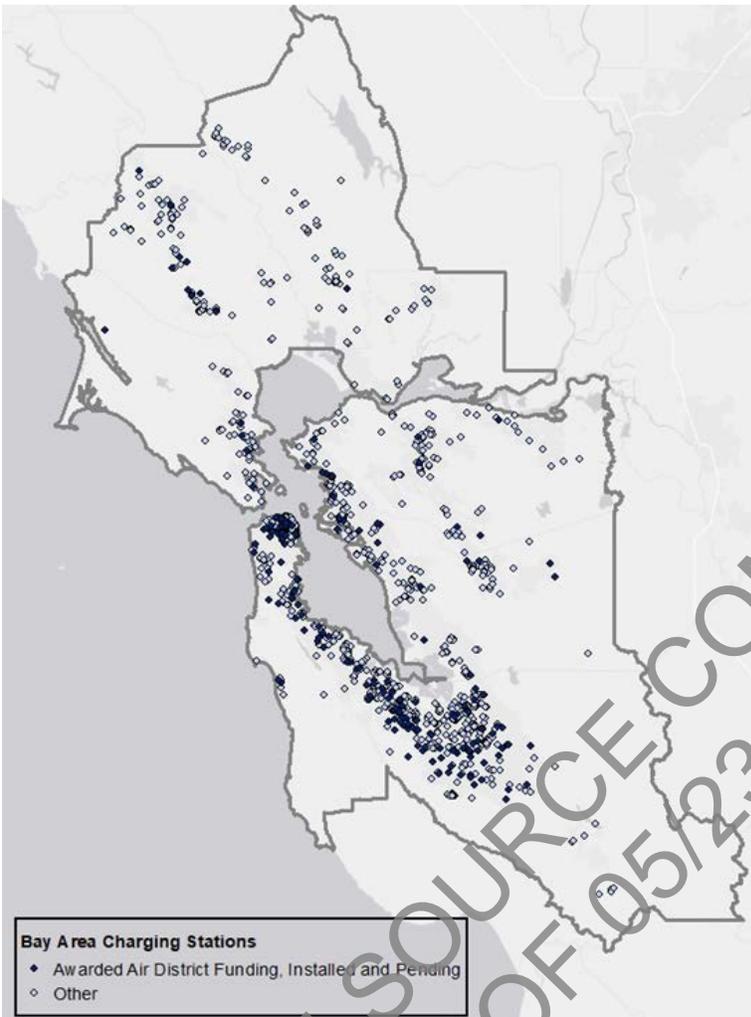


Figure 7: Publicly Accessible EV Charging Ports by Type

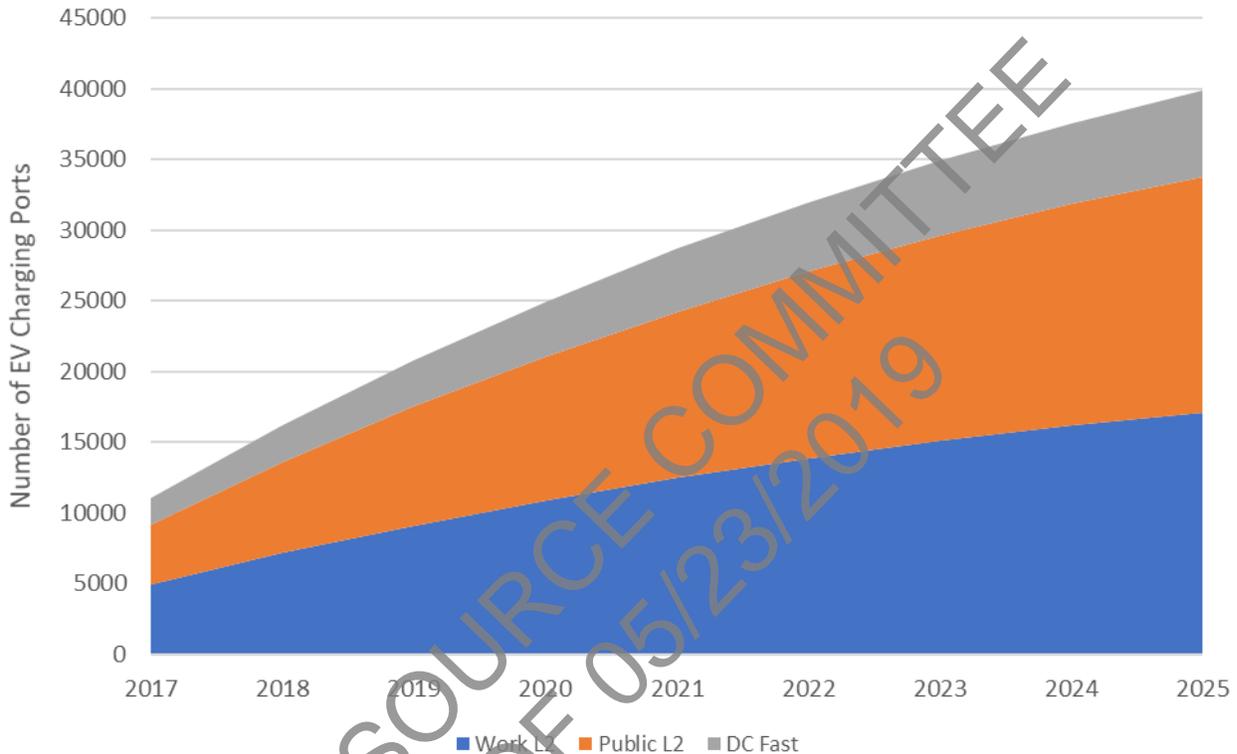


Source: Alternative Fuels Data Center and Charge! Program (BAAQMD)

Additional charging stations will be needed to accommodate future growth in the EV market, especially to achieve the ambitious Bay Area goals and to accommodate a wider range of Bay Area residents. There have also been anecdotal reports that current charging stations are often full, which indicates that additional charging station capacity is needed even for the current number of EV drivers. The National Renewable Energy Laboratory (NREL) and California Energy Commission (CEC) developed a computer simulation tool, Electric Vehicle Infrastructure Projection (EVI-Pro), which uses the results of a state-wide transportation habits survey to quantify the charging infrastructure needed to ensure that future EV drivers can meet their transportation needs. This analysis accounts for projections for vehicle and charger technologies, user demographics and market adoption conditions, the shared-use of chargers, and travel and charging

preferences.<sup>14</sup> Over 20,000 public charging ports are estimated to be needed in 2019 (9,100 workplace L2, 8,400 public L2, and 3,300 DC Fast) (Figure 8). To stay on track with our goals, by 2025, the Bay Area is estimated to need about 40,000 public charging ports (17,000 workplace L2, 17,000 public L2, and 6,000 DC Fast).

Figure 8: Projected Need for PHEV and BEV Charging Infrastructure in the Bay Area



Source: National Renewable Energy Laboratory, CEC EV Infrastructure Projection Tool (EVI-Pro)

Widespread charging infrastructure will be key to overcoming current and future barriers to electric vehicle adoption. An individual or household's need for public charging infrastructure is related to home type, with drivers in single-family homes being much more likely to have home charging than those in apartments or multi-unit dwellings. Electric vehicle owners so far tend to live in single-family homes.<sup>15</sup> To extend the EV market beyond those living in single-family homes, we will have to expand charging available at multi-unit dwellings and public charging infrastructure. In the Bay Area, over one-third (36%) of housing units are in multi-unit

<sup>14</sup> California Plug-In Electric Vehicle Infrastructure Projections: 2017-2025, California Energy Commission, March 2018

<sup>15</sup> Quantifying the electric vehicle charging infrastructure gap across U.S. markets, the International Council on Clean Transportation, January 2019.

dwellings.<sup>16</sup> Installing charging infrastructure has been more challenging for multi-family housing, requiring away-from-home charging options for a significant portion of the Bay Area population. The need for drivers to take longer-distance trips and with a wide range of transportation patterns also requires public charging.

### ***Consumer Sentiments***

Based on recent studies and surveys, as well as anecdotes from our partners, Air District staff is highlighting three concerns that significantly influence consumer sentiment (or lack of knowledge) related to EVs: cost, range anxiety, and awareness of vehicles and infrastructure.

As mentioned above, the upfront cost (MSRP) for most EVs is higher than similar conventional vehicles, and only slightly competitive when incentives and total cost of ownership are considered. The higher upfront cost of EVs turns off many cost-sensitive consumers who may have originally considered an EV. While luxury brands like Tesla have increased the visibility and “cool factor” of EVs, they have also contributed to a perception that EVs are for the wealthy, and therefore must be expensive. Many consumers don’t initially see EVs as a smart economic decision.

For consumers who are not EV drivers, range anxiety is one of the most common concerns, particularly for consumers without charging options at or near their home. Consumers often overestimate the range they need in a vehicle and are therefore cautious when considering fully electric models. While the average Californian travels less than 30 miles a day, survey data shows that consumers think they need upwards of 300 miles of range.<sup>17</sup> Increases in battery range and the number of charging stations will help address range anxiety, but to truly shift consumer sentiment, more EV education, understanding actual transportation needs, and charging station signage are needed.

The previous concerns are seen among individuals who have at least some awareness of EVs. A recent study of Californian consumers found that despite a near doubling in the number of EV models in California between 2014 and 2017, fewer survey respondents were able to name an EV for sale in 2017 than in 2014.<sup>18</sup> Consumers who were aware of EVs thought of them as small compact cars, that might not fit their lifestyle the way a crossover, SUV, or minivan would. Additionally, consumers’ awareness of public charging stations barely shifted from 2014 to 2017, even though public EV chargers in California jumped from 5,700 in 2014 to more than 11,500 by 2017. The study concluded that Californians are not actively avoiding EVs, they are simply unaware of EVs which speaks to the importance of increased EV marketing and outreach.

### **POLICIES, PROGRAMS, AND INCENTIVES**

---

<sup>16</sup> *American Fact Finder*, United States Census Bureau, January 2019.

<sup>17</sup> *The Barriers to Acceptance of Plug-in Electric Vehicles: 2017 Update*, National Renewable Energy Laboratory, 2017.

<sup>18</sup> *Automakers and Policymakers May Be on a Path to Electric Vehicles; Consumers Aren’t*, UC Davis, 2017.

Federal, state, regional, and local governments have taken important steps to address key barriers to EV adoption and infrastructure. Government actions to accelerate EV adoption include goals for EV adoption, financial and nonfinancial incentives, supporting public charging infrastructure, marketing materials and campaigns, public ride-and-drive events, and building codes and other policies. These policies and programs seek to overcome perceived and actual consumer barriers related to higher upfront costs, electric range, and awareness and understanding. Data collected by the International Council on Clean Transportation showed that these local and state governments and utilities programs have been generally successful.<sup>19</sup>

The following tables list the key state, regional, and local targets, plans, standards, campaigns and incentives relevant to the Air District’s jurisdiction (Tables 4 - 8). There are many EV efforts in place or under development within the Bay Area that help the EV market grow, but this proliferation of programs has also increased the need for coordination among EV-focused agencies and organizations.

*Table 4: Bay Area and California Targets Relevant to EVs*

<i>Bay Area</i>	Reduce GHG emissions 80% below 1990 levels by 2050 (Air District 2017 Clean Air Plan)
	90% of Bay Area vehicles are zero-emissions by 2050 (Air District 2017 Clean Air Plan)
<i>California</i>	Reduce GHG emissions to 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050 (AB32/SB32)
	Zero Emission Vehicle Program, requires auto manufacturers to sell electric cars, tied to the auto manufacturer’s overall sales within the state
	Low Carbon Fuel Standard, requires the carbon content of fuels to decrease 10% from 2010 levels by 2020
	5 million ZEV’s on road by 2030 (Executive Order B-48-18)
	Install 250,000 EV chargers and 200 hydrogen refueling stations by 2025 (Executive Order B-48-18)

*Table 5: Bay Area and California Plans Relevant to the EV Market*

<i>Bay Area</i>	Bay Area Plug-In EV Readiness Plan (2013)
	Plan Bay Area 2040
<i>California</i>	2016 ZEV Action Plan
	2018 ZEV Action Plan – Priorities Update
	SB 375/Sustainable Communities Strategies

<sup>19</sup> *Expanding the Electric Vehicle Market in U.S. Cities*, the International Council on Clean Transportation, 2017.

Table 6: Building Code Requirements for EV Infrastructure (California Green Building Standards (CALGreen) and Bay Area Jurisdictions with Additional Requirements)

	Multi-Family	Single Family	Non-Residential
<b>CALGreen Code Requirements for EV Capable Parking</b>	10% of parking spaces	100% of attached private garages	6% of parking spaces
City			
Berkeley	✓		
Burlingame	✓	✓	
Contra Costa County	✓		✓
Cupertino	✓	✓	✓
Emeryville	✓		
Fremont	✓	✓	✓
Marin County	✓	✓	✓
Menlo Park	✓		✓
Mountain View	✓		✓
Oakland	✓		✓
Palo Alto	✓	✓	✓
San Mateo	✓		✓
San Francisco	✓		✓
San Rafael	✓	✓	✓
Santa Clara County	✓	✓	✓
Santa Rosa	✓		
Sunnyvale	✓	✓	

Source: ChargePoint (2018), "EV Capable" requires raceway and panel capacity.

Table 7: S Currently Available EV Rebates and Incentives Available in the Bay Area

<i>Electric Vehicle</i>	California Clean Vehicle Rebate (CSE and CARB)
	Clean Cars for All (Air District and CARB)
	Clean Vehicle Assistance Program (Beneficial State Foundation and CARB)
	DriveEV (Sonoma Clean Power)
	Federal tax credit
	MCEv Program (Marin Clean Energy)
<i>Charging Infrastructure</i>	CALeVIP (CSE and CEC)
	Charge! (Air District)
	Clean Fuel Rebate (PG&E)
	EV Charge Network (PG&E)
<i>Other</i>	California Air Vehicle Decals – HOV Lane Usage (DMV)
	Charge Now (BMW))
	No Charge to Charge (Nissan)

Table 8: EV Awareness Campaigns and Initiatives

<i>Bay Area</i>	Center for Sustainable Energy (Experience Electric – The Better Ride)
<i>California</i>	Charge Across Town
	Plug in America
	Veloz (Electric for All, Best Drive Ever)
<i>National</i>	Electrify America
	Plug in America

#### AIR DISTRICT PROGRAMS

Since EVs first came onto the market, the Air District has been focused on monitoring the market, developing plans, conducting outreach, and offering incentives to build up the charging infrastructure and support early EV adopters. The initial Air District programs were designed to complement other ongoing EV efforts, develop understanding and prepare for a new market, address the lack of public EV charging infrastructure, offset the higher initial costs, and support Bay Area residents, local governments, and businesses to test out new technologies.

Table 9: Air District EV Programs

2013 Bay Area EV Readiness Plan	<a href="http://www.baaqmd.gov/plans-and-climate/bay-area-pev-program/bay-area-pev-ready">www.baaqmd.gov/plans-and-climate/bay-area-pev-program/bay-area-pev-ready</a>
Bay Area EV Council	<a href="http://www.baaqmd.gov/plans-and-climate/bay-area-pev-program">www.baaqmd.gov/plans-and-climate/bay-area-pev-program</a>
Charge!	<a href="http://www.baaqmd.gov/charge">www.baaqmd.gov/charge</a>
Clean Fleets	<a href="http://www.baaqmd.gov/cleanfleets">www.baaqmd.gov/cleanfleets</a>
Clean Cars for All (new)	<a href="http://www.baaqmd.gov/cleancarsforall">www.baaqmd.gov/cleancarsforall</a>

### **Planning**

In 2013, the Air District partnered with the Metropolitan Transportation Commission (MTC) and other electric vehicle stakeholders to develop and publish the Bay Area Plug-In Electric Vehicle Readiness Plan. Based on research, analysis, and public input, the 2013 plan included:

- Projections for EV ownership and deployment, barriers to EV ownership, deployment, and recommendations to eliminate barriers in private and public fleets, including recommendations for future incentive programs;
- Key strategic zones/areas for deployment and types of charging stations for regional EV charging infrastructure;
- Best practice recommendations for local government regarding their EV readiness and friendliness with respect to regional coordination, permitting and inspection practices, zoning and parking rules, local ordinances, and building codes;
- Integration of the Regional PEV Plan into the Bay Area’s Sustainable Communities Strategy (SCS) plan (Plan Bay Area 2040).

Based on this plan, the Air District developed incentives and coordination activities to help get the Bay Area ready for the introduction of new EV technologies and demonstrate the viability of EVs.

### **Incentives**

Since 2010, the Air District’s Board of Directors has awarded over \$19 million through incentive programs to target the identified barriers to EV adoption. Many of these incentives have leveraged additional investments from other organizations such as PG&E’s Charge Network, Marin Clean Energy’s MCEv Charging Program, California’s Clean Vehicle Rebate Program, and the federal EV tax credit. Air District staff continue to identify other opportunities to leverage other incentive programs to reduce the costs for Bay Area residents, businesses, and local government. To date, the Air District has awarded projects that support the installation of more than: 1,500 passenger electric vehicles, 4,400 publicly available Level 2 and DC Fast chargers (Figure 7), and over 1,400 residential chargers.

Since 2016, the Air District has administered the Charge! Program, which provides funding for the purchase and installation of publicly accessible charging stations in the Bay Area. This

Program is open to organizations including government entities, non-profits, and businesses. The Charge! Program provides fixed award amounts per each charging unit installed. For example, a Level 2 charging station is eligible for up to \$3,000 in funding and a DC fast charging station is eligible for up to \$18,000. Additional “plus-up” funding is available to promote ancillary benefits and reduce costs at project locations where there are higher barriers to implementation. These plus-up categories have included co-locating renewable energy generation such as wind or solar or installing charging at multi-unit dwellings.

The Clean Fleets Program opened in August 2018. This program provides funding to purchase or lease new zero-emission vehicles such as EVs (including electric motorcycles) and fuel cell vehicles. Similar to the Charge! Program, the Clean Fleets Program is open to government entities, non-profits, and businesses. Up to \$2,500 is available in incentive funds per vehicle and up to \$5,000 per motorcycle because emissions from conventional motorcycles are high.

Both the Charge! and Clean Fleets Programs are supported by funding from the Transportation Fund for Clean Air (TFCA), a \$4 surcharge on California Department of Motor Vehicle registrations in the Bay Area. Since 2016, over \$7.6 million has been awarded to Charge! Program projects to support the installation of over 2,900 publicly accessible charging stations in the Bay Area. Most chargers funded through the Charge! Program were installed or planned at workplace facilities, with other projects at transportation corridors, transit parking and multi-unit facilities (Figure 9). Future iterations of the Charge! Program may include additional incentives to increase EV charging station installations at underrepresented facility types or in impacted communities.

Figure 9: Awarded Charge! Projects by Facility Type from 2016-2018



Source: Bay Area Air Quality Management District (February 2019)

As the Charge! Program has grown, the utilization of Air District-funded stations has increased (Figure 10 and Figure 11). By the end of 2018, Air District-funded stations delivered over 1.6 GWh of electricity to EVs per year and is equivalent to reducing gasoline use by over 128,000

gallons or reducing ICE vehicle travel by 2.8 million miles.<sup>20</sup> In addition, the annual energy delivered per charger increased between 2016 and 2018. This is likely due to higher EV adoption, as well as the presence of additional charging stations. To maximize cost effectiveness of the Charge! Program, the energy delivered per charge will need to continue to increase. Because the Charge! projects are monitored for at least three years and the first projects were only awarded in 2016, usage data will continue to be collected for current and future projects. The initial trends in the usage data indicate we are on track to achieve higher usage levels. These trends also confirm the high and growing demand for publicly accessible chargers.

Figure 10: Total Annual Energy Dispensed (kWh) from Charge! Projects Installed

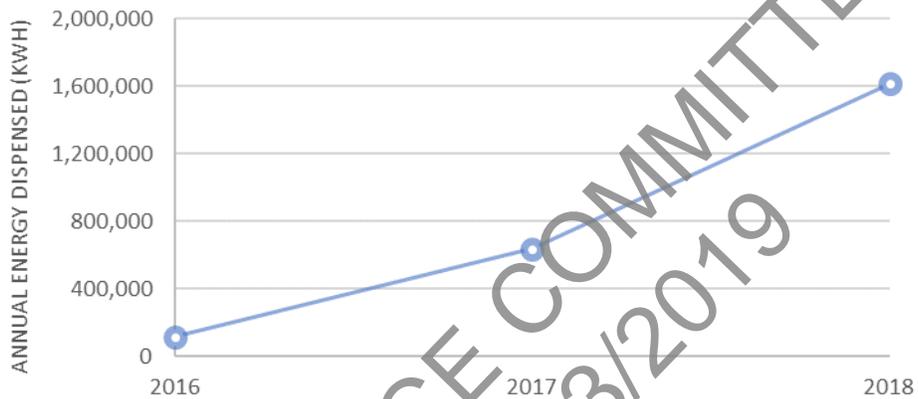


Table 10: Total Reduced Gasoline and Vehicle Miles Traveled from Charge! Projects Installed

Year	2016	2017	2018
Gallons of Gas Equivalent	9,052	50,722	128,481
Vehicle Miles Travelled Equivalent	196,692	1,102,122	2,791,703

<sup>20</sup> Greenhouse Gas Equivalencies Calculator, U.S. Environmental Protection Agency, December 2018.

Figure 11: Average Annual Energy Dispersed (kWh) Per Charger from Charge! Projects Installed

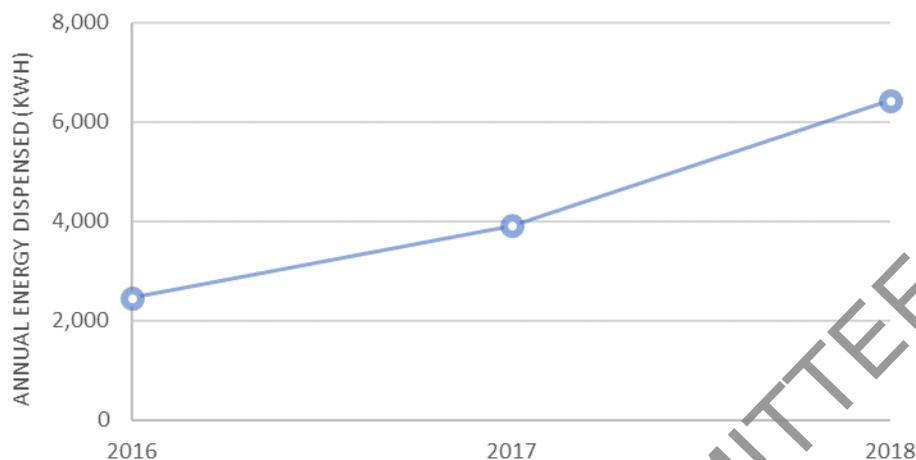


Table 11: Average Reduced Gasoline and Vehicle Miles Traveled Per Charger from Charge! Projects Installed

Year	2016	2017	2018
Gallons of Gas Equivalent	196	311	513
Vehicle Miles Traveled Equivalent	4,260	6,751	11,138

In addition to TFCA-funded programs, from 2015-2017, the Air District awarded projects through funding that resulted from a judgement issued in Reformulated Gasoline Antitrust and Patent Litigation. A total of 19 facilities were awarded which included 129 Level 2 charging stations and 11 DC fast charging stations and placed into service by September 2017. A report on the program's results identified 5 key project implementation and utilization barriers,<sup>21</sup> including:

- **Variability in costs:** Construction costs varied depending the scale of the project (number of chargers that were installed), especially on the existing electrical capacity of facilities and how many upgrades were needed.
- **Project delays:** On average, projects took 236 days to complete and most delays were attributed to electrical upgrades and interconnectivity issues with the grid.
- **Availability of chargers:** Facilities that limited accessibility only during business hours suffered from reduced utilization.
- **Pricing structure:** Higher fee structures disincentivized usage of the chargers.
- **Utilization of charging assets:** Charging station utilization could be increased by installing signage, designating parking stalls for EV charging, encouraging users to move their vehicles upon reaching enough charge and installing enough chargers to match to the size and dwell times of the parking facility.

<sup>21</sup> EV Charging Demonstration Program, Bay Area Air Quality Management District, April 2018.

These lessons about barriers to installing and using charging stations have been included in subsequent iterations of the Charge! Program.

### ***Outreach and Partnerships***

Since 2011, the Air District, in partnership with MTC, has sponsored the Bay Area EV Coordinating Council (EV Council), a collaboration forum for EV stakeholders including local and state governments, businesses, research institutions and non-profits. The EV Council is convened quarterly and addresses topics such as new vehicle and charging technologies, and EV-friendly ordinances adopted by local agencies, equity, and grant opportunities. The EV Council also is an ongoing platform to discuss emerging trends, share best practices, and facilitate innovation to address barriers to EV adoption.

The Air District also sponsors local events and staff attend and share information at regional conferences and meetings with local associations and government agencies (e.g. transportation, environment, public works, school districts, chambers of commerce).

### **OPPORTUNITIES TO ACCELERATE THE MARKET**

The programs and policies to date from the Air District and partner organizations have been focused on getting the Bay Area EV market started. Indeed, the EV market in the Bay Area has seen a massive expansion in recent years, with significant growth in EV sales, infrastructure, and the availability and awareness of EV options for consumers. At the same time, our EV and GHG emissions reduction goals are ambitious, growing from 4% of vehicles to 90% of vehicles driven by Bay Area residents. Using a common framework to describe innovation adoption cycle (innovators, early adopters, early majority, late majority, and laggards), we are in the early adopter phase, which tends to include more socially forward users and have more financial fluidity. The early majority, late majority, and laggards, which typically represent most of consumers, include individuals with more skepticism, stronger resistance to change, or less financial fluidity. With the diversity of geographies, socioeconomics, and transportation needs across the Bay Area, we also need to be sure that technology transitions address the needs and concerns of all Bay Area residents.

Therefore, current and future priorities include actions that accelerate the market, focusing on influencing the large proportions of the population that may be more resistant to change, not just early adopters. These priorities will include understanding and addressing barriers to adoption in communities that have been slower to adopt EVs, updating the region's EV plans to reflect current technologies and trends, broadening the utilization of incentives to cover more communities, and ensuring effective coordination among EV programs to maximize impact (

Figure 12).

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

Figure 12: Air District Priorities in 2019 to Accelerate EV Market

1	Market research on consumers and EV market actors
2	Updated Bay Area EV Acceleration Plan
3	Move beyond early adopters and achieve equitable access to EVs
4	Expand and fill in gaps for charging infrastructure
5	Action-oriented and effective partnerships

***Market research on consumers and EV market actors***

Cost, range, and awareness are not the only considerations for consumers and businesses. To better understand the underlying sentiments that form barriers to EV adoption, and identify the best solutions to addressing those barriers, the Air District is starting work to survey consumers and businesses in the Bay Area. Currently, Air District staff have evaluated existing studies and collected anecdotal information on barriers to EV adoption and charging infrastructure. This effort will help us fill in gaps and collect thorough data sets across a diversity of EV market actors (e.g. low-income consumers, property owners, ride-hailing drivers, dealerships, fleet managers, etc.). This work will help improve incentive programs and develop new and better outreach programs and materials. The survey and research will also help inform the Air Districts current and future funding programs to ensure they are addressing appropriate barriers and economic levers.

***Updated Bay Area EV Acceleration Plan***

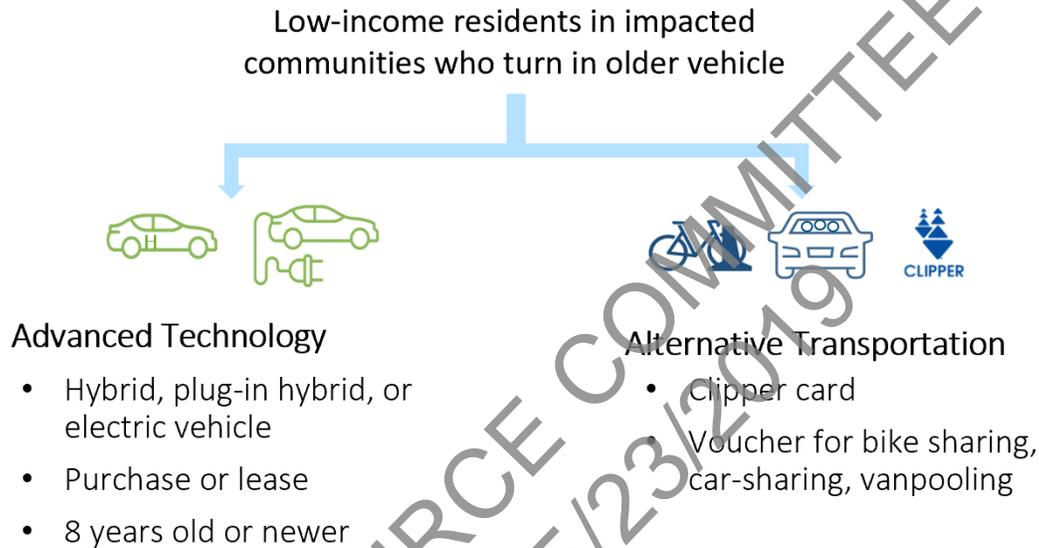
Since the Air District released the Bay Area EV Readiness Plan in 2013, by most measures, EV readiness has been realized in the Bay Area. It is time to focus on the rest of the potential EV market and for this reason, the Air District has started work on an update to the 2013 Plan, with a new “Bay Area EV Acceleration Plan”. The Acceleration Plan will be data driven, including survey and research data on consumer, business, property owner, fleet manager, and transportation network company driver sentiments. Based on input on what would support Bay Area stakeholders, the new plan will include a specific outreach and coordination actions. These actions may include improved messaging and materials for consumers and EV market actors, targeted outreach that complements incentive programs, or coordinating the timeline of incentives and regulations. The Acceleration Plan will be informed by geographically diverse outreach and coordination with the EV Council.

***Move beyond early adopters and achieve equitable access to EVs***

Effectively reducing emissions from light duty vehicle will require wide-scale EV adoption in which all Bay Area residents participate regardless of income, ethnicity, or geographical area. Equitable access to EVs ensures that all Bay Area residents can benefit from lower fuel and maintenance costs as well an improved driving experience. This is the goal of the Air District’s new Clean Cars for All Program, which provides qualifying low-income residents up to \$11,500 for scrapping and older vehicle and switching to a clean transportation option (Figure 13). Participants will have the option to purchase or lease new and used hybrid vehicles, PHEVs, BEVs, or receive a transportation card for transit or car-sharing. The incentive funding is based on

participants' income level and which clean transportation or vehicle option they select. This program is currently in a soft launch to test the program's systems and processes and will fully launch in Spring 2019. The incentive program will include stakeholder engagement and outreach to impacted communities, case managers to support participants through the application process, and partnerships with dealers, vehicle scrappers, and community organizations around the Bay Area.

Figure 13: Overview of Clean Cars for All Program



Increasing opportunities for the public to interact with EVs can improve their perception of accessibility and availability and encourage them to consider an EV for their next vehicle purchase or lease. The Air District has offered incentives for vehicle fleets such as municipal jurisdictions, taxi companies, transportation network companies (TNC), and car sharing businesses and will be increasing outreach for these programs. These programs result in emissions reductions benefits by transitioning those fleets to cleaner vehicles while also increasing the number of EVs that the public may encounter in their daily lives, increasing public awareness of EVs and associated benefits.

***Expand and fill in gaps in charging infrastructure***

Recognizing that charging patterns and needs are shifting due to the increasing availability of longer range (200+ miles) EV models, the Air District will be expanding its focus to install fast chargers along major transportation corridors, which will also expand the network to support long-distance trips. These Ultra-fast (150+ kW) and DC Fast Chargers would be installed in “plazas” and will more operate like gasoline refueling stations. EV uptake among residents of multi-unit dwellings has lagged due to the lack of dedicated parking and the challenge of installing charging infrastructure in shared parking structures. In addition to incentivizing charging in multi-unit dwelling, the Air District will also continue to target workplace charging. By focusing on a combination of multi-unit dwellings, workplace charging, and ultra-fast charging plazas, we can increase charging accessibility for many potential EV consumers, especially those who do not live in single-family homes. A more visible and thorough EV charging network can reassure potential

EV consumers who are concerned about range anxiety. The Charge! Program was created with the ability to evolve with market conditions, especially to focus on gaps in charging infrastructure that can support low-income residents and geographies that have had low EV adoption so far.

***Action oriented and effective partnerships***

The Air District's investments and efforts have, and will continue to, play a significant role in catalyzing the Bay Area's shift towards zero emission transportation. In recent years, other organizations have also expanded programs to support the EV market. To meet the region's aggressive EV adoption goals, these regulatory, incentive, and outreach programs are all important and these efforts need to be coordinated to have maximum impact on driving EV adoption. For example, the EV Council will be the opportunity to leverage funding while also ensuring that incentives and awareness programs are impacting as many communities as possible. Another coordination challenge will be to time and integrate regulations and incentives so that both can be maximally effective. The Air District and MTC are updating the EV Council, from a mechanism to share best practices and network, to a group of organizations who are tackling specific and shared challenges.

Air District staff will continue to update the Mobile Source Committee and Board of Directors on progress for these ongoing programs and priorities. When the Bay Area EV Acceleration Plan is drafted after the stakeholder engagement process, that will also be another opportunity for further discussion and input.

MOBILE SOURCE COMMITTEE  
MEETING OF 05/23/2019

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Public Hearing to Consider Adoption of Proposed Amendments to Air District  
Regulation 3: Fees and Approval of a Notice of Exemption from the Environmental  
Quality Act

---

**RECOMMENDED ACTION**

Staff recommends that the Board of Directors (Board) consider adoption of proposed amendments to Air District Regulation 3: Fees that would become effective on July 1, 2019 and approve the filing of a California Environmental Quality Act (CEQA) Notice of Exemption.

**BACKGROUND**

Staff develops recommended amendments to the Air District's fee regulation as part of the budget preparation process. On March 7, 2012, the Board of Directors adopted a Cost Recovery Policy that established a goal of increasing fee revenue sufficient to achieve a minimum of 85 percent recovery of regulatory program costs. Progress towards this target is reported to the Board annually by staff and is periodically reviewed by outside consultants.

**DISCUSSION**

Consistent with the Cost Recovery Policy, draft amendments to specific fee schedules were made in consideration of the June 30, 2018, Matrix Consultant Group cost recovery analysis. This work, conducted at the fee schedule-level, recommends larger increases being proposed for the schedules that have larger cost recovery gaps.

Existing fee schedules would be amended as follows:

- 3.9 percent increase for fee schedules that are recovering 95 to 110 percent of costs.
- 7 percent increase for fee schedules that are recovering 85 to 94 percent of costs.
- 8 percent increase for fee schedules that are recovering 75 to 84 percent of costs.
- 9 percent increase for fee schedules that are recovering 50 to 74 percent of costs.
- 15 percent increase for fee schedules that are recovering less than 50 percent of costs.

A number of fees that are administrative in nature; permit application filing fees, alternative compliance plan fees, permit to operate renewal processing fees, transfer fees, emissions banking filing and withdrawal fees, school public notice fees, toxic inventory maximum fees, and exemption fees would be increased by 3.9 percent. The annual Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers (CPI-W) increased 3.9 percent from 2018 to 2019.

The following additional amendments are proposed:

- Revise Section 3-302 to specify that for those applicants that qualify for both the Small Business Discount (50%) and Green Business Discount (10%), only the 50% higher discount shall be applied.
- Revise Section 3-304, Alteration, to clarify that the risk assessment fee shall only be charged when the alteration required a health risk assessment.
- Revise Section 3-311 to align the current rule language with established Air District practice for applying banking fees to emission reduction credit transactions.
- Add Section 3-343, Fees for Air Dispersion Modeling, to recover the Air District's costs for conducting, reviewing, or approving air dispersion modeling done to meet a District regulatory requirement (e.g., for demonstrating compliance with Regulation 9 Inorganic Gaseous Pollutants, Rule 2 Hydrogen Sulfide requirements, Regulation 2-2-308 NAAQS Protection Requirement).
- Revise Section 3-405.5 to reduce additional late fees charged to invoices for registration and other fees which are more than 30 days late. Historically, these delinquent fees have been assessed at a disproportionately high rate to small businesses such as gasoline dispensing facilities, dry cleaners, and auto body shops. To reduce this burden on small businesses, the proposed amendment lowers this delinquent fee from 50% to 25%.

Fee Schedule changes:

- Increase Fee Schedule D, Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals, by 6%, even though cost recovery would have allowed an 8% increase, since many gasoline dispensing facilities are small businesses.
- Revise Fee Schedule E, Solvent Evaporating Sources, to clarify when the minimum and maximum fees apply for each source.
- Revise Fee Schedule L, Asbestos Operations, to delete the fee specific to mastic removal by mechanical buffers to assess fees for such work at the same rate as for other regulated asbestos containing material removal work.
- Revise Fee Schedule N, Toxics Inventory Fees, to recover the Air District's costs for Assembly Bill (AB) 2588 fees to be paid to the California Air Resources Board and for staff to conduct the Air District's AB 2588 work.
- Revise Fee Schedule S, Naturally Occurring Asbestos Operation, to include a fee of \$325 to recover the costs for reviewing, processing, and approving amendments to existing Asbestos Dust Mitigation Plans (ADMPs). Also, revise Section 3-332 to clarify that persons required to amend ADMPs shall pay the fees set out in Fee Schedule S.

A final Staff Report, that is attached with this memorandum, provides additional details regarding the proposed fee amendments.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The proposed fee amendments would increase fee revenue in Fiscal Year Ending (FYE) 2020 by an estimated \$2.74 million from revenue that would otherwise result without a fee increase.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Barry Young  
Reviewed by: Pamela Leong, Damian Breen, Jeff McKay

Attachment 13A: Resolution to Approve Amending Regulation 3: Fees  
Attachment 13B: 2019 Cost Recovery Study  
Attachment 13C: CEQA Notice of Exemption  
Attachment 13D: Staff Report  
Attachment 13E: Proposed Regulation 3: Fees

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**RESOLUTION No. 2019-**

**A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 3 – Fees**

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health & Safety Code sections 40725;

WHEREAS, in 2005 the Bay Area Air Quality Management District (“District”) retained the accounting firm of Stonefield Josephson, Inc. to conduct a study of the District’s fee structure for permitted and non-permitted sources in order to determine whether or not fee revenue from these regulated sources was sufficient to pay for the costs of those regulatory activities and services;

WHEREAS, Stonefield Josephson, after a thorough analysis of the District’s fee structure, revenues and associated costs, found that District fee revenue have not been sufficient to offset the costs of associated regulatory activities and reported this and other findings in *Bay Area Air Quality Management District Cost Recovery Study, Final Report; March 30, 2005* (“2005 Cost Recovery Study”);

WHEREAS, Stonefield Josephson also found that: (1) despite an across-the-board fee increase of 15 percent in fiscal year ending (FYE) 2000 and adjustments during the subsequent 5 years for inflation, a significant cost recovery gap still existed; and (2) for FYE 2004, fee revenue covered only about 60 percent of direct and indirect program activity costs, leaving a gap of approximately \$13 million to be filled with property tax revenue;

WHEREAS, Stonefield Josephson, based on its findings, recommended that, if the identified revenue gap was to be reduced, fees should be increased by more than annual cost of living adjustments over a period of time;

WHEREAS, in each year from 2005 through and including 2018, the Board approved amendments to Regulation 3 – Fees to increase fees to address this revenue gap and to move toward full alignment between permit fee revenues and associated District permit-related activities and services;

WHEREAS, in September 2010, the District contracted with Matrix Consulting Group to complete an updated Cost Recovery and Containment Study (“2011 Cost Recovery and Containment Study”) based on cost and revenue data for FYE 2010;

WHEREAS, the 2011 Cost Recovery and Containment Study indicated that a significant cost recovery gap continued to exist, with fee revenues for FYE 2010 covering only 62 percent of the direct and indirect costs of program costs;

WHEREAS, in the 2011 Cost Recovery and Containment Study, Matrix Consulting Group recommended that the District adopt a Cost Recovery Policy to guide future fee amendments;

WHEREAS, on March 7, 2012, the Board adopted a Cost Recovery Policy (“2012 Cost Recovery Policy”) that provides as a general policy that the District should fully recover the costs of regulatory program activities by assessing fees to regulated entities, that the District should amend Regulation 3 – Fees in order to increase the overall recovery of the District’s direct and indirect costs of program costs to 85 percent by the end of FYE 2016, and further, that the District should continue to amend specific fee schedules in consideration of cost recovery analyses conducted at the fee schedule level, with larger increases adopted for schedules with larger cost recovery gaps;

WHEREAS, in September 2017, the District contracted with Matrix Consulting Group to complete an updated Cost Recovery and Containment Study (“2018 Cost Recovery and Containment Study”) based on cost and revenue data for FYE 2017;

WHEREAS, a primary focus of the 2018 Cost Recovery and Containment Study was to improve the District’s accounting for indirect costs and overhead in its cost recovery efforts;

WHEREAS, District Staff have prepared an update of the 2018 Cost Recovery and Containment Study using the methodology established by Stonefield Josephson, Inc. and updated by Matrix Consulting Group based on cost and revenue data for FYE 2018 (“2019 Cost Recovery and Containment Study”);

WHEREAS, the 2019 Cost Recovery and Containment Study indicates that a significant cost recovery gap continues to exist with fee revenues for FYE 2018 covering only 84.33 percent of the direct and indirect costs of program costs, and falling short of the cost recovery goal for FYE 2016 established in the 2012 Cost Recovery Policy;

WHEREAS, the Board of Directors has determined for FYE 2020 there is a need to increase fees to further reduce the misalignment between permit fee revenues and associated District permit-related activities and services and to further reduce the misalignment between fee revenues for non-permitted sources and associated District activities and services related to those sources;

WHEREAS, District staff proposed increased fees based in part on the magnitude of the cost recovery gap for certain non-permitted sources and existing fee schedules as identified in the 2018 Cost Recovery and Containment Study and in accordance with the 2012 Cost Recovery Policy;

WHEREAS, District staff discussed the proposed amendments to Regulation 3 – Fees at a public workshop and simultaneous webcast on February 19, 2019;

WHEREAS, the Budget and Finance Committee of the Board of Directors held a regularly scheduled public meeting on March 22, 2019, at which the proposed amendments to Regulation 3 were discussed and at which oral or written presentations could be made on the subject of the proposed amendments;

WHEREAS, on March 28, 2019, the District transmitted the text of the proposed amendments to Regulation 3 to the California Air Resources Board;

WHEREAS, on March 30, 2019, District staff published in newspapers the notice of public hearings required by Health and Safety Code sections 40725 and also distributed and published on the District’s website a request for public comments and input on the proposed amendments to Regulation 3;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District held a public hearing on May 1, 2019, to consider the proposed amendments to Regulation 3 in accordance with all provisions of law;

WHEREAS, an additional public hearing is required by Health and Safety Code section 41512.5 for fees applicable to sources not included within the District's permit system, specifically, the proposed amendment of the following fee schedules: Schedule L: Asbestos Operations, Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, Schedule R: Equipment Registration Fees, Schedule S: Naturally Occurring Asbestos Operations, Schedule U: Indirect Source Fees and Schedule V: Open Burning;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District held a second public hearing on June 5, 2019, to consider the proposed amendments to Regulation 3 related to non-permitted sources in accordance with all provisions of law;

WHEREAS, the Board of Directors obtains its authority to adopt, amend or repeal rules and regulations from sections 40702, 42311, 42311.2, 41512.7, 42364 and 40725 through 40728 of the Health & Safety Code and Title 40, Code of Federal Regulations, Part 70.9;

WHEREAS, the Board of Directors has determined that the proposed amendments to Regulation 3 are written or displayed so that its meaning can be easily understood by the persons directly affected by it;

WHEREAS, the Board of Directors has determined that the proposed amendments to Regulation 3 are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations;

WHEREAS, the Board of Directors has determined that the proposed amendments to Regulation 3 do not impose the same requirements as any existing state or federal regulation and are necessary and proper to execute the power and duties granted to and imposed upon the District;

WHEREAS, the Board of Directors by adopting the proposed amendments to Regulation 3 is implementing, interpreting and making specific the provisions of Health & Safety Code section 42311 (fee schedule for district programs), section 41512.7 (allowable increases to authority to construct and permit to operate fees), and section 42364 (fees schedule for hearing board review of permit appeals);

WHEREAS, District staff has evaluated the proposed amendments to Regulation 3 and has determined that the proposed rulemaking project is statutorily exempt from the requirements of CEQA pursuant to Public Resources Code section 21080, subparagraph (b)(8) (the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares or other charges by public agencies); and CEQA Guidelines section 15273 (statutory exemption for rates, tolls, fares and charges);

WHEREAS, District staff has determined that a socioeconomic analysis of the proposed amendments to Regulation 3 pursuant to Health & Safety Code section 40728.5 is not required because the amendments will not significantly affect air quality or emissions limitations within the meaning of that section;

WHEREAS, District staff has determined that an incremental cost-effectiveness analysis of the proposed amendments to Regulation 3 pursuant to Health & Safety Code section 40920.6 is not required because the amendments do not impose best available retrofit control requirements;

WHEREAS, District staff has prepared and presented to this Board, a detailed staff report relative to the subject matter of the proposed amendment which is incorporated by reference and attached hereto;

WHEREAS, District staff recommends adoption of the proposed amendments to Regulation 3 and its associated fee schedules; and

WHEREAS, this Board concurs with District staff's recommendations and desires to adopt the proposed amendments to Regulation 3 and associated schedules as described above and set forth in Attachment A hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt, pursuant to the authority granted by law, the proposed amendments to Regulation 3 – Fees as set forth in Attachment A hereto and discussed in the staff report with instructions to staff to correct any typographical or formatting errors before final publication of the text of the proposed amended rule as adopted.

BE IT FURTHER RESOLVED that the effective date of the proposed amendments attached hereto shall be July 1, 2018.

BE IT FURTHER RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby approve the filing of a CEQA Notice of Exemption for the proposed amendments to Regulation 3 – Fees.

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 \_\_\_\_\_, 2019 by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Katie Rice  
Chairperson of the Board of Directors

ATTEST

\_\_\_\_\_  
Cindy Chavez  
Secretary of the Board of Directors

**ATTACHMENT A**

**[PROPOSED AMENDED RULE]**

**Regulation 3: Fees**

**DRAFT**

**REGULATION 3  
FEES  
INDEX**

**3-100 GENERAL**

- 3-101 Description
- 3-102 Deleted July 12, 1989
- 3-103 Exemption, Abatement Devices
- 3-104 Deleted August 2, 1995
- 3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank  
Operation Fees
- 3-106 Deleted December 2, 1998
- 3-107 Exemption, Sources Exempt from Permit Requirements

**3-200 DEFINITIONS**

- 3-201 Cancelled Application
- 3-202 Gasoline Dispensing Facility
- 3-203 Filing Fee
- 3-204 Initial Fee
- 3-205 Authority to Construct
- 3-206 Modification
- 3-207 Permit to Operate Fee
- 3-208 Deleted June 4, 1986
- 3-209 Small Business
- 3-210 Solvent Evaporating Source
- 3-211 Source
- 3-212 Deleted August 2, 1995
- 3-213 Major Stationary Source
- 3-214 Deleted effective March 1, 2000
- 3-215 Deleted effective March 1, 2000
- 3-216 Deleted effective March 1, 2000
- 3-217 Deleted effective March 1, 2000
- 3-218 Deleted effective March 1, 2000
- 3-219 Deleted effective March 1, 2000
- 3-220 Deleted effective March 1, 2000
- 3-321 Deleted effective March 1, 2000
- 3-222 Deleted effective March 1, 2000
- 3-223 Start-up Date
- 3-224 Permit to Operate
- 3-225 Deleted June 3, 2015
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987
- 3-227 Toxic Air Contaminant, or TAC
- 3-228 Deleted December 2, 1998
- 3-229 Deleted December 2, 1998
- 3-230 Deleted December 2, 1998
- 3-231 Deleted December 2, 1998
- 3-232 Deleted December 2, 1998
- 3-233 Deleted December 2, 1998
- 3-234 Deleted December 2, 1998
- 3-235 Deleted December 2, 1998
- 3-236 Deleted December 2, 1998
- 3-237 PM<sub>10</sub>
- 3-238 Risk Assessment Fee

- 3-239 Toxic Surcharge
- 3-240 Biogenic Carbon Dioxide
- 3-241 Green Business
- 3-242 Incident
- 3-243 Incident Response
- 3-244 Permit to Operate Renewal Date
- 3-245 Permit Renewal Period

**3-300 STANDARDS**

- 3-301 Hearing Board Fees
- 3-302 Fees for New and Modified Sources
- 3-303 Back Fees
- 3-304 Alteration
- 3-305 Cancellation or Withdrawal
- 3-306 Change in Conditions
- 3-307 Transfers
- 3-308 Change of Location
- 3-309 Deleted June 21, 2017
- 3-310 Fee for Constructing Without a Permit
- 3-311 Banking
- 3-312 Emission Caps and Alternative Compliance Plans
- 3-313 Deleted May 19, 1999
- 3-314 Deleted August 2, 1995
- 3-315 Costs of Environmental Documentation
- 3-316 Deleted June 6, 1990
- 3-317 Asbestos Operation Fee
- 3-318 Public Notice Fee, Schools
- 3-319 Major Stationary Source Fees
- 3-320 Toxic Inventory Fees
- 3-321 Deleted December 2, 1998
- 3-322 Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees
- 3-323 Pre-Certification Fees
- 3-324 Deleted June 7, 2000
- 3-325 Deleted December 2, 1998
- 3-326 Deleted December 2, 1998
- 3-327 Permit to Operate, Renewal Fees
- 3-328 Fee for OEHHA Risk Assessment Reviews
- 3-329 Fees for New Source Review Health Risk Assessment
- 3-330 Fee for Renewing an Authority to Construct
- 3-331 Registration Fees
- 3-332 Naturally Occurring Asbestos Fees
- 3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees
- 3-334 Greenhouse Gas Fees
- 3-335 Indirect Source Review Fees
- 3-336 Open Burning Operation Fees
- 3-337 Exemption Fees
- 3-338 Incident Response Fees
- 3-339 Petroleum Refining Emissions Tracking Fees
- 3-340 Major Stationary Source Community Air Monitoring Fees
- 3-341 Fee for Risk Reduction Plan
- 3-342 Fee for Facility-Wide Health Risk Assessment
- [3-343 Fees for Air Dispersion Modeling](#)

**3-400 ADMINISTRATIVE REQUIREMENTS**

- 3-401 Permits
- 3-402 Single Anniversary Date
- 3-403 Change in Operating Parameters
- 3-404 Deleted June 7, 2000
- 3-405 Fees Not Paid
- 3-406 Deleted June 4, 1986
- 3-407 Deleted August 2, 1995
- 3-408 Permit to Operate Valid for 12 Months
- 3-409 Deleted June 7, 2000
- 3-410 Deleted August 2, 1995
- 3-411 Advance Deposit of Funds
- 3-412 Deleted December 2, 1998
- 3-413 Toxic "Hot Spots" Information and Assessment Act Revenues
- 3-414 Deleted December 2, 1998
- 3-415 Failure to Pay - Further Actions
- 3-416 Adjustment of Fees
- 3-417 Temporary Amnesty for Unpermitted and Unregistered Sources
- 3-418 Temporary Incentive for Online Production System Transactions

**3-500 MONITORING AND RECORDS (None Included)**

**3-600 MANUAL OF PROCEDURES (None Included)**

**FEE SCHEDULES**

- SCHEDULE A HEARING BOARD FEES
- SCHEDULE B COMBUSTION OF FUEL
- SCHEDULE C STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS
- SCHEDULE D GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES, BULK PLANTS AND TERMINALS
- SCHEDULE E SOLVENT EVAPORATING SOURCES
- SCHEDULE F MISCELLANEOUS SOURCES
- SCHEDULE H SEMICONDUCTOR AND RELATED OPERATIONS
- SCHEDULE I DRY CLEANERS
- SCHEDULE J DELETED February 19, 1992
- SCHEDULE K SOLID WASTE DISPOSAL SITES
- SCHEDULE L ASBESTOS OPERATIONS
- SCHEDULE M MAJOR STATIONARY SOURCE FEES
- SCHEDULE N TOXIC INVENTORY FEES
- SCHEDULE O DELETED May 19, 1999
- SCHEDULE P MAJOR FACILITY REVIEW FEES
- SCHEDULE Q EXCAVATION OF CONTAMINATED SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS
- SCHEDULE R EQUIPMENT REGISTRATION FEES
- SCHEDULE S NATURALLY OCCURRING ASBESTOS OPERATIONS
- SCHEDULE T GREENHOUSE GAS FEES
- SCHEDULE U INDIRECT SOURCE REVIEW FEES
- SCHEDULE V OPEN BURNING
- SCHEDULE W PETROLEUM REFINING EMISSIONS TRACKING FEES
- SCHEDULE X MAJOR STATIONARY SOURCE COMMUNITY AIR MONITORING FEES

## REGULATION 3 FEES

(Adopted June 18, 1980)

### 3-100 GENERAL

**3-101 Description:** This regulation establishes the regulatory fees charged by the District.  
*(Amended 7/6/83; 11/2/83; 2/21/90; 12/16/92; 8/2/95; 12/2/98; 5/21/03; 5/21/08; 5/20/09; 6/19/13)*

**3-102 Deleted July 12, 1989**

**3-103 Exemption, Abatement Devices:** Installation, modification, or replacement of abatement devices on existing sources are subject to fees pursuant to Section 3-302.3. All abatement devices are exempt from annual permit renewal fees. However, emissions from abatement devices, including any secondary emissions, shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, P, and T.

*(Amended 6/4/86; 7/1/98; 6/7/00; 5/21/08)*

**3-104 Deleted August 2, 1995**

**3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Fees shall not be required, pursuant to Section 3-322, for operations associated with the excavation of contaminated soil and the removal of underground storage tanks if one of the following is met:

105.1 The tank removal operation is being conducted within a jurisdiction where the APCO has determined that a public authority has a program equivalent to the District program and persons conducting the operations have met all the requirements of the public authority.

105.2 Persons submitting a written notification for a given site have obtained an Authority to Construct or Permit to Operate in accordance with Regulation 2, Rule 1, Section 301 or 302. Evidence of the Authority to Construct or the Permit to Operate must be provided with any notification required by Regulation 8, Rule 40.

*(Adopted 1/5/94; Amended 5/21/03)*

**3-106 Deleted December 2, 1998**

**3-107 Exemption, Sources Exempt from Permit Requirements:** Any source that is exempt from permit requirements pursuant to Regulation 2, Rule 1, Sections 103 through 128 is exempt from permit fees. However, emissions from exempt sources shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, and P.

*(Adopted June 7, 2000)*

### 3-200 DEFINITIONS

**3-201 Cancelled Application:** Any application which has been withdrawn by the applicant or cancelled by the APCO for failure to pay fees or to provide the information requested to make an application complete.

*(Amended 6/4/86; 4/6/88)*

**3-202 Gasoline Dispensing Facility:** Any stationary facility which dispenses gasoline directly into the fuel tanks of vehicles, such as motor vehicles, aircraft or boats. The facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing and storage tanks.

*(Amended February 20, 1985)*

**3-203 Filing Fee:** A fixed fee for each source in an authority to construct.

*(Amended June 4, 1986)*

**3-204 Initial Fee:** The fee required for each new or modified source based on the type and size of the source. The fee is applicable to new and modified sources seeking to obtain an authority to construct. Operation of a new or modified source is not allowed until the permit to operate fee is paid.

*(Amended June 4, 1986)*

- 3-205 Authority to Construct:** Written authorization from the APCO, pursuant to Section 2-1-301, for a source to be constructed or modified or for a source whose emissions will be reduced by the construction or modification of an abatement device.  
*(Amended June 4, 1986)*
- 3-206 Modification:** See Section 1-217 of Regulation 1.
- 3-207 Permit to Operate Fee:** The fee required for the annual renewal of a permit to operate or for the first year of operation (or prorated portion thereof) of a new or modified source which received an authority to construct.  
*(Amended 6/4/86; 7/15/87; 12/2/98; 6/7/00)*
- 3-208 Deleted June 4, 1986**
- 3-209 Small Business:** A business with no more than 10 employees and gross annual income of no more than \$750,000 that is not an affiliate of a non-small business.  
*(Amended 6/4/86; 6/6/90; 6/7/00; 6/15/05; 6/16/10)*
- 3-210 Solvent Evaporating Source:** Any source utilizing organic solvent, as part of a process in which evaporation of the solvent is a necessary step. Such processes include, but are not limited to, solvent cleaning operations, painting and surface coating, rotogravure coating and printing, flexographic printing, adhesive laminating, etc. Manufacture or mixing of solvents or surface coatings is not included.  
*(Amended July 3, 1991)*
- 3-211 Source:** See Section 1-227 of Regulation 1.
- 3-212 Deleted August 2, 1995**
- 3-213 Major Stationary Source:** For the purpose of Schedule M, a major stationary source shall be any District permitted plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the base calendar year, emitted to the atmosphere organic compounds, oxides of nitrogen (expressed as nitrogen dioxide), oxides of sulfur (expressed as sulfur dioxide), or PM<sub>10</sub> in an amount calculated by the APCO equal to or exceeding 50 tons per year.  
*(Adopted 11/2/83; Amended 2/21/90; 6/6/90; 8/2/95; 6/7/00)*
- 3-214 Deleted October 20, 1999, effective March 1, 2000**
- 3-215 Deleted October 20, 1999, effective March 1, 2000**
- 3-216 Deleted October 20, 1999, effective March 1, 2000**
- 3-217 Deleted October 20, 1999, effective March 1, 2000**
- 3-218 Deleted October 20, 1999, effective March 1, 2000**
- 3-219 Deleted October 20, 1999, effective March 1, 2000**
- 3-220 Deleted October 20, 1999, effective March 1, 2000**
- 3-221 Deleted October 20, 1999, effective March 1, 2000**
- 3-222 Deleted October 20, 1999, effective March 1, 2000**
- 3-223 Start-up Date:** Date when new or modified equipment under an authority to construct begins operating. The holder of an authority to construct is required to notify the APCO of this date at least 3 days in advance. For new sources, or modified sources whose authorities to construct have expired, operating fees are charged from the startup date.  
*(Adopted 6/4/86; Amended 6/6/90)*
- 3-224 Permit to Operate:** Written authorization from the APCO pursuant to Section 2-1-302.  
*(Adopted 6/4/86; Amended 6/7/00)*
- 3-225 Deleted June 3, 2015**
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987:** The Air Toxics "Hot Spots" Information and Assessment Act of 1987 directs the California Air Resources Board and the Air Quality Management Districts to collect information from industry on emissions of potentially toxic air contaminants and to inform the public about such emissions and their impact on public health. It also directs the Air Quality Management District to collect fees sufficient to cover the necessary state and District costs of implementing the program.  
*(Adopted 10/21/92; Amended 6/15/05)*
- 3-227 Toxic Air Contaminant, or TAC:** An air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1 of Regulation 2, Rule 5.  
*(Adopted 10/21/92; Amended 6/15/05)*

- 3-228 Deleted December 2, 1998
- 3-229 Deleted December 2, 1998
- 3-230 Deleted December 2, 1998
- 3-231 Deleted December 2, 1998
- 3-232 Deleted December 2, 1998
- 3-233 Deleted December 2, 1998
- 3-234 Deleted December 2, 1998
- 3-235 Deleted December 2, 1998
- 3-236 Deleted December 2, 1998
- 3-237 **PM<sub>10</sub>**: See Section 2-1-229 of Regulation 2, Rule 1.  
(Adopted June 7, 2000)
- 3-238 **Risk Assessment Fee**: Fee for a new or modified source of toxic air contaminants for which a health risk assessment (HRA) is required under Regulation 2-5-401, for an HRA required under Regulation 11, Rule 18, or for an HRA prepared for other purposes (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402).  
(Adopted June 15, 2005; Amended: June 21, 2017)
- 3-239 **Toxic Surcharge**: Fee paid in addition to the permit to operate fee for a source that emits one or more toxic air contaminants at a rate which exceeds a chronic trigger level listed in Table 2-5-1.  
(Adopted June 15, 2005)
- 3-240 **Biogenic Carbon Dioxide**: Carbon dioxide emissions resulting from materials that are derived from living cells, excluding fossil fuels, limestone and other materials that have been transformed by geological processes. Biogenic carbon dioxide originates from carbon (released in the form of emissions) that is present in materials that include, but are not limited to, wood, paper, vegetable oils, animal fat, and food, animal and yard waste.  
(Adopted May 21, 2008)
- 3-241 **Green Business**: A business or government agency that has been certified under the Bay Area Green Business Program coordinated by the Association of Bay Area Governments and implemented by participating counties.  
(Adopted June 16, 2010)
- 3-242 **Incident**: A non-routine release of an air contaminant that may cause adverse health consequences to the public or to emergency personnel responding to the release, or that may cause a public nuisance or off-site environmental damage.  
(Adopted June 19, 2013)
- 3-243 **Incident Response**: The District's response to an incident. The District's incident response may include the following activities: i) inspection of the incident-emitting equipment and facility records associated with operation of the equipment; ii) identification and analysis of air quality impacts, including without limitation, identifying areas impacted by the incident, modeling, air monitoring, and source sampling; iii) engineering analysis of the specifications or operation of the equipment; and iv) administrative tasks associated with processing complaints and reports.  
(Adopted June 19, 2013)
- 3-244 **Permit to Operate Renewal Date**: The first day of a Permit to Operate's Permit Renewal Period.  
(Adopted June 19, 2013)
- 3-245 **Permit Renewal Period**: The length of time the source is authorized to operate pursuant to a Permit to Operate.  
(Adopted June 19, 2013)
- 3-300 **STANDARDS**
- 3-301 **Hearing Board Fees**: Applicants for variances or appeals or those seeking to revoke or modify variances or abatement orders or to rehear a Hearing Board decision shall pay the applicable fees, including excess emission fees, set forth in Schedule A.  
(Amended June 7, 2000)
- 3-302 **Fees for New and Modified Sources**: Applicants for authorities to construct and permits to operate new sources shall pay for each new source: a filing fee of ~~\$489508~~, the initial fee, the

risk assessment fee, the permit to operate fee, and toxic surcharge (given in Schedules B, C, D, E, F, H, I or K). Applicants for authorities to construct and permits to operate modified sources shall pay for each modified source, a filing fee of \$489508, the initial fee, the risk assessment fee, and any incremental increase in permit to operate and toxic surcharge fees. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. If any person requests more than three HRA scenarios required pursuant to Regulation 2, Rule 5 in any single permit application, they shall pay an additional risk assessment fee for each of these scenarios. Except for gasoline dispensing facilities (Schedule D) and semiconductor facilities (Schedule H), the size to be used for a source when applying the schedules shall be the maximum size the source will have after the construction or modification. Where applicable, fees for new or modified sources shall be based on maximum permitted usage levels or maximum potential to emit including any secondary emissions from abatement equipment. The fee rate applied shall be based on the fee rate in force on the date the application is declared by the APCO to be complete according to 2-1-402, excluding 2-1-402.3 fees. The APCO may reduce the fees for new and modified sources by an amount deemed appropriate if the owner or operator of the source attends an Industry Compliance School sponsored by the District.

302.1 Small Business Discount: If an applicant qualifies as a small business and the source falls under schedules B, C, D (excluding gasoline dispensing facilities), E, F, H, I or K, the filing fee, initial fee, and risk assessment fee shall be reduced by 50%. All other applicable fees shall be paid in full. If an applicant also qualifies for a Green Business Discount, only the Small Business Discount (i.e., the 50% discount) shall apply.

302.2 Deleted July 3, 1991

302.3 Fees for Abatement Devices: Applicants for an authority to construct and permit to operate abatement devices where there is no other modification to the source shall pay a \$489508 filing fee and initial and risk assessment fees that are equivalent to 50% of the initial and risk assessment fees for the source being abated, not to exceed a total of \$10,588. For abatement devices abating more than one source, the initial fee shall be 50% of the initial fee for the source having the highest initial fee.

302.4 Fees for Reactivated Sources: Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, risk assessment, permit, and toxic surcharge fees.

302.5 Deleted June 3, 2015

302.6 Green Business Discount: If an applicant qualifies as a green business, the filing fee, initial fee, and risk assessment fee shall be reduced by 10%. All other applicable fees shall be paid in full.

*(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

### 3-303

**Back Fees:** An applicant required to obtain a permit to operate existing equipment in accordance with District regulations shall pay back fees equal to the permit to operate fees and toxic surcharges given in the appropriate Schedule (B, C, D, E, F, H, I or K) prorated from the effective date of permit requirements. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. The applicant shall also pay back fees equal to toxic inventory fees pursuant to Section 3-320 and Schedule N. The maximum back fee shall not exceed a total of five years' permit, toxic surcharge, and toxic inventory fees. An owner/operator required to register existing equipment in accordance with District regulations shall pay back fees equal to the annual renewal fee given in Schedule R prorated from the effective date of registration requirements, up to a maximum of five years.

*(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 10/8/97; 6/15/05; 5/20/09)*

### 3-304

**Alteration:** Except as provided below, an applicant to alter an existing permitted source shall pay the filing fee and 50% of the initial fee for the source, provided that the alteration does not result in an increase in emissions of any regulated air pollutant. For gasoline dispensing facilities subject to Schedule D, an applicant for an alteration shall pay a fee of 1.75 times the filing fee.

304.1 Schedule D Fees: Applicants for alteration to a gasoline dispensing facility subject to Schedule D shall pay a fee of 1.75 times the filing fee.

304.2 Schedule G Fees: Applicants for alteration to a permitted source subject to Schedule G-3, G-4, or G-5 shall pay the filing fee, 100% of the initial fee,<sup>5,7</sup> and, if District regulations require a health risk assessment of the alteration, the risk assessment fee (if applicable), as specified under provided for in Schedule G-2. The applicant shall pay the permit renewal and the toxic surcharge fees applicable to the source under Schedules G-3, G-4, or G-5.

*(Amended 6/4/86; 11/15/00; 6/2/04; 6/3/15, 6/15/16, 6/6/18, 6/5/19)*

**3-305 Cancellation or Withdrawal:** There will be no refund of the initial fee and filing fee if an application is cancelled or withdrawn. There will be no refund of the risk assessment fee if the risk assessment has been conducted prior to the application being cancelled or withdrawn. If an application for identical equipment is submitted within six months of the date of cancellation or withdrawal, the initial fee will be credited in full against the fee for the new application.

*(Amended 7/6/83; 4/6/88; 10/8/97; 6/15/05, 6/21/17)*

**3-306 Change in Conditions:** If an applicant applies to change the conditions on an existing authority to construct or permit to operate, the applicant will pay the following fees. There will be no change in anniversary date.

306.1 Administrative Condition Changes: An applicant applying for an administrative change in permit conditions shall pay a fee equal to the filing fee for a single source, provided the following criteria are met:

- 1.1 The condition change applies to a single source or a group of sources with shared permit conditions.
- 1.2 The condition change does not subject the source(s) to any District Regulations or requirements that were not previously applicable.
- 1.3 The condition change does not result in any increase in emissions of POC, NPOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, or PM<sub>10</sub> at any source or the emission of a toxic air contaminant above the trigger levels identified in Table 2-5-1
- 1.4 The condition change does not require a public notice.

306.2 Other Condition Changes: Applicant shall pay the filing, initial, and risk assessment fees required for new and modified equipment under Section 3-302. If the condition change will result in higher permit to operate fees, the applicant shall also pay any incremental increases in permit to operate fees and toxic surcharges.

*(Amended 7/6/83; 6/4/86; 6/6/90; 10/8/97; 6/7/00; 6/15/05, 6/21/17)*

**3-307 Transfers:** The owner/operator of record is the person to whom a permit is issued or, if no permit has yet been issued to a facility, the person who applied for a permit. Permits are valid only for the owner/operator of record. Upon submittal of a \$102 transfer of ownership fee, permits are re-issued to the new owner/operator of record with no change in expiration dates.

*(Amended 2/20/85; 6/4/86; 11/5/86; 4/6/88; 10/8/97, 5/1/02; 5/21/03; 6/02/04; 6/19/13; 6/4/14, 6/15/16)*

**3-308 Change of Location:** An applicant who wishes to move an existing source, which has a permit to operate, shall pay no fee if the move is on the same facility. If the move is not on the same facility, the source shall be considered a new source and subject to Section 3-302. This section does not apply to portable permits meeting the requirements of Regulation 2-1-220 and 413.

*(Amended 7/6/83; 6/4/86; 6/15/05)*

**3-309** Deleted June 21, 2017

*(Amended 5/19/99; 5/1/02; 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17)*

**3-310 Fee for Constructing Without a Permit:** An applicant for an authority to construct and a permit to operate a source, which has been constructed or modified without an authority to construct, shall pay the following fees:

310.1 Sources subject to permit requirements on the date of initial operation shall pay fees for new construction pursuant to Section 3-302, any back fees pursuant to Section 3-303, and a late fee equal to 100% of the initial fee. A modified gasoline dispensing facility subject to Schedule D that is not required to pay an initial fee shall pay fees for a modified source pursuant to Section 3-302, back fees, and a late fee equal to 100% of the filing fee.

310.2 Sources previously exempt from permit requirements that lose their exemption due to changes in District, state, or federal regulations shall pay a permit to operate fee and toxic surcharge for the coming year and any back fees pursuant to Section 3-303.

310.3 Sources previously exempt from permit requirements that lose their exemption due to a change in the manner or mode of operation, such as an increased throughput, shall pay fees for new construction pursuant to Section 3-302. In addition, sources applying for permits after commencing operation in a non-exempt mode shall also pay a late fee equal to 100% of the initial fee and any back fees pursuant to Section 3-303.

310.4 Sources modified without a required authority to construct shall pay fees for modification pursuant to Section 3-302 and a late fee equal to 100% of the initial fee.

*(Amended 7/6/83; 4/18/84; 6/4/86; 6/6/90; 7/3/91; 8/2/95; 10/8/97; 6/02/04; 6/15/05; 6/6/12)*

3-311

**Emission Banking Fees:** ~~Any An applicant who applies/wishes~~ to bank emissions for future use, ~~or to convert an emission reduction credit (ERC) ERC~~ into an Interchangeable Emission Reduction Credit (IERC), ~~or to transfer ownership of ERCs~~ shall pay the following fees:

311.1 Banking ERCs: An applicant who wishes to bank emissions for future use shall pay a filing fee of \$508~~489~~ per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. ~~Any applicant for the withdrawal of banked emissions shall pay a fee of \$489.~~

311.2 Converting Existing ERCs: An applicant who wishes to convert an existing ERC into an IERC shall pay a filing fee of \$508 per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

311.3 Transferring ERC Ownership: An applicant who currently owns ERCs who wishes to transfer some or all of its/an ERCs it currently owns to another owner shall pay a filing fee of \$508.

*(Amended 7/6/83; 6/4/86; 7/15/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03;*

*6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/21/17; 6/6/18; 6/5/19)*

3-312

**Emission Caps and Alternative Compliance Plans:** Any facility which elects to use an alternative compliance plan contained in:

312.1 Regulation 8 ("bubble") to comply with a District emission limitation or to use an annual or monthly emission limit to acquire a permit in accordance with the provisions of Regulation 2, Rule 2, shall pay an additional annual fee equal to fifteen percent of the total plant permit to operate fee.

312.2 Regulation 2, Rule 9, or Regulation 9, Rule 10 shall pay an annual fee of \$1,2864,238 for each source included in the alternative compliance plan, not to exceed \$12,860389.

*(Adopted 5/19/82; Amended 6/4/86; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/23/03; 6/2/04;*

*6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/21/17; 6/6/18; 6/5/19)*

3-313

**Deleted May 19, 1999**

3-314

**Deleted August 2, 1995**

3-315

**Costs of Environmental Documentation:** An applicant for an Authority to Construct shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, the District's costs of performing any environmental evaluation and preparing and filing any documents pursuant to the California Environmental Quality Act (Public Resources Code, Section 21000, et seq), including the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such evaluation or documentation, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or filing any environmental evaluation or documentation.

*(Adopted 12/18/85; Amended 5/1/02; 6/3/15)*

3-316

**Deleted June 6, 1990**

3-317

**Asbestos Operation Fees:** After July 1, 1988, persons submitting a written plan, as required by Regulation 11, Rule 2, Section 401, to conduct an asbestos operation shall pay the fee given in Schedule L.

*(Adopted 7/6/88; Renumbered 9/7/88; Amended 8/2/95)*

3-318

**Public Notice Fee, Schools:** Pursuant to Section 42301.6(b) of the Health and Safety Code, an applicant for an authority to construct or permit to operate subject to the public notice requirements of Regulation 2-1-412 shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, a fee to cover the expense of preparing and distributing the public notices to the affected persons specified in Regulation 2-1-412 as follows:

318.1 A fee of \$2,272 per application, and

- 318.2 The District's cost exceeding \$2,272 of preparing and distributing the public notice.
- 318.3 The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of preparing and distributing the public notice.

*(Adopted 11/1/89; Amended 10/8/97; 7/1/98; 5/19/99; 6/7/00; 5/21/03; 6/2/04; 6/16/10, 6/15/16, 6/21/17, 6/6/18)*

**3-319 Major Stationary Source Fees:** Any major stationary source emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, or PM<sub>10</sub> shall pay a fee based on Schedule M. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.

*(Adopted 6/6/90; Amended 8/2/95; 6/7/00)*

**3-320 Toxic Inventory Fees:** Any facility that emits one or more toxic air contaminants in quantities above a minimum threshold level shall pay an annual fee based on Schedule N. This fee will be in addition to permit to operate, toxic surcharge, and other fees otherwise authorized to be collected from such facilities.

320.1 An applicant who qualifies as a small business under Regulation 3-209 shall pay a Toxic Inventory Fee as set out in Schedule N up to a maximum fee of ~~\$10,0569,679~~ per year.

*(Adopted 10/21/92; Amended 5/19/99; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/20/09; 6/16/10; 5/4/11, 6/15/16, 6/21/17, 6/5/19)*

**3-321 Deleted December 2, 1998**

**3-322 Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Persons submitting a written notification for a given site to conduct either excavation of contaminated soil or removal of underground storage tanks as required by Regulation 8, Rule 40, Section 401, 402, 403 or 405 shall pay a fee based on Schedule Q.

*(Adopted 1/5/94; Amended 8/2/95; 5/21/03)*

**3-323 Pre-Certification Fees:** An applicant seeking to pre-certify a source, in accordance with Regulation 2, Rule 1, Section 415, shall pay the filing fee, initial fee and permit to operate fee given in the appropriate schedule.

*(Adopted June 7, 1995)*

**3-324 Deleted June 7, 2000**

**3-325 Deleted December 2, 1998**

**3-326 Deleted December 2, 1998**

**3-327 Permit to Operate, Renewal Fees:** After the expiration of the initial permit to operate, the permit to operate shall be renewed on an annual basis or other time period as approved by the APCO. The fee required for the renewal of a permit to operate is the permit to operate fee and toxic surcharge listed in Schedules B, C, D, E, F, H, I, and K, prorated for the period of coverage. When more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. This renewal fee is applicable to all sources required to obtain permits to operate in accordance with District regulations. The permit renewal invoice shall also specify any applicable major stationary source fees based on Schedule M, toxic inventory fees based on Schedule N, major facility review fees based on Schedule P, and greenhouse gas fees based on Schedule T. Where applicable, renewal fees shall be based on actual usage or emission levels that have been reported to or calculated by the District. In addition to these renewal fees for the sources at a facility, the facility shall also pay a processing fee at the time of renewal that covers each Permit Renewal Period as follows:

- 327.1 ~~\$10096~~ for facilities with one permitted source, including gasoline dispensing facilities,
- 327.2 ~~\$198494~~ for facilities with 2 to 5 permitted sources,
- 327.3 ~~\$395380~~ for facilities with 6 to 10 permitted sources,
- 327.4 ~~\$593574~~ for facilities with 11 to 15 permitted sources,
- 327.5 ~~\$78757~~ for facilities with 16 to 20 permitted sources,
- 327.6 ~~\$984947~~ for facilities with more than 20 permitted sources.

*(Adopted 6/7/00; Amended 6/2/04; 6/16/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**3-328 Fee for OEHHA Risk Assessment Reviews:** Any facility that submits a health risk assessment to the District in accordance with Section 44361 of the California Health and Safety Code shall pay any fee requested by the State Office of Environmental Health Hazard Assessment (OEHHA) for reimbursement of that agency's costs incurred in reviewing the risk assessment.

*(Adopted June 7, 2000)*

**3-329 Fees for New Source Review Health Risk Assessment:** Any person required to submit a

health risk assessment (HRA) pursuant to Regulation 2-5-401 shall pay an appropriate Risk Assessment Fee pursuant to Regulation 3-302 and Schedules B, C, D, E, F, H, I or K. In addition, any person that requests that the District prepare or review an HRA (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402) shall pay a Risk Assessment Fee. A Risk Assessment Fee shall be assessed for each source that is proposed to emit a toxic air contaminant (TAC) at a rate that exceeds a trigger level in Table 2-5-1: Toxic Air Contaminant Trigger Levels. If a project requires an HRA due to total project emissions, but TAC emissions from each individual source are less than the Table 2-5-1 trigger levels, a Risk Assessment Fee shall be assessed for the source in the project with the highest TAC emissions.

*(Adopted June 15, 2005; Amended 6/21/17)*

**3-330 Fee for Renewing an Authority to Construct:** An applicant seeking to renew an authority to construct in accordance with Regulation 2-1-407 shall pay a fee of 50% of the initial fee in effect at the time of the renewal. If the District determines that an authority to construct cannot be renewed, any fees paid under this section shall be credited in full against the fee for a new authority to construct for functionally equivalent equipment submitted within six months of the date the original authority to construct expires.

*(Adopted June 15, 2005)*

**3-331 Registration Fees:** Any person who is required to register equipment under District rules shall submit a registration fee, and any annual fee thereafter, as set out in Schedule R. The APCO may reduce registration fees by an amount deemed appropriate if the owner or operator of the equipment attends an Industry Compliance School sponsored by the District.

*(Adopted June 6, 2007; Amended 6/16/10)*

**3-332 Naturally Occurring Asbestos Fees:** After July 1, 2007, any person required to submit [or amend](#) an Asbestos Dust Mitigation Plan (ADMP) pursuant to Title 17 of the California Code of Regulations, Section 93105, Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations shall pay the fee(s) set out in Schedule S.

*(Adopted June 6, 2007; Amended 6/5/19)*

**3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees:** Any facility that applies for, or is required to undergo, an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit, a renewal of an MFR permit, an initial synthetic minor operating permit, or a revision to a synthetic minor operating permit, shall pay the applicable fees set forth in Schedule P.

*(Adopted May 21, 2008)*

**3-334 Greenhouse Gas Fees:** Any permitted facility with greenhouse gas emissions shall pay a fee based on Schedule T. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities, and shall be included as part of the annual permit renewal fees.

*(Adopted May 21, 2008)*

**3-335 Indirect Source Review Fees:** Applicants that must file an Air Quality Impact Assessment pursuant to District rules for a project that is deemed to be an indirect source shall pay a fee based on Schedule U.

*(Adopted May 20, 2009)*

**3-336 Open Burning Operation Fees:** Effective July 1, 2013, any person required to provide notification to the District prior to burning; submit a petition to conduct a Filmmaking or Public Exhibition fire; receive an acreage burning allocation to conduct a Stubble fire; or submit a smoke management plan and receive an acreage burning allocation to conduct a Wildland Vegetation Management fire or Marsh Management fire shall pay the fee given in Schedule V.

*(Adopted June 19, 2013)*

**3-337 Exemption Fee:** An applicant who wishes to receive a certificate of exemption shall pay a filing fee of ~~\$489508~~ per exempt source.

*(Adopted June 19, 2013; Amended 6/4/14; 6/3/15, 6/21/17.)*

**3-338 Incident Response Fee:** Any facility required to obtain a District permit, and any District-regulated area-wide or indirect source, that is the site where an incident occurs to which the District responds, shall pay a fee equal to the District's actual costs in conducting the incident response as defined in Section 3-243, including without limitation, the actual time and salaries,

plus overhead, of the District staff involved in conducting the incident response and the cost of any materials.(Adopted June 19, 2013)

**3-339 Petroleum Refining Emissions Tracking Fees:** Any person required to submit an Annual Emissions Inventory, Monthly Crude Slate Report, or air monitoring plan in accordance with Regulation 12, Rule 15 shall pay the applicable fees set forth in Schedule W.

(Adopted 6/15/16)

**3-340 Major Stationary Source Community Air Monitoring Fees:** Any major stationary source emitting 35 tons per year of organic compounds, sulfur oxides, nitrogen oxides, carbon monoxide or PM<sub>10</sub> shall pay a community air monitoring fee based on Schedule X. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.

(Adopted 6/15/16)

**3-341 Fee for Risk Reduction Plan:** Any person required to submit a Risk Reduction Plan in accordance with Regulation 11, Rule 18 shall pay the applicable fees set forth below:

341.1 ~~\$1,5594,500~~ for facilities with one source subject to risk reduction pursuant to Regulation 11, Rule 18, including gasoline dispensing facilities;

341.2 ~~\$3,1173,000~~ for facilities with 2 to 5 sources subject to risk reduction pursuant to Regulation 11, Rule 18;

341.3 ~~\$6,2346,000~~ for facilities with 6 to 10 sources subject to risk reduction pursuant to Regulation 11, Rule 18;

341.4 ~~\$12,46812,000~~ for facilities with 11 to 15 sources subject to risk reduction pursuant to Regulation 11, Rule 18;

341.5 ~~\$24,93624,000~~ for facilities with 16 to 20 sources subject to risk reduction pursuant to Regulation 11, Rule 18;

341.6 ~~\$33,24832,000~~ for facilities with more than 20 sources subject to risk reduction pursuant to Regulation 11, Rule 18.

(Adopted 6/21/17, 6/5/19)

**3-342 Fee for Facility-Wide Health Risk Assessment:** Any person required to undergo a health risk assessment (HRA) to assess compliance with the Regulation 11, Rule 18 risk action levels shall pay a risk assessment fee for each source pursuant to Regulation 3-329 and Schedules B, C, D, E, F, H, I or K. The maximum fee required for any single HRA of a facility conducted pursuant to Regulation 11, Rule 18 shall not exceed a total of ~~\$155,850450,000~~.

If a facility retains a District-approved consultant to complete the required facility-wide HRA, the facility shall pay a fee to cover the District's costs of performing the review of the facility-wide HRA, including the costs of any outside consulting assistance which the District may employ in connection with any such review, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or approving the facility-wide HRA. The total HRA review cost shall be determined based on the District's actual review time in hours multiplied by an hourly charge of ~~\$213205~~ per hour. Facilities shall pay an HRA review fee as indicated below and the District's cost exceeding the applicable HRA review fees indicated below for performing the review of the facility-wide HRA:

342.1 ~~\$2,5982,500~~ for facilities with one to 10 sources subject to risk reduction pursuant to Regulation 11, Rule 18, including gasoline dispensing facilities;

342.2 ~~\$6,8576,600~~ for facilities with 11 to 50 sources subject to risk reduction pursuant to Regulation 11, Rule 18;

342.3 ~~\$14,54614,000~~ for facilities with more than 50 sources subject to risk reduction pursuant to Regulation 11, Rule 18.

The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of performing the review of the facility-wide HRA.

(Adopted 6/21/17, Amended 6/6/18, 6/5/19)

**3-343 Fees for Air Dispersion Modeling:** An applicant for an Authority to Construct or Permit to Operate shall pay, in addition to the fees required under Section 3-302 and 3-329 and in any applicable schedule, the District's costs of performing any air dispersion modeling needed to

determine compliance with any District regulatory requirement. The total air dispersion modeling fee cost shall be determined based on the District's actual review time in hours multiplied by an hourly charge of \$213 per hour. This fee shall also apply for costs incurred in reviewing air dispersion modeling submittals by applicants and the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such evaluation or documentation, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or approving the air dispersion modeling.

*(Adopted 6/5/19)*

### **3-400 ADMINISTRATIVE REQUIREMENTS**

**3-401 Permits:** Definitions, standards, and conditions contained in Regulation 2, Permits, are applicable to this regulation.

**3-402 Single Anniversary Date:** The APCO may assign a single anniversary date to a facility on which all its renewable permits to operate expire and will require renewal. Fees will be prorated to compensate for different time periods resulting from change in anniversary date.

**3-403 Change in Operating Parameters:** See Section 2-1-404 of Regulation 2, Rule 1.

**3-404 Deleted June 7, 2000**

**3-405 Fees Not Paid:** If an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the following procedure(s) shall apply:

- 405.1 Authority to Construct: The application will be cancelled, but can be reactivated upon payment of fees.
- 405.2 New Permit to Operate: The Permit to Operate shall not be issued, and the facility will be notified that operation, including startup, is not authorized.
  - 2.1 Fees received during the first 30 days following the due date must include a late fee equal to 10 percent of all fees specified on the invoice.
  - 2.2 Fees received more than 30 days after the due date must include a late fee equal to 25 percent of all fees specified on the invoice.
- 405.3 Renewal of Permit to Operate: The owner or operator of a facility must renew the Permit to Operate in order to continue to be authorized to operate the source. Permit to Operate Fees for the Permit Renewal Period shall be calculated using fee schedules in effect on the Permit to Operate Renewal Date. The permit renewal invoice will include all fees to be paid in order to renew the Permit to Operate, as specified in Section 3-327. If not renewed as of the date of the next Permit Renewal Period, a Permit to Operate lapses and further operation is no longer authorized. The District will notify the facility that the permit has lapsed. Reinstatement of lapsed Permits to Operate will require the payment of all unpaid prior Permit to Operate fees and associated reinstatement fees for each unpaid prior Permit Renewal Period, in addition to all fees specified on the permit renewal invoice.
- 405.4 Reinstatement of Lapsed Permit to Operate: To reinstate a Permit to Operate, the owner or operator must pay all of the following fees:
  - 4.1 The applicable Permit to Operate Fees for the current year, as specified in Regulation 3-327, and the applicable reinstatement fee, if any, calculated as follows:
    - 4.1.1 Fees received during the first 30 days following the due date must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 10 percent of all fees specified on the invoice.
    - 4.1.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 25 percent of all fees specified on the invoice.
  - 4.2 The applicable Permit to Operate Fees specified in Regulation 3-327 for each prior Permit Renewal Period for which all Permit to Operate Fees and associated reinstatement fees have not been paid. Each year's Permit to Operate Fee shall be calculated at the fee rates in effect on that year's Permit to Operate Renewal

Date. The reinstatement fee for each associated previously-unpaid Permit to Operate Fee shall be calculated in accordance with Regulation 3-405.4.1 and 4.1.2.

Each year or period of the lapsed Permit to Operate is deemed a separate Permit Renewal Period. The oldest outstanding Permit to Operate Fee and reinstatement fees shall be paid first.

405.5 Registration and Other Fees: Persons who have not paid the fee by the invoice due date, shall pay the following late fee in addition to the original invoiced fee. Fees shall be calculated using fee schedules in effect at the time of the fees' original determination.

5.1 Fees received during the first 30 days following the due date must include an additional late fee equal to 10 percent of all fees specified on the invoice.

5.2 Fees received more than 30 days after the due date must include an additional late fee equal to 5025 percent of all fees specified on the invoice.

*(Amended 7/6/83; 6/4/86; 11/5/86; 2/15/89; 6/6/90; 7/3/91; 8/2/95; 12/2/98; 6/15/05; 6/7/06; 6/6/12; 6/19/13; 6/4/14, 6/6/18, 6/5/19)*

**3-406 Deleted June 4, 1986**

**3-407 Deleted August 2, 1995**

**3-408 Permit to Operate Valid for 12 Months:** A Permit to Operate is valid for 12 months from the date of issuance or other time period as approved by the APCO.

*(Amended 6/4/86; Amended 6/7/00)*

**3-409 Deleted June 7, 2000**

**3-410 Deleted August 2, 1995**

**3-411 Advance Deposit of Funds:** The APCO may require that at the time of the filing of an application for an Authority to Construct for a project for which the District is a lead agency under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), the applicant shall make an advance deposit of funds, in an amount to be specified by the APCO, to cover the costs which the District estimates to incur in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation. In the event the APCO requires such an estimated advance payment to be made, the applicant will be provided with a full accounting of the costs actually incurred by the District in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation.

*(Adopted 12/18/85; Amended 8/2/95)*

**3-412 Deleted December 2, 1998**

**3-413 Toxic "Hot Spots" Information and Assessment Act Revenues:** No later than 120 days after the adoption of this regulation, the APCO shall transmit to the California Air Resources Board, for deposit into the Air Toxics "Hot Spots" Information and Assessment Fund, the revenues determined by the ARB to be the District's share of statewide Air Toxics "Hot Spot" Information and Assessment Act expenses.

*(Adopted October 21, 1992)*

**3-414 Deleted December 2, 1998**

**3-415 Failure to Pay - Further Actions:** When an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the APCO may take the following actions against the applicant or owner/operator:

415.1 Issuance of a Notice to Comply.

415.2 Issuance of a Notice of Violation.

415.3 Revocation of an existing Permit to Operate. The APCO shall initiate proceedings to revoke permits to operate for any person who is delinquent for more than one month. The revocation process shall continue until payment in full is made or until permits are revoked.

415.4 The withholding of any other District services as deemed appropriate until payment in full is made.

*(Adopted 8/2/95; Amended 12/2/98; 6/15/05)*

**3-416 Adjustment of Fees:** The APCO or designees may, upon finding administrative error by District staff in the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth in this rule, rescind, reduce, increase, or modify the fee. A request for such relief from an

administrative error, accompanied by a statement of why such relief should be granted, must be received within two years from the date of payment.

*(Adopted October 8, 1997)*

**3-417 Temporary Amnesty for Unpermitted and Unregistered Sources:** The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the back fees and/or late fees for sources that are currently operating without valid Permits to Operate and/or equipment registrations.

*(Adopted June 16, 2010)*

**3-418 Temporary Incentive for Online Production System Transactions:** The APCO has the authority to declare an incentive period for transactions made using the online production system, during which the District may waive all or any part of the fees for these transactions.

*(Adopted 6/6/18)*

**SCHEDULE A  
HEARING BOARD FEES<sup>1</sup>**

Established by the Board of Directors December 7, 1977 Resolution No. 1046  
(Code section references are to the California Health & Safety Code, unless otherwise indicated)

		Large Companies	Small Business	Third Party
1.	For each application for variance exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance ..... Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application in accordance with §42350, the additional sum of .....	<del>\$6,0865</del> ,292  <del>\$3,0472</del> ,650	<del>\$9107</del> 91  <del>\$3072</del> 67	
2.	For each application for variance not exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance ..... Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application, in accordance with §42350, the additional sum of .....	<del>\$3,6543</del> ,177  <del>\$1,8244</del> ,586	<del>\$9107</del> 91  <del>\$3072</del> 67	
3.	For each application to modify a variance in accordance with §42356.... Plus, for each hearing in addition to the first hearing on said application to modify a variance, in accordance with §42345, necessary to dispose of the application, the additional sum of .....	<del>\$2,4242</del> ,108  <del>\$1,8244</del> ,586	<del>\$3072</del> 67  <del>\$3072</del> 67	
4.	For each application to extend a variance, in accordance with §42357... Plus, for each hearing in addition to the first hearing on an application to extend a variance, in accordance with §42357, necessary to dispose of the application, the additional sum of .....	<del>\$2,4242</del> ,108  <del>\$1,8244</del> ,586	<del>\$3072</del> 67  <del>\$3072</del> 67	
5.	For each application to revoke a variance.....	<del>\$3,6543</del> ,177	<del>\$3072</del> 67	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703 .....	<del>\$2,4242</del> ,108	<del>\$3072</del> 67	
7.	For each application for variance in accordance with §41703, which exceeds 90 days ..... Plus, for each hearing in addition to the first hearing on said application for variance in accordance with §41703, the additional sum of .....	<del>\$6,0865</del> ,292  <del>\$3,0472</del> ,650	<del>\$9107</del> 91  <del>\$3072</del> 67	
8.	For each application for variance in accordance with §41703, not to exceed 90 days ..... Plus, for each hearing in addition to the hearing on said application for a variance in accordance with §41703, the additional sum of .....	<del>\$3,6543</del> ,177  <del>\$1,8244</del> ,586	<del>\$9107</del> 91  <del>\$3072</del> 67	

		Large Companies	Small Business	Third Party
9.	For each Appeal (Permit, Banking, Title V) .....	<del>\$6,0865,2</del> 92 per hearing day	<del>\$3,0472,650</del> per hearing day	<del>\$3,0472,650</del> 50 for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6.....	<del>\$3,0472,650</del>	<del>\$6125,32</del>	
11.	For each application to Modify or Terminate an abatement order .....	<del>\$6,0865,2</del> 92 per hearing day	<del>\$3,0472,650</del> per hearing day	
12.	For each application for an interim variance in accordance with §42351	<del>\$3,0472,650</del>	<del>\$6125,32</del>	
13.	For each application for an emergency variance in accordance with §42359.5.....	<del>\$1,5194,324</del>	<del>\$3072,67</del>	
14.	For each application to rehear a Hearing Board decision in accordance with §40861.....	100% of previous fee charged	100% of previous fee charged	
15.	Excess emission fees.....	See Attachment I	See Attachment I	
16.	Miscellaneous filing fee for any hearing not covered above	<del>\$3,0472,650</del>	<del>\$9107,94</del>	<del>\$91079,4</del>
17.	For each published Notice of Public Hearing.....	Cost of Publication	\$0	\$0
18.	Court Reporter Fee (to be paid only if Court Reporter required for hearing).....	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket	\$0	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket

NOTE 1 Any applicant who believes they have a hardship for payment of fees may request a fee waiver from the Hearing Board pursuant to Hearing Board Rules.  
*(Amended 10/8/97; 5/19/99; 6/7/00; 6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE A  
ATTACHMENT I  
EXCESS EMISSION FEE**

**A. General**

- (1) Each applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the other filing fees required in Schedule A, an emission fee based on the total weight of emissions discharged, per source or product, other than those described in division (B) below, during the variance period in excess of that allowed by these rules in accordance with the schedule set forth in Table I.
- (2) Where the total weight of emission discharged cannot be easily calculated, the petitioner shall work in concert with District staff to establish the amount of excess emissions to be paid.
- (3) In the event that more than one rule limiting the discharge of the same contaminant is violated, the excess emission fee shall consist of the fee for violation which will result in the payment of the greatest sum. For the purposes of this subdivision, opacity rules and particulate mass emissions shall not be considered rules limiting the discharge of the same contaminant.

**B. Excess Visible Emission Fee**

Each applicant or petitioner for a variance from Regulation 6 or Health and Safety Code Section 41701 shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the filing fees required in Schedule A and the excess emission fees required in (A) above (if any), an emission fee based on the difference between the percent opacity allowed by Regulation 6 and the percent opacity of the emissions allowed from the source or sources operating under the variance, in accordance with the schedule set forth in Table II.

In the event that an applicant or petitioner is exempt from the provisions of Regulation 6, the applicant or petitioner shall pay a fee calculated as described herein above, but such fee shall be calculated based upon the difference between the opacity allowed under the variance and the opacity allowed under the provisions of Health and Safety Code Section 41701, in accordance with the schedule set forth in Table II.

**C. Applicability**

The provisions of subdivision (A) shall apply to all variances that generate excess emissions.

**D. Fee Determination**

- (1) The excess emission fees shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions as set forth in subdivisions (A) and (B) above. The calculations and proposed fees shall be set forth in the petition.
- (2) The Hearing Board may adjust the excess emission fee required by subdivisions (A) and (B) of this rule based on evidence regarding emissions presented at the time of the hearing.

#### **E. Small Businesses**

- (1) A small business shall be assessed twenty percent (20%) of the fees required by subdivisions (A) and (B), whichever is applicable. "Small business" is defined in the Fee Regulation.
- (2) Request for exception as a small business shall be made by the petitioner under penalty of perjury on a declaration form provided by the Executive Officer which shall be submitted to the Clerk or Deputy Clerk of the Hearing Board at the time of filing a petition for variance.

#### **F. Group, Class and Product Variance Fees**

Each petitioner included in a petition for a group, class or product variance shall pay the filing fee specified in Schedule A, and the excess emission fees specified in subdivisions (A) and (B), whichever is applicable.

#### **G. Adjustment of Fees**

If after the term of a variance for which emission fees have been paid, petitioner can establish, to the satisfaction of the Executive Officer/APCO, that emissions were actually less than those upon which the fee was based, a pro rata refund shall be made.

#### **H. Fee Payment/Variance Invalidation**

- (1) Excess emission fees required by subdivisions (A) and (B), based on an estimate provided during the variance Hearing, are due and payable within fifteen (15) days of the granting of the variance. The petitioner shall be notified in writing of any adjustment to the amount of excess emission fees due, following District staff's verification of the estimated emissions. Fee payments to be made as a result of an adjustment are due and payable within fifteen (15) days of notification of the amount due.
- (2) Failure to pay the excess emission fees required by subdivisions (A) and (B) within fifteen (15) days of notification that a fee is due shall automatically invalidate the variance. Such notification may be given by personal service or by deposit, postpaid, in the United States mail and shall be due fifteen (15) days from the date of personal service or mailing. For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date.

**TABLE I  
SCHEDULE OF EXCESS EMISSIONS FEES**

Air Contaminants All at ~~\$5.835-07~~ per pound

Organic gases, except methane and those containing sulfur  
Carbon Monoxide  
Oxides of nitrogen (expressed as nitrogen dioxide)  
Gaseous sulfur compounds (expressed as sulfur dioxide)  
Particulate matter

Toxic Air Contaminants All at ~~\$29.0025-22~~ per pound

Asbestos  
Benzene  
Cadmium  
Carbon tetrachloride  
Chlorinated dioxins and dibenzofurans (15 species)  
Diesel exhaust particulate matter  
Ethylene dibromide  
Ethylene dichloride  
Ethylene oxide  
Formaldehyde  
Hexavalent chromium  
Methylene chloride  
Nickel  
Perchloroethylene  
1,3-Butadiene  
Inorganic arsenic  
Beryllium  
Polynuclear aromatic hydrocarbons (PAH)  
Vinyl chloride  
Lead  
1,4-Dioxane  
Trichloroethylene

**TABLE II  
SCHEDULE OF EXCESS VISIBLE EMISSION FEE**

For each source with opacity emissions in excess of twenty percent (20%), but less than forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity} * \text{equivalent} - 20) \times \text{number of days allowed in variance} \times \text{\$5.965-18}$$

For each source with opacity emissions in excess of forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity} * \text{equivalent} - 40) \times \text{number of days allowed by variance} \times \text{\$5.965-18}$$

\* Where "Opacity" equals maximum opacity of emissions in percent (not decimal equivalent) allowed by the variance. Where the emissions are darker than the degree of darkness equivalent to the allowed Ringelmann number, the percentage equivalent of the excess degree of darkness shall be used as "opacity."

*(Adopted 6/7/00; Amended 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE B  
COMBUSTION OF FUEL**  
(Adopted June 18, 1980)

For each source that burns fuel, which is not a flare and not exempted by Regulation 2, Rule 1, the fee shall be computed based on the maximum gross combustion capacity (expressed as higher heating value, HHV) of the source.

1. INITIAL FEE: \$~~67.6165~~.07 per MM BTU/HOUR
  - a. The minimum fee per source is: \$361347
  - b. The maximum fee per source is: \$126,117421,383
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$489508 plus  
\$~~67.6165~~.07 per MM BTU/hr
  - b. Minimum RAF for first TAC source: \$869836
  - c. RAF for each additional TAC source: \$~~67.6165~~.07 per MM BTU/hr  
\*
  - d. Minimum RAF per additional TAC source: \$361347\*
  - e. Maximum RAF per source is: \$126,117421,383  
\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$~~33.7932~~.52 per MM BTU/HOUR
  - a. The minimum fee per source is: \$256246
  - b. The maximum fee per source is: \$63,05860,694
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
5. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
6. Applicants for an authority to construct and permit to operate a project, which burns municipal waste or refuse-derived fuel, shall pay in addition to all required fees, an additional fee to cover the costs incurred by the State Department of Health Services, and/or a qualified contractor designated by the State Department of Health Services, in reviewing a risk assessment as required under H&S Code Section 42315. The fee shall be transmitted by the District to the Department of Health Services and/or the qualified contractor upon completion of the review and submission of comments in writing to the District.
7. A surcharge equal to 100% of all required initial and permit to operate fees shall be charged for sources permitted to burn one or more of the following fuels: coke, coal, wood, tires, black liquor, and municipal solid waste.

NOTE: MM BTU is million BTU of higher heat value  
One MM BTU/HR = 1.06 gigajoules/HR

*(Amended 6/5/85; 6/4/86; 3/4/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE C**  
**STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS**

(Adopted June 18, 1980)

For each stationary container of organic liquids which is not exempted from permits by Regulation 2 and which is not part of a gasoline dispensing facility, the fee shall be computed based on the container volume, as follows:

1. INITIAL FEE: 0.185 cents per gallon
  - a. The minimum fee per source is: \$204
  - b. The maximum fee per source is: \$27,858
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$489508 plus 0.185 cents per gallon
  - b. Minimum RAF for first TAC source: \$678
  - c. RAF for each additional TAC source: 0.185 cents per gallon \*
  - d. Minimum RAF per additional TAC source: \$204 \*
  - e. Maximum RAF per source is: \$27,858

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE: 0.093 cents per gallon
  - a. The minimum fee per source is: \$147
  - b. The maximum fee per source is: \$13,928
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/20/09; 6/16/10; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE D**  
**GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES,**  
**BULK PLANTS AND TERMINALS**  
(Adopted June 18, 1980)

A. All gasoline dispensing facilities shall pay the following fees:

1. INITIAL FEE: \$~~350.79330~~<sup>93</sup> per single product nozzle (spn)  
\$~~350.79330~~<sup>93</sup> per product for each multi-product nozzle (mpn)
2. PERMIT TO OPERATE FEE: \$~~134.36426~~<sup>75</sup> per single product nozzle (spn)  
\$~~134.36426~~<sup>75</sup> per product for each multi-product nozzle (mpn)
3. Initial fees and permit to operate fees for hardware modifications at a currently permitted gasoline dispensing facility shall be consolidated into a single fee calculated according to the following formula:

$$\text{\$}485.14457.68 \times \{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]\}$$

*mpn* = multi-product nozzles  
*spn* = single product nozzles

The above formula includes a toxic surcharge.

If the above formula yields zero or negative results, no initial fees or permit to operate fees shall be charged.

For the purposes of calculating the above fees, a fuel blended from two or more different grades shall be considered a separate product.

Other modifications to facilities' equipment, including but not limited to tank addition/replacement/conversion, vapor recovery piping replacement, moving or extending pump islands, will not be subject to initial fees or permit to operate fees.

4. RISK ASSESSMENT FEE (RAF) of \$~~489508~~ per application, if required pursuant to Regulation 3-329 or 3-342 [including increases in permitted throughput for which a health risk assessment is required.]
  5. Nozzles used exclusively for the delivery of diesel fuel or other fuels exempt from permits shall pay no fee. Multi-product nozzles used to deliver both exempt and non-exempt fuels shall pay fees for the non-exempt products only.
- B. All bulk plants, terminals or other facilities using loading racks to transfer gasoline or gasohol into trucks, railcars or ships shall pay the following fees:

1. INITIAL FEE: \$~~4,607.654,346.84~~ per single product loading arm  
\$~~4,607.654,346.84~~ per product for multi-product arms
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$~~5,2174,922~~
  - b. RAF for each additional TAC source: \$~~4,6084,347~~ \*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$~~1,2841,211~~ per single product loading arm  
\$~~1,2841,211~~ per product for multi-product arms
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

- C. Fees in (A) above are in lieu of tank fees. Fees in (B) above are in addition to tank fees.
- D. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02;  
5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16,  
6/21/17, 6/6/18, 6/5/19)

**SCHEDULE E**  
**SOLVENT EVAPORATING SOURCES**

(Adopted June 18, 1980)

For each solvent evaporating source, as defined in Section 3-210 except for dry cleaners, the fee shall be computed based on the net amount of organic solvent processed through the sources on an annual basis (or anticipated to be processed, for new sources) including solvent used for the cleaning of the sources.

1. INITIAL FEE:
  - a. The fee per source is: \$1,752 per 1,000 gallons
  - b. The minimum fee per source is: \$872800
  - ~~b. \$800 per 1,000 gallons~~
  - ~~c.d. The maximum fee per source is: \$69,61163,863~~
  
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant(TAC) source in application: \$489508 plus initial fee
  - b. Minimum RAF for first TAC source: \$1,4361,317
  - c. RAF for each additional TAC source: equal to initial fee \*
  - d. Minimum RAF per additional TAC source: \$872800 \*
  - e. Maximum RAF per source is: \$69,61163,863

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE:
  - a. The fee per source is: \$872 per 1,000 gallons
  - b. The minimum fee per source is: \$629577
  - ~~b. \$800 per 1,000 gallons~~
  - ~~c.d. The maximum fee per source is: \$34,80331,929~~
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 5/19/82; 10/17/84; 6/5/85; 6/4/86; 10/8/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE F  
MISCELLANEOUS SOURCES**

(Adopted June 18, 1980)

For each source not governed by Schedules B, C, D, E, H or I, (except for those sources in the special classification lists, G-1 - G-5) the fees are:

1. INITIAL FEE: \$661,636
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first (toxic air contaminant) TAC source in application: \$1,241,194
  - b. RAF for each additional TAC source: \$661,636\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$480,462
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1. List of special classifications requiring graduated fees is shown in Schedules G-1, G-2, G-3, G-4, and G-5.

G-1 FEES FOR SCHEDULE G-1. For each source in a G-1 classification, fees are:

1. INITIAL FEE: \$4,992,341
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$5,665,492
  - b. RAF for each additional TAC source: \$4,992,341\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$2,492,167
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-2 FEES FOR SCHEDULE G-2. For each source in a G-2 classification, fees are:

1. INITIAL FEE: \$6,953,046
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$7,662,663
  - b. RAF for each additional TAC source: \$6,953,046\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$3,473,021
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-3 FEES FOR SCHEDULE G-3. For each source in a G-3 classification, fees are:

1. INITIAL FEE: \$36,691,341
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant(TAC) source in application: \$37,290,341
  - b. RAF for each additional TAC source: \$36,691,341 \*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: [\\$18,34217,142](#)
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-4 FEES FOR SCHEDULE G-4. For each source in a G-4 classification, fees are:

1. INITIAL FEE: [\\$91,93379,942](#)
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant(TAC) source in application: [\\$92,64380,559](#)
  - b. RAF for each additional TAC source: [\\$91,93379,942\\*](#)
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: [\\$45,96439,969](#)
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-5 FEES FOR SCHEDULE G-5. For each source in a G-5 classification, fees are:

1. INITIAL FEE: \$51,731
2. RISK ASSESSMENT FEE (RAF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk assessment is required under Regulation 2-5-401.
  - a. RAF for first TAC source in application: \$52,193
  - b. RAF for each additional TAC source: \$51,731\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$25,865
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 5/19/82; 6/5/85; 6/4/86; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, [6/5/19](#))*

**SCHEDULE G-1**  
(Adopted June 18, 1980)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Asphalt Roofing Manufacturing – Asphalt Dipping	Asphalt Roofing or Related Materials
Calcining Kilns, excluding those processing cement, lime, or coke (see G-4 for cement, lime, or coke Calcining Kilns)	Any Materials except cement, lime, or coke
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Reactors with a Capacity of 1000 Gallons or more	Any Inorganic Materials
Chemical Manufacturing, Organic – Latex Dipping	Any latex materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Reactors with a Capacity of 1000 Gallons or more	Any Organic Materials
Compost Operations – Windrows, Static Piles, Aerated Static Piles, In-Vessel, or similar methods	Any waste materials such as yard waste, food waste, agricultural waste, mixed green waste, bio-solids, animal manures, etc.
Crushers	Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials
Electroplating Equipment	Hexavalent Decorative Chrome with permitted capacity greater than 500,000 amp-hours per year or Hard Chrome
Foil Manufacturing – Any Converting or Rolling Lines	Any Metal or Alloy Foils
Galvanizing Equipment	Any

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Glass Manufacturing – Batching Processes including storage and weigh hoppers or bins, conveyors, and elevators	Any Dry Materials
Glass Manufacturing – Mixers	Any Dry Materials
Glass Manufacturing – Molten Glass Holding Tanks	Any molten glass
Grinders	Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials
Incinerators – Crematory	Human and/or animal remains
Incinerators – Flares	Any waste gases
Incinerators – Other (see G-2 for hazardous or municipal solid waste incinerators, see G-3 for medical or infectious waste incinerators)	Any Materials except hazardous wastes, municipal solid waste, medical or infectious waste
Incinerators – Pathological Waste (see G-3 for medical or infectious waste incinerators)	Pathological waste only
Loading and/or Unloading Operations – Bulk Plants and Bulk Terminals, excluding those loading gasoline or gasohol (see Schedule D for Bulk Plants and Terminals loading gasoline or gasohol)	Any Organic Materials except gasoline or gasohol
Petroleum Refining – Alkylolation Units	Any Hydrocarbons
Petroleum Refining – Asphalt Oxidizers	Any Hydrocarbons
Petroleum Refining – Benzene Saturation Units/Plants	Any Hydrocarbons
Petroleum Refining – Catalytic Reforming Units	Any Hydrocarbons
Petroleum Refining – Chemical Treating Units including alkane, naphthenic acid, and naphtha merox treating, or similar processes	Any Hydrocarbons
Petroleum Refining – Converting Units including Dimersol Plants, Hydrocarbon Splitters, or similar processes	Any Hydrocarbons
Petroleum Refining – Distillation Units, excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)	Any Hydrocarbons
Petroleum Refining – Hydrogen Manufacturing	Hydrogen or Any Hydrocarbons
Petroleum Refining – Hydrotreating or	Any Hydrocarbons

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Hydrofining	
Petroleum Refining – Isomerization	Any Hydrocarbons
Petroleum Refining – MTBE Process Units/Plants	Any Hydrocarbons
Petroleum Refining – Sludge Converter	Any Petroleum Waste Materials
Petroleum Refining – Solvent Extraction	Any Hydrocarbons
Petroleum Refining – Sour Water Stripping	Any Petroleum Process or Waste Water
Petroleum Refining – Storage (enclosed)	Petroleum Coke or Coke Products
Petroleum Refining – Waste Gas Flares (not subject to Regulation 12, Rule 11)	Any Petroleum Refining Gases
Petroleum Refining – Miscellaneous Other Process Units	Any Hydrocarbons
Remediation Operations, Groundwater – Strippers	Contaminated Groundwater
Remediation Operations, Soil – Any Equipment (excluding sub-slab depressurization equipment)	Contaminated Soil
Spray Dryers	Any Materials
Sterilization Equipment	Ethylene Oxide
Wastewater Treatment, Industrial – Oil-Water Separators, excluding oil-water separators at petroleum refineries (see G-2 for Petroleum Refining - Oil-Water Separators)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment and excluding strippers at petroleum refineries (see G-2 for Petroleum Refining – Strippers)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial - Storage Ponds, excluding storage ponds at petroleum refineries (see G-2 for Petroleum Refining – Storage Ponds)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Municipal – Preliminary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Primary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Digesters	Municipal Wastewater
Wastewater Treatment, Municipal – Sludge Handling Processes, excluding sludge incinerators (see G-2 for sludge incinerators)	Sewage Sludge

(Amended 6/4/86; 6/6/90; 5/19/99; 6/7/00; 6/2/04; 6/15/05, 6/6/18)

**SCHEDULE G-2**  
(Adopted June 6, 1990)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Asphalt Roofing Manufacturing – Asphalt Blowing	Asphalt Roofing or Related Materials
Asphaltic Concrete Manufacturing – Aggregate Dryers	Any Dry Materials
Asphaltic Concrete Manufacturing – Batch Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Drum Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Other Mixers and/or Dryers	Any Dry Materials or Asphaltic Concrete Products
Concrete or Cement Batching Operations – Mixers	Any cement, concrete, or stone products or similar materials
Furnaces – Electric	Any Mineral or Mineral Product
Furnaces – Electric Induction	Any Mineral or Mineral Product
Furnaces – Glass Manufacturing	Soda Lime only
Furnaces – Reverberatory	Any Ores, Minerals, Metals, Alloys, or Related Materials
Incinerators – Hazardous Waste including any unit required to have a RCRA permit	Any Liquid or Solid Hazardous Wastes
Incinerators – Solid Waste, excluding units burning human/animal remains or pathological waste exclusively (see G-1 for Crematory and Pathological Waste Incinerators)	Any Solid Waste including Sewage Sludge (except human/animal remains or pathological waste)
Metal Rolling Lines, excluding foil rolling lines (see G-1 for Foil Rolling Lines)	Any Metals or Alloys
Petroleum Refining – Stockpiles (open)	Petroleum Coke or coke products only
Petroleum Refining, Wastewater Treatment – Oil-Water Separators	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Storage Ponds	Wastewater from petroleum refineries only
Pickling Lines or Tanks	Any Metals or Alloys
Sulfate Pulping Operations – All Units	Any
Sulfite Pulping Operations – All Units	Any

*(Amended June 7, 2000)*

**SCHEDULE G-3**  
(Adopted June 18, 1980)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Furnaces – Electric Arc	Any Metals or Alloys
Furnaces – Electric Induction	Any Metals or Alloys
Incinerators – Medical Waste, excluding units burning pathological waste exclusively (see G-1 for Pathological Waste Incinerators)	Any Medical or Infectious Wastes
Loading and/or Unloading Operations – Marine Berths	Any Organic Materials
Petroleum Refining – Cracking Units including hydrocrackers and excluding thermal or fluid catalytic crackers (see G-4 for Thermal Crackers and Catalytic Crackers)	Any Hydrocarbons
Petroleum Refining – Distillation Units (crude oils) including any unit with a capacity greater than 1000 barrels/hour (see G-1 for other distillation units)	Any Petroleum Crude Oils
Phosphoric Acid Manufacturing – All Units (by any process)	Phosphoric Acid

*(Amended 5/19/82; Amended and renumbered 6/6/90; Amended 6/7/00; 6/15/05; 5/2/07)*

**SCHEDULE G-4**  
(Adopted June 6, 1990)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Acid Regeneration Units	Sulfuric or Hydrochloric Acid only
Annealing Lines (continuous only)	Metals and Alloys
Calcining Kilns (see G-1 for Calcining Kilns processing other materials)	Cement, Lime, or Coke only
Fluidized Bed Combustors	Solid Fuels only
Nitric Acid Manufacturing – Any Ammonia Oxidation Processes	Ammonia or Ammonia Compounds
Petroleum Refining - Coking Units including fluid cokers, delayed cokers, flexicokers, and coke kilns	Petroleum Coke and Coke Products
Petroleum Refining - Cracking Units including fluid catalytic crackers and thermal crackers and excluding hydrocrackers (see G-3 for Hydrocracking Units)	Any Hydrocarbons
Petroleum Refining - Sulfur Removal including any Claus process or any other process requiring caustic reactants	Any Petroleum Refining Gas
Sulfuric Acid Manufacturing – Any Chamber or Contact Process	Any Solid, Liquid or Gaseous Fuels Containing Sulfur

*(Amended June 7, 2000)*

**SCHEDULE G-5**

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Petroleum Refinery Flares (subject to Regulation 12, Rule 11)	Any Petroleum Vent Gas (as defined in section 12-11-210 and section 12-12-213)

*(Adopted May 2, 2007)*

**SCHEDULE H**  
**SEMICONDUCTOR AND RELATED OPERATIONS**  
(Adopted May 19, 1982)

All of the equipment within a semiconductor fabrication area will be grouped together and considered one source. The fee shall be as indicated:

1. INITIAL FEE:

- a. The minimum fee per source is: \$~~760697~~
- b. The maximum fee per source is: \$~~60,81855,796~~

The initial fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);  
Solvent Spray Stations (as defined in Regulation 8-30-221);  
Solvent Vapor Stations (as defined in Regulation 8-30-222); and  
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

~~\$514472~~ per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;  
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

~~\$1,5274,404~~ per 1,000 gallon

2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.

- a. RAF for first toxic air contaminant (TAC) source in application: \$~~489508~~ plus initial fee
- b. Minimum RAF for first TAC source: \$~~1,3224,213~~
- c. RAF for each additional TAC source: equal to initial fee \*
- d. Minimum RAF per additional TAC source: ~~\$760697~~ \*
- e. Maximum RAF per source is: \$~~60,81855,796~~

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:

- a. The minimum fee per source is: \$~~550505~~
- b. The maximum fee per source is: \$~~30,40427,894~~

The permit to operate fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);

Solvent Spray Stations (as defined in Regulation 8-30-221);  
Solvent Vapor Stations (as defined in Regulation 8-30-222); and  
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

\$~~258~~~~237~~ per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;  
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other  
miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

\$~~760~~~~697~~ per 1,000 gallon

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
5. The fee for each source will be rounded to the whole dollar. Fees for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 1/9/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/20/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE I**  
**DRY CLEANERS**  
(Adopted July 6, 1983)

For dry cleaners, the fee shall be computed based on each cleaning machine, except that machines with more than one drum shall be charged based on each drum, regardless of the type or quantity of solvent, as follows:

1. INITIAL FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$700
  - b. If the washing or drying capacity exceeds 100 pounds: \$700 plus  
For that portion of the capacity exceeding 100 pounds: \$20.95 per pound
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: ~~\$508489~~ plus initial fee
  - b. Minimum RAF for first TAC source: \$1,245
  - c. RAF for each additional TAC source: equal to initial fee\*
  - d. Minimum RAF per additional TAC source: \$700\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$511
  - b. If the washing or drying capacity exceeds 100 pounds: \$511 plus  
For that portion of the capacity exceeding 100 pounds: \$10.52 per pound
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 10/17/84; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE K  
SOLID WASTE DISPOSAL SITES**  
(Adopted July 15, 1987)

1. INITIAL FEE:
  - a. Landfill (Decomposition Process) \$5,8085,050
  - b. Active Landfill (Waste and Cover Material Dumping Process) \$2,9032,524
  - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$2,9032,524
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$489508 plus initial fee
  - b. RAF for each additional TAC source: equal to initial fee\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE:
  - a. Landfill (Decomposition Process) \$2,9032,524
  - b. Active Landfill (Waste and Cover Material Dumping Process) \$1,4514,262
  - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$1,4514,262
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Evaluation of Reports and Questionnaires:
  - a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$3,2002,783
  - b. Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$1,6041,395
  - c. Evaluation of Solid Waste Air Assessment Test Report in conjunction with evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$1,6041,395
  - d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$1,1804,026
  - e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$3,3752,935
  - f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$1,1804,026
  - g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$2,9532,568
  
6. Fees for each source will be rounded off to the nearest dollar. The fee for sources will be rounded up or down to the nearest dollar.
  
7. For the purposes of this fee schedule, landfill shall be considered active, if it has accepted solid waste for disposal at any time during the previous 12 months or has plans to accept solid waste for disposal during the next 12 months.

*(Amended 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/6/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/21/17; 6/6/18; 6/5/19)*

**SCHEDULE L**  
**ASBESTOS OPERATIONS**  
(Adopted July 6, 1988)

1. Asbestos Operations conducted at single family dwellings are subject to the following fees:
  - a. OPERATION FEE:     \$185   for amounts 100 to 500 square feet or linear feet.  
                              \$679   for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
                              \$988   for amounts 1001 square feet or liner feet to 2000 square feet or linear feet.  
                              \$1,358 for amounts greater than 2000 square feet or linear feet.
  - b. Cancellation:         \$90    of above amounts non-refundable for notification processing.
2. Asbestos Operations, other than those conducted at single family dwellings, are subject to the following fees:
  - a. OPERATION FEE:     \$524   for amounts 100 to 159 square feet or 100 to 259 linear feet or 35 cubic feet  
                              \$754   for amounts 160 square feet or 260 linear feet to 500 square feet or linear feet or greater than 35 cubic feet.  
                              \$1,098 for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
                              \$1,620 for amounts 1001 square feet or liner feet to 2500 square feet or linear feet.  
                              \$2,309 for amounts 2501 square feet or linear feet to 5000 square feet or linear feet.  
                              \$3,169 for amounts 5001 square feet or linear feet to 10000 square feet or linear feet.  
                              \$4,031 for amounts greater than 10000 square feet or linear feet.
  - b. Cancellation:         \$248   of above amounts non-refundable for notification processing.
3. Demolitions (including zero asbestos demolitions) conducted at a single-family dwelling are subject to the following fee:
  - a. OPERATION FEE:     \$90
  - b. Cancellation:         \$90    (100% of fee) non-refundable, for notification processing.
4. Demolitions (including zero asbestos demolitions) other than those conducted at a single family dwelling are subject to the following fee:
  - a. OPERATION FEE:     \$372
  - b. Cancellation:         \$248   of above amount non-refundable for notification processing.
5. Asbestos operations with less than 10 days prior notice (excluding emergencies) are subject to the following additional fee:
  - a. OPERATION FEE:     \$619
6. Asbestos demolition operations for the purpose of fire training are exempt from fees.
- ~~7. Floor mastic removal using mechanical buffers and solvent is subject to the following fee:~~
  - ~~a. OPERATION FEE:         \$372~~
  - ~~b. Cancellation:         \$248 of above amount non-refundable for notification processing.~~

*(Amended 9/5/90; 1/5/94; 8/20/97; 10/7/98; 7/19/00; 8/1/01; 6/5/02; 7/2/03; 6/2/04; 6/6/07; 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/5/19)*

**SCHEDULE M**  
**MAJOR STATIONARY SOURCE FEES**  
(Adopted June 6, 1990)

For each major stationary source emitting 50 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, and/or PM<sub>10</sub>, the fee shall be based on the following:

	1.	Organic Compounds	\$ <del>124.51</del> <del>149.84</del> per ton
	2.	Sulfur Oxides	\$ <del>124.51</del> <del>149.84</del> per ton
	3.	Nitrogen Oxides	\$ <del>124.51</del> <del>149.84</del> per ton
	4.	PM <sub>10</sub>	\$ <del>124.51</del> <del>149.84</del> per ton

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, or PM<sub>10</sub>, if occurring in an amount less than 50 tons per year, shall not be counted.

*(Amended 7/3/91; 6/15/94; 7/1/98; 5/9/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE N**  
**TOXIC INVENTORY FEES**  
(Adopted October 21, 1992)

For each stationary source emitting substances covered by California Health and Safety Code Section 44300 *et seq.*, the Air Toxics "Hot Spots" Information and Assessment Act of 1987, which have trigger levels listed in Table 2-5-1, a fee based on the weighted emissions of the facility shall be assessed based on the following formulas:

4.

1. A fee of \$5 for each gasoline product dispensing nozzle in a Gasoline Dispensing Facility; or
2. A fee calculated by multiplying the facility's weighted toxic inventory ( $w_i$ ) by the following factor:

Air Toxic Inventory Fee Factor \$0.80 per weighted pound per year

Using the last reported data, the facility's weighted toxic inventory ( $w_i$ ) is calculated as a sum of the individual TAC emissions multiplied by either the inhalation cancer potency factor (CP, in kilogram-day/milligram) for the TAC times 28.6 if the emission is a carcinogen, or by the reciprocal of the inhalation chronic reference exposure level (CREL) for the TAC (in cubic meters/microgram) if the emission is not a carcinogen, using the CP and CREL weighting factors listed in Table 2-5-1.

~~A fee of \$5 for each gasoline product dispensing nozzle in the facility, if the facility is a Gasoline Dispensing Facility; or~~

- ~~2. A fee of \$88 if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 50 weighted pounds per year and less than 1000 weighted pounds per year; or~~
- ~~3. A fee of  $\$88 + 0.33 \times (w_i - 1000)$  if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 1000 weighted pounds per year;~~

~~where the following relationships hold:~~

~~$w_i$  = facility weighted emissions for facility j; where the weighted emission for the facility shall be calculated as a sum of the individual emissions of the facility multiplied by either the inhalation cancer potency factor (CPF, in kilogram-day/milligram) for the substance times 28.6 if the emission is a carcinogen, or by the reciprocal of the inhalation chronic reference exposure level (REL<sub>c</sub>) for the substance (in cubic meters/microgram) if the emission is not a carcinogen [use CPF and REL as listed in Table 2-5-1];~~

*(Amended 12/15/93; 6/15/05; 5/2/07; 6/16/10; 5/4/11; 6/4/14; 6/3/15, 6/15/16, 6/6/18, 6/5/19)*

**SCHEDULE P**  
**MAJOR FACILITY REVIEW FEES**  
(Adopted November 3, 1993)

1. MFR / SYNTHETIC MINOR ANNUAL FEES

Each facility, which is required to undergo major facility review in accordance with the requirements of Regulation 2, Rule 6, shall pay annual fees (1a and 1b below) for each source holding a District Permit to Operate. These fees shall be in addition to and shall be paid in conjunction with the annual renewal fees paid by the facility. However, these MFR permit fees shall not be included in the basis to calculate Alternative Emission Control Plan (bubble) or toxic air contaminant surcharges. If a major facility applies for and obtains a synthetic minor operating permit, the requirement to pay the fees in 1a and 1b shall terminate as of the date the APCO issues the synthetic minor operating permit.

- a. MFR SOURCE FEE .....\$~~869805~~ per source
- b. MFR EMISSIONS FEE ..... \$~~34,2031.67~~ per ton of regulated air pollutants emitted

Each MFR facility and each synthetic minor facility shall pay an annual monitoring fee (1c below) for each pollutant measured by a District-approved continuous emission monitor or a District-approved parametric emission monitoring system.

- c. MFR/SYNTHETIC MINOR MONITORING FEE\$~~8,6888,044~~ per monitor per pollutant

2. SYNTHETIC MINOR APPLICATION FEES

Each facility that applies for a synthetic minor operating permit or a revision to a synthetic minor operating permit shall pay application fees according to 2a and either 2b (for each source holding a District Permit to Operate) or 2c (for each source affected by the revision). If a major facility applies for a synthetic minor operating permit prior to the date on which it would become subject to the annual major facility review fee described above, the facility shall pay, in addition to the application fee, the equivalent of one year of annual fees for each source holding a District Permit to Operate.

- a. SYNTHETIC MINOR FILING FEE .....\$~~1,2104,120~~ per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE.....\$~~869805~~ per source
- c. SYNTHETIC MINOR REVISION FEE .....\$~~869805~~ per source modified

3. MFR APPLICATION FEES

Each facility that applies for or is required to undergo: an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit or a renewal of an MFR permit shall pay, with the application and in addition to any other fees required by this regulation, the MFR filing fee and any applicable fees listed in 3b-h below. The fees in 3b apply to each source in the initial permit. The fees in 3g apply to each source in the renewal permit, The fees in 3d-f apply to each source affected by the revision or reopening.

- a. MFR FILING FEE .....\$~~1,2104,120~~ per application
- b. MFR INITIAL PERMIT FEE ..... \$~~1,2104,120~~ per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE..... \$~~342317~~ per application
- d. MFR MINOR REVISION FEE .....\$~~1,7181,594~~ per source modified
- e. MFR SIGNIFICANT REVISION FEE.....\$~~3,2032,966~~ per source modified
- f. MFR REOPENING FEE.....\$~~1,050972~~ per source modified
- g. MFR RENEWAL FEE .....\$~~510472~~ per source

Each facility that requests a permit shield or a revision to a permit shield under the provisions of Regulation 2, Rule 6 shall pay the following fee for each source (or group of sources, if the requirements for these sources are grouped together in a single table in the MFR permit) that is covered by the requested shield. This fee shall be paid in addition to any other applicable fees.

- h. MFR PERMIT SHIELD FEE..... \$~~1,8094,675~~ per shielded source or group of sources

4. MFR PUBLIC NOTICE FEES

Each facility that is required to undergo a public notice related to any permit action pursuant to Regulation 2-6 shall pay the following fee upon receipt of a District invoice.

MFR PUBLIC NOTICE FEE.....Cost of Publication

5. MFR PUBLIC HEARING FEES

If a public hearing is required for any MFR permit action, the facility shall pay the following fees upon receipt of a District invoice.

a. MFR PUBLIC HEARING FEE .... Cost of Public Hearing not to exceed \$~~14,78443,689~~

b. NOTICE OF PUBLIC HEARING FEE .....Cost of distributing Notice of Public Hearing

6. POTENTIAL TO EMIT DEMONSTRATION FEE

Each facility that makes a potential to emit demonstration under Regulation 2-6-312 in order to avoid the requirement for an MFR permit shall pay the following fee:

a. PTE DEMONSTRATION FEE.....\$~~207492~~ per source, not to exceed \$~~20,32348,848~~

*(Amended 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE Q**  
**EXCAVATION OF CONTAMINATED SOIL AND**  
**REMOVAL OF UNDERGROUND STORAGE TANKS**  
(Adopted January 5, 1994)

1. Persons excavating contaminated soil or removing underground storage tanks subject to the provisions of Regulation 8, Rule 40, Section 401, 402, 403 or 405 are subject to the following fee:
  - a. OPERATION FEE: \$168  
*(Amended 7/19/00; 8/1/01; 6/5/02; 7/2/03; 6/2/04; 6/6/07; 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/4/14; 6/3/15, 6/15/16)*

**SCHEDULE R  
EQUIPMENT REGISTRATION FEES**

1. Persons operating commercial cooking equipment who are required to register equipment as required by District rules are subject to the following fees:
  - a. Conveyorized Charbroiler REGISTRATION FEE: \$744 per facility
  - b. Conveyorized Charbroiler ANNUAL RENEWAL FEE: \$209 per facility
  - c. Under-fired Charbroiler REGISTRATION FEE: \$744 per facility
  - d. Under-fired Charbroiler ANNUAL RENEWAL FEE: \$209 per facility
  
2. Persons operating non-halogenated dry cleaning equipment who are required to register equipment as required by District rules are subject to the following fees:
  - a. Dry Cleaning Machine REGISTRATION FEE: \$371
  - b. Dry Cleaning Machine ANNUAL RENEWAL FEE: \$259
  
3. Persons operating diesel engines who are required to register equipment as required by District or State rules are subject to the following fees:
  - a. Diesel Engine REGISTRATION FEE: \$250
  - b. Diesel Engine ANNUAL RENEWAL FEE: \$166
  - c. Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402): \$250
  
4. Persons operating boilers, steam generators and process heaters who are required to register equipment by District Regulation 9-7-404 are subject to the following fees:
  - a. REGISTRATION FEE \$137 per device
  - b. ANNUAL RENEWAL FEE: \$115 per device
  
5. Persons owning or operating graphic arts operations who are required to register equipment by District Regulation 8-20-408 are subject to the following fees:
  - a. REGISTRATION FEE: \$446
  - b. ANNUAL RENEWAL FEE: \$278
  
6. Persons owning or operating mobile refinishing operations who are required to register by District Regulation 8-45-4 are subject to the following fees:
  - a. REGISTRATION FEE \$209
  - b. ANNUAL RENEWAL FEE \$123

*(Adopted 7/6/07; Amended 12/5/07; 5/21/08; 7/30/08; 11/19/08; 12/3/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18)*

**SCHEDULE S  
NATURALLY OCCURRING ASBESTOS OPERATIONS**

1. ASBESTOS DUST MITIGATION PLAN INITIAL REVIEW PROCESSING AND AMENDMENT FEES:  
Any person submitting an Asbestos Dust Mitigation Plan (ADMP) for initial review of a Naturally Occurring Asbestos (NOA) project shall pay the following fee (including NOA Discovery Notifications which would trigger an ADMP review): \$635552  
Any person submitting an amendment to a request to amend an existing ADMP of a Naturally Occurring Asbestos (NOA) project shall pay the following fee: \$325
  
2. AIR MONITORING PROCESSING FEE:  
NOA projects requiring an Air Monitoring component as part of the ADMP approval are subject to the following fee in addition to the ADMP fee: \$4,900
  
3. INSPECTION FEE:  
The owner of any property for which an ADMP is required shall pay fees to cover the costs incurred by the District after July 1, 2012 in conducting inspections to determine compliance with the ADMP on an ongoing basis. Inspection fees shall be invoiced by the District on a quarterly basis, and at the conclusion of dust generating activities covered under the ADMP, based on the actual time spent in conducting such inspections, and the following time and materials rate: \$144 per hour

*(Adopted 6/6/07; Amended 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE T  
GREENHOUSE GAS FEES**

For each permitted facility emitting greenhouse gases, the fee shall be based on the following:

1. Carbon Dioxide Equivalent (CDE) Emissions \$~~0.1200~~~~144~~ per metric ton

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. The annual emissions of each greenhouse gas (GHG) listed below shall be determined by the APCO for each permitted (i.e., non-exempt) source. For each emitted GHG, the CDE emissions shall be determined by multiplying the annual GHG emissions by the applicable Global Warming Potential (GWP) value. The GHG fee for each facility shall be based on the sum of the CDE emissions for all GHGs emitted by the facility, except that no fee shall be assessed for emissions of biogenic carbon dioxide.

**Global Warming Potential Relative to Carbon Dioxide\***

GHG	CAS Registry Number	GWP**
Carbon Dioxide	124-38-9	1
Methane	74-82-8	34
Nitrous Oxide	10024-97-2	298
Nitrogen Trifluoride	7783-54-2	17,885
Sulfur Hexafluoride	2551-62-4	26,087
HCFC-22	75-45-6	2,106
HCFC-123	306-83-2	96
HCFC-124	2837-89-0	635
HCFC-141b	1717-00-6	938
HCFC-142b	75-68-3	2,345
HCFC-225ca	422-56-0	155
HCFC-225cb	507-55-1	633
HFC-23	75-46-7	13,856
HFC-32	75-10-5	817
HFC-125	354-33-6	3,691
HFC-134a	811-97-2	1,549
HFC-143a	420-46-2	5,508
HFC-152a	75-37-6	167
HFC-227ea	431-89-0	3,860
HFC-236fa	690-39-1	8,998
HFC-245fa	460-73-1	1,032
HFC-365mfc	406-58-6	966
HFC-43-10-mee	138495-42-8	1,952
PFC-14	75-73-0	7,349
PFC-116	76-16-4	12,340
PFC-218	76-19-7	9,878
PFC-318	115-25-3	10,592

\* Source: Myhre, G., et al., 2013: Anthropogenic and Natural Radiative Forcing (and Supplementary Material). In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., et al. (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available from [www.ipcc.ch](http://www.ipcc.ch).

\*\* GWPs compare the integrated radiative forcing over a specified period (i.e.100 years) from a unit mass pulse emission to compare the potential climate change associated with emissions of different GHGs. GWPs listed include climate-carbon feedbacks.

*(Adopted 5/21/08; Amended 5/20/09; 6/16/10; 6/4/14; 6/3/15; 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE U  
INDIRECT SOURCE REVIEW FEES**

The applicant for any project deemed an indirect source pursuant to District rules shall be subject to the following fees:

1. APPLICATION FILING FEE

When an applicant files an Air Quality Impact Assessment as required by District rules, the applicant shall pay a non-refundable Application Filing Fee as follows:

- |  |       |
|--|-------|
| a. Residential project:                  | \$615 |
| b. Non-residential or mixed use project: | \$918 |

2. APPLICATION EVALUATION FEE

Every applicant who files an Air Quality Impact Assessment as required by District rules shall pay an evaluation fee for the review of an air quality analysis and the determination of Offsite Emission Reduction Fees necessary for off-site emission reductions. The Application Evaluation fee will be calculated using the actual staff hours expended and the prevailing weighted labor rate. The Application Filing fee, which assumes eight hours of staff time for residential projects and twelve hours of staff time for non-residential and mixed use projects, shall be credited towards the actual Application Evaluation Fee.

3. OFFSITE EMISSION REDUCTION FEE

(To be determined)

*(Adopted 5/20/09; Amended 6/16/10; 6/4/14; 6/3/15, 6/15/16, 6/21/17)*

**SCHEDULE V  
OPEN BURNING**

1. Any prior notification required by Regulation 5, Section 406 is subject to the following fee:

a. OPERATION FEE: ~~\$138433~~

b. The operation fee paid as part of providing notification to the District prior to burning will be determined for each property, as defined in Regulation 5, Section 217, and will be valid for one year from the fee payment date when a given fire is allowed, as specified in Regulation 5, Section 401 for the following fires:

<b>Regulation 5 Section – Fire</b>	<b>Burn Period</b>
401.1 - Disease and Pest	January 1 – December 31
401.2 - Crop Replacement <sup>1</sup>	October 1 – April 30
401.3 - Orchard Pruning and Attrition <sup>2</sup>	November 1 – April 30
401.4 - Double Cropping Stubble	June 1 – August 31
401.6 - Hazardous Material <sup>1</sup>	January 1 – December 31
401.7 - Fire Training	January 1 – December 31
401.8 - Flood Debris	October 1 – May 31
401.9 - Irrigation Ditches	January 1 – December 31
401.10 - Flood Control	January 1 – December 31
401.11 - Range Management <sup>1</sup>	July 1 – April 30
401.12 - Forest Management <sup>1</sup>	November 1 – April 30
401.14 - Contraband	January 1 – December 31

<sup>1</sup> Any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres is defined in Regulation 5, Section 213 as a type of prescribed burning and, as such, is subject to the prescribed burning operation fee in Section 3 below.

<sup>2</sup> Upon the determination of the APCO that heavy winter rainfall has prevented this type of burning, the burn period may be extended to no later than June 30.

c. Any person who provided notification required under Regulation 5, Section 406, who seeks to burn an amount of material greater than the amount listed in that initial notification, shall provide a subsequent notification to the District under Regulation 5, Section 406 and shall pay an additional open burning operation fee prior to burning.

2. Any Marsh Management fire conducted pursuant to Regulation 5, Section 401.13 is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:

a. OPERATION FEE: ~~\$495476~~ for 50 acres or less  
~~\$673648~~ for more than 50 acres but less than or equal to 150 acres  
~~\$849817~~ for more than 150 acres

b. The operation fee paid for a Marsh Management fire will be valid for a Fall or Spring burning period, as specified in Regulation 5, Subsection 401.13. Any burning subsequent to either of these time periods shall be subject to an additional open burning operation fee.

3. Any Wildland Vegetation Management fire (prescribed burning) conducted pursuant to Regulation 5, Section 401.15 is subject to the following fee, which will be determined for each prescribed burning project by the proposed acreage to be burned:

a. OPERATION FEE: ~~\$602579~~ for 50 acres or less  
~~\$816785~~ for more than 50 acres but less than or equal to 150 acres  
~~\$1,0624,022~~ for more than 150 acres

- b. The operation fee paid for a prescribed burn project will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 4. Any Filmmaking fire conducted pursuant to Regulation 5, Section 401.16 and any Public Exhibition fire conducted pursuant to Regulation 5, Section 401.17 is subject to the following fee:
  - a. OPERATION FEE: ~~\$714687~~
  - b. The operation fee paid for a Filmmaking or Public Exhibition fire will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 5. Any Stubble fire conducted pursuant to Regulation 5, Section 401.5 that requires a person to receive an acreage burning allocation prior to ignition is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:
  - a. OPERATION FEE: ~~\$353340~~ for 25 acres or less  
~~\$495476~~ for more than 25 acres but less than or equal to 75 acres  
~~\$602579~~ for more than 75 acres but less than or equal to 150 acres  
~~\$708684~~ for more than 150 acres
  - b. The operation fee paid for a Stubble fire will be valid for one burn period, which is the time period beginning September 1 and ending December 31, each calendar year. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 6. All fees paid pursuant to Schedule V are non-refundable.
- 7. All fees required pursuant to Schedule V must be paid before conducting a fire.

*(Adopted June 19, 2013; Amended 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE W**  
**PETROLEUM REFINING EMISSIONS TRACKING FEES**

1. ANNUAL EMISSIONS INVENTORIES:

Any Petroleum Refinery owner/operator required to submit an Annual Emissions Inventory Report in accordance with Regulation 12, Rule 15, Section 401 shall pay the following fees:

- a. Initial submittal: \$58,86054,000
- b. Each subsequent annual submittal: \$29,43027,000

Any Support Facility owner/operator required to submit an Annual Emissions Inventory Report in accordance with Regulation 12, Rule 15, Section 401 shall pay the following fees:

- a. Initial submittal: \$3,5973,300
- b. Each subsequent annual submittal: \$1,7994,650

2. AIR MONITORING PLANS:

Any person required to submit an air monitoring plan in accordance with Regulation 12, Rule 15, Section 403 shall pay a one-time fee of \$8,1757,500.

*(Adopted 6/15/16, 6/5/19)*

**SCHEDULE X  
MAJOR STATIONARY SOURCE COMMUNITY AIR MONITORING FEES**

For each major stationary source, emitting 35 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide and/or PM<sub>10</sub> within the vicinity of a District proposed community air monitoring location, the fee shall be based on the following:

- |    |                   |                 |
|----|-------------------|-----------------|
| 1. | Organic Compounds | \$60.61 per ton |
| 2. | Sulfur Oxides     | \$60.61 per ton |
| 3. | Nitrogen Oxides   | \$60.61 per ton |
| 4. | Carbon Monoxide   | \$60.61 per ton |
| 5. | PM <sub>10</sub>  | \$60.61 per ton |

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide, or PM<sub>10</sub>, if occurring in an amount less than 35 tons per year, shall not be counted.

*(Adopted: 6/15/16; Amended: 6/21/17)*



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **2019 COST RECOVERY STUDY**

Prepared by the staff of the  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA

May 2019

## Table of Contents

1. Executive Summary.....	1
2. Background.....	1
3. Legal Authority.....	3
4. Study Methodology.....	3
5. Study Results.....	5
6. Discussion of Results.....	5
7. Conclusions.....	6

## Figures

1. Total Fee Revenue and Program Costs, FYE 2018.....	8
2. Fee Revenue and Program Costs by Fee Schedule, FYE 2018.....	9
3. Fee Revenue and Program Costs by Fee Schedule, FYE 2016-2018, 3-yr Average.....	10

## **Executive Summary**

The 2019 Cost Recovery Study includes the latest fee-related cost and revenue data gathered for FYE 2018 (i.e., July 1, 2017 - June 30, 2018). The results of this 2019 Cost Recovery Study will be used as a tool in the preparation of the FYE 2020 budget, and for evaluating potential amendments to the Air District's Regulation 3: Fees.

The completed cost recovery analysis indicates that in FYE 2018 there continued to be a revenue shortfall, as overall direct and indirect costs of regulatory programs exceeded fee revenue (see Figure 2). For FYE 2016 to 2018, the Air District is recovering approximately 83 percent of its fee-related activity costs (see Figure 3). The overall magnitude of this cost recovery gap was determined to be approximately \$8 million. This cost recovery gap was filled using General Fund revenue received by the Air District from the counties' property tax revenue.

The 2019 Cost Recovery Study also addressed fee-equity issues by analyzing whether there is a revenue shortfall at the individual Fee Schedule level. It was noted that of the twenty-three Fee Schedules for which cost recovery could be analyzed, seven of the component Fee Schedules had fee revenue contributions exceeding total cost.

## **Background**

The Air District is responsible for protecting public health and the environment by achieving and maintaining health-based national and state ambient air quality standards, and reducing public exposure to toxic air contaminants, in the nine-county Bay Area region. Fulfilling this task involves reducing air pollutant emissions from sources of regulated air pollutants, and maintaining these emission reductions over time. In accordance with State law, the Air District's primary regulatory focus is on stationary sources of air pollution.

The Air District's air quality programs are primarily funded by revenue from regulatory fees, government grants and subventions, and county property taxes. Between 1955 and 1970, the Air District was funded entirely through property taxes. In 1970, the California Air Resources Board (CARB) and U.S. Environmental Protection Agency began providing grant funding to the Air District. After the passage of Proposition 13, the Air District qualified as a "special district" and became eligible for AB-8 funds, which currently make up the county revenue portion of the budget.

State law authorizes the Air District to impose a schedule of fees to generate revenue to recover the costs of activities related to implementing and enforcing air quality programs. On a regular basis, the Air District has considered whether these fees result in the collection of a sufficient and appropriate amount of revenue in comparison to the cost of related program activities.

In 1999, a comprehensive review of the Air District's fee structure and revenue was completed by the firm KPMG Peat Marwick LLP (*Bay Area Air Quality Management District Cost Recovery Study, Final Report: Phase One – Evaluation of Fee Revenues and Activity Costs; February 16, 1999*). The Study recommended an activity-based

costing model, which has been implemented. Also, as a result of that Study, the Air District implemented a time-keeping system. These changes improved the Air District's ability to track costs by programs and activities. The 1999 Cost Recovery Study indicated that fee revenue did not offset the full costs of program activities associated with sources subject to fees as authorized by State law. Property tax revenue (and in some years, fund balances) have been used to close this gap.

In 2004, the Air District's Board of Directors approved funding for an updated Cost Recovery Study that was conducted by the accounting/consulting firm Stonefield Josephson, Inc. (*Bay Area Air Quality Management District Cost Recovery Study, Final Report; March 30, 2005*). This Cost Recovery Study analyzed data collected during the three-year period FYE 2002 through FYE 2004. It compared the Air District's costs of program activities to the associated fee revenues, and analyzed how these costs are apportioned amongst the fee-payers. The Study indicated that a significant cost recovery gap existed. The results of this 2005 report and subsequent internal cost recovery studies have been used by the Air District in its budgeting process, and to set various fee schedules.

In March 2011, another study was completed by the Matrix Consulting Group (*Cost Recovery and Containment Study, Bay Area Air Quality Management District, Final Report; March 9, 2011*). The purpose of this Cost Recovery and Containment Study was to provide the Air District with guidance and opportunities for improvement regarding its organization, operation, and cost recovery/allocation practices. A Cost Allocation Plan was developed and implemented utilizing FYE 2010 expenditures. This study indicated that overall, the Air District continued to under-recover the costs associated with its fee-related services. In order to reduce the cost recovery gap, further fee increases were recommended to be adopted over a period of time in accordance with a Cost Recovery Policy to be adopted by the Air District's Board of Directors. Also, Matrix Consulting Group reviewed and discussed the design and implementation of the new Production System which the Air District is developing in order to facilitate cost containment through increased efficiency and effectiveness.

Air District staff initiated a process to develop a Cost Recovery Policy in May 2011, and a Stakeholder Advisory Group was convened to provide input in this regard. A Cost Recovery Policy was adopted by the Air District's Board of Directors on March 7, 2012. This policy specifies that the Air District should amend its fee regulation, in conjunction with the adoption of budgets for Fiscal Year Ending (FYE) 2014 through FYE 2018, in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent. The policy also indicates that amendments to specific fee schedules should continue to 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.

In February 2018, the Matrix Consulting Group completed an update of the 2011 cost recovery and containment study for the fiscal year that ended June 30, 2017. The primary purpose of this study was to evaluate the indirect overhead costs associated with the Air District and the cost recovery associated with the fees charges by the Air District. The project team evaluated the Air District's current programs to classify them as direct or indirect costs, as well as the time tracking data associated with each of the

different fee schedules. The study provided specific recommendations related to direct and indirect cost recovery for the Air District, as well as potential cost efficiencies.

This 2018 Cost Recovery Study incorporated the accounting methodologies developed by KPMG in 1999, Stonefield Josephson, Inc. in 2005 and Matrix Consulting Group in 2011. The study included the latest cost and revenue data gathered for FYE 2017 (i.e., July 1, 2016 - June 30, 2017). The results of the 2018 Cost Recovery Study were used as a tool in the preparation of the budgets for FYE 2019 and FYE 2020, and for evaluating potential amendments to the Air District's Regulation 3: Fees.

## **Legal Authority**

In the post-Prop 13 era, the State Legislature determined that the cost of programs to address air pollution should be borne by the individuals and businesses that cause air pollution through regulatory and service fees. The primary authority for recovering the cost of Air District programs and activities related to stationary sources is given in Section 42311 of the Health and Safety Code (HSC), under which the Air District is authorized to:

- Recover the costs of programs related to permitted stationary sources
- Recover the costs of programs related to area-wide and indirect sources of emissions which are regulated, but for which permits are not issued
- Recover the costs of certain hearing board proceedings
- Recover the costs related to programs that regulate toxic air contaminants

The measure of the revenue that may be recovered through stationary source fees is the full cost of all programs related to these sources, including all direct program costs and a commensurate share of indirect program costs. Such fees are valid so long as they do not exceed the reasonable cost of the service or regulatory program for which the fee is charged, and are apportioned amongst fee payers such that the costs allocated to each fee-payer bears a fair or reasonable relationship to its burden on, and benefits from, the regulatory system.

Air districts have restrictions in terms of the rate at which permit fees may be increased. Under HSC Section 41512.7, permit fees may not be increased by more than 15 percent on a facility in any calendar year.

## **Study Methodology**

The methodology for determining regulatory program revenue and costs is summarized as follows:

### Revenue

Revenue from all permit renewals and applications during the FYE 2018 was assigned to the appropriate Permit Fee Schedules. This is a continued improvement over prior years' process due to the more detailed data available in the New Production System.

## Costs

Costs are expenditures that can be characterized as being either direct or indirect. Direct costs can be identified specifically with a particular program or activity. Direct costs include wages and benefits, operating expenses, and capital expenditures used in direct support of those particular activities of the Air District (e.g. permit-related activities, grant distribution, etc).

Indirect costs are those necessary for the general operation of the Air District as a whole. Often referred to as “overhead”, these costs include accounting, finance, human resources, facility costs, information technology, executive management, etc. Indirect costs are allocated to other indirect programs, using the reciprocal (double-step down) method, before being allocated to direct programs.

The Air District has defined units (known as “Programs”) to encompass activities which are either dedicated to mission-critical functions such as permitting, rule-making, compliance assurance, sampling and testing, grant distribution, etc., or are primarily dedicated to support and administrative functions. The Air District has also defined revenue source categories (known as “Billing Codes”) for the permit fee schedules, grant revenue sources, and general support activities.

Employee work time is tracked by hour, or fraction thereof, using both Program and Billing Code detail. This timekeeping system allows all costs allocatable to a revenue source to be captured on a level-of-effort basis.

Employee work time is allocated to activities within programs by billing codes (BC1-BC99), only two of which indicate general support. One of these two general support codes is identified with permitting activities of a general nature, not specifically related with a particular Fee Schedule.

Operating and capital expenses are charged through the year to each Program, as incurred. In cost recovery, these expenses, through the Program’s Billing Code profile, are allocated on a pro-rata basis to each Program’s revenue-related activity. For example, employees working in grant programs (i.e., Smoking Vehicle, Mobile Source Incentive Fund, etc.) use specific billing codes (i.e., BC3, BC17, etc.), and all operating/capital expense charges are allocated pro-rata to those grant activities. Employees working in Permit programs (i.e., Air Toxics, Compliance Assurance, etc.) also use specific billing codes (i.e., BC8, BC21, BC29, etc.) and all operating/capital expense charges incurred by those programs are allocated pro-rata to those program’s profiles of permit activities.

Direct costs for permit activities include personnel, operating and capital costs based on employee work time allocated to direct permit-related activities, and to general permit-related support and administrative activities (allocated on pro-rata basis). Indirect costs for permit activities include that portion of general support personnel, operating and capital costs allocated pro-rata to permit fee revenue-related programs.

## Study Results

Figure 1 shows a summary of overall regulatory program costs and revenue for FYE 2018. Figure 2 shows the details of program costs and revenue on a fee schedule basis for FYE 2018 by schedule. Figure 3 shows the details of average program costs and revenue for the three-year period FYE 2016 through FYE 2018 by schedule.

## Discussion of Results

Figure 1 indicates that in FYE 2018 there continued to be a revenue shortfall, as the direct and indirect costs of regulatory programs exceeded fee revenue. The overall magnitude of the cost recovery gap was determined to be \$8.4 million for FYE 2018. This cost recovery gap was filled by General Fund revenue received by the Air District from the counties.

Figure 2 shows that in FYE 2018 there were revenue shortfalls for most of the twenty-three fee schedules for which cost recovery can be analyzed. For FYE 2018, the Air District is recovering approximately 84 percent of its fee-related activity costs. The revenue collected exceeded program costs for seven fee schedules. These are Schedule C (Stationary Containers for the Storage of Organic Liquids), Schedule F (Miscellaneous Sources), Schedule G-5 (Miscellaneous Sources), Schedule L (Asbestos Operations), Schedule N (Toxic Inventory Fees), Schedule R (Equipment Registration Fees), and Schedule X (Community Air Monitoring). The revenue collected was less than program costs for 16 fee schedules. These are Schedule A (Hearing Board), Schedule B (Combustion of Fuel), Schedule D (Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals), Schedule E (Solvent Evaporating Sources), Schedule G-1 (Miscellaneous Sources), Schedule G-2 (Miscellaneous Sources), Schedule G-3 (Miscellaneous Sources), Schedule G-4 (Miscellaneous Sources), Schedule H (Semiconductor and Related Operations), Schedule I (Dry Cleaners), Schedule K (Solid Waste Disposal Sites), Schedule P (Major Facility Review Fees), Schedule S (Naturally Occurring Asbestos Operations), Schedule T (Greenhouse Gas Fees), Schedule V (Open Burning), and Schedule W (Refinery Emissions Tracking),.

Figure 3 shows that over a three-year period (FYE 2016 through FYE 2018) the revenue collected exceeded program costs for five fee schedules. These are Schedule B (Combustion of Fuel), Schedule C (Stationary Containers for the Storage of Organic Liquids), Schedule F (Miscellaneous Sources), Schedule G-5 (Miscellaneous Sources), and Schedule X (Community Air Monitoring). The revenue collected was less than program costs for 18 fee schedules. These are Schedule A (Hearing Board), Schedule D (Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals), Schedule E (Solvent Evaporating Sources), Schedule G-1 (Miscellaneous Sources), Schedule G-2 (Miscellaneous Sources), G-3 (Miscellaneous Sources), G-4 (Miscellaneous Sources), Schedule H (Semiconductor and Related Operations), Schedule I (Dry Cleaners), Schedule K (Solid Waste Disposal Sites), Schedule N (Toxic Inventory Fees), Schedule P (Major Facility Review Fees), Schedule R (Equipment Registration Fees), Schedule S (Naturally Occurring Asbestos Operations), Schedule T (Greenhouse Gas Fees), Schedule V (Open Burning), and Schedule W (Refinery Emissions Tracking).

The Air District has used the three-year averages shown in Figure 3 in evaluating proposed amendments to Regulation 3, Fees at the fee schedule level because longer averaging periods are less sensitive to year-to-year variations in activity levels that occur due to regulatory program changes affecting various source categories.

## **Conclusions**

Air District staff has updated the analysis of cost recovery of its regulatory programs based on the methodology established by the accounting firms KPMG in 1999 and Stonefield Josephson, Inc. in 2005 and updated by Matrix Consulting Group in 2011 and in 2018. The analysis shows that fee revenue continues to fall short of recovering program activity costs. For FYE 2016 to 2018, the Air District is recovering approximately 83 percent of its fee-related activity costs. The overall magnitude of this cost recovery gap was determined to be \$8.6 million.

To reduce or stabilize expenditures, the Air District has implemented various types of cost containment strategies including developing an on-line permitting system for high-volume source categories, maintaining unfilled positions when feasible, and reducing service and supply budgets. In order to reduce the cost recovery gap, further fee increases will need to be evaluated in accordance with the Cost Recovery Policy adopted by the Air District's Board of Directors.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **2019 Cost Recovery Study**

### **FIGURES**

Figure 1: Total Permit Fee Revenue, Costs and Gap for FYE 2018

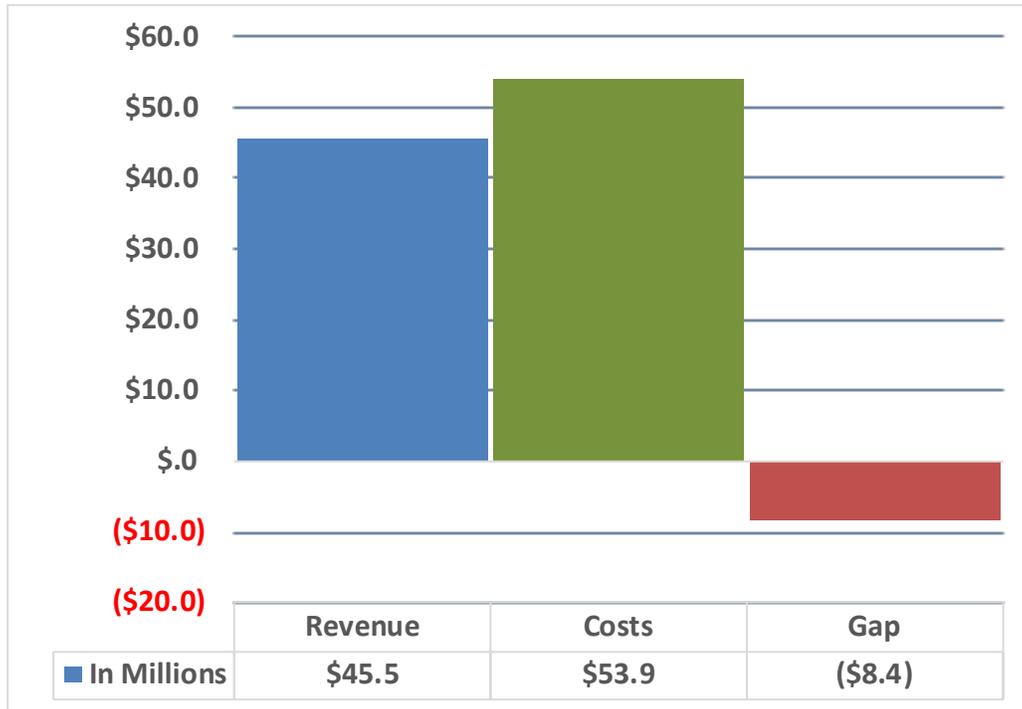


Figure 2: Fee Revenue and Program Costs by Fee Schedule, FYE 2018

	A-Hearing Board	B - Combustion of Fuel	C - Storage Organic Liquid	D - Gasoline Dispensing / Bulk Terminals	E - Solvent Evaporation	F - Miscellaneous	G1 - Miscellaneous	G2 - Miscellaneous	G3 - Miscellaneous	G4 - Miscellaneous	G5 - Miscellaneous	H - Semiconductor	I - Drycleaners	K - Waste Disposal	L - Asbestos	N - Toxic Inventory (AB2568)	P - Major Facility Review (Title V)	R-Registration	S - Naturally Occurring Asbestos	T - GreenHouse Gas	V - Open Burning	W - Refinery Emissions Tracking	X - Community Air Monitoring	Total	
Revenues	15,420	8,160,216	2,219,282	5,738,487	2,740,259	2,037,248	2,433,789	633,490	602,022	1,149,535	860,846	204,965	4,417	150,343	3,996,162	327,051	5,466,189	262,633	70,632	2,746,114	169,643	139,950	1,050,716	41,179,410	
Schedule M	-	155,888	352,818	16,166	41,740	1,609,168	56,864	24,399	4,106	18,265	14,188	-	-	122,093	-	-	-	3,731	-	-	-	-	-	-	2,419,426
Reg 3- 312 - Bubble	-	375,583	73,553	3,369	18,817	29,744	39,865	17,702	10,876	170,069	16,171	604	13,612	-	-	-	-	128	-	-	-	-	-	-	770,092
Reg 3- 327 - Renewal Processing	-	393,418	34,697	219,556	208,855	137,041	47,692	8,576	1,870	1,667	1,689	4,430	2,233	3,475	-	-	-	12,614	-	-	-	-	-	-	1,077,812
Reg 3- 311 - Banking	-	5,688	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,688
<b>Total Revenue</b>	<b>15,420</b>	<b>9,090,793</b>	<b>2,680,351</b>	<b>5,977,578</b>	<b>3,009,671</b>	<b>3,813,201</b>	<b>2,578,210</b>	<b>684,166</b>	<b>618,874</b>	<b>1,339,536</b>	<b>892,893</b>	<b>210,000</b>	<b>20,261</b>	<b>275,911</b>	<b>3,996,162</b>	<b>327,051</b>	<b>5,466,189</b>	<b>279,106</b>	<b>70,632</b>	<b>2,746,114</b>	<b>169,643</b>	<b>139,950</b>	<b>1,050,716</b>	<b>45,452,429</b>	
Direct Costs																									
Direct Labor	128,369	5,151,919	327,949	3,907,968	2,330,502	1,768,470	2,980,630	601,679	418,649	1,639,036	184,265	157,219	73,965	1,288,493	1,484,833	157,270	3,759,692	111,295	384,606	2,113,724	239,911	464,721	181,652	29,856,817	
Services and Supplies	2,149	353,127	18,428	321,149	145,904	115,842	220,021	45,449	29,217	210,518	10,230	9,255	4,704	87,561	73,356	5,935	301,146	3,630	29,305	345,868	17,777	32,937	30,652	2,414,159	
Capital Outlay	0	544,671	34,425	420,737	244,976	186,943	326,268	63,111	45,923	179,520	19,709	16,317	7,859	136,217	50,493	16,283	398,955	163	42,619	202,670	2,378	53,477	31,717	3,025,428	
Indirect Costs	67,366	3,180,159	202,651	2,452,384	1,467,372	1,076,671	1,844,308	371,369	272,953	1,033,095	119,759	96,998	47,874	826,046	1,003,821	92,514	2,286,113	79,088	249,666	1,271,419	159,943	280,333	119,665	18,601,565	
<b>Total Costs</b>	<b>197,884</b>	<b>9,229,876</b>	<b>583,453</b>	<b>7,102,237</b>	<b>4,188,754</b>	<b>3,147,926</b>	<b>5,371,226</b>	<b>1,081,607</b>	<b>766,741</b>	<b>3,062,168</b>	<b>333,964</b>	<b>279,790</b>	<b>134,401</b>	<b>2,338,317</b>	<b>2,612,502</b>	<b>272,002</b>	<b>6,745,906</b>	<b>194,176</b>	<b>706,196</b>	<b>3,933,682</b>	<b>420,009</b>	<b>831,467</b>	<b>363,686</b>	<b>53,897,970</b>	
<b>Net Surplus/(Deficit)</b>	<b>(182,464)</b>	<b>(139,083)</b>	<b>2,096,898</b>	<b>(1,124,659)</b>	<b>(1,179,082)</b>	<b>665,275</b>	<b>(2,793,016)</b>	<b>(397,441)</b>	<b>(147,867)</b>	<b>(1,722,632)</b>	<b>558,929</b>	<b>(69,790)</b>	<b>(114,140)</b>	<b>(2,062,406)</b>	<b>1,383,660</b>	<b>55,049</b>	<b>(1,279,717)</b>	<b>84,929</b>	<b>(635,564)</b>	<b>(1,187,568)</b>	<b>(250,366)</b>	<b>(691,517)</b>	<b>687,030</b>	<b>(8,445,541)</b>	
<b>Cost Recovery</b>	<b>7.8%</b>	<b>98.5%</b>	<b>459.4%</b>	<b>84.2%</b>	<b>71.9%</b>	<b>121.1%</b>	<b>48.0%</b>	<b>63.3%</b>	<b>80.7%</b>	<b>43.7%</b>	<b>267.4%</b>	<b>75.1%</b>	<b>15.1%</b>	<b>11.8%</b>	<b>153.0%</b>	<b>120.2%</b>	<b>81.0%</b>	<b>143.7%</b>	<b>10.0%</b>	<b>69.8%</b>	<b>40.4%</b>	<b>16.8%</b>	<b>288.9%</b>	<b>84.33%</b>	

Figure 3: Fee Revenue and Program Costs by Fee Schedule, FYE 2016-2018, 3-Year Average

	A-Hearing Board	B - Combustion of Fuel	C - Storage Organic Liquid	D - Gasoline Dispensing / Bulk Terminals	E - Solvent Evaporation	F - Miscellaneous	G1 - Miscellaneous	G2 - Miscellaneous	G3 - Miscellaneous	G4 - Miscellaneous	G5 - Miscellaneous	H - Semiconductor	I - Drycleaners	K - Waste Disposal	L - Asbestos	N - Toxic Inventory (AB2568)	P - Major Facility Review (Title V)	R-Registration	S - Naturally Occurring Asbestos	T - GreenHouse Gas	V - Open Burning	W - Refinery Emissions Tracking	X - Community Air Monitoring	Total	
Revenues	11,207	7,832,230	2,155,158	5,188,776	2,513,951	1,844,921	2,394,396	578,639	691,777	1,089,817	713,703	155,815	5,649	141,990	3,970,394	263,686	5,229,622	218,414	78,560	2,503,751	161,046	231,975	1,090,943	39,066,423	
Schedule M	0	749,022	221,654	50,042	38,579	800,223	144,663	8,164	2,341	8,342	211,160	0	0	96,651	0	0	0	1,244	0	0	0	0	0	0	2,332,086
Reg 3- 312 - Bubble	0	504,531	134,793	30,815	6,272	9,915	13,288	5,901	3,625	56,690	5,390	201	4,537	0	0	0	0	43	0	0	0	0	0	0	776,001
Reg 3- 327 - Renewal Processing	0	195,103	43,422	212,608	215,114	147,648	47,274	7,277	623	898	862	6,386	1,694	4,131	0	0	0	4,205	0	0	0	0	0	0	887,245
Reg 3- 311 - Banking	0	5,562	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5,562
<b>Total Revenue</b>	<b>11,207</b>	<b>9,286,449</b>	<b>2,555,027</b>	<b>5,482,242</b>	<b>2,773,916</b>	<b>2,802,707</b>	<b>2,599,621</b>	<b>599,980</b>	<b>698,367</b>	<b>1,155,747</b>	<b>931,116</b>	<b>162,403</b>	<b>11,880</b>	<b>242,772</b>	<b>3,970,394</b>	<b>263,686</b>	<b>5,229,622</b>	<b>223,905</b>	<b>78,560</b>	<b>2,503,751</b>	<b>161,046</b>	<b>231,975</b>	<b>1,090,943</b>	<b>43,067,317</b>	
Direct Costs	119,482	6,017,006	406,419	4,343,885	2,386,369	1,835,007	3,511,167	803,467	468,844	2,317,981	208,326	202,451	106,983	1,199,324	1,576,560	198,980	4,154,839	167,277	192,150	2,098,781	361,816	314,420	293,929	293,929	
Direct Labor	105,556	5,178,898	363,458	3,707,774	2,105,799	1,580,051	2,955,115	686,449	406,979	1,870,033	186,689	181,808	94,439	1,028,923	1,237,290	175,971	3,530,852	146,651	163,931	1,706,964	302,851	250,345	239,701	239,701	28,206,527
Services and Supplies	6,099	365,230	17,219	301,751	116,552	126,068	212,565	54,809	25,945	220,312	9,192	7,848	5,712	64,378	122,912	11,947	309,447	10,058	11,693	199,355	35,301	22,142	25,315	25,315	2,281,850
Capital Outlay	7,827	472,878	25,742	334,360	164,018	128,888	343,486	62,210	35,920	227,636	12,445	12,795	6,833	106,023	216,358	11,062	314,540	10,569	16,526	192,462	23,664	41,933	28,914	28,914	2,797,087
Indirect Costs	172,090	3,240,218	236,891	2,347,386	1,368,220	946,710	1,855,635	427,828	272,560	1,174,651	118,473	117,093	61,672	677,594	1,196,859	107,254	2,181,622	164,048	106,998	1,040,869	313,281	146,794	145,778	145,778	18,420,522
<b>Total Costs</b>	<b>291,572</b>	<b>9,257,225</b>	<b>643,311</b>	<b>6,691,270</b>	<b>3,754,589</b>	<b>2,781,717</b>	<b>5,366,802</b>	<b>1,231,295</b>	<b>741,403</b>	<b>3,492,632</b>	<b>326,799</b>	<b>319,544</b>	<b>18,655</b>	<b>1,876,918</b>	<b>2,773,419</b>	<b>306,234</b>	<b>6,336,460</b>	<b>331,326</b>	<b>299,148</b>	<b>3,139,650</b>	<b>675,097</b>	<b>461,214</b>	<b>439,707</b>	<b>51,705,986</b>	
<b>Total Surplus/(Deficit)</b>	<b>(280,365)</b>	<b>29,224</b>	<b>1,911,716</b>	<b>(1,209,029)</b>	<b>(980,673)</b>	<b>20,990</b>	<b>(2,767,181)</b>	<b>(631,315)</b>	<b>(43,036)</b>	<b>(2,336,884)</b>	<b>604,318</b>	<b>(157,141)</b>	<b>(6,775)</b>	<b>(1,634,146)</b>	<b>1,196,976</b>	<b>(42,548)</b>	<b>(1,106,838)</b>	<b>(107,421)</b>	<b>(220,587)</b>	<b>(635,899)</b>	<b>(514,051)</b>	<b>(229,239)</b>	<b>651,235</b>	<b>(8,638,669)</b>	
<b>Cost Recovery</b>	<b>4%</b>	<b>100%</b>	<b>397%</b>	<b>82%</b>	<b>74%</b>	<b>101%</b>	<b>48%</b>	<b>49%</b>	<b>94%</b>	<b>33%</b>	<b>285%</b>	<b>51%</b>	<b>64%</b>	<b>13%</b>	<b>143%</b>	<b>86%</b>	<b>83%</b>	<b>68%</b>	<b>26%</b>	<b>80%</b>	<b>24%</b>	<b>50%</b>	<b>248%</b>	<b>83.29%</b>	

**California Environmental Quality Act**  
**NOTICE OF EXEMPTION**

**TO:** **FROM: Bay Area Air Quality Management District**  
**375 Beale Street, Suite 600**  
**San Francisco, CA 94105**

**Lead Agency: Bay Area Air Quality Management District**  
**Contact: Barry G. Young Phone: (415) 749-4721**

**SUBJECT: FILING OF NOTICE OF EXEMPTION PURSUANT TO SECTION 21152 OF THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15061(b)(3)**

**Project Title:** Amendments to Regulation 3: Fees

**Project Location:** The regulation applies within the Bay Area Air Quality Management District (“District”), which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, and the southern portions of Solano and Sonoma counties.

**Project Description:** The project consists of amendments to an existing BAAQMD regulation that establishes fees for source operations and other activities. The amendments become effective on July 1, 2019. The amendments increase fee revenue in order to allow the District to meet budgetary needs for the upcoming fiscal year ending (FYE) 2020, and to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution.

The fee rates in the following Fee Schedules would be amended as follows: (1) 3.9% increase: Schedule B: Combustion of Fuels, Schedule F: Misc. Sources (storage silos, abrasive blasting), Schedule M: Major Stationary Source Fees, and Schedule V: Open Burning; (2) 6% increase: Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants & Terminals; (3) 7% increase: Schedule G-3: Misc. Sources (metal melting, cracking units); (4) 8% increase: Schedule P: Major Facility Review Fees, and Schedule T: Greenhouse Gas Fees; (5) 9% increase: Schedule E: Solvent Evaporating Sources, Schedule H: Semiconductor and Related Operations, and Schedule W: Petroleum Refining Emissions Tracking Fees; (6) 15% increase: Schedule A: Hearing Board Fees, Schedule G-1: Misc. Sources (glass manufacturing, soil remediation), Schedule G-2: Misc. Sources (asphaltic concrete, furnaces), Schedule G-4: Misc. Sources (cement kilns, sulfur removal & coking units, acid manufacturing), Schedule K: Solid Waste Disposal Sites, and Schedule S: Naturally Occurring Asbestos Operations. The following specific fees in Regulation 3 would be increased by 3.9%: New and modified source filing fees, Emission banking fees, Regulation 2, Rule 9 Alternative Compliance Plan fees, Toxic inventory maximum fees, Permit to operate renewal processing fees, Exemption fees, Fee for Risk Reduction Plan, and Fee for Facility-Wide Health Risk Assessment.

In addition, the following additional amendments are proposed: (1) Revise Section 3-302 to specify that for those applicants that qualify for both the Small Business Discount (50%) and Green Business Discount (10%), only the 50% higher discount shall be applied; (2) Revise Section 3-304, Alteration, to clarify that the risk assessment fee shall only be charged when the alteration required a health risk assessment; (3) Revise Section 3-311 to align the current rule language with established Air District practice for applying banking fees to emission reduction credit transactions; (4) Add Section 3-343, Fees for Air Dispersion Modeling, to recover the Air District’s costs for conducting, reviewing, or approving air dispersion modeling done to meet a District regulatory requirement (e.g., for demonstrating compliance with Regulation 9 Inorganic Gaseous Pollutants, Rule 2 Hydrogen Sulfide requirements, Regulation 2-2-308 NAAQS Protection Requirement); (5) Revise Section 3-405.5 to reduce additional late fees charged to invoices for registration and other fees which are more than 30 days late. Historically, these delinquent fees have been assessed disproportionately often to small businesses such as gasoline dispensing facilities, dry cleaners, and auto body shops. To reduce this burden on small businesses, the proposed amendment lowers this delinquent fee from 50% to 25%; (6) Revise Fee Schedule E, Solvent

Evaporating Sources, to clarify when the minimum and maximum fees apply for each source; (7) Revise Fee Schedule L, Asbestos Operations, to delete the fee specific to mastic removal by mechanical buffers so as to assess fees for such work at the same rate as for other regulated asbestos containing material removal work; (8) Revise Fee Schedule N, Toxics Inventory Fees, to recover the Air District's costs for AB2588 fees to be paid to the California Air Resources Board and for staff to conduct the Air District's AB2588 work; and (9) Revise Fee Schedule S, Naturally Occurring Asbestos Operation, to include a fee of \$325 to recover the costs for reviewing, processing, and approving amendments to existing Asbestos Dust Mitigation Plans (ADMPs). Also, revise Section 3-332 to clarify that persons required to amend ADMPs shall pay the fees set out in Fee Schedule S.

On June 5, 2019, the Board of Directors of the Bay Area Air Quality Management District conducted a public hearing in accordance with California Health and Safety Code Section 41512.5 and approved the project described above and determined that the project was exempt from CEQA.

**Finding of Exemption:** This project is found to be exempt pursuant to Public Resources Code Section 21080, subd. (b)(8) and CEQA Guidelines Section 15273.

**Basis for Exemption:** The regulatory amendments which constitute this project modify charges by the BAAQMD for sources of air pollution. The fees and modifications are for the purpose of meeting District operating expenses associated with the regulation of these sources. The amendments are administrative in nature, do not affect air emissions from any sources, and have no possibility of causing significant environmental effects. As such, they fall within the statutory and Guidelines exemptions cited above.

\_\_\_\_\_  
Date Received for Filing

\_\_\_\_\_  
Pamela Leong

\_\_\_\_\_  
Date



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **STAFF REPORT**

### **PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES**

**May 17, 2019**

## TABLE OF CONTENTS

1.	EXECUTIVE SUMMARY.....	1
2.	BACKGROUND.....	2
3.	PROPOSED FEE AMENDMENTS FOR FYE 2020	
	3.1 OVERVIEW OF PROPOSED AMENDMENTS.....	4
	3.2 PROPOSED RULE AMENDMENTS.....	5
4.	FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES .....	13
5.	STATUTORY AUTHORITY FOR PROPOSED FEE INCREASES.....	14
6.	ASSOCIATED IMPACTS/RULE DEVELOPMENT REQUIREMENTS	
	6.1 EMISSIONS IMPACTS.....	16
	6.2 ECONOMIC IMPACTS.....	16
	6.3 ENVIRONMENTAL IMPACTS.....	19
	6.4 STATUTORY FINDINGS.....	19
7.	RULE DEVELOPMENT PROCESS.....	19
8.	PUBLIC COMMENTS.....	20
9.	CONCLUSIONS.....	30
	Appendix A – Cost Recovery Policy.....	A-1
	Appendix B – Proposed Regulatory Language – Regulation 3: Fees.....	B-1
	Appendix C – Costs for Asbestos Dust Mitigation Plan Amendments.....	C-1

## 1. EXECUTIVE SUMMARY

Air District staff has prepared proposed amendments to Air District Regulation 3: Fees for Fiscal Year Ending (FYE) 2020 (i.e., July 1, 2019 to June 30, 2020) that would increase revenue to enable the Bay Area Air Quality Management District (Air District) to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution. The proposed fee amendments for FYE 2020 are consistent with the Air District's Cost Recovery Policy, which was adopted on March 7, 2012 by the Air District's Board of Directors (see Appendix A). This policy stated that the Air District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to achieve a minimum of 85 percent. The policy also indicates that amendments to specific fee schedules should continue to 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.

A recently completed 2019 Cost Recovery Study (a copy of which is available on request) shows that for the most-recently completed fiscal year (FYE 2018), fee revenue recovered 84 percent of program activity costs.

Over the past several years, the Air District has continued to implement several cost containment and efficiency-based strategies. Some of these strategies include: timekeeping improvements, greater field capabilities, annual updates to cost recovery, improved public education, submittal of online permit applications, and availability of permit status online through the New Production System. Implementing these strategies have resulted in efficiencies as well as the ability to provide a higher service level. The Air District is actively transitioning to the New Production System, which currently includes an on-line portal for the regulated community for high-volume categories including gas stations, dry cleaners, auto body shops, other permit registrations, and asbestos notifications. This system will be expanding to additional facility types. These tools will increase efficiency and accuracy by allowing customers to submit applications, report data for the emissions inventory, pay invoices and have access to permit documents.

The results of the 2019 Cost Recovery Study (including FYE 2016-2018 data) were used to establish proposed fee amendments for each existing fee schedule based on the degree to which existing fee revenue recovers the regulatory program activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would be raised by the annual increase in the Bay Area Consumer Price Index (3.9%), while other fee schedules would be increased by 7, 8, 9, or 15 percent. Several fees that are administrative in nature (e.g. permit application filing fees and permit renewal processing fees) would be increased by 3.9 percent.

The proposed fee amendments would not increase annual permit renewal fees for most small businesses that require Air District permits, with the exception of gas stations (e.g., a typical gas station would have an increase of \$169 in annual permit renewal fees) and facilities with backup generators, which would have an increase of \$11 per

engine. For larger facilities, increases in annual permit renewal fees would range between 1.9 and 13.3 percent due to differences in the facility's size, type of emission sources, pollutant emission rates and applicable fee schedules. In accordance with State law, the Air District's amendments to Regulation 3 cannot cause an increase in overall permit fees for any facility by more than 15 percent in any calendar year. The proposed fee amendments would increase overall Air District fee revenue in FYE 2020 by approximately \$2.74 million relative to fee revenue that would be expected without the amendments.

The Board of Directors received testimony on May 1, 2019 regarding the proposed amendments to Regulation 3: Fees. Air District staff recommends that the Board of Directors consider adoption of the proposed amendments to Regulation 3: Fees with an effective date of July 1, 2019, and approve the filing of a CEQA Notice of Exemption following the 2<sup>nd</sup> public hearing scheduled to consider this matter on June 5, 2019.

## **2. BACKGROUND**

State law authorizes the Air District to assess fees to generate revenue to recover the reasonable costs of regulatory program activities for stationary sources of air pollution. The largest portion of Air District fees is collected under provisions that allow the Air District to impose permit fees sufficient to recover the costs of program activities related to permitted sources. The Air District is also authorized to assess fees for: (1) area-wide or indirect sources of emissions which are regulated, but for which permits are not issued by the Air District, (2) sources subject to the requirements of the State Air Toxics Hot Spots Program (Assembly Bill 2588), and (3) activities related to the Air District's Hearing Board involving variances or appeals from Air District decisions on the issuance of permits. The Air District has established, and regularly updates, a fee regulation (Air District Regulation 3: Fees) under these authorities.

The Air District has analyzed whether fees result in the collection of a sufficient and appropriate amount of revenue in comparison to the costs of related program activities. In 1999, a comprehensive review of the Air District's fee structure and revenue was completed by the firm KPMG Peat Marwick LLP (*Bay Area Air Quality Management District Cost Recovery Study, Final Report: Phase One – Evaluation of Fee Revenues and Activity Costs*, KPMG Peat Marwick LLP, February 16, 1999). This 1999 Cost Recovery Study indicated that fee revenue did not nearly offset the full costs of program activities associated with sources subject to fees as authorized by State law. Property tax revenue (and in some years, reserve funds) had been used to close this cost recovery gap.

The Air District Board of Directors adopted an across-the-board fee increase of 15 percent, the maximum allowed by State law for permit fees, for FYE 2000 as a step toward more complete cost recovery. The Air District also implemented a detailed employee time accounting system to improve the ability to track costs by program activities moving forward. In each of the next five years, the Air District adjusted fees only to account for inflation (with the exception of FYE 2005, in which the Air District

also approved further increases in Title V permit fees and a new permit renewal processing fee).

In 2004, the Air District funded an updated Cost Recovery Study. The accounting firm Stonefield Josephson, Inc. completed this study in March 2005 (*Bay Area Air Quality Management District Cost Recovery Study, Final Report*, Stonefield Josephson, Inc., March 30, 2005). This 2005 Cost Recovery Study indicated that a significant cost recovery gap continued to exist. The study also provided cost recovery results at the level of each individual fee schedule based on detailed time accounting data. Finally, the contractor provided a model that could be used by Air District staff to update the analysis of cost recovery on an annual basis using a consistent methodology.

For the five years following the completion of the 2005 Cost Recovery Study (i.e., FYE 2006 through 2010), the Air District adopted fee amendments that increased overall projected fee revenue by an average of 8.9 percent per year. To address fee equity issues, the various fees were not all increased in a uniform manner. Rather, individual fee schedules were amended based on the magnitude of the cost recovery gap for that schedule, with the schedules with the more significant cost recovery gaps receiving more significant fee increases. In FYE 2009, the Air District's fee amendments also included a new greenhouse gas (GHG) fee schedule. The GHG fee schedule recovers costs from stationary source activities related to the Air District's Climate Protection Program. In FYE 2011, the Air District adopted an across-the-board 5 percent fee increase, except for the Title V fee schedule (Schedule P) which was increased by 10 percent (the Air District's 2010 Cost Recovery Study indicated that Fee Schedule P recovered only 46 percent of program activity costs).

In September 2010, the Air District contracted with the firm Matrix Consulting Group to complete an updated analysis of cost recovery that could be used in developing fee amendments for FYE 2012 and beyond. This study also included a review of the Air District's current cost containment strategies and provided recommendations to improve the management of the Air District's costs and the quality of services provided to stakeholders. The study was completed in March 2011 (*Cost Recovery and Containment Study, Bay Area Air Quality Management District, Final Report*, Matrix Consulting Group, March 9, 2011). The 2011 Cost Recovery and Containment Study concluded that, for FYE 2010, overall fee revenue recovered 64 percent of related program activity costs. The study also provided cost recovery results at the level of each individual fee schedule based on detailed time accounting data and provided a methodology for Air District staff to update the analysis of cost recovery on an annual basis using a consistent methodology.

The results of the 2011 Cost Recovery and Containment Study were used to establish fee amendments for FYE 2012 that were designed to increase overall fee revenue by 10 percent (relative to fee revenue that would result without the fee amendments). To address fee equity issues, the various fees were not all increased in a uniform manner. Rather, existing fee schedules were amended based on the magnitude of the cost recovery gap for that schedule, with the schedules with the more significant cost

recovery gaps receiving more significant fee increases. Based on this approach, the fee rates in several fee schedules were not increased, while the fee rates in other fee schedules were increased by 10, 12, or 14 percent.

One of the recommendations made by Matrix Consulting Group in their 2011 Cost Recovery and Containment Study indicated that the Air District should consider the adoption of a Cost Recovery Policy to guide future fee amendments. Air District staff initiated a process to develop such a Policy in May 2011, and a Stakeholder Advisory Group was convened to provide input in this regard. A Cost Recovery Policy was adopted by the Air District's Board of Directors on March 7, 2012 (see Appendix A). This policy specified that the Air District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to a minimum of 85 percent. The policy also indicated that amendments to specific fee schedules should continue to 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.

The Matrix Consulting Group was retained by the BAAQMD in September 2017 to provide a cost recovery and containment study for the fiscal year ended June 30, 2017 to update the study done in 2011. This assessment used multiple analytical tools to understand the current process for allocation of indirect costs, current cost recovery levels, and recommendations for cost recovery and savings. The primary purpose of this study was to evaluate the indirect overhead associated with the BAAQMD and the cost recovery associated with the fees charged by the BAAQMD. The project team evaluated the Air District's current programs to classify them as direct or indirect costs, as well as the time tracking data associated with each of the different fee schedules. The report also provides specific recommendations related to direct and indirect cost recovery for the BAAQMD, as well as, potential cost efficiencies.

Staff has updated the cost recovery analysis for the most recently completed fiscal year (FYE 2018) using the methodology established by Matrix Consulting Group. The 2019 Cost Recovery Study indicates that the overall cost recovery rate for FYE 2018 was 84 percent. Progress towards the 85% minimum target is reported to the Board annually by staff and is periodically reviewed by outside consultants.

### **3. PROPOSED FEE AMENDMENTS FOR FYE 2019**

#### **3.1 OVERVIEW OF PROPOSED AMENDMENTS**

A 2019 cost recovery study was used to establish proposed fee amendments for existing fee schedules based on the degree to which existing fee revenue recovers the activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would be increased by 7, 8, 9, or 15 percent. Other fee schedules would be raised by 3.9%, the annual increase from 2017 to 2018 in the Bay Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) as reported by the United States Bureau of Labor Statistics. The specific basis for these

proposed fee amendments is summarized in Table 1 as follows:

**Table 1. Proposed Fee Changes Based on Cost Recovery by Fee Schedule**

Revenue from Fee Schedule	Change in Fees	Fee Schedules
95 – 110% of costs	3.9% increase*	B, F, M, V
85 – 94% of costs	7% increase	G3
75-84% of costs	8% increase	P, T
50-74% of costs	9% increase	E, H, W
Less than 50% of costs	15% increase*	A, G1, G2, G4, K S

\*2018 Matrix Consulting Group Cost Recovery & Containment Study recommendations.

**Note:** For Schedule D, a 6% increase is proposed, although cost recovery would have allowed an 8% increase. Schedule D covers gasoline stations and many are small businesses.

In addition to the proposed amendments to fee schedules, Air District staff is proposing to increase several administrative fees that appear in the Standards section of Regulation 3 by 3.9 percent. This includes permit application filing fees and permit renewal processing fees. Existing permit fees are well below the point of full cost recovery, and these fee increases are proposed to help the Air District reduce its cost recovery gap.

### 3.2 PROPOSED RULE AMENDMENTS

The complete text of the proposed changes to Air District Regulation 3: Fees, has been prepared in strikethrough (deletion of existing text) and underline (new text) format, and is included in Appendix B. Proposed fee increases have been rounded to the nearest whole dollar.

- Section 3-302: Fees for New and Modified Sources

The proposed amendment to Section 3-302 is a 3.9 percent increase in the filing fee for permit applications for new/modified sources and abatement devices, from \$489 to \$508 based on the CPI-W.

Also, Section 3-302.1 is revised to specify that for those applicants that qualify for both the Small Business Discount (50%) and Green Business Discount (10%), only the 50% higher discount shall be applied.

- Section 3-302.3: Fees for Abatement Devices

The proposed amendment to Section 3-302.3 is a 3.9 percent increase (based on the CPI-W) in the filing fee, from \$489 to \$508, and the not to exceed value will be increased from \$10,000 to \$10,270.

- Section 3-304: Alteration

Section 3-304.2 is revised to clarify that the risk assessment fee shall only be charged when the alteration required a health risk assessment.

- Section 3-311: Emission Banking Fees

The proposed amendment to Section 3-311 is a 3.9 percent increase (based on the CPI-W) in the filing fee for banking applications, from \$498 to \$508.

Also, Section 3-311 is revised to align the current rule language with established Air District practice for emission reduction credit (ERC) transactions. There are three types of banking transaction requests: 1) banking new ERCs, 2) reevaluating/converting ERCs from one type to another and 3) transferring ownership of ERCs from one entity to another. There are approximately 20 ERC transfer of ownerships requests completed per year. Transferring the ownership of ERCs is an administrative process.

Historically, the withdrawal fee in Section 3-311 has been applied to ERC transfer of ownerships even though the rule does not specifically call out transfers. However, as currently written, the fee would also apply to those applicants who are withdrawing credits from their own certificates for use at their facility. Therefore, this language is not only unclear, but also does not reflect current practices. The proposed change is predicted to have no financial impact.

- Section 3-312: Emission Caps and Alternative Compliance Plans

The proposed amendment to Section 3-312.2 is a 3.9 percent increase (based on the CPI-W) in the annual fees for Alternative Compliance Plans (ACPs) from \$1,238 to \$1,286 for each source in the ACP, with the not-to-exceed amount increase from \$12,380 to \$12,860.

- Section 3-320: Toxic Inventory Fees

The proposed amendment to Section 3-320 is a 3.9 percent increase (based on the CPI-W) from \$9,679 to \$10,056, which specifies the maximum fee for small businesses in Schedule N.

- Section 3-327: Permit to Operate, Renewal Fees

The processing fees for renewal of Permits to Operate specified in subsections 3-327.1 through 3-327.6 would be increased by 3.9 percent (based on the CPI-W).

- Section 3-332: Naturally Occurring Asbestos Fees

Section 3-332 is revised to include amendments of Asbestos Dust Mitigation Plans as being subject to Schedule S fees.

- Section 3-337: Exemption Fee

The proposed amendment to Section 3-337 is a 3.9 percent increase (based on the CPI-W) in the filing fee for a certificate of exemption, from \$489 to \$508.

- Section 3-341, Fee for Risk Reduction Plan

Section 3-341 is revised to increase the Risk Reduction Plan submittal fees by 3.9 percent (based on the CPI-W).

- Section 3-342, Fee for Facility-Wide Health Risk Assessment (HRA)

Section 3-342 is revised to increase the HRA review fees by 3.9 percent (based on the CPI-W).

- Section 3-343: Fees for Air Dispersion Modeling

The proposed amendment will add Section 3-343 to recover the Air District's costs for air dispersion modeling done to meet an Air District regulatory requirement. Examples of this modeling include; but are not limited to: H2S emissions modeling for Regulation 9, Rule 2 purposes, and the modeling required to demonstrate compliance with Air District Regulation 2, Rule 2 New Source Review requirements. This will help the Air District to recover its costs for this important function, which is currently not covered by the existing Regulation 3 fees. Impacts are expected to be minimal, since these modeling exercises happen very infrequently.

- Section 3-405: Fees Not Paid

Revise Section 3-405.5 to reduce additional late fees charged to invoices for registration and other fees which are more than 30 days late. To reduce this burden on small businesses, the proposed amendment would lower this delinquent fee from 50% to 25%.

## **Fee Schedules:**

### **Schedule A: Hearing Board Fees**

Based on the cost recovery methodology listed in Table 1, the fees in Schedule A would be increased by 15 percent. The schedules of fees for excess emissions (Schedule A: Table I) and visible emissions (Schedule A: Table II) would also be increased by 15

percent.

#### Schedule B: Combustion of Fuel

Based on the cost recovery methodology listed in Table 1, the fees in Schedule B would be increased by 3.9 percent (based on the CPI-W).

#### Schedule C: Stationary Containers for the Storage of Organic Liquids

Based on the cost recovery methodology listed in Table 1, the fees in Schedule C would not be increased, except for the base fee for a health risk assessment for a source covered by Schedule C, which would be increased by 3.9 percent from \$489 to \$508.

#### Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals

A 6 percent increase is proposed, although the cost recovery methodology would have allowed an 8% increase, except for the base fee for a health risk assessment for a source covered by Schedule D, which would be increased by 3.9 percent from \$489 to \$508. Schedule D covers gasoline stations and many are small businesses.

#### Schedule E: Solvent Evaporating Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule E would be increased by 9 percent, except for the base fee for a health risk assessment for a source covered by Schedule E, which would be increased by 3.9 percent from \$489 to \$508.

The proposed amendments would also revise Fee Schedule E to clarify when minimum and maximum fees apply for each source.

#### Schedule F: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule F would be increased by 3.9 percent. The base fee for a health risk screening analysis for a source covered by Schedule F would be increased by 3.9 percent, from \$489 to \$508. The base fee for a health risk screening analysis in Schedule F is included in the risk assessment fee (RAF) for the first toxic air contaminant (TAC) source in the application.

#### Schedule G-1: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-1 would be increased by 15 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-1, which would be increased by 3.9 percent from \$489 to \$508. The base fee for a health risk screening analysis in Schedule G-1 is included in the RAF for the first TAC source in the application.

### Schedule G-2: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-2 would be increased by 15 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-2 which would be increased by 3.9 percent from \$489 to \$508. The base fee for a health risk screening analysis in Schedule G-2 is included in the RAF for the first TAC source in the application.

### Schedule G-3: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-3 would be increased by 7 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-3, which would be increased by 3.9 percent from \$489 to \$508. The base fee for a health risk screening analysis in Schedule G-3 is included in the RAF for the first TAC source in the application.

### Schedule G-4: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-4 would be increased by 15 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-4, which would be increased by 3.9 percent from \$489 to \$508. The base fee for a health risk screening analysis in Schedule G-4 is included in the RAF for the first TAC source in the application.

### Schedule G-5: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-5 would not be increased.

### Schedule H: Semiconductor and Related Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule H would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule H, which would be increased by 3.9 percent from \$489 to \$508.

### Schedule I: Dry Cleaners

Based on the cost recovery methodology listed in Table 1, the fees in Schedule I would not be increased, except for the base fee for a health risk screening analysis for a source covered by Schedule I, which would be increased by 3.9 percent from \$489 to \$508.

### Schedule K: Solid Waste Disposal Sites

Based on the cost recovery methodology listed in Table 1, the fees in Schedule K would be increased by 15 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule K, which would be increased by 3.9 percent from \$489 to \$508.

### Schedule L: Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule L would not be increased.

Prior to 2003 all mastic removal using buffer machines was treated as a non-regulated activity under Regulation 11, Rule 2, since mastic was a Category I nonfriable asbestos-containing material (Regulation 11-2-208). Around 2003, U.S. EPA determined that removal of mastic using a buffer, mechanical removal, was making the mastic friable in the process and therefore should be considered a regulated asbestos containing material (RACM).

The Air District put out a Compliance Advisory in June 2003 stating that removal of asbestos containing mastic using a mechanical buffer was a regulated activity. This change in policy was going to have a sudden impact on the asbestos abatement contractors who would now have to pay Asbestos Operation fees for RACM mastic removal using a mechanical buffer. The Air District imposed a flat fee for mastic removal with buffers and solvent to lessen the impact on the asbestos abatement industry. The asbestos abatement industry is currently aware that mastic removal by mechanical buffer is a regulated activity per Regulation 11, Rule 2. RACM mastic should not be treated differently than any other RACM. The revisions would delete the fee specific to mastic removal by mechanical buffers so as to assess fees for such work at the same rate as for other regulated asbestos containing material removal work.

### Schedule M: Major Stationary Source Fees

Schedule M is an emissions-based fee schedule that applies to various permitted facilities emitting 50 tons per year or more of organic compounds, sulfur oxides, nitrogen oxides, and/or PM<sub>10</sub>. Air District staff is proposing a 3.9 percent increase in the Schedule M fee rate based on the annual increase in the Bay Area Consumer Price Index.

### Schedule N: Toxic Inventory Fees

The California Air Pollution Control Officers Association (CAPCOA) Toxics Committee, in cooperation with the Office of Environmental Health Hazard Assessment (OEHHA) and the CARB, developed the Air Toxics "Hot Spots" Program, Facility Prioritization Guidelines (July 1990). The purpose of the guideline is to provide air districts with suggested procedures for prioritizing facilities. However, districts may develop and use

prioritization methods which differ from the CAPCOA guidelines. In 2016, CAPCOA updated these guidelines to incorporate the changes made to the [OEHHA risk assessment methodology](#). You may download a copy of the 2016 Facility Prioritization Guidelines at the CAPCOA website at [www.capcoa.org](http://www.capcoa.org). These facilities, for purposes of risk assessment, are ranked into high, intermediate, and low priority categories. Each district is responsible for establishing the prioritization score threshold at which facilities are required to prepare a health risk assessment. In establishing priorities, the districts are to consider the potency, toxicity, quantity, and volume of hazardous materials released from the facility, the proximity of the facility to potential receptors, and any other factors that the district determines may indicate that the facility may pose a significant risk. CARB's 2016 update to the Facility Prioritization Guidelines will substantially increase facility prioritization scores and the associated AB2588 fees that the Air District must pay to CARB.

Schedule N is to recover the costs for the California Air Resources Board's (CARB's) AB 2588 program fees as well as the Engineering Division staff required to work on the AB 2588 toxics emissions inventories, Rule 11-18 implementation costs for facility emissions review, and health risk assessments (HRAs) for facilities that are exempt from Rule 11-18. The Air District's costs for conducting New Source Review HRAs for permit applications are not fully covered by the HRA fees in the individual schedules. Schedule N covers this deficit between fee schedule HRA fees and actual costs. The costs for AB 2588 and Rule 11-18 are tracked using employee timesheet bill codes. Since Rule 11-18 implementation has just started a few months ago, the costs attributed to AB 2588 inventories is a much larger portion of the costs versus Rule 11-18 implementation at this time. Staff expects the Rule 11-18 portion to increase as more facilities are phased into Rule 11-18 HRAs.

The Air District estimates that up to \$797,000 will need to be paid to CARB next fiscal year based on the new AB2588 Prioritization Score procedure. Additional staff are also needed to work on New Source Review health risk assessments (HRAs), AB2588, and Rule 11-18 implementation, including emissions review and HRAs for facilities exempt from Rule 11-18. The Air District estimates this additional staff will cost \$675,000. Therefore, a total Schedule N revenue of \$1,472,000 is needed. The Air District projects that risk screening fees from new and modified permit applications will collect \$601,000, so therefore, Schedule N would need to collect \$871,000, which would be spread out across all permitted facilities based on weighted emissions of toxic air contaminants. Facilities with higher emissions of toxic air contaminants would be charged higher Schedule N fees. The Air District's analysis determined that the appropriate rate to use to recover the necessary costs in Schedule N is \$0.80 per weighted pounds per year and an unchanged gasoline dispensing facility fee of \$5/nozzle.

The Schedule N fee revenues will be re-evaluated each year to determine whether an update to the \$0.80 per weighted pounds per year is required due to changing year-over-year costs.

#### Schedule P: Major Facility Review Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule P would be increased by 8 percent.

#### Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks

The fees in Schedule Q would not be increased since the Air District does not currently assess this fee.

#### Schedule R: Equipment Registration Fees

The fees in Schedule R would not be increased. Many of these facilities subject to equipment registration requirements are small businesses.

#### Schedule S: Naturally Occurring Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule S would be increased by 15 percent.

Schedule S will also be revised to include a flat \$325 fee in Schedule S to recover the costs for Asbestos Dust Mitigation Plans amendments. The \$325 is based on the estimated staff costs to process, review, and issue such amendments. See Appendix C for the hourly cost estimation spreadsheet.

#### Schedule T: Greenhouse Gas Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule T would be increased by 8 percent.

#### Schedule U: Indirect Source Review Fees

The fees in Schedule U would not be increased since the Air District does not currently assess this fee.

#### Schedule V: Open Burning

Schedule V would be increased by 3.9 percent, not the 15 percent based on the cost recovery methodology listed in Table 1, until a more effective method can be determined as a basis for fees. This will limit the burden on public agencies' prescribed burns for wildfire prevention.

### Schedule W: Petroleum Refining Emissions Tracking Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule W would be increased by 9 percent. For example, Schedule W was based on estimated staff costs to review and approve the refinery emission inventories and crude slate information. However, the first sets of inventories received were significantly more complex than anticipated and the District spent additional time and effort verifying emissions from the sources with the largest emissions. With each successive set of inventories, staff has continued concentration and verification of additional source categories. When all categories and methods have been thoroughly reviewed and as experience is gained, we expect the effort to review and verify inventories to be streamlined. In addition, engineering staff have been updating and revising the Refinery Emissions Inventory Guidelines and working on the heavy liquid fugitive components study. These efforts were not envisioned at the time of the fee's introduction.

### Schedule X: Major Stationary Source Community Air Monitoring Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule X would not be increased.

## **4. FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES**

On an overall basis, the 2019 Cost Recovery Study (a copy of which is available on request) concluded that, for FYE 2018, fee revenue recovered 84.33 percent of regulatory program activity costs, with revenue of \$45.5 million and costs of \$53.9 million. This resulted in a shortfall, or cost recovery gap, of \$8.4 million which was filled by county tax revenue. The proposed fee amendments for FYE 2020 are projected to increase overall Air District fee revenue by approximately \$2.74 million relative to fee revenue levels that would be expected without the amendments. Revenue in FYE 2020 is expected to remain below the Air District's regulatory program costs for both permitted and non-permitted sources.

For years, the Air District has implemented aggressive cost containment measures that included reducing capital expenditures and maintaining a hiring freeze that resulted in historically high staff vacancy rates.

In the FYE 2020 Budget, the Air District proposes to fill 405 Full Time Equivalent (FTE), with no increase in staffing level. Assembly Bill (AB) 617, passed by the Legislature and signed by the Governor in 2017, establishes new, comprehensive air quality planning requirements for the California Air Resources Board (CARB) and local air districts. The bill requires CARB and the Air District to engage with communities to analyze and reduce localized cumulative exposure to air pollution to improve health in the most disproportionately impacted communities. CARB and the Air District will: 1) identify impacted communities in the Bay Area; 2) develop and implement monitoring programs to better understand local air pollution sources and exposures, and; 3)

develop and implement community action plans to reduce local emissions and exposures. Air District AB 617 implementation activities will cut across all divisions and will represent a major focus for the agency in FYE 2020 and beyond. Additional Air District initiatives include work on Methane Strategies, Organics Recovery and Diesel Free by '33.

Over the past several years, the Air District has continued to implement several cost containment and efficiency-based strategies. Some of these strategies include: timekeeping improvements, greater field capabilities, annual updates to cost recovery, improved public education, submittal of online permit applications, and availability of permit status online through the New Production System. Implementing these strategies have resulted in efficiencies as well as the ability to provide a higher service level. The Air District is actively transitioning to the New Production System, which currently includes an on-line portal for the regulated community for high-volume categories including gas stations, dry cleaners, auto body shops, other permit registrations, and asbestos notifications. This system will be expanding to additional facility types. These tools will increase efficiency and accuracy by allowing customers to submit applications, report data for the emissions inventory, pay invoices and have access to permit documents.

The Air District continues to be fiscally prudent by maintaining its reserves. Reserves address future capital equipment and facility needs, uncertainties in State funding and external factors affecting the economy that could impact the Air District's ability to balance its budgets.

## **5. STATUTORY AUTHORITY FOR PROPOSED FEE INCREASES**

The Air District is a regional regulatory agency, and its fees are used to recover the costs of issuing permits, performing inspections, and other associated regulatory activities. The Air District's fees fall into the category specified in Section 1(e) of Article XIII C of the California Constitution which specifies that charges of this type assessed to regulated entities to recover regulatory program activity costs are not taxes. The amount of fee revenue collected by the Air District has been clearly shown to be much less than the costs of the Air District's regulatory program activities both for permitted and non-permitted sources.

The Air District's fee regulation, with its various fee schedules, is used to allocate regulatory program 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. Permit fees are based on the type and size of the source being regulated, with minimum and maximum fees being set in recognition of the practical limits to regulatory costs that exist based on source size. Add-on fees are used to allocate costs of specific regulatory requirements that apply to some sources but not others (e.g., health risk screening fees, public notification fees, alternative compliance plan fees). Emissions-based fees are used to allocate costs of regulatory activities not reasonably identifiable

with specific fee payers.

Since 2006, the Air District has used annual analyses of cost recovery performed at the fee-schedule level, which is based on data collected from a labor-tracking system, to adjust fees. These adjustments are needed as the Air District's regulatory program activities change over time based on changes in statutes, rules and regulations, enforcement priorities, and other factors.

State law authorizes air districts to adopt fee schedules to cover the costs of various air pollution programs. California Health and Safety Code (H&S Code) section 42311(a) provides authority for an air district to collect permit fees to cover the costs of air district programs related to permitted stationary sources. H&S Code section 42311(f) further authorizes the Air District to assess additional permit fees to cover the costs of programs related to toxic air contaminants. H&S Code section 41512.7(b) limits the allowable percentage increase in fees for authorities to construct and permits to operate to 15 percent per year.

H&S Code section 44380(a) authorizes air districts to adopt a fee schedule that recovers the costs to the air district and State agencies of the Air Toxics Hot Spots Program (AB 2588). The section provides the authority for the Air District to collect toxic inventory fees under Schedule N.

H&S Code section 42311(h) authorizes air districts to adopt a schedule of fees to cover the reasonable costs of the Hearing Board incurred as a result of appeals from air district decisions on the issuance of permits. Section 42364(a) provides similar authority to collect fees for the filing of applications for variances or to revoke or modify variances. These sections provide the authority for the Air District to collect Hearing Board fees under Schedule A.

H&S Code section 42311(g) authorizes air districts to adopt a schedule of fees to be assessed on area-wide or indirect sources of emissions, which are regulated but for which permits are not issued by the air district, to recover the costs of air district programs related to these sources. This section provides the authority for the Air District to collect asbestos fees (including fees for Naturally Occurring Asbestos operations), soil excavation reporting fees, registration fees for various types of regulated equipment, for Indirect Source Review, and fees for open burning.

The proposed fee amendments are in accordance with all applicable authorities. The Air District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the Air District's regulatory activities, and the manner in which the Air District fees allocate those costs to a payer bear a fair and reasonable relationship to the payer's burdens on the Air District regulatory activities and benefits received from those activities. Permit fee revenue (after adoption of the proposed amendments) would still be well below the Air District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted area wide sources would be below the Air District's costs of regulatory programs related to these

sources. Hearing Board fee revenue would be below the Air District's costs associated with Hearing Board activities related to variances and permit appeals. Fee increases for authorities to construct and permits to operate would be less than 15 percent per year.

## **6. ASSOCIATED IMPACTS AND OTHER RULE DEVELOPMENT REQUIREMENTS**

### **6.1 EMISSIONS IMPACTS**

There will be no direct change in air emissions as a result of the proposed amendments.

### **6.2 ECONOMIC IMPACTS**

The Air District must, in some cases, consider the socioeconomic impacts and incremental costs of proposed rules or amendments. Section 40728.5(a) of the California H&S Code requires that socioeconomic impacts be analyzed whenever an air district proposes the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations. The proposed fee amendments will not significantly affect air quality or emissions limitations, and so a socioeconomic impact analysis is not required.

Section 40920.6 of the H&S Code specifies that an air district is required to perform an incremental cost analysis for a proposed rule, if the purpose of the rule is to meet the requirement for best available retrofit control technology or for a feasible measure. The proposed fee amendments are not best available retrofit control technology requirements, nor are they a feasible measure required under the California Clean Air Act; therefore, an incremental cost analysis is not required.

The financial impact of the proposed fee amendments on small businesses is expected to be minor. Many small businesses operate only one or two permitted sources, and generally pay only the minimum permit renewal fees. For the facilities shown in Table 4, increases in annual permit and registration renewal fees would be under \$100, except for a typical gasoline service station.

**Table 4. Changes in Annual Permit/Registration Renewal Fees for Typical Small Businesses**

<b>Facility Type</b>	<b>Current Fees (prior to change)</b>	<b>Proposed Fee Increase</b>	<b>Total Fees (post change)</b>
<b>Gas Station</b>	<b>\$2,820</b>	<b>\$169</b>	<b>\$2,989</b>
<b>Dry Cleaner (permitted)</b>	<b>\$518</b>	<b>\$0</b>	<b>\$518</b>
<b>Dry Cleaner (registered)</b>	<b>\$259</b>	<b>\$0</b>	<b>\$259</b>
<b>Auto Body Shop</b>	<b>\$532</b>	<b>\$0</b>	<b>\$532</b>
<b>Back-up Generator</b>	<b>\$274</b>	<b>\$11</b>	<b>\$285</b>

For larger facilities, such as refineries and power plants, increases in annual permit renewal fees would cover a considerable range due to differences in the facility's size, mix of emission sources, pollutant emission rates and applicable fee schedules. As shown in Table 5, the FYE 2019 annual permit fee increase for the five Bay Area refineries would range from approximately 1.9 to 13.3 percent. The annual permit fee increase for power generating facilities shown in Table 6 would range from approximately 5.8 to 6.9 percent. Projected FYE 2020 fee increases are based on FYE 2019 material throughput data. Table 5 and 6 also include current Permit to Operate fees paid and historical annual fee increases.

**Table 5. Refinery Permit to Operate Fee Comparison**

	Annual % Permit Fee Increase/Decrease (Fiscal Year Ending)					2019 Permit Fee for 16 months*
	2016	2017	2018	2019*	2020 Projected	
Chevron	9.3	14.7	1.2	-0.5	12.0	\$4.9 M
Shell	5.8	15.0	4.0	5.6	11.7	\$4.6 M
Phillips 66	3.4	14.6	2.3	4.2	8.5	\$2.3 M
Valero	11.9	15.0	2.4	-0.2	13.3	\$2.5 M
Tesoro	15.0	2.2	-8.5	15	1.9	\$3.1 M

**Table 6. Power Plant Permit to Operate Fee Comparison**

	Annual % Permit Fee Increase/Decrease (Fiscal Year Ending)					2019 Permit Fee
	2016	2017	2018	2019	2020 Projected	
Delta Energy	12.6	-0.8	-7.0	-13.5	5.8	\$ 369,630
Los Medanos	15.0	-6.0	7.3	15.0	6.9	\$ 407,474
Gateway	15.0	8.5	-7.6	12.0	6.0	\$ 331,320
Crockett Cogen	13.2	0.8	2.5	0	5.8	\$ 230,111

### **6.3 ENVIRONMENTAL IMPACTS**

The California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines, 14 CCR 15000 et seq., require a government agency that undertakes or approves a discretionary project to prepare documentation addressing the potential impacts of that project on all environmental media. Certain types of agency actions are, however, exempt from CEQA requirements. The proposed fee amendments are exempt from the requirements of the CEQA under Section 15273 of the CEQA Guidelines, which state: "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies...." (See also Public Resources Code Section 21080(b) (8)).

Section 40727.2 of the H&S Code imposes requirements on the adoption, amendment, or repeal of air district regulations. It requires an air district to identify existing federal and air district air pollution control requirements for the equipment or source type affected by the proposed change in air district rules. The air district must then note any differences between these existing requirements and the requirements imposed by the proposed change. This fee proposal does not impose a new standard, make an existing standard more stringent, or impose new or more stringent administrative requirements. Therefore, section 40727.2 of the H&S Code does not apply.

### **6.4 STATUTORY FINDINGS**

Pursuant to H&S Code section 40727, regulatory amendments must meet findings of necessity, authority, clarity, consistency, non-duplication, and reference. The proposed amendments to Regulation 3:

- Are necessary to fund the Air District's efforts to attain and maintain federal and state air quality standards, and to reduce public exposure to toxic air contaminants;
- Are authorized by H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9;
- Are clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Are consistent with other Air District rules, and not in conflict with any state or federal law;
- Are not duplicative of other statutes, rules or regulations; and
- Reference H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9.

## **7. RULE DEVELOPMENT PROCESS**

On February 1, 2019, the Air District issued a notice for a public workshop to discuss with interested parties an initial proposal to amend Regulation 3, Fees. Distribution of this notice included all Air District-permitted and registered facilities, asbestos contractors, and a number of other potentially interested stakeholders. The notice was also posted on the Air District website. A public workshop and simultaneous webcast were held on February 19, 2019 to discuss the initial Regulation 3 fee proposal.

On March 27, 2019 Air District staff provided a briefing on the proposed fee amendments to the Air District Board of Directors' Budget and Finance Committee.

Under H&S Code section 41512.5, the adoption or revision of fees for non-permitted sources requires two public hearings that are held at least 30 days apart from one another. This provision applies to Schedule L: Asbestos Operations, Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, Schedule R: Equipment Registration Fees, Schedule S: Naturally Occurring Asbestos Operations, Schedule U: Indirect Source Fees, and Schedule V: Open Burning. A Public Hearing Notice for the proposed Regulation 3 was published on March 16, 2018. An initial public hearing to consider testimony on the proposed amendments was held on May 1, 2019. A second public hearing, to consider adoption of the proposed fee amendments, has been scheduled for June 5, 2019, or as soon thereafter as the matter may be heard. If adopted, the amendments would be made effective on July 1, 2019.

## **8. PUBLIC COMMENTS**

### **8.1 Public Workshop Comments – Regulation 3, Fees**

The District held a public workshop on February 19, 2019 to discuss draft amendments to Regulation 3: Fees. There were four attendees plus the webcast audience. Written comments were received on the Regulation 3, Fees proposal as follows: (1) the Western States Petroleum Association (WSPA) and (2) the California Council for Environmental and Economic Balance (CCEEB).

#### WSPA Comments dated March 21, 2019

*Comment 1: WSPA comments that they were unable to reconcile that the Air District is not recovering 85% of costs for managing the regulatory activities for the five Bay Area refineries that last year paid approximately \$12 million total in fees (estimated) according to WSPA's blind survey of its members.*

**Air District Response to Comment 1:** The 85% minimum cost recovery target set by the Board in 2013 is based on overall cost recovery, which considers all the fee schedules for all facilities and source categories. The overall cost recovery is the appropriate basis to use for the target, since the Air District regulates over 10,000 facilities with over 24,000 sources and each is impacted by the fees charged. The Air District does not calculate cost recovery on a facility basis. It does so on a fee schedule and overall basis.

Currently, the Air District has a significant number of staff assigned to refinery regulatory enforcement, permitting, monitoring and rule development. The Air District is also working on many projects associated with the petroleum refineries, including developing improved emission factors for fugitive emission leaks from heavy liquid service components, reviewing FCCU optimization studies and implementing Regulation 12, Rule 15 Refinery Emission Tracking rule including development of emission inventory guidelines; reviewing inventories and crude slates; and reviewing and approving air monitoring plans.

***Comment 2: WSPA asserts that the Air District's fee increases since 2000 have outpaced the other major air districts in California.***

**Air District Response to Comment 2:** In light of the Air District's previous discussions with WSPA regarding cost recovery and the fee regulation, the Air District would like to remind WSPA that the fee increases have been part of the Air District's effort to address a very large deficit between fee revenue and program costs. The goal has been to decrease the cost recovery gap in existing fees and programs and to adequately fund new programs as the Air District undertakes them. The Air District has worked since 2000 to close pre-existing large cost recovery gaps in many of the fee schedules. The Board of Directors adopted a policy with a goal to attain 85% cost recovery. This necessitated fee increases greater than the rate of inflation. All of this underscores the fact that comparison with other air districts is not meaningful without a thorough understanding of each district's fee schedule structure, basis for increases, costs and expenditures.

***Comment 3: WSPA claims that its member refineries routinely experience permit processing times of 5 months or more.***

**Air District Response to Comment 3:** The Air District gives high priority to the timely review of permit applications and renewals. Permit processing times can vary depending on how long it takes for the applicant to complete the application submission, how long it takes for the California Environmental Quality Act (CEQA) review process to be completed, and how long it takes the Air District to evaluate the application. Refinery permit applications can be some of the more complex and controversial to evaluate due to the inter-connectedness of many of the process units and equipment at the facilities and due to the controversial nature of the projects. To help reduce permit processing times, the Air District has reorganized the Engineering Division and has assigned backup or secondary engineers for each refinery. The Engineering Division is focusing on reducing overdue permit applications by updating its procedures for handling incomplete permit applications and prioritizing the work assigned to the evaluating engineers. To maintain consistency and efficiency, the Division continuously reviews its formal training program and is currently working on updating policies, procedures, permit manuals and permit templates.

***Comment 4: WSPA states that their members have experienced very high fees relative to the complexity of the application and the processing time for authority to construct renewal applications and emission reduction credit applications.***

**Air District Response to Comment 4:** Fees for both types of applications are charged according to the source specific fee schedule. These applications may seem straightforward, but both require careful review and evaluation.

Although it may appear to the applicant that it is simple and routine to review authority to

construct renewal applications and banking applications, they can be complex and time-consuming for the Air District to review and process. Authority to construct renewal applications can require either a “substantial use” determination or a determination that the project meets current Best Available Control Technology (BACT) and offsets requirements. Substantial use determinations can require requesting and evaluating equipment purchase and installation records and documentation as well as site visits. Compliance with BACT can require clearinghouse searches as well as researching equipment and installation costs. In addition, as with all Air District permitting actions, renewals of authorities to construct must be analyzed for compliance with CEQA.

To be able to issue emission reduction credits (ERCs), the evaluation must demonstrate that emissions reductions are in excess of reductions required by applicable regulatory requirements, and that they are real, permanent, quantifiable, and enforceable and not subject to limitations in Regulation 2-4-303. This is an extremely complicated process where staff must determine whether emissions require adjustment due to RACT, BARCT, District rules and regulations in effect or contained in the most recently adopted Clean Air Plan (2017) and permit conditions. A demonstration must then be made that emissions are not simply being shifted elsewhere in the air basin. RACT and BARCT searches are done nationwide. BAAQMD regulations reflect the scrutiny required by providing 30 calendar days for a banking application completeness determination as opposed to a 15-working day (22 calendar day) completeness determination period for a standard application. Depending upon the credits received, the value of the offsets eclipse the banking application fees (BAAQMD POC ERCs \$5000-\$7000 per ton and NOx ERCs \$9000-\$18000 per ton in 2017, *ARB Emission Reduction Offset Transaction Costs, Summary Report for 2017*, <https://www.arb.ca.gov/nsr/erc/erc17.pdf>).

*Comment 5: WSPA comments that the Air District staff should improve staff coding of time, so that level of effort by staff or costs to administer regulatory programs are more transparent to the public.*

**Air District Response to Comment 5:** The annual Air District Cost Recovery Report that is published along with the proposed fee regulation and staff report contains a line item for ‘Direct Labor Costs’ by fee schedule in the figure that shows “Fee Revenue and Program Costs by Fee Schedule”. However, in an effort to ensure the accuracy and transparency of staff time coding, the Air District staff has taken several recent actions:

- Creating an employee timecoding handbook with complete descriptions of permit related activities
- Issuing a formal employee timecoding handbook
- Creating a Cost Recovery Timekeeping Video
- Expanding District-Wide Timekeeping Training
- Holding quarterly oversight meetings on employee labor coding
- Scheduling a meeting with WSPA and CCEEB to explain and demonstrate coding of staff time

***Comment 6: WSPA requests that the Board provide details of how staff time and other expenditures are funded by each Fee Schedule.***

**Air District Response to Comment 6:** Staff coding of time is the basis for allocation of all expenditures in the Air District and has been shown in all cost recovery presentations since 1999. Permit Fee revenue information is available by fee schedule as well as by individual source. As part of the Air District Cost Recovery Policy, periodic cost recovery review is performed by an outside consultant. The latest review was performed in 2018 by the Matrix Consulting Group. WSPA was invited to comment and ask questions on the Matrix Cost Recovery and Containment Report.

***Comment 7: WSPA asserts that several Fee Schedules (Schedule M, P, T, and X) and regulation sections use emissions to set fee amounts for what seem to be similar services, which results in a lack of transparency for the public to understand what services are covered.***

***Permit to Operate fees within Schedules B (Combustion of Fuel), C (Storage Tanks), and F (Misc. Sources) assign an amount for refinery emission units. The fee has no explanation of what is being collected. The fixed amounts do not seem to reflect recovery of costs for staff work efforts.***

**Air District Response to Comment 7:** Schedule M (Major Stationary Source Fees) is a fee that was adopted in 1990 to help recover the costs associated with all activities associated with regulating the Air District's largest emitting complex facilities. Normally, the greater the emissions from a facility, the more complex and resource-intensive the work to regulate the facility. This is the general premise for the emissions-based Fee Schedules. However, as emissions are reduced, these facilities realize a decrease in fees, which is further incentive for these facilities to reduce emissions. Schedule P (Major Facility Review), Schedule T (Greenhouse Gases), and Schedule X (Community Air Monitoring) are associated with specific programs and staff timecoding is based on time spent on these programs. Fees are based on an initial assessment of costs for service and are updated annually based on cost recovery calculations on a fee schedule basis. Schedule X fees were based on the capital costs to set up community monitoring stations amortized over 10 years.

Source or equipment-based fee schedules (such as Schedules B, C and F) are based on initial level of service required to regulate the specified sources and annual cost recovery for each schedule is used to determine fee amendments.

***Comment 8: WSPA requests that Simpson & Simpson CPAs (S&S) be hired to conduct an analysis of how staff code their time to the fee Schedules for each permitted entity and issue a report to the public. WSPA also requests that adoption of the fee increases be suspended until the S&S analysis is completed.***

**Air District Response to Comment 8:** The Matrix Consulting Group's Cost Recovery Study has recently completed the requested analysis for all permitted entities. As stated in the response

to Comment #1, the Air District does not calculate cost recovery on a facility basis. It does so on a fee schedule and overall basis. Moreover, in 2005 and thereafter in each year from 2007 on, the Air District has conducted an annual Cost Recovery and Containment Study that made available along with the proposed fee regulation and staff report. As with past studies, the 2018 Cost Recovery and Containment Study also contains the requested information in detail in the figures that show “Fee Revenue and Program Costs by Fee Schedule”. Accordingly, we see no reason either to hire S&S to audit Matrix’s analysis or to suspend the adoption of fee increases. Finally, we note that the Air District invited WSPA to comment and ask questions on the subject Cost Recovery and Containment Report when first completed by Matrix Consulting in 2018.

***Comment 9: WSPA requests that the Air District establish a public working group between staff, the regulated community, and stakeholders to review and make recommendations to the Board to realign fees for the appropriate level of service.***

**Air District Response to Comment 9:** Periodically since 2005, the Air District has hired an outside firm to conduct a Cost Recovery Study to thoroughly analyze the District’s fee structure, revenues and associated costs in order to determine whether or not fee revenue from these regulated sources was sufficient to pay for the costs of those regulatory activities and services. In each year between the third-party analyses, Air District staff prepared an update of the most recent study using the same methodology. Each Cost Recovery Study has revealed the Air District’s fee revenue to fall significantly short of its program costs. The Air District bases its fees and proposed increases to them on the Cost Recovery Studies’ assessment of costs to provide service and cost recovery calculations on a fee schedule basis. To obtain the Board of Directors’ set goal of 85% cost recovery, fee adjustments are made according to the Matrix Consulting Group’s recommendations to close the gap between revenue and costs of providing service. Fees are therefore already ‘aligned’ with the level of service. The costs to service facilities have changed due to factors beyond our control including, but not limited to more stringent regulatory requirements; controversial nature of refinery permits; and compliance with CEQA.

The Air District staff provides the regulated community, stakeholders and the public many opportunities to provide comment and discuss the proposed changes to the fee regulation in meetings and workshops. WSPA was invited to participate in the 2018 Matrix Consulting Group’s Cost Recovery Study work group where it was discussed in depth how costs are tracked and allocated. The District will continue discussions with WSPA, industry, stakeholders and the public.

#### **CCEEB Comments dated March 21, 2019**

***Comment 1: CCEEB requests to work with Air District staff to better understand ongoing funding needs related to AB 617 programs, how they impact fee schedules, and how state funding has been allocated.***

**Air District Response to Comment 1:** The Air District is happy to work with CCEEB and

appreciates their support in securing State funding for our implementation of the Assembly Bill 617 (AB 617) program. Per Appendix F of the FYE 2020 Budget, the Air District assumes that AB 617 funding of \$4.8 million from the State continues for the next 5 years. AB 617 is a new major program being implemented by the Air District, so far nearly all of the activities associated with the program have been paid from the State grant. Beginning next fiscal year, AB 617 program activities that are recoverable by permit fees will be allocated to the Regulation 3 Fee Schedules. AB 617 permit fee recoverable work primarily includes the following activities: (1) Expedited BARCT rule development, (2) AB 617 CTR Emissions Inventory work, and (3) Engineering/Enforcement division staff support in the community process. Currently, funds not recoverable by grants are paid for from the Air District's General Fund. For more information on the Air District's funding needs related to the AB 617 program, please contact Greg Nudd, Deputy Air Pollution Control Officer, at [gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov).

***Comment 2: CCEEB requests to work with Air District staff to better understand the mix of revenue sources (including Schedule T) used to fund the Air District's climate protection programs and how GHG fees are utilized.***

**Air District Response to Comment 2:** The revenue from Schedule T helps recover the costs of the Air District's climate protection program activities related to stationary sources of air pollution. The only revenue sources used to fund the climate protection programs are Schedule T, property taxes, and administrative costs covered by grants. The amount of revenue collected from Schedule T is dependent upon the actual greenhouse gas emissions emitted from regulated facilities and this is dependent upon activity at the facility. In addition to fee increases for cost recovery, the Global Warming Potentials were updated in FYE 2017 and additional greenhouse gas pollutants were added. These changes also contributed to a small increase in fees since 2010.

Greenhouse gas activities involve many different programs and projects such as the development of the Methane Strategies and Organics Recovery Projects. In addition to the Climate Protection group, this work involves staff from Rule Development, Source Test, Compliance and Enforcement, Engineering, and Assessment, Inventory, & Modeling.

Increases at the schedule level are based on the average cost recovery for the past three years. When including climate protection activities from all Divisions, cost recovery for Schedule T is between 75 and 84% of expenditures. With Diesel Free by 33 and continued work on the Methane Strategies and Organics Recovery, the Air District will continue to be very active in climate protection and looks forward to working with CCEEB on these important initiatives.

***Comment 3: CCEEB requests information on what services are being provided by outside contractors, since reliance on outside contractors is increasing. Outside contract costs have grown while during the same period, the District has increased personnel.***

**Air District Response to Comment 3:**

The Air District is committed to focus on core programs while working on newly mandated initiatives from our Board of Directors and the California Air Resources Board (CARB).

Current Air District initiatives include Climate Protection, Climate Tech Finance, Wildfire Response Programs, and Diesel Free by '33. Implementation of CARB's AB 617 requires new work by many different divisions including community risk reduction plans, accelerated Best Available Retrofit Control Technology implementation, criteria and toxics reporting, and monitoring. Professional services are used to help the Air District fulfil either mundane tasks, such as mass mail-outs which allow staff to work on more strategic and technical projects, or for more specialty functions, such as facilitators for community meetings.

The FYE 2020 budget shows a decrease of \$1.9 million budgeted for professional services and contracts from the approved FYE 2019 budget. A large majority of professional services and contracts are for grants and incentives are not supported by fees. Services that are supported by fees center around the issuance of permits and enforcement of Air District regulation, and are for modeling, emissions modeling, health risk assessments, mail-outs, and training for regulatory programs.

***Comment 4: CCEEB comments that permit program fee increases should be in line with commensurate improvements in level of service. CCEEB members suggests that the time taken to process permits is slowing and despite staffing increases across many divisions, the Engineering Division has had only a modest increase since 2018 and is proposed to lose 2.5 FTEs in the FYE 2020 budget.***

**Air District Response to Comment 4:** The approved number of FTE's in the Engineering Division has not changed. CCEEB is referring to the budgeted FTE allocation of work in the engineering division programs. These engineering FTE allocations do not account for staff work outside of the Engineering Division. In addition to permits, the engineering staff work on other initiatives such as rule development, inventory and AB 617 implementation. The Air District balances its resources across its various programs and activities.

Permits are a core program of the Air District and the Engineering Division is budgeted to provide a high level of service to facilities. The Air District gives high priority to the timely review of permit applications and renewals. Due to the complexity, high visibility and controversial nature of permit applications today, the Air District is committed to transparency and public participation. Permit processing times can vary depending on how long it takes for the applicant to complete the application submission, how long it takes for the California Environmental Quality Act (CEQA) review process to be completed, and how long it takes the Air District to evaluate the application and fulfill public participation requirements. To help reduce permit processing times, the Air District has reorganized the Engineering Division. The Engineering Division is focusing on reducing overdue permit applications by updating its procedures for handling incomplete permit applications and prioritizing the work assigned to the evaluating engineers. To maintain consistency and efficiency, the Division continuously reviews its formal training program and is currently working on updating policies, procedures, permit manuals and permit templates.

***Comment 5: CCEEB requests an accounting of Schedule W and Schedule X to better***

*understand how these fees are being allocated. CCEEB also notes that Schedule X fees have been collected for the last three years even though the community monitoring portion of Rule 12-15 has not yet been deployed. They also ask for an estimate of how Schedules W and X fees may change in future years as these monitoring systems come online.*

**Air District Response to Comment 5:** Schedule W and X fees were based initially on the best available cost estimates for Air District staff workload at the time. For example, Schedule W was based on estimated staff costs to review and approve the refinery emission inventories and crude slate information. However, the first sets of inventories received were significantly more complex than anticipated and the District spent additional time and effort verifying emissions from the sources with the largest emissions. With each successive set of inventories, staff has continued concentration and verification of additional source categories. When all categories and methods have been thoroughly reviewed and as experience is gained, we expect the effort to review and verify inventories to be streamlined. In addition, engineering staff have been updating and revising the Refinery Emissions Inventory Guidelines and working on the heavy liquid fugitives study. These efforts were not envisioned at the time of the fee's introduction.

Schedule X was based on projected capital costs to set up a community monitoring station amortized over 10 years. Schedule X costs are associated with the evaluation of existing monitors and planning, siting, and designing new monitors. Air District staff held public workshops (Richmond, Martinez Rodeo and Benicia) to work with communities near the refineries to implement the Regulation 12-15 monitoring. Monitoring plan approval is ongoing. Specific bill codes were created for these two fee schedules, so that employee timekeeping can be used to track costs. Each year, these fee schedule estimates are re-analyzed versus the Air District's cost recovery policy.

*Comment 6: CCEEB requests more information on the interplay between Schedule N and implementation of Rule 11-18. Specifically, what portion of costs is attributed to AB 2588 inventories compared to Rule 11-18 implementation.*

**Air District Response to Comment 6:** Schedule N is to pay for CARB's AB 2588 program fees as well as the Engineering Division staff required to work on the AB 2588 toxics emissions inventories, Rule 11-18 implementation costs for facility emissions review, and health risk assessments (HRAs) for facilities that are exempt from Rule 11-18. The Air District's costs for conducting New Source Review HRAs for permit applications are not fully covered by the HRA fees in the individual schedules. Schedule N covers this deficit between fee schedule HRA fees and actual costs. The costs for AB 2588 and Rule 11-18 are tracked based using bill codes. Since Rule 11-18 implementation has just started a few months ago, the costs attributed to AB 2588 inventories is a much larger portion of the costs versus Rule 11-18 implementation at this time. We would expect the Rule 11-18 portion to increase as more facilities are phased into Rule 11-18 HRAs.

*Comment 7: CCEEB requests that the Air District include in its staff report a discussion of what activities within each Division the different fee schedules are meant to support.*

**Air District Response to Comment 7:** The proposed 2020 Budget contains program descriptions and division narratives that describe the activities supported under each program. The Employee Handbook for Cost Recovery Timekeeping, which was distributed at the Budget and Finance Committee Meeting on March 22, 2019 and at the first public hearing for the proposed Regulation 3 amendments at the Board of Director’s meeting on May 1, 2019, also contains descriptions of the activities for each billing code and fee schedule.

**Comment 8:** *CCEEB requests staff to provide greater detail on each fee schedule as part of the staff report including revenue collected by fee schedule, total number of permittees paying into these fee schedules, as well as the trend over the last three years.*

**Air District Response to Comment 8:** The 2019 Cost Recovery Report, that will be published along with the proposed fee regulation and staff report, will contain figures for both the “Fee Revenue and Program Costs by Fee Schedule for FYE 2018” and the “Fee Revenue and Program Costs by Fee Schedule, FYE 2016-2018, 3-Year Average”. The Air District publishes this data annually. There are 10,856 facilities that pay fees. The number of facilities remains consistent between 10,000 and 11,000. In order to determine cost recovery, total revenues collected for each fee schedule are required rather than the number of facilities. Each facility may pay fees for any number of different fee schedules depending upon the sources at the facility. The Air District will consider the request to determine the number of facilities that pay into each fee schedule prior to next year’s Regulation 3 rule development.

**Comment 9:** *CCEEB would like to work with staff to better align the 24 fee schedules with the six Permit/Fees revenue categories in the Budget.*

**Air District Response to Comment 9:** Below is a chart that shows how each fee schedule category is aligned with the revenue categories in the Budget Book.

		Chart
		Fee Schedule Budget Rollup
A	Hearing Board	Hearing Board Fees (Variances)
B	Combustion of Fuel	Annual Plant Renewal (and Application) Fees
C	Storage Organic Liquid	Annual Plant Renewal (and Application) Fees
D	Gasoline Dispensing / Bulk Terminals	Annual Plant Renewal (and Application) Fees
E	Solvent Evaporation	Annual Plant Renewal (and Application) Fees
F	Miscellaneous	Annual Plant Renewal (and Application) Fees

G1	Miscellaneous	Annual Plant Renewal (and Application) Fees
G2	Miscellaneous	Annual Plant Renewal (and Application) Fees
G3	Miscellaneous	Annual Plant Renewal (and Application) Fees
G4	Miscellaneous	Annual Plant Renewal (and Application) Fees
G5	Miscellaneous	Annual Plant Renewal (and Application) Fees
H	Semiconductor	Annual Plant Renewal (and Application) Fees
I	Drycleaners	Annual Plant Renewal (and Application) Fees
K	Waste Disposal	Annual Plant Renewal (and Application) Fees
L	Asbestos	Asbestos Fees
N	Toxic Inventory (AB2588)	Toxic Inventory Fees (AB2588)
P	Major Facility Review (Title V)	Title V Permit (and Application) Fees
R	Registration	Registration Fees
S	Naturally Occurring Asbestos	Annual Plant Renewal (and Application) Fees
T	Greenhouse Gas	Greenhouse Gas Fees
V	Open Burning	Annual Plant Renewal (and Application) Fees
W	Refinery Emissions Tracking	Annual Plant Renewal (and Application) Fees
X	Community Air Monitoring	Annual Plant Renewal (and Application) Fees

## 8.2 Public Hearing Comments – Regulation 3, Fees

### WSPA Comments at the May 1, 2019 Board Hearing

*Comment 1: WSPA appreciates the work of the Air District staff and for the Air District's offer to meet with them to help provide further clarity and transparency.*

**Air District Response to Comment 1:** The Air District will continue to work with stakeholders to provide clarity and transparency on its permit fees and program expenditures during the annual budget and fee amendment process.

## 9. CONCLUSIONS

Air District staff finds that the proposed fee amendments meet the findings of necessity, authority, clarity, consistency, non-duplication and reference specified in H&S Code section 40727. The proposed amendments:

- Are necessary to fund the Air District's efforts to attain and maintain federal and state air quality standards, and to reduce public exposure to toxic air contaminants;
- Are authorized by H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9;
- Are clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Are consistent with other Air District rules, and not in conflict with any state or federal law;
- Are not duplicative of other statutes, rules or regulations; and
- Reference H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9.

The proposed fee amendments will be used by the Air District to recover the costs of issuing permits, performing inspections, and other associated regulatory activities. The Air District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the Air District's regulatory activities, and the manner in which the Air District fees allocate those costs to a payer bear a fair and reasonable relationship to the payer's burdens on the Air District regulatory activities and benefits received from those activities. After adoption of the proposed amendments, permit fee revenue would still be below the Air District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted sources would be below the Air District's costs of regulatory programs related to these sources. Fee increases for authorities to construct and permits to operate would not exceed 15 percent per year as required under H&S Code section 41512.7. The proposed amendments to Regulation 3 are exempt from the requirements of the CEQA under Section 15273 of the CEQA Guidelines.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **STAFF REPORT**

### **PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES**

#### **APPENDIX A COST RECOVERY POLICY (Adopted March 7, 2012)**

## **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.



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **STAFF REPORT**

### **PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES**

#### **APPENDIX B PROPOSED REGULATORY LANGUAGE REGULATION 3: FEES**

**REGULATION 3  
FEES  
INDEX**

**3-100 GENERAL**

- 3-101 Description
- 3-102 Deleted July 12, 1989
- 3-103 Exemption, Abatement Devices
- 3-104 Deleted August 2, 1995
- 3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank  
Operation Fees
- 3-106 Deleted December 2, 1998
- 3-107 Exemption, Sources Exempt from Permit Requirements

**3-200 DEFINITIONS**

- 3-201 Cancelled Application
  - 3-202 Gasoline Dispensing Facility
  - 3-203 Filing Fee
  - 3-204 Initial Fee
  - 3-205 Authority to Construct
  - 3-206 Modification
  - 3-207 Permit to Operate Fee
  - 3-208 Deleted June 4, 1986
  - 3-209 Small Business
  - 3-210 Solvent Evaporating Source
  - 3-211 Source
  - 3-212 Deleted August 2, 1995
  - 3-213 Major Stationary Source
  - 3-214 Deleted effective March 1, 2000
  - 3-215 Deleted effective March 1, 2000
  - 3-216 Deleted effective March 1, 2000
  - 3-217 Deleted effective March 1, 2000
  - 3-218 Deleted effective March 1, 2000
  - 3-219 Deleted effective March 1, 2000
  - 3-220 Deleted effective March 1, 2000
  - 3-321 Deleted effective March 1, 2000
  - 3-222 Deleted effective March 1, 2000
  - 3-223 Start-up Date
  - 3-224 Permit to Operate
  - 3-225 Deleted June 3, 2015
  - 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987
  - 3-227 Toxic Air Contaminant, or TAC
  - 3-228 Deleted December 2, 1998
  - 3-229 Deleted December 2, 1998
  - 3-230 Deleted December 2, 1998
  - 3-231 Deleted December 2, 1998
  - 3-232 Deleted December 2, 1998
  - 3-233 Deleted December 2, 1998
  - 3-234 Deleted December 2, 1998
  - 3-235 Deleted December 2, 1998
  - 3-236 Deleted December 2, 1998
  - 3-237 PM<sub>10</sub>
  - 3-238 Risk Assessment Fee
-

- 3-239 Toxic Surcharge
- 3-240 Biogenic Carbon Dioxide
- 3-241 Green Business
- 3-242 Incident
- 3-243 Incident Response
- 3-244 Permit to Operate Renewal Date
- 3-245 Permit Renewal Period

**3-300 STANDARDS**

- 3-301 Hearing Board Fees
- 3-302 Fees for New and Modified Sources
- 3-303 Back Fees
- 3-304 Alteration
- 3-305 Cancellation or Withdrawal
- 3-306 Change in Conditions
- 3-307 Transfers
- 3-308 Change of Location
- 3-309 Deleted June 21, 2017
- 3-310 Fee for Constructing Without a Permit
- 3-311 Banking
- 3-312 Emission Caps and Alternative Compliance Plans
- 3-313 Deleted May 19, 1999
- 3-314 Deleted August 2, 1995
- 3-315 Costs of Environmental Documentation
- 3-316 Deleted June 6, 1990
- 3-317 Asbestos Operation Fee
- 3-318 Public Notice Fee, Schools
- 3-319 Major Stationary Source Fees
- 3-320 Toxic Inventory Fees
- 3-321 Deleted December 2, 1998
- 3-322 Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees
- 3-323 Pre-Certification Fees
- 3-324 Deleted June 7, 2000
- 3-325 Deleted December 2, 1998
- 3-326 Deleted December 2, 1998
- 3-327 Permit to Operate, Renewal Fees
- 3-328 Fee for OEHHA Risk Assessment Reviews
- 3-329 Fees for New Source Review Health Risk Assessment
- 3-330 Fee for Renewing an Authority to Construct
- 3-331 Registration Fees
- 3-332 Naturally Occurring Asbestos Fees
- 3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees
- 3-334 Greenhouse Gas Fees
- 3-335 Indirect Source Review Fees
- 3-336 Open Burning Operation Fees
- 3-337 Exemption Fees
- 3-338 Incident Response Fees
- 3-339 Petroleum Refining Emissions Tracking Fees
- 3-340 Major Stationary Source Community Air Monitoring Fees
- 3-341 Fee for Risk Reduction Plan
- 3-342 Fee for Facility-Wide Health Risk Assessment
- 3-343 Fees for Air Dispersion Modeling

**3-400 ADMINISTRATIVE REQUIREMENTS**

- 3-401 Permits
- 3-402 Single Anniversary Date
- 3-403 Change in Operating Parameters
- 3-404 Deleted June 7, 2000
- 3-405 Fees Not Paid
- 3-406 Deleted June 4, 1986
- 3-407 Deleted August 2, 1995
- 3-408 Permit to Operate Valid for 12 Months
- 3-409 Deleted June 7, 2000
- 3-410 Deleted August 2, 1995
- 3-411 Advance Deposit of Funds
- 3-412 Deleted December 2, 1998
- 3-413 Toxic "Hot Spots" Information and Assessment Act Revenues
- 3-414 Deleted December 2, 1998
- 3-415 Failure to Pay - Further Actions
- 3-416 Adjustment of Fees
- 3-417 Temporary Amnesty for Unpermitted and Unregistered Sources
- 3-418 Temporary Incentive for Online Production System Transactions

**3-500 MONITORING AND RECORDS (None Included)**

**3-600 MANUAL OF PROCEDURES (None Included)**

**FEE SCHEDULES**

- SCHEDULE A HEARING BOARD FEES
- SCHEDULE B COMBUSTION OF FUEL
- SCHEDULE C STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS
- SCHEDULE D GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES, BULK PLANTS AND TERMINALS
- SCHEDULE E SOLVENT EVAPORATING SOURCES
- SCHEDULE F MISCELLANEOUS SOURCES
- SCHEDULE H SEMICONDUCTOR AND RELATED OPERATIONS
- SCHEDULE I DRY CLEANERS
- SCHEDULE J DELETED February 19, 1992
- SCHEDULE K SOLID WASTE DISPOSAL SITES
- SCHEDULE L ASBESTOS OPERATIONS
- SCHEDULE M MAJOR STATIONARY SOURCE FEES
- SCHEDULE N TOXIC INVENTORY FEES
- SCHEDULE O DELETED May 19, 1999
- SCHEDULE P MAJOR FACILITY REVIEW FEES
- SCHEDULE Q EXCAVATION OF CONTAMINATED SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS
- SCHEDULE R EQUIPMENT REGISTRATION FEES
- SCHEDULE S NATURALLY OCCURRING ASBESTOS OPERATIONS
- SCHEDULE T GREENHOUSE GAS FEES
- SCHEDULE U INDIRECT SOURCE REVIEW FEES
- SCHEDULE V OPEN BURNING
- SCHEDULE W PETROLEUM REFINING EMISSIONS TRACKING FEES
- SCHEDULE X MAJOR STATIONARY SOURCE COMMUNITY AIR MONITORING FEES

## REGULATION 3 FEES

(Adopted June 18, 1980)

### 3-100 GENERAL

**3-101 Description:** This regulation establishes the regulatory fees charged by the District.  
*(Amended 7/6/83; 11/2/83; 2/21/90; 12/16/92; 8/2/95; 12/2/98; 5/21/03; 5/21/08; 5/20/09; 6/19/13)*

**3-102 Deleted July 12, 1989**

**3-103 Exemption, Abatement Devices:** Installation, modification, or replacement of abatement devices on existing sources are subject to fees pursuant to Section 3-302.3. All abatement devices are exempt from annual permit renewal fees. However, emissions from abatement devices, including any secondary emissions, shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, P, and T.

*(Amended 6/4/86; 7/1/98; 6/7/00; 5/21/08)*

**3-104 Deleted August 2, 1995**

**3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Fees shall not be required, pursuant to Section 3-322, for operations associated with the excavation of contaminated soil and the removal of underground storage tanks if one of the following is met:

105.1 The tank removal operation is being conducted within a jurisdiction where the APCO has determined that a public authority has a program equivalent to the District program and persons conducting the operations have met all the requirements of the public authority.

105.2 Persons submitting a written notification for a given site have obtained an Authority to Construct or Permit to Operate in accordance with Regulation 2, Rule 1, Section 301 or 302. Evidence of the Authority to Construct or the Permit to Operate must be provided with any notification required by Regulation 8, Rule 40.

*(Adopted 1/5/94; Amended 5/21/03)*

**3-106 Deleted December 2, 1998**

**3-107 Exemption, Sources Exempt from Permit Requirements:** Any source that is exempt from permit requirements pursuant to Regulation 2, Rule 1, Sections 103 through 128 is exempt from permit fees. However, emissions from exempt sources shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, and P.

*(Adopted June 7, 2000)*

### 3-200 DEFINITIONS

**3-201 Cancelled Application:** Any application which has been withdrawn by the applicant or cancelled by the APCO for failure to pay fees or to provide the information requested to make an application complete.

*(Amended 6/4/86; 4/6/88)*

**3-202 Gasoline Dispensing Facility:** Any stationary facility which dispenses gasoline directly into the fuel tanks of vehicles, such as motor vehicles, aircraft or boats. The facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing and storage tanks.

*(Amended February 20, 1985)*

**3-203 Filing Fee:** A fixed fee for each source in an authority to construct.

*(Amended June 4, 1986)*

**3-204 Initial Fee:** The fee required for each new or modified source based on the type and size of the source. The fee is applicable to new and modified sources seeking to obtain an authority to construct. Operation of a new or modified source is not allowed until the permit to operate fee is paid.

*(Amended June 4, 1986)*

- 3-205 Authority to Construct:** Written authorization from the APCO, pursuant to Section 2-1-301, for a source to be constructed or modified or for a source whose emissions will be reduced by the construction or modification of an abatement device.  
(Amended June 4, 1986)
- 3-206 Modification:** See Section 1-217 of Regulation 1.
- 3-207 Permit to Operate Fee:** The fee required for the annual renewal of a permit to operate or for the first year of operation (or prorated portion thereof) of a new or modified source which received an authority to construct.  
(Amended 6/4/86; 7/15/87; 12/2/98; 6/7/00)
- 3-208 Deleted June 4, 1986**
- 3-209 Small Business:** A business with no more than 10 employees and gross annual income of no more than \$750,000 that is not an affiliate of a non-small business.  
(Amended 6/4/86; 6/6/90; 6/7/00; 6/15/05; 6/16/10)
- 3-210 Solvent Evaporating Source:** Any source utilizing organic solvent, as part of a process in which evaporation of the solvent is a necessary step. Such processes include, but are not limited to, solvent cleaning operations, painting and surface coating, rotogravure coating and printing, flexographic printing, adhesive laminating, etc. Manufacture or mixing of solvents or surface coatings is not included.  
(Amended July 3, 1991)
- 3-211 Source:** See Section 1-227 of Regulation 1.
- 3-212 Deleted August 2, 1995**
- 3-213 Major Stationary Source:** For the purpose of Schedule M, a major stationary source shall be any District permitted plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the base calendar year, emitted to the atmosphere organic compounds, oxides of nitrogen (expressed as nitrogen dioxide), oxides of sulfur (expressed as sulfur dioxide), or PM<sub>10</sub> in an amount calculated by the APCO equal to or exceeding 50 tons per year.  
(Adopted 11/2/83; Amended 2/21/90; 6/6/90; 8/2/95; 6/7/00)
- 3-214 Deleted October 20, 1999, effective March 1, 2000**
- 3-215 Deleted October 20, 1999, effective March 1, 2000**
- 3-216 Deleted October 20, 1999, effective March 1, 2000**
- 3-217 Deleted October 20, 1999, effective March 1, 2000**
- 3-218 Deleted October 20, 1999, effective March 1, 2000**
- 3-219 Deleted October 20, 1999, effective March 1, 2000**
- 3-220 Deleted October 20, 1999, effective March 1, 2000**
- 3-221 Deleted October 20, 1999, effective March 1, 2000**
- 3-222 Deleted October 20, 1999, effective March 1, 2000**
- 3-223 Start-up Date:** Date when new or modified equipment under an authority to construct begins operating. The holder of an authority to construct is required to notify the APCO of this date at least 3 days in advance. For new sources, or modified sources whose authorities to construct have expired, operating fees are charged from the startup date.  
(Adopted 6/4/86; Amended 6/6/90)
- 3-224 Permit to Operate:** Written authorization from the APCO pursuant to Section 2-1-302.  
(Adopted 6/4/86; Amended 6/7/00)
- 3-225 Deleted June 3, 2015**
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987:** The Air Toxics "Hot Spots" Information and Assessment Act of 1987 directs the California Air Resources Board and the Air Quality Management Districts to collect information from industry on emissions of potentially toxic air contaminants and to inform the public about such emissions and their impact on public health. It also directs the Air Quality Management District to collect fees sufficient to cover the necessary state and District costs of implementing the program.  
(Adopted 10/21/92; Amended 6/15/05)
- 3-227 Toxic Air Contaminant, or TAC:** An air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1 of Regulation 2, Rule 5.  
(Adopted 10/21/92; Amended 6/15/05)
- 3-228 Deleted December 2, 1998**

- 3-229 Deleted December 2, 1998
- 3-230 Deleted December 2, 1998
- 3-231 Deleted December 2, 1998
- 3-232 Deleted December 2, 1998
- 3-233 Deleted December 2, 1998
- 3-234 Deleted December 2, 1998
- 3-235 Deleted December 2, 1998
- 3-236 Deleted December 2, 1998
- 3-237 **PM<sub>10</sub>**: See Section 2-1-229 of Regulation 2, Rule 1.  
(Adopted June 7, 2000)
- 3-238 **Risk Assessment Fee**: Fee for a new or modified source of toxic air contaminants for which a health risk assessment (HRA) is required under Regulation 2-5-401, for an HRA required under Regulation 11, Rule 18, or for an HRA prepared for other purposes (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402).  
(Adopted June 15, 2005; Amended: June 21, 2017)
- 3-239 **Toxic Surcharge**: Fee paid in addition to the permit to operate fee for a source that emits one or more toxic air contaminants at a rate which exceeds a chronic trigger level listed in Table 2-5-1.  
(Adopted June 15, 2005)
- 3-240 **Biogenic Carbon Dioxide**: Carbon dioxide emissions resulting from materials that are derived from living cells, excluding fossil fuels, limestone and other materials that have been transformed by geological processes. Biogenic carbon dioxide originates from carbon (released in the form of emissions) that is present in materials that include, but are not limited to, wood, paper, vegetable oils, animal fat, and food, animal and yard waste.  
(Adopted May 21, 2008)
- 3-241 **Green Business**: A business or government agency that has been certified under the Bay Area Green Business Program coordinated by the Association of Bay Area Governments and implemented by participating counties.  
(Adopted June 16, 2010)
- 3-242 **Incident**: A non-routine release of an air contaminant that may cause adverse health consequences to the public or to emergency personnel responding to the release, or that may cause a public nuisance or off-site environmental damage.  
(Adopted June 19, 2013)
- 3-243 **Incident Response**: The District's response to an incident. The District's incident response may include the following activities: i) inspection of the incident-emitting equipment and facility records associated with operation of the equipment; ii) identification and analysis of air quality impacts, including without limitation, identifying areas impacted by the incident, modeling, air monitoring, and source sampling; iii) engineering analysis of the specifications or operation of the equipment; and iv) administrative tasks associated with processing complaints and reports.  
(Adopted June 19, 2013)
- 3-244 **Permit to Operate Renewal Date**: The first day of a Permit to Operate's Permit Renewal Period.  
(Adopted June 19, 2013)
- 3-245 **Permit Renewal Period**: The length of time the source is authorized to operate pursuant to a Permit to Operate.  
(Adopted June 19, 2013)
- 3-300 **STANDARDS**
- 3-301 **Hearing Board Fees**: Applicants for variances or appeals or those seeking to revoke or modify variances or abatement orders or to rehear a Hearing Board decision shall pay the applicable fees, including excess emission fees, set forth in Schedule A.  
(Amended June 7, 2000)
- 3-302 **Fees for New and Modified Sources**: Applicants for authorities to construct and permits to operate new sources shall pay for each new source: a filing fee of \$489508, the initial fee, the risk assessment fee, the permit to operate fee, and toxic surcharge (given in Schedules B, C, D, E, F, H, I or K). Applicants for authorities to construct and permits to operate modified

sources shall pay for each modified source, a filing fee of \$489508, the initial fee, the risk assessment fee, and any incremental increase in permit to operate and toxic surcharge fees. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. If any person requests more than three HRA scenarios required pursuant to Regulation 2, Rule 5 in any single permit application, they shall pay an additional risk assessment fee for each of these scenarios. Except for gasoline dispensing facilities (Schedule D) and semiconductor facilities (Schedule H), the size to be used for a source when applying the schedules shall be the maximum size the source will have after the construction or modification. Where applicable, fees for new or modified sources shall be based on maximum permitted usage levels or maximum potential to emit including any secondary emissions from abatement equipment. The fee rate applied shall be based on the fee rate in force on the date the application is declared by the APCO to be complete according to 2-1-402, excluding 2-1-402.3 fees. The APCO may reduce the fees for new and modified sources by an amount deemed appropriate if the owner or operator of the source attends an Industry Compliance School sponsored by the District.

302.1 Small Business Discount: If an applicant qualifies as a small business and the source falls under schedules B, C, D (excluding gasoline dispensing facilities), E, F, H, I or K, the filing fee, initial fee, and risk assessment fee shall be reduced by 50%. All other applicable fees shall be paid in full. If an applicant also qualifies for a Green Business Discount, only the Small Business Discount (i.e., the 50% discount) shall apply.

302.2 Deleted July 3, 1991

302.3 Fees for Abatement Devices: Applicants for an authority to construct and permit to operate abatement devices where there is no other modification to the source shall pay a \$489508 filing fee and initial and risk assessment fees that are equivalent to 50% of the initial and risk assessment fees for the source being abated, not to exceed a total of \$10,588. For abatement devices abating more than one source, the initial fee shall be 50% of the initial fee for the source having the highest initial fee.

302.4 Fees for Reactivated Sources: Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, risk assessment, permit, and toxic surcharge fees.

302.5 Deleted June 3, 2015

302.6 Green Business Discount: If an applicant qualifies as a green business, the filing fee, initial fee, and risk assessment fee shall be reduced by 10%. All other applicable fees shall be paid in full.

*(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

3-303

**Back Fees:** An applicant required to obtain a permit to operate existing equipment in accordance with District regulations shall pay back fees equal to the permit to operate fees and toxic surcharges given in the appropriate Schedule (B, C, D, E, F, H, I or K) prorated from the effective date of permit requirements. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. The applicant shall also pay back fees equal to toxic inventory fees pursuant to Section 3-320 and Schedule N. The maximum back fee shall not exceed a total of five years' permit, toxic surcharge, and toxic inventory fees. An owner/operator required to register existing equipment in accordance with District regulations shall pay back fees equal to the annual renewal fee given in Schedule R prorated from the effective date of registration requirements, up to a maximum of five years.

*(Amended 5/19/82; 7/6/83; 6/4/86; 7/15/87; 6/6/90; 7/3/91; 10/8/97; 6/15/05; 5/20/09)*

3-304

**Alteration:** Except as provided below, an applicant to alter an existing permitted source shall pay the filing fee and 50% of the initial fee for the source, provided that the alteration does not result in an increase in emissions of any regulated air pollutant. For gasoline dispensing facilities subject to Schedule D, an applicant for an alteration shall pay a fee of 1.75 times the filing fee.

304.1 Schedule D Fees: Applicants for alteration to a gasoline dispensing facility subject to Schedule D shall pay a fee of 1.75 times the filing fee.

304.2 Schedule G Fees: Applicants for alteration to a permitted source subject to Schedule G-3, G-4, or G-5 shall pay the filing fee, 100% of the initial fee, and, if District regulations require a health risk assessment of the alteration, the risk assessment fee

(if applicable), as specified under provided for in Schedule G-2. The applicant shall pay the permit renewal and the toxic surcharge fees applicable to the source under Schedules G-3, G-4, or G-5.

- (Amended 6/4/86; 11/15/00; 6/2/04; 6/3/15, 6/15/16, 6/6/18, 6/5/19)*
- 3-305 Cancellation or Withdrawal:** There will be no refund of the initial fee and filing fee if an application is cancelled or withdrawn. There will be no refund of the risk assessment fee if the risk assessment has been conducted prior to the application being cancelled or withdrawn. If an application for identical equipment is submitted within six months of the date of cancellation or withdrawal, the initial fee will be credited in full against the fee for the new application.
- (Amended 7/6/83; 4/6/88; 10/8/97; 6/15/05, 6/21/17)*
- 3-306 Change in Conditions:** If an applicant applies to change the conditions on an existing authority to construct or permit to operate, the applicant will pay the following fees. There will be no change in anniversary date.
- 306.1 **Administrative Condition Changes:** An applicant applying for an administrative change in permit conditions shall pay a fee equal to the filing fee for a single source, provided the following criteria are met:
- 1.1 The condition change applies to a single source or a group of sources with shared permit conditions.
  - 1.2 The condition change does not subject the source(s) to any District Regulations or requirements that were not previously applicable.
  - 1.3 The condition change does not result in any increase in emissions of POC, NPOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, or PM<sub>10</sub> at any source or the emission of a toxic air contaminant above the trigger levels identified in Table 2-5-1
  - 1.4 The condition change does not require a public notice.
- 306.2 **Other Condition Changes:** Applicant shall pay the filing, initial, and risk assessment fees required for new and modified equipment under Section 3-302. If the condition change will result in higher permit to operate fees, the applicant shall also pay any incremental increases in permit to operate fees and toxic surcharges.
- (Amended 7/6/83; 6/4/86; 6/6/90; 10/8/97; 6/7/00; 6/15/05, 6/21/17)*
- 3-307 Transfers:** The owner/operator of record is the person to whom a permit is issued or, if no permit has yet been issued to a facility, the person who applied for a permit. Permits are valid only for the owner/operator of record. Upon submittal of a \$102 transfer of ownership fee, permits are re-issued to the new owner/operator of record with no change in expiration dates.
- (Amended 2/20/85; 6/4/86; 11/5/86; 4/6/88; 10/8/97, 5/1/02; 5/21/03; 6/02/04; 6/19/13; 6/4/14, 6/15/16)*
- 3-308 Change of Location:** An applicant who wishes to move an existing source, which has a permit to operate, shall pay no fee if the move is on the same facility. If the move is not on the same facility, the source shall be considered a new source and subject to Section 3-302. This section does not apply to portable permits meeting the requirements of Regulation 2-1-220 and 413.
- (Amended 7/6/83; 6/4/86; 6/15/05)*
- 3-309** Deleted June 21, 2017
- (Amended 5/19/99; 5/1/02; 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17)*
- 3-310 Fee for Constructing Without a Permit:** An applicant for an authority to construct and a permit to operate a source, which has been constructed or modified without an authority to construct, shall pay the following fees:
- 310.1 Sources subject to permit requirements on the date of initial operation shall pay fees for new construction pursuant to Section 3-302, any back fees pursuant to Section 3-303, and a late fee equal to 100% of the initial fee. A modified gasoline dispensing facility subject to Schedule D that is not required to pay an initial fee shall pay fees for a modified source pursuant to Section 3-302, back fees, and a late fee equal to 100% of the filing fee.
- 310.2 Sources previously exempt from permit requirements that lose their exemption due to changes in District, state, or federal regulations shall pay a permit to operate fee and toxic surcharge for the coming year and any back fees pursuant to Section 3-303.
- 310.3 Sources previously exempt from permit requirements that lose their exemption due to a change in the manner or mode of operation, such as an increased throughput, shall pay fees for new construction pursuant to Section 3-302. In addition, sources applying for permits after commencing operation in a non-exempt mode shall also pay a late fee

equal to 100% of the initial fee and any back fees pursuant to Section 3-303.

310.4 Sources modified without a required authority to construct shall pay fees for modification pursuant to Section 3-302 and a late fee equal to 100% of the initial fee.

*(Amended 7/6/83; 4/18/84; 6/4/86; 6/6/90; 7/3/91; 8/2/95; 10/8/97; 6/02/04; 6/15/05; 6/6/12)*

**3-311**

**Emission Banking Fees:** ~~Any An~~ applicant ~~who applies~~wishes to bank emissions for future use, ~~or to~~ convert an ~~emission reduction credit (ERC)~~ ERC into an Interchangeable Emission Reduction Credit (IERC), ~~or to transfer ownership of ERCs~~ shall pay the following fees:

311.1 Banking ERCs: An applicant who wishes to bank emissions for future use shall pay a filing fee of \$508~~489~~ per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. ~~Any applicant for the withdrawal of banked emissions shall pay a fee of \$489.~~

311.2 Converting Existing ERCs: An applicant who wishes to convert an existing ERC into an IERC shall pay a filing fee of \$508 per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

311.3 Transferring ERC Ownership: An applicant who currently owns ERCs who wishes to transfer some or all of itsan ERCs it currently owns to another owner shall pay a filing fee of \$508.

*(Amended 7/6/83; 6/4/86; 7/15/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03;*

*6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/21/17; 6/6/18; 6/5/19)*

**3-312**

**Emission Caps and Alternative Compliance Plans:** Any facility which elects to use an alternative compliance plan contained in:

312.1 Regulation 8 ("bubble") to comply with a District emission limitation or to use an annual or monthly emission limit to acquire a permit in accordance with the provisions of Regulation 2, Rule 2, shall pay an additional annual fee equal to fifteen percent of the total plant permit to operate fee.

312.2 Regulation 2, Rule 9, or Regulation 9, Rule 10 shall pay an annual fee of ~~\$1,2864,238~~ for each source included in the alternative compliance plan, not to exceed \$12,860380.

*(Adopted 5/19/82; Amended 6/4/86; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/23/03; 6/2/04;*

*6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/21/17; 6/6/18; 6/5/19)*

**3-313**

**Deleted May 19, 1999**

**3-314**

**Deleted August 2, 1995**

**3-315**

**Costs of Environmental Documentation:** An applicant for an Authority to Construct shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, the District's costs of performing any environmental evaluation and preparing and filing any documents pursuant to the California Environmental Quality Act (Public Resources Code, Section 21000, et seq), including the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such evaluation or documentation, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or filing any environmental evaluation or documentation.

*(Adopted 12/18/85; Amended 5/1/02; 6/3/15)*

**3-316**

**Deleted June 6, 1990**

**3-317**

**Asbestos Operation Fees:** After July 1, 1988, persons submitting a written plan, as required by Regulation 11, Rule 2, Section 401, to conduct an asbestos operation shall pay the fee given in Schedule L.

*(Adopted 7/6/88; Renumbered 9/7/88; Amended 8/2/95)*

**3-318**

**Public Notice Fee, Schools:** Pursuant to Section 42301.6(b) of the Health and Safety Code, an applicant for an authority to construct or permit to operate subject to the public notice requirements of Regulation 2-1-412 shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, a fee to cover the expense of preparing and distributing the public notices to the affected persons specified in Regulation 2-1-412 as follows:

318.1 A fee of \$2,272 per application, and

318.2 The District's cost exceeding \$2,272 of preparing and distributing the public notice.

318.3 The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of preparing and distributing the public notice.

*(Adopted 11/1/89; Amended 10/8/97; 7/1/98; 5/19/99; 6/7/00; 5/21/03; 6/2/04; 6/16/10; 6/15/16; 6/21/17; 6/6/18)*

- 3-319 Major Stationary Source Fees:** Any major stationary source emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, or PM<sub>10</sub> shall pay a fee based on Schedule M. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.  
*(Adopted 6/6/90; Amended 8/2/95; 6/7/00)*
- 3-320 Toxic Inventory Fees:** Any facility that emits one or more toxic air contaminants in quantities above a minimum threshold level shall pay an annual fee based on Schedule N. This fee will be in addition to permit to operate, toxic surcharge, and other fees otherwise authorized to be collected from such facilities.  
320.1 An applicant who qualifies as a small business under Regulation 3-209 shall pay a Toxic Inventory Fee as set out in Schedule N up to a maximum fee of ~~\$10,0569,679~~ per year.  
*(Adopted 10/21/92; Amended 5/19/99; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/20/09; 6/16/10; 5/4/11, 6/15/16, 6/21/17, 6/5/19)*
- 3-321 Deleted December 2, 1998**
- 3-322 Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Persons submitting a written notification for a given site to conduct either excavation of contaminated soil or removal of underground storage tanks as required by Regulation 8, Rule 40, Section 401, 402, 403 or 405 shall pay a fee based on Schedule Q.  
*(Adopted 1/5/94; Amended 8/2/95; 5/21/03)*
- 3-323 Pre-Certification Fees:** An applicant seeking to pre-certify a source, in accordance with Regulation 2, Rule 1, Section 415, shall pay the filing fee, initial fee and permit to operate fee given in the appropriate schedule.  
*(Adopted June 7, 1995)*
- 3-324 Deleted June 7, 2000**
- 3-325 Deleted December 2, 1998**
- 3-326 Deleted December 2, 1998**
- 3-327 Permit to Operate, Renewal Fees:** After the expiration of the initial permit to operate, the permit to operate shall be renewed on an annual basis or other time period as approved by the APCO. The fee required for the renewal of a permit to operate is the permit to operate fee and toxic surcharge listed in Schedules B, C, D, E, F, H, I, and K, prorated for the period of coverage. When more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. This renewal fee is applicable to all sources required to obtain permits to operate in accordance with District regulations. The permit renewal invoice shall also specify any applicable major stationary source fees based on Schedule M, toxic inventory fees based on Schedule N, major facility review fees based on Schedule P, and greenhouse gas fees based on Schedule T. Where applicable, renewal fees shall be based on actual usage or emission levels that have been reported to or calculated by the District. In addition to these renewal fees for the sources at a facility, the facility shall also pay a processing fee at the time of renewal that covers each Permit Renewal Period as follows:  
327.1 ~~\$10096~~ for facilities with one permitted source, including gasoline dispensing facilities,  
327.2 ~~\$198494~~ for facilities with 2 to 5 permitted sources,  
327.3 ~~\$395380~~ for facilities with 6 to 10 permitted sources,  
327.4 ~~\$593574~~ for facilities with 11 to 15 permitted sources,  
327.5 ~~\$787757~~ for facilities with 16 to 20 permitted sources,  
327.6 ~~\$984947~~ for facilities with more than 20 permitted sources.  
*(Adopted 6/7/00; Amended 6/2/04; 6/16/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*
- 3-328 Fee for OEHA Risk Assessment Reviews:** Any facility that submits a health risk assessment to the District in accordance with Section 44361 of the California Health and Safety Code shall pay any fee requested by the State Office of Environmental Health Hazard Assessment (OEHA) for reimbursement of that agency's costs incurred in reviewing the risk assessment.  
*(Adopted June 7, 2000)*
- 3-329 Fees for New Source Review Health Risk Assessment:** Any person required to submit a health risk assessment (HRA) pursuant to Regulation 2-5-401 shall pay an appropriate Risk Assessment Fee pursuant to Regulation 3-302 and Schedules B, C, D, E, F, H, I or K. In addition, any person that requests that the District prepare or review an HRA (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to

Regulation 8-47-113 and 8-47-402) shall pay a Risk Assessment Fee. A Risk Assessment Fee shall be assessed for each source that is proposed to emit a toxic air contaminant (TAC) at a rate that exceeds a trigger level in Table 2-5-1: Toxic Air Contaminant Trigger Levels. If a project requires an HRA due to total project emissions, but TAC emissions from each individual source are less than the Table 2-5-1 trigger levels, a Risk Assessment Fee shall be assessed for the source in the project with the highest TAC emissions.

*(Adopted June 15, 2005; Amended 6/21/17)*

**3-330 Fee for Renewing an Authority to Construct:** An applicant seeking to renew an authority to construct in accordance with Regulation 2-1-407 shall pay a fee of 50% of the initial fee in effect at the time of the renewal. If the District determines that an authority to construct cannot be renewed, any fees paid under this section shall be credited in full against the fee for a new authority to construct for functionally equivalent equipment submitted within six months of the date the original authority to construct expires.

*(Adopted June 15, 2005)*

**3-331 Registration Fees:** Any person who is required to register equipment under District rules shall submit a registration fee, and any annual fee thereafter, as set out in Schedule R. The APCO may reduce registration fees by an amount deemed appropriate if the owner or operator of the equipment attends an Industry Compliance School sponsored by the District.

*(Adopted June 6, 2007; Amended 6/16/10)*

**3-332 Naturally Occurring Asbestos Fees:** After July 1, 2007, any person required to submit or amend an Asbestos Dust Mitigation Plan (ADMP) pursuant to Title 17 of the California Code of Regulations, Section 93105, Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations shall pay the fee(s) set out in Schedule S.

*(Adopted June 6, 2007; Amended 6/5/19)*

**3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees:** Any facility that applies for, or is required to undergo, an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit, a renewal of an MFR permit, an initial synthetic minor operating permit, or a revision to a synthetic minor operating permit, shall pay the applicable fees set forth in Schedule P.

*(Adopted May 21, 2008)*

**3-334 Greenhouse Gas Fees:** Any permitted facility with greenhouse gas emissions shall pay a fee based on Schedule T. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities, and shall be included as part of the annual permit renewal fees.

*(Adopted May 21, 2008)*

**3-335 Indirect Source Review Fees:** Applicants that must file an Air Quality Impact Assessment pursuant to District rules for a project that is deemed to be an indirect source shall pay a fee based on Schedule U.

*(Adopted May 20, 2009)*

**3-336 Open Burning Operation Fees:** Effective July 1, 2013, any person required to provide notification to the District prior to burning; submit a petition to conduct a Filmmaking or Public Exhibition fire; receive an acreage burning allocation to conduct a Stubble fire; or submit a smoke management plan and receive an acreage burning allocation to conduct a Wildland Vegetation Management fire or Marsh Management fire shall pay the fee given in Schedule V.

*(Adopted June 19, 2013)*

**3-337 Exemption Fee:** An applicant who wishes to receive a certificate of exemption shall pay a filing fee of \$~~489~~508 per exempt source.

*(Adopted June 19, 2013; Amended 6/4/14; 6/3/15, 6/21/17.)*

**3-338 Incident Response Fee:** Any facility required to obtain a District permit, and any District-regulated area-wide or indirect source, that is the site where an incident occurs to which the District responds, shall pay a fee equal to the District's actual costs in conducting the incident response as defined in Section 3-243, including without limitation, the actual time and salaries, plus overhead, of the District staff involved in conducting the incident response and the cost of any materials. (Adopted June 19, 2013)

**3-339 Petroleum Refining Emissions Tracking Fees:** Any person required to submit an Annual Emissions Inventory, Monthly Crude Slate Report, or air monitoring plan in accordance with Regulation 12, Rule 15 shall pay the applicable fees set forth in Schedule W.

(Adopted 6/15/16)

**3-340 Major Stationary Source Community Air Monitoring Fees:** Any major stationary source emitting 35 tons per year of organic compounds, sulfur oxides, nitrogen oxides, carbon monoxide or PM<sub>10</sub> shall pay a community air monitoring fee based on Schedule X. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.

(Adopted 6/15/16)

**3-341 Fee for Risk Reduction Plan:** Any person required to submit a Risk Reduction Plan in accordance with Regulation 11, Rule 18 shall pay the applicable fees set forth below:

- 341.1 ~~\$1,5591,500~~ for facilities with one source subject to risk reduction pursuant to Regulation 11, Rule 18, including gasoline dispensing facilities;
- 341.2 ~~\$3,1173,000~~ for facilities with 2 to 5 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 341.3 ~~\$6,2346,000~~ for facilities with 6 to 10 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 341.4 ~~\$12,46812,000~~ for facilities with 11 to 15 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 341.5 ~~\$24,93624,000~~ for facilities with 16 to 20 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 341.6 ~~\$33,24832,000~~ for facilities with more than 20 sources subject to risk reduction pursuant to Regulation 11, Rule 18.

(Adopted 6/21/17, 6/5/19)

**3-342 Fee for Facility-Wide Health Risk Assessment:** Any person required to undergo a health risk assessment (HRA) to assess compliance with the Regulation 11, Rule 18 risk action levels shall pay a risk assessment fee for each source pursuant to Regulation 3-329 and Schedules B, C, D, E, F, H, I or K. The maximum fee required for any single HRA of a facility conducted pursuant to Regulation 11, Rule 18 shall not exceed a total of ~~\$155,850450,000~~.

If a facility retains a District-approved consultant to complete the required facility-wide HRA, the facility shall pay a fee to cover the District's costs of performing the review of the facility-wide HRA, including the costs of any outside consulting assistance which the District may employ in connection with any such review, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or approving the facility-wide HRA. The total HRA review cost shall be determined based on the District's actual review time in hours multiplied by an hourly charge of ~~\$213205~~ per hour. Facilities shall pay an HRA review fee as indicated below and the District's cost exceeding the applicable HRA review fees indicated below for performing the review of the facility-wide HRA:

- 342.1 ~~\$2,5982,600~~ for facilities with one to 10 sources subject to risk reduction pursuant to Regulation 11, Rule 18, including gasoline dispensing facilities;
- 342.2 ~~\$6,8576,600~~ for facilities with 11 to 50 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 342.3 ~~\$14,54614,000~~ for facilities with more than 50 sources subject to risk reduction pursuant to Regulation 11, Rule 18.

The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of performing the review of the facility-wide HRA.

(Adopted 6/21/17, Amended 6/6/18, 6/5/19)

**3-343 Fees for Air Dispersion Modeling:** An applicant for an Authority to Construct or Permit to Operate shall pay, in addition to the fees required under Section 3-302 and 3-329 and in any applicable schedule, the District's costs of performing any air dispersion modeling needed to determine compliance with any District regulatory requirement. The total air dispersion modeling fee cost shall be determined based on the District's actual review time in hours multiplied by an hourly charge of \$213 per hour. This fee shall also apply for costs incurred in reviewing air dispersion modeling submittals by applicants and the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such evaluation or documentation, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or approving the air dispersion modeling.

**3-400 ADMINISTRATIVE REQUIREMENTS**

**3-401 Permits:** Definitions, standards, and conditions contained in Regulation 2, Permits, are applicable to this regulation.

**3-402 Single Anniversary Date:** The APCO may assign a single anniversary date to a facility on which all its renewable permits to operate expire and will require renewal. Fees will be prorated to compensate for different time periods resulting from change in anniversary date.

**3-403 Change in Operating Parameters:** See Section 2-1-404 of Regulation 2, Rule 1.

**3-404 Deleted June 7, 2000**

**3-405 Fees Not Paid:** If an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the following procedure(s) shall apply:

405.1 Authority to Construct: The application will be cancelled, but can be reactivated upon payment of fees.

405.2 New Permit to Operate: The Permit to Operate shall not be issued, and the facility will be notified that operation, including startup, is not authorized.

2.1 Fees received during the first 30 days following the due date must include a late fee equal to 10 percent of all fees specified on the invoice.

2.2 Fees received more than 30 days after the due date must include a late fee equal to 25 percent of all fees specified on the invoice.

405.3 Renewal of Permit to Operate: The owner or operator of a facility must renew the Permit to Operate in order to continue to be authorized to operate the source. Permit to Operate Fees for the Permit Renewal Period shall be calculated using fee schedules in effect on the Permit to Operate Renewal Date. The permit renewal invoice will include all fees to be paid in order to renew the Permit to Operate, as specified in Section 3-327. If not renewed as of the date of the next Permit Renewal Period, a Permit to Operate lapses and further operation is no longer authorized. The District will notify the facility that the permit has lapsed. Reinstatement of lapsed Permits to Operate will require the payment of all unpaid prior Permit to Operate fees and associated reinstatement fees for each unpaid prior Permit Renewal Period, in addition to all fees specified on the permit renewal invoice.

405.4 Reinstatement of Lapsed Permit to Operate: To reinstate a Permit to Operate, the owner or operator must pay all of the following fees:

4.1 The applicable Permit to Operate Fees for the current year, as specified in Regulation 3-327, and the applicable reinstatement fee, if any, calculated as follows:

4.1.1 Fees received during the first 30 days following the due date must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 10 percent of all fees specified on the invoice.

4.1.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 25 percent of all fees specified on the invoice.

4.2 The applicable Permit to Operate Fees specified in Regulation 3-327 for each prior Permit Renewal Period for which all Permit to Operate Fees and associated reinstatement fees have not been paid. Each year's Permit to Operate Fee shall be calculated at the fee rates in effect on that year's Permit to Operate Renewal Date. The reinstatement fee for each associated previously-unpaid Permit to Operate Fee shall be calculated in accordance with Regulation 3-405.4.1 and 4.1.2.

Each year or period of the lapsed Permit to Operate is deemed a separate Permit Renewal Period. The oldest outstanding Permit to Operate Fee and reinstatement fees shall be paid first.

405.5 Registration and Other Fees: Persons who have not paid the fee by the invoice due date, shall pay the following late fee in addition to the original invoiced fee. Fees shall

be calculated using fee schedules in effect at the time of the fees' original determination.

5.1 Fees received during the first 30 days following the due date must include an additional late fee equal to 10 percent of all fees specified on the invoice.

5.2 Fees received more than 30 days after the due date must include an additional late fee equal to 5025 percent of all fees specified on the invoice.

*(Amended 7/6/83; 6/4/86; 11/5/86; 2/15/89; 6/6/90; 7/3/91; 8/2/95; 12/2/98; 6/15/05; 6/7/06; 6/6/12; 6/19/13; 6/4/14, 6/6/18, 6/5/19)*

**3-406 Deleted June 4, 1986**

**3-407 Deleted August 2, 1995**

**3-408 Permit to Operate Valid for 12 Months:** A Permit to Operate is valid for 12 months from the date of issuance or other time period as approved by the APCO.

*(Amended 6/4/86; Amended 6/7/00)*

**3-409 Deleted June 7, 2000**

**3-410 Deleted August 2, 1995**

**3-411 Advance Deposit of Funds:** The APCO may require that at the time of the filing of an application for an Authority to Construct for a project for which the District is a lead agency under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), the applicant shall make an advance deposit of funds, in an amount to be specified by the APCO, to cover the costs which the District estimates to incur in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation. In the event the APCO requires such an estimated advance payment to be made, the applicant will be provided with a full accounting of the costs actually incurred by the District in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation.

*(Adopted 12/18/85; Amended 8/2/95)*

**3-412 Deleted December 2, 1998**

**3-413 Toxic "Hot Spots" Information and Assessment Act Revenues:** No later than 120 days after the adoption of this regulation, the APCO shall transmit to the California Air Resources Board, for deposit into the Air Toxics "Hot Spots" Information and Assessment Fund, the revenues determined by the ARB to be the District's share of statewide Air Toxics "Hot Spot" Information and Assessment Act expenses.

*(Adopted October 21, 1992)*

**3-414 Deleted December 2, 1998**

**3-415 Failure to Pay - Further Actions:** When an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the APCO may take the following actions against the applicant or owner/operator:

415.1 Issuance of a Notice to Comply.

415.2 Issuance of a Notice of Violation.

415.3 Revocation of an existing Permit to Operate. The APCO shall initiate proceedings to revoke permits to operate for any person who is delinquent for more than one month. The revocation process shall continue until payment in full is made or until permits are revoked.

415.4 The withholding of any other District services as deemed appropriate until payment in full is made.

*(Adopted 8/2/95; Amended 12/2/98; 6/15/05)*

**3-416 Adjustment of Fees:** The APCO or designees may, upon finding administrative error by District staff in the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth in this rule, rescind, reduce, increase, or modify the fee. A request for such relief from an administrative error, accompanied by a statement of why such relief should be granted, must be received within two years from the date of payment.

*(Adopted October 8, 1997)*

**3-417 Temporary Amnesty for Unpermitted and Unregistered Sources:** The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the back fees and/or late fees for sources that are currently operating without valid Permits to Operate and/or equipment registrations.

*(Adopted June 16, 2010)*

**3-418 Temporary Incentive for Online Production System Transactions:** The APCO has the authority to declare an incentive period for transactions made using the online production

system, during which the District may waive all or any part of the fees for these transactions.

*(Adopted 6/6/18)*

DRAFT

**SCHEDULE A  
HEARING BOARD FEES<sup>1</sup>**

Established by the Board of Directors December 7, 1977 Resolution No. 1046  
(Code section references are to the California Health & Safety Code, unless otherwise indicated)

		Large Companies	Small Business	Third Party
1.	For each application for variance exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance..... Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application in accordance with §42350, the additional sum of.....	<del>\$6,0865</del> <del>,292</del>  <del>\$3,0472</del> <del>,650</del>	<del>\$9107</del> <del>94</del>  <del>\$3072</del> <del>67</del>	
2.	For each application for variance not exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance..... Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application, in accordance with §42350, the additional sum of.....	<del>\$3,6543</del> <del>,177</del>  <del>\$1,8244</del> <del>,586</del>	<del>\$9107</del> <del>94</del>  <del>\$3072</del> <del>67</del>	
3.	For each application to modify a variance in accordance with §42356.... Plus, for each hearing in addition to the first hearing on said application to modify a variance, in accordance with §42345, necessary to dispose of the application, the additional sum of.....	<del>\$2,4242</del> <del>,108</del>  <del>\$1,8244</del> <del>,586</del>	<del>\$3072</del> <del>67</del>  <del>\$3072</del> <del>67</del>	
4.	For each application to extend a variance, in accordance with §42357... Plus, for each hearing in addition to the first hearing on an application to extend a variance, in accordance with §42357, necessary to dispose of the application, the additional sum of.....	<del>\$2,4242</del> <del>,108</del>  <del>\$1,8244</del> <del>,586</del>	<del>\$3072</del> <del>67</del>  <del>\$3072</del> <del>67</del>	
5.	For each application to revoke a variance.....	<del>\$3,6543</del> <del>,177</del>	<del>\$3072</del> <del>67</del>	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703.....	<del>\$2,4242</del> <del>,108</del>	<del>\$3072</del> <del>67</del>	
7.	For each application for variance in accordance with §41703, which exceeds 90 days..... Plus, for each hearing in addition to the first hearing on said application for variance in accordance with §41703, the additional sum of.....	<del>\$6,0865</del> <del>,292</del>  <del>\$3,0472</del> <del>,650</del>	<del>\$9107</del> <del>94</del>  <del>\$3072</del> <del>67</del>	
8.	For each application for variance in accordance with §41703, not to exceed 90 days..... Plus, for each hearing in addition to the hearing on said application for a variance in accordance with §41703, the additional sum of.....	<del>\$3,6543</del> <del>,177</del>  <del>\$1,8244</del> <del>,586</del>	<del>\$9107</del> <del>94</del>  <del>\$3072</del> <del>67</del>	

		Large Companies	Small Business	Third Party
9.	For each Appeal (Permit, Banking, Title V) .....	<del>\$6,0865,292</del> per hearing day	<del>\$3,0472,650</del> per hearing day	<del>\$3,0472,650</del> for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6.....	<del>\$3,0472,650</del>	<del>\$6125,32</del>	
11.	For each application to Modify or Terminate an abatement order .....	<del>\$6,0865,292</del> per hearing day	<del>\$3,0472,650</del> per hearing day	
12.	For each application for an interim variance in accordance with §42351	<del>\$3,0472,650</del>	<del>\$6125,32</del>	
13.	For each application for an emergency variance in accordance with §42359.5.....	<del>\$1,5194,324</del>	<del>\$3072,67</del>	
14.	For each application to rehear a Hearing Board decision in accordance with §40861.....	100% of previous fee charged	100% of previous fee charged	
15.	Excess emission fees.....	See Attachment I	See Attachment I	
16.	Miscellaneous filing fee for any hearing not covered above	<del>\$3,0472,650</del>	<del>\$9107,94</del>	<del>\$91079,4</del>
17.	For each published Notice of Public Hearing.....	Cost of Publication	\$0	\$0
18.	Court Reporter Fee (to be paid only if Court Reporter required for hearing).....	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket	\$0	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket

NOTE 1 Any applicant who believes they have a hardship for payment of fees may request a fee waiver from the Hearing Board pursuant to Hearing Board Rules.  
 (Amended 10/8/97; 5/19/99; 6/7/00; 6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)

**SCHEDULE A  
ATTACHMENT I  
EXCESS EMISSION FEE**

**A. General**

- (1) Each applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the other filing fees required in Schedule A, an emission fee based on the total weight of emissions discharged, per source or product, other than those described in division (B) below, during the variance period in excess of that allowed by these rules in accordance with the schedule set forth in Table I.
- (2) Where the total weight of emission discharged cannot be easily calculated, the petitioner shall work in concert with District staff to establish the amount of excess emissions to be paid.
- (3) In the event that more than one rule limiting the discharge of the same contaminant is violated, the excess emission fee shall consist of the fee for violation which will result in the payment of the greatest sum. For the purposes of this subdivision, opacity rules and particulate mass emissions shall not be considered rules limiting the discharge of the same contaminant.

**B. Excess Visible Emission Fee**

Each applicant or petitioner for a variance from Regulation 6 or Health and Safety Code Section 41701 shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the filing fees required in Schedule A and the excess emission fees required in (A) above (if any), an emission fee based on the difference between the percent opacity allowed by Regulation 6 and the percent opacity of the emissions allowed from the source or sources operating under the variance, in accordance with the schedule set forth in Table II.

In the event that an applicant or petitioner is exempt from the provisions of Regulation 6, the applicant or petitioner shall pay a fee calculated as described herein above, but such fee shall be calculated based upon the difference between the opacity allowed under the variance and the opacity allowed under the provisions of Health and Safety Code Section 41701, in accordance with the schedule set forth in Table II.

**C. Applicability**

The provisions of subdivision (A) shall apply to all variances that generate excess emissions.

**D. Fee Determination**

- (1) The excess emission fees shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions as set forth in subdivisions (A) and (B) above. The calculations and proposed fees shall be set forth in the petition.
- (2) The Hearing Board may adjust the excess emission fee required by subdivisions (A) and (B) of this rule based on evidence regarding emissions presented at the time of the hearing.

## **E. Small Businesses**

- (1) A small business shall be assessed twenty percent (20%) of the fees required by subdivisions (A) and (B), whichever is applicable. "Small business" is defined in the Fee Regulation.
- (2) Request for exception as a small business shall be made by the petitioner under penalty of perjury on a declaration form provided by the Executive Officer which shall be submitted to the Clerk or Deputy Clerk of the Hearing Board at the time of filing a petition for variance.

## **F. Group, Class and Product Variance Fees**

Each petitioner included in a petition for a group, class or product variance shall pay the filing fee specified in Schedule A, and the excess emission fees specified in subdivisions (A) and (B), whichever is applicable.

## **G. Adjustment of Fees**

If after the term of a variance for which emission fees have been paid, petitioner can establish, to the satisfaction of the Executive Officer/APCO, that emissions were actually less than those upon which the fee was based, a pro rata refund shall be made.

## **H. Fee Payment/Variance Invalidation**

- (1) Excess emission fees required by subdivisions (A) and (B), based on an estimate provided during the variance Hearing, are due and payable within fifteen (15) days of the granting of the variance. The petitioner shall be notified in writing of any adjustment to the amount of excess emission fees due, following District staff's verification of the estimated emissions. Fee payments to be made as a result of an adjustment are due and payable within fifteen (15) days of notification of the amount due.
- (2) Failure to pay the excess emission fees required by subdivisions (A) and (B) within fifteen (15) days of notification that a fee is due shall automatically invalidate the variance. Such notification may be given by personal service or by deposit, postpaid, in the United States mail and shall be due fifteen (15) days from the date of personal service or mailing. For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date.

**TABLE I  
SCHEDULE OF EXCESS EMISSIONS FEES**

Air Contaminants All at \$~~5.835-07~~ per pound

Organic gases, except methane and those containing sulfur  
Carbon Monoxide  
Oxides of nitrogen (expressed as nitrogen dioxide)  
Gaseous sulfur compounds (expressed as sulfur dioxide)  
Particulate matter

Toxic Air Contaminants All at \$~~29.0025-22~~ per pound

Asbestos  
Benzene  
Cadmium  
Carbon tetrachloride  
Chlorinated dioxins and dibenzofurans (15 species)  
Diesel exhaust particulate matter  
Ethylene dibromide  
Ethylene dichloride  
Ethylene oxide  
Formaldehyde  
Hexavalent chromium  
Methylene chloride  
Nickel  
Perchloroethylene  
1,3-Butadiene  
Inorganic arsenic  
Beryllium  
Polynuclear aromatic hydrocarbons (PAH)  
Vinyl chloride  
Lead  
1,4-Dioxane  
Trichloroethylene

**TABLE II  
SCHEDULE OF EXCESS VISIBLE EMISSION FEE**

For each source with opacity emissions in excess of twenty percent (20%), but less than forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity} * \text{equivalent} - 20) \times \text{number of days allowed in variance} \times \$5.965-18$$

For each source with opacity emissions in excess of forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity} * \text{equivalent} - 40) \times \text{number of days allowed by variance} \times \$5.965-18$$

\* Where "Opacity" equals maximum opacity of emissions in percent (not decimal equivalent) allowed by the variance. Where the emissions are darker than the degree of darkness equivalent to the allowed Ringelmann number, the percentage equivalent of the excess degree of darkness shall be used as "opacity."

*(Adopted 6/7/00; Amended 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE B  
COMBUSTION OF FUEL**  
(Adopted June 18, 1980)

For each source that burns fuel, which is not a flare and not exempted by Regulation 2, Rule 1, the fee shall be computed based on the maximum gross combustion capacity (expressed as higher heating value, HHV) of the source.

1. INITIAL FEE: \$~~67.6165-07~~ per MM BTU/HOUR
  - a. The minimum fee per source is: \$~~361347~~
  - b. The maximum fee per source is: \$~~126,117,424,383~~
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$~~489,508~~ plus  
\$~~67.6165-07~~ per MM BTU/hr
  - b. Minimum RAF for first TAC source: \$~~869,836~~
  - c. RAF for each additional TAC source: \$~~67.6165-07~~ per MM BTU/hr  
\*
  - d. Minimum RAF per additional TAC source: \$~~361,347\*~~
  - e. Maximum RAF per source is: \$~~126,117,424,383~~  
\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$~~33,7932-52~~ per MM BTU/HOUR
  - a. The minimum fee per source is: \$~~256,246~~
  - b. The maximum fee per source is: \$~~63,058,660,694~~
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
5. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
6. Applicants for an authority to construct and permit to operate a project, which burns municipal waste or refuse-derived fuel, shall pay in addition to all required fees, an additional fee to cover the costs incurred by the State Department of Health Services, and/or a qualified contractor designated by the State Department of Health Services, in reviewing a risk assessment as required under H&S Code Section 42315. The fee shall be transmitted by the District to the Department of Health Services and/or the qualified contractor upon completion of the review and submission of comments in writing to the District.
7. A surcharge equal to 100% of all required initial and permit to operate fees shall be charged for sources permitted to burn one or more of the following fuels: coke, coal, wood, tires, black liquor, and municipal solid waste.

NOTE: MM BTU is million BTU of higher heat value  
One MM BTU/HR = 1.06 gigajoules/HR

*(Amended 6/5/85; 6/4/86; 3/4/87; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE C**  
**STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS**  
(Adopted June 18, 1980)

For each stationary container of organic liquids which is not exempted from permits by Regulation 2 and which is not part of a gasoline dispensing facility, the fee shall be computed based on the container volume, as follows:

1. INITIAL FEE: 0.185 cents per gallon
  - a. The minimum fee per source is: \$204
  - b. The maximum fee per source is: \$27,858
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$489508 plus 0.185 cents per gallon
  - b. Minimum RAF for first TAC source: \$678
  - c. RAF for each additional TAC source: 0.185 cents per gallon \*
  - d. Minimum RAF per additional TAC source: \$204 \*
  - e. Maximum RAF per source is: \$27,858

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: 0.093 cents per gallon
  - a. The minimum fee per source is: \$147
  - b. The maximum fee per source is: \$13,928
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
5. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/20/09; 6/16/10; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE D**  
**GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES,**  
**BULK PLANTS AND TERMINALS**  
(Adopted June 18, 1980)

A. All gasoline dispensing facilities shall pay the following fees:

1. INITIAL FEE: \$~~350.79330.93~~ per single product nozzle (spn)  
\$~~350.79330.93~~ per product for each multi-product nozzle (mpn)
2. PERMIT TO OPERATE FEE: \$~~134.36426.75~~ per single product nozzle (spn)  
\$~~134.36426.75~~ per product for each multi-product nozzle (mpn)
3. Initial fees and permit to operate fees for hardware modifications at a currently permitted gasoline dispensing facility shall be consolidated into a single fee calculated according to the following formula:

$$\$485.14457.68 \times \{[(mpn_{proposed})(products \text{ per nozzle}) + spn_{proposed}] - [(mpn_{existing})(products \text{ per nozzle}) + spn_{existing}]\}$$

*mpn* = multi-product nozzles  
*spn* = single product nozzles

The above formula includes a toxic surcharge.

If the above formula yields zero or negative results, no initial fees or permit to operate fees shall be charged.

For the purposes of calculating the above fees, a fuel blended from two or more different grades shall be considered a separate product.

Other modifications to facilities' equipment, including but not limited to tank addition/replacement/conversion, vapor recovery piping replacement, moving or extending pump islands, will not be subject to initial fees or permit to operate fees.

4. RISK ASSESSMENT FEE (RAF) of \$~~489508~~ per application, if required pursuant to Regulation 3-329 or 3-342 [including increases in permitted throughput for which a health risk assessment is required.]
  5. Nozzles used exclusively for the delivery of diesel fuel or other fuels exempt from permits shall pay no fee. Multi-product nozzles used to deliver both exempt and non-exempt fuels shall pay fees for the non-exempt products only.
- B. All bulk plants, terminals or other facilities using loading racks to transfer gasoline or gasohol into trucks, railcars or ships shall pay the following fees:

1. INITIAL FEE: \$~~4,607.654,346.84~~ per single product loading arm  
\$~~4,607.654,346.84~~ per product for multi-product arms
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$~~5,2174,922~~
  - b. RAF for each additional TAC source: \$~~4,6084,347~~ \*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$~~1,2841,211~~ per single product loading arm  
\$~~1,2841,211~~ per product for multi-product arms
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

- C. Fees in (A) above are in lieu of tank fees. Fees in (B) above are in addition to tank fees.
- D. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 2/20/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02;  
5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16,  
6/21/17, 6/6/18, 6/5/19)

DRAFT

**SCHEDULE E**  
**SOLVENT EVAPORATING SOURCES**  
(Adopted June 18, 1980)

For each solvent evaporating source, as defined in Section 3-210 except for dry cleaners, the fee shall be computed based on the net amount of organic solvent processed through the sources on an annual basis (or anticipated to be processed, for new sources) including solvent used for the cleaning of the sources.

1. INITIAL FEE:
  - a. ~~The fee per source is:~~ \$1,752 per 1,000 gallons
  - b. ~~The minimum fee per source is:~~ \$872800
  - ~~b.~~ \$1,607 per 1,000 gallons
  - ~~cd.~~ The maximum fee per source is: \$69,61163,863
  
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant(TAC) source in application: \$489508 plus initial fee
  - b. Minimum RAF for first TAC source: \$1,4361,317
  - c. RAF for each additional TAC source: equal to initial fee \*
  - d. Minimum RAF per additional TAC source: \$872800 \*
  - e. Maximum RAF per source is: \$69,61163,863  
\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE:
  - a. ~~The fee per source is:~~ \$872 per 1,000 gallons
  - b. ~~The minimum fee per source is:~~ \$629577
  - ~~b.~~ \$800 per 1,000 gallons
  - ~~cd.~~ The maximum fee per source is: \$34,80331,929
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(Amended 5/19/82; 10/17/84; 6/5/85; 6/4/86; 10/8/87; 7/3/91; 6/15/94; 7/1/98; 5/19/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)

**SCHEDULE F**  
**MISCELLANEOUS SOURCES**  
(Adopted June 18, 1980)

For each source not governed by Schedules B, C, D, E, H or I, (except for those sources in the special classification lists, G-1 - G-5) the fees are:

1. INITIAL FEE: \$661,636
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first (toxic air contaminant) TAC source in application: \$1,241,194
  - b. RAF for each additional TAC source: \$661,636\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$480,462
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1. List of special classifications requiring graduated fees is shown in Schedules G-1, G-2, G-3, G-4, and G-5.

G-1 FEES FOR SCHEDULE G-1. For each source in a G-1 classification, fees are:

1. INITIAL FEE: \$4,992,344
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$5,665,926
  - b. RAF for each additional TAC source: \$4,992,344\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$2,492,167
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-2 FEES FOR SCHEDULE G-2. For each source in a G-2 classification, fees are:

1. INITIAL FEE: \$6,953,046
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$7,662,663
  - b. RAF for each additional TAC source: \$6,953,046\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$3,473,024
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-3 FEES FOR SCHEDULE G-3. For each source in a G-3 classification, fees are:

1. INITIAL FEE: \$36,691,342
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant(TAC) source in application: \$37,290,342
  - b. RAF for each additional TAC source: \$36,691,342\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: \$18,34217,142
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-4 FEES FOR SCHEDULE G-4. For each source in a G-4 classification, fees are:

1. INITIAL FEE: \$91,93379,942
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant(TAC) source in application: \$92,64380,559
  - b. RAF for each additional TAC source: \$91,93379,942\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$45,96439,969
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-5 FEES FOR SCHEDULE G-5. For each source in a G-5 classification, fees are:

1. INITIAL FEE: \$51,731
2. RISK ASSESSMENT FEE (RAF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk assessment is required under Regulation 2-5-401.
  - a. RAF for first TAC source in application: \$52,193
  - b. RAF for each additional TAC source: \$51,731\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$25,865
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 5/19/82; 6/5/85; 6/4/86; 6/6/90; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE G-1**  
(Adopted June 18, 1980)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Asphalt Roofing Manufacturing – Asphalt Dipping	Asphalt Roofing or Related Materials
Calcining Kilns, excluding those processing cement, lime, or coke (see G-4 for cement, lime, or coke Calcining Kilns)	Any Materials except cement, lime, or coke
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Reactors with a Capacity of 1000 Gallons or more	Any Inorganic Materials
Chemical Manufacturing, Organic – Latex Dipping	Any latex materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Reactors with a Capacity of 1000 Gallons or more	Any Organic Materials
Compost Operations – Windrows, Static Piles, Aerated Static Piles, In-Vessel, or similar methods	Any waste materials such as yard waste, food waste, agricultural waste, mixed green waste, bio-solids, animal manures, etc.
Crushers	Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials
Electroplating Equipment	Hexavalent Decorative Chrome with permitted capacity greater than 500,000 amp-hours per year or Hard Chrome
Foil Manufacturing – Any Converting or Rolling Lines	Any Metal or Alloy Foils
Galvanizing Equipment	Any

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Glass Manufacturing – Batching Processes including storage and weigh hoppers or bins, conveyors, and elevators	Any Dry Materials
Glass Manufacturing – Mixers	Any Dry Materials
Glass Manufacturing – Molten Glass Holding Tanks	Any molten glass
Grinders	Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials
Incinerators – Crematory	Human and/or animal remains
Incinerators – Flares	Any waste gases
Incinerators – Other (see G-2 for hazardous or municipal solid waste incinerators, see G-3 for medical or infectious waste incinerators)	Any Materials except hazardous wastes, municipal solid waste, medical or infectious waste
Incinerators – Pathological Waste (see G-3 for medical or infectious waste incinerators)	Pathological waste only
Loading and/or Unloading Operations – Bulk Plants and Bulk Terminals, excluding those loading gasoline or gasohol (see Schedule D for Bulk Plants and Terminals loading gasoline or gasohol)	Any Organic Materials except gasoline or gasohol
Petroleum Refining – Alkylation Units	Any Hydrocarbons
Petroleum Refining – Asphalt Oxidizers	Any Hydrocarbons
Petroleum Refining – Benzene Saturation Units/Plants	Any Hydrocarbons
Petroleum Refining – Catalytic Reforming Units	Any Hydrocarbons
Petroleum Refining – Chemical Treating Units including alkane, naphthenic acid, and naptha merox treating, or similar processes	Any Hydrocarbons
Petroleum Refining – Converting Units including Dimersol Plants, Hydrocarbon Splitters, or similar processes	Any Hydrocarbons
Petroleum Refining – Distillation Units, excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)	Any Hydrocarbons
Petroleum Refining – Hydrogen Manufacturing	Hydrogen or Any Hydrocarbons

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Petroleum Refining – Hydrotreating or Hydrofining	Any Hydrocarbons
Petroleum Refining – Isomerization	Any Hydrocarbons
Petroleum Refining – MTBE Process Units/Plants	Any Hydrocarbons
Petroleum Refining – Sludge Converter	Any Petroleum Waste Materials
Petroleum Refining – Solvent Extraction	Any Hydrocarbons
Petroleum Refining – Sour Water Stripping	Any Petroleum Process or Waste Water
Petroleum Refining – Storage (enclosed)	Petroleum Coke or Coke Products
Petroleum Refining – Waste Gas Flares (not subject to Regulation 12, Rule 11)	Any Petroleum Refining Gases
Petroleum Refining – Miscellaneous Other Process Units	Any Hydrocarbons
Remediation Operations, Groundwater – Strippers	Contaminated Groundwater
Remediation Operations, Soil – Any Equipment (excluding sub-slab depressurization equipment)	Contaminated Soil
Spray Dryers	Any Materials
Sterilization Equipment	Ethylene Oxide
Wastewater Treatment, Industrial – Oil-Water Separators, excluding oil-water separators at petroleum refineries (see G-2 for Petroleum Refining - Oil-Water Separators)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment and excluding strippers at petroleum refineries (see G-2 for Petroleum Refining – Strippers)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial - Storage Ponds, excluding storage ponds at petroleum refineries (see G-2 for Petroleum Refining – Storage Ponds)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Municipal – Preliminary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Primary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Digesters	Municipal Wastewater
Wastewater Treatment, Municipal – Sludge Handling Processes, excluding sludge incinerators (see G-2 for sludge incinerators)	Sewage Sludge

(Amended 6/4/86; 6/6/90; 5/19/99; 6/7/00; 6/2/04; 6/15/05, 6/6/18)



**SCHEDULE G-2**  
(Adopted June 6, 1990)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Asphalt Roofing Manufacturing – Asphalt Blowing	Asphalt Roofing or Related Materials
Asphaltic Concrete Manufacturing – Aggregate Dryers	Any Dry Materials
Asphaltic Concrete Manufacturing – Batch Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Drum Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Other Mixers and/or Dryers	Any Dry Materials or Asphaltic Concrete Products
Concrete or Cement Batching Operations – Mixers	Any cement, concrete, or stone products or similar materials
Furnaces – Electric	Any Mineral or Mineral Product
Furnaces – Electric Induction	Any Mineral or Mineral Product
Furnaces – Glass Manufacturing	Soda Lime only
Furnaces – Reverberatory	Any Ores, Minerals, Metals, Alloys, or Related Materials
Incinerators – Hazardous Waste including any unit required to have a RCRA permit	Any Liquid or Solid Hazardous Wastes
Incinerators – Solid Waste, excluding units burning human/animal remains or pathological waste exclusively (see G-1 for Crematory and Pathological Waste Incinerators)	Any Solid Waste including Sewage Sludge (except human/animal remains or pathological waste)
Metal Rolling Lines, excluding foil rolling lines (see G-1 for Foil Rolling Lines)	Any Metals or Alloys
Petroleum Refining – Stockpiles (open)	Petroleum Coke or coke products only
Petroleum Refining, Wastewater Treatment – Oil-Water Separators	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Storage Ponds	Wastewater from petroleum refineries only
Pickling Lines or Tanks	Any Metals or Alloys
Sulfate Pulping Operations – All Units	Any
Sulfite Pulping Operations – All Units	Any

*(Amended June 7, 2000)*

**SCHEDULE G-3**  
(Adopted June 18, 1980)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Furnaces – Electric Arc	Any Metals or Alloys
Furnaces – Electric Induction	Any Metals or Alloys
Incinerators – Medical Waste, excluding units burning pathological waste exclusively (see G-1 for Pathological Waste Incinerators)	Any Medical or Infectious Wastes
Loading and/or Unloading Operations – Marine Berths	Any Organic Materials
Petroleum Refining – Cracking Units including hydrocrackers and excluding thermal or fluid catalytic crackers (see G-4 for Thermal Crackers and Catalytic Crackers)	Any Hydrocarbons
Petroleum Refining – Distillation Units (crude oils) including any unit with a capacity greater than 1000 barrels/hour (see G-1 for other distillation units)	Any Petroleum Crude Oils
Phosphoric Acid Manufacturing – All Units (by any process)	Phosphoric Acid

*(Amended 5/19/82; Amended and renumbered 6/6/90; Amended 6/7/00; 6/15/05; 5/2/07)*

**SCHEDULE G-4**  
(Adopted June 6, 1990)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Acid Regeneration Units	Sulfuric or Hydrochloric Acid only
Annealing Lines (continuous only)	Metals and Alloys
Calcining Kilns (see G-1 for Calcining Kilns processing other materials)	Cement, Lime, or Coke only
Fluidized Bed Combustors	Solid Fuels only
Nitric Acid Manufacturing – Any Ammonia Oxidation Processes	Ammonia or Ammonia Compounds
Petroleum Refining - Coking Units including fluid cokers, delayed cokers, flexicokers, and coke kilns	Petroleum Coke and Coke Products
Petroleum Refining - Cracking Units including fluid catalytic crackers and thermal crackers and excluding hydrocrackers (see G-3 for Hydrocracking Units)	Any Hydrocarbons
Petroleum Refining - Sulfur Removal including any Claus process or any other process requiring caustic reactants	Any Petroleum Refining Gas
Sulfuric Acid Manufacturing – Any Chamber or Contact Process	Any Solid, Liquid or Gaseous Fuels Containing Sulfur

*(Amended June 7, 2000)*

**SCHEDULE G-5**

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Petroleum Refinery Flares (subject to Regulation 12, Rule 11)	Any Petroleum Vent Gas (as defined in section 12-11-210 and section 12-12-213)

*(Adopted May 2, 2007)*

**SCHEDULE H**  
**SEMICONDUCTOR AND RELATED OPERATIONS**  
(Adopted May 19, 1982)

All of the equipment within a semiconductor fabrication area will be grouped together and considered one source. The fee shall be as indicated:

1. INITIAL FEE:

- a. The minimum fee per source is: \$~~760697~~
- b. The maximum fee per source is: \$~~60,81855,796~~

The initial fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);  
Solvent Spray Stations (as defined in Regulation 8-30-221);  
Solvent Vapor Stations (as defined in Regulation 8-30-222); and  
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

~~\$514472~~ per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;  
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

~~\$1,5274,404~~ per 1,000 gallon

2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.

- a. RAF for first toxic air contaminant (TAC) source in application: \$~~489508~~ plus initial fee
- b. Minimum RAF for first TAC source: \$~~1,3224,213~~
- c. RAF for each additional TAC source: equal to initial fee \*
- d. Minimum RAF per additional TAC source: ~~\$760697~~ \*
- e. Maximum RAF per source is: \$~~60,81855,796~~

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:

- a. The minimum fee per source is: \$~~550505~~
- b. The maximum fee per source is: \$~~30,40427,894~~

The permit to operate fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);

Solvent Spray Stations (as defined in Regulation 8-30-221);  
Solvent Vapor Stations (as defined in Regulation 8-30-222); and  
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

~~\$258237~~ per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;  
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other  
miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

~~\$760697~~ per 1,000 gallon

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
5. The fee for each source will be rounded to the whole dollar. Fees for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 1/9/85; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/20/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE I  
 DRY CLEANERS**  
 (Adopted July 6, 1983)

For dry cleaners, the fee shall be computed based on each cleaning machine, except that machines with more than one drum shall be charged based on each drum, regardless of the type or quantity of solvent, as follows:

1. INITIAL FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$700
  - b. If the washing or drying capacity exceeds 100 pounds: \$700 plus  
 For that portion of the capacity exceeding 100 pounds: \$20.95 per pound
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: ~~\$508489~~ plus initial fee
  - b. Minimum RAF for first TAC source: \$1,245
  - c. RAF for each additional TAC source: equal to initial fee\*
  - d. Minimum RAF per additional TAC source: \$700\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$511
  - b. If the washing or drying capacity exceeds 100 pounds: \$511 plus  
 For that portion of the capacity exceeding 100 pounds: \$10.52 per pound
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

*(Amended 10/17/84; 6/5/85; 6/4/86; 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/02/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE K  
SOLID WASTE DISPOSAL SITES**  
(Adopted July 15, 1987)

1. INITIAL FEE:
  - a. Landfill (Decomposition Process) \$~~5,8085,050~~
  - b. Active Landfill (Waste and Cover Material Dumping Process) \$~~2,9032,524~~
  - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$~~2,9032,524~~
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$~~489508~~ plus initial fee
  - b. RAF for each additional TAC source: equal to initial fee\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE:
  - a. Landfill (Decomposition Process) \$~~2,9032,524~~
  - b. Active Landfill (Waste and Cover Material Dumping Process) \$~~1,4514,262~~
  - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$~~1,4514,262~~
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Evaluation of Reports and Questionnaires:
  - a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$~~3,2002,783~~
  - b. Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$~~1,6044,395~~
  - c. Evaluation of Solid Waste Air Assessment Test Report in conjunction with evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$~~1,6044,395~~
  - d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$~~1,1804,026~~
  - e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$~~3,3752,935~~
  - f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$~~1,1804,026~~
  - g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$~~2,9532,568~~
  
6. Fees for each source will be rounded off to the nearest dollar. The fee for sources will be rounded up or down to the nearest dollar.
  
7. For the purposes of this fee schedule, landfill shall be considered active, if it has accepted solid waste for disposal at any time during the previous 12 months or has plans to accept solid waste for disposal during the next 12 months.

*(Amended 7/3/91; 6/15/94; 10/8/97; 7/1/98; 5/19/99; 10/6/99; 6/7/00; 6/6/01; 5/1/02; 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15; 6/15/16; 6/21/17; 6/6/18; 6/5/19)*



**SCHEDULE M**  
**MAJOR STATIONARY SOURCE FEES**  
(Adopted June 6, 1990)

For each major stationary source emitting 50 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, and/or PM<sub>10</sub>, the fee shall be based on the following:

	1.	Organic Compounds	\$ <del>124.51</del> <del>149.84</del> per ton
	2.	Sulfur Oxides	\$ <del>124.51</del> <del>149.84</del> per ton
	3.	Nitrogen Oxides	\$ <del>124.51</del> <del>149.84</del> per ton
	4.	PM <sub>10</sub>	\$ <del>124.51</del> <del>149.84</del> per ton

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, or PM<sub>10</sub>, if occurring in an amount less than 50 tons per year, shall not be counted.

*(Amended 7/3/91; 6/15/94; 7/1/98; 5/9/99; 6/7/00; 6/6/01, 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE N**  
**TOXIC INVENTORY FEES**  
(Adopted October 21, 1992)

For each stationary source emitting substances covered by California Health and Safety Code Section 44300 *et seq.*, the Air Toxics "Hot Spots" Information and Assessment Act of 1987, which have trigger levels listed in Table 2-5-1, a fee based on the weighted emissions of the facility shall be assessed based on the following formulas:

4.

1. A fee of \$5 for each gasoline product dispensing nozzle in a Gasoline Dispensing Facility; or
2. A fee calculated by multiplying the facility's weighted toxic inventory ( $w_i$ ) by the following factor:

Air Toxic Inventory Fee Factor \$0.80 per weighted pound per year

Using the last reported data, the facility's weighted toxic inventory ( $w_i$ ) is calculated as a sum of the individual TAC emissions multiplied by either the inhalation cancer potency factor (CP, in kilogram-day/milligram) for the TAC times 28.6 if the emission is a carcinogen, or by the reciprocal of the inhalation chronic reference exposure level (CREL) for the TAC (in cubic meters/microgram) if the emission is not a carcinogen, using the CP and CREL weighting factors listed in Table 2-5-1.

~~A fee of \$5 for each gasoline product dispensing nozzle in the facility, if the facility is a Gasoline Dispensing Facility; or~~

- ~~2. A fee of \$88 if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 50 weighted pounds per year and less than 1000 weighted pounds per year; or~~
- ~~3. A fee of  $\$88 + 0.33 \times (w_i - 1000)$  if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 1000 weighted pounds per year;~~

~~where the following relationships hold:~~

~~$w_i$  = facility weighted emissions for facility  $j$ ; where the weighted emission for the facility shall be calculated as a sum of the individual emissions of the facility multiplied by either the inhalation cancer potency factor (CPF, in kilogram-day/milligram) for the substance times 28.6 if the emission is a carcinogen, or by the reciprocal of the inhalation chronic reference exposure level (REL<sub>C</sub>) for the substance (in cubic meters/microgram) if the emission is not a carcinogen [use CPF and REL as listed in Table 2-5-1];~~

*(Amended 12/15/93; 6/15/05; 5/2/07; 6/16/10; 5/4/11; 6/4/14; 6/3/15, 6/15/16, 6/6/18, 6/5/19)*

**SCHEDULE P**  
**MAJOR FACILITY REVIEW FEES**  
(Adopted November 3, 1993)

1. MFR / SYNTHETIC MINOR ANNUAL FEES

Each facility, which is required to undergo major facility review in accordance with the requirements of Regulation 2, Rule 6, shall pay annual fees (1a and 1b below) for each source holding a District Permit to Operate. These fees shall be in addition to and shall be paid in conjunction with the annual renewal fees paid by the facility. However, these MFR permit fees shall not be included in the basis to calculate Alternative Emission Control Plan (bubble) or toxic air contaminant surcharges. If a major facility applies for and obtains a synthetic minor operating permit, the requirement to pay the fees in 1a and 1b shall terminate as of the date the APCO issues the synthetic minor operating permit.

- a. MFR SOURCE FEE .....~~\$869805~~ per source
- b. MFR EMISSIONS FEE ..... ~~\$34,2034.67~~ per ton of regulated air pollutants emitted

Each MFR facility and each synthetic minor facility shall pay an annual monitoring fee (1c below) for each pollutant measured by a District-approved continuous emission monitor or a District-approved parametric emission monitoring system.

- c. MFR/SYNTHETIC MINOR MONITORING FEE ~~\$8,6888,044~~ per monitor per pollutant

2. SYNTHETIC MINOR APPLICATION FEES

Each facility that applies for a synthetic minor operating permit or a revision to a synthetic minor operating permit shall pay application fees according to 2a and either 2b (for each source holding a District Permit to Operate) or 2c (for each source affected by the revision). If a major facility applies for a synthetic minor operating permit prior to the date on which it would become subject to the annual major facility review fee described above, the facility shall pay, in addition to the application fee, the equivalent of one year of annual fees for each source holding a District Permit to Operate.

- a. SYNTHETIC MINOR FILING FEE .....~~\$1,2104,120~~ per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE .....~~\$869805~~ per source
- c. SYNTHETIC MINOR REVISION FEE .....~~\$869805~~ per source modified

3. MFR APPLICATION FEES

Each facility that applies for or is required to undergo: an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit or a renewal of an MFR permit shall pay, with the application and in addition to any other fees required by this regulation, the MFR filing fee and any applicable fees listed in 3b-h below. The fees in 3b apply to each source in the initial permit. The fees in 3g apply to each source in the renewal permit, The fees in 3d-f apply to each source affected by the revision or reopening.

- a. MFR FILING FEE .....~~\$1,2104,120~~ per application
- b. MFR INITIAL PERMIT FEE ..... ~~\$1,2104,120~~ per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ..... ~~\$342347~~ per application
- d. MFR MINOR REVISION FEE .....~~\$1,7184,594~~ per source modified
- e. MFR SIGNIFICANT REVISION FEE .....~~\$3,2032,966~~ per source modified
- f. MFR REOPENING FEE .....~~\$1,050972~~ per source modified
- g. MFR RENEWAL FEE .....~~\$510472~~ per source

Each facility that requests a permit shield or a revision to a permit shield under the provisions of Regulation 2, Rule 6 shall pay the following fee for each source (or group of sources, if the requirements for these sources are grouped together in a single table in the MFR permit) that is covered by the requested shield. This fee shall be paid in addition to any other applicable fees.

- h. MFR PERMIT SHIELD FEE ..... ~~\$1,8094,675~~ per shielded source or group of sources

4. MFR PUBLIC NOTICE FEES

Each facility that is required to undergo a public notice related to any permit action pursuant to Regulation 2-6 shall pay the following fee upon receipt of a District invoice.

MFR PUBLIC NOTICE FEE.....Cost of Publication

5. MFR PUBLIC HEARING FEES

If a public hearing is required for any MFR permit action, the facility shall pay the following fees upon receipt of a District invoice.

a. MFR PUBLIC HEARING FEE .... Cost of Public Hearing not to exceed \$~~14,78413,689~~

b. NOTICE OF PUBLIC HEARING FEE .....Cost of distributing Notice of Public Hearing

6. POTENTIAL TO EMIT DEMONSTRATION FEE

Each facility that makes a potential to emit demonstration under Regulation 2-6-312 in order to avoid the requirement for an MFR permit shall pay the following fee:

a. PTE DEMONSTRATION FEE .....\$~~207192~~ per source, not to exceed \$~~20,32348,848~~

*(Amended 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01; 5/1/02, 5/21/03; 6/2/04; 6/15/05; 6/7/06; 5/2/07; 5/21/08; 5/20/09; 6/16/10; 5/4/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE Q**  
**EXCAVATION OF CONTAMINATED SOIL AND**  
**REMOVAL OF UNDERGROUND STORAGE TANKS**  
(Adopted January 5, 1994)

1. Persons excavating contaminated soil or removing underground storage tanks subject to the provisions of Regulation 8, Rule 40, Section 401, 402, 403 or 405 are subject to the following fee:
  - a. OPERATION FEE: \$168  
*(Amended 7/19/00; 8/1/01; 6/5/02; 7/2/03; 6/2/04; 6/6/07; 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/4/14; 6/3/15, 6/15/16)*

**SCHEDULE R  
EQUIPMENT REGISTRATION FEES**

1. Persons operating commercial cooking equipment who are required to register equipment as required by District rules are subject to the following fees:
  - a. Conveyorized Charbroiler REGISTRATION FEE: \$744 per facility
  - b. Conveyorized Charbroiler ANNUAL RENEWAL FEE: \$209 per facility
  - c. Under-fired Charbroiler REGISTRATION FEE: \$744 per facility
  - d. Under-fired Charbroiler ANNUAL RENEWAL FEE: \$209 per facility
  
2. Persons operating non-halogenated dry cleaning equipment who are required to register equipment as required by District rules are subject to the following fees:
  - a. Dry Cleaning Machine REGISTRATION FEE: \$371
  - b. Dry Cleaning Machine ANNUAL RENEWAL FEE: \$259
  
3. Persons operating diesel engines who are required to register equipment as required by District or State rules are subject to the following fees:
  - a. Diesel Engine REGISTRATION FEE: \$250
  - b. Diesel Engine ANNUAL RENEWAL FEE: \$166
  - c. Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402): \$250
  
4. Persons operating boilers, steam generators and process heaters who are required to register equipment by District Regulation 9-7-404 are subject to the following fees:
  - a. REGISTRATION FEE \$137 per device
  - b. ANNUAL RENEWAL FEE: \$115 per device
  
5. Persons owning or operating graphic arts operations who are required to register equipment by District Regulation 8-20-408 are subject to the following fees:
  - a. REGISTRATION FEE: \$446
  - b. ANNUAL RENEWAL FEE: \$278
  
6. Persons owning or operating mobile refinishing operations who are required to register by District Regulation 8-45-4 are subject to the following fees:
  - a. REGISTRATION FEE \$209
  - b. ANNUAL RENEWAL FEE \$123

*(Adopted 7/6/07; Amended 12/5/07; 5/21/08; 7/30/08; 11/19/08; 12/3/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18)*

**SCHEDULE S  
NATURALLY OCCURRING ASBESTOS OPERATIONS**

1. ASBESTOS DUST MITIGATION PLAN INITIAL REVIEW, PROCESSING AND AMENDMENT FEES:

Any person submitting an Asbestos Dust Mitigation Plan (ADMP) for initial review of a Naturally Occurring Asbestos (NOA) project shall pay the following fee (including NOA Discovery Notifications which would trigger an ADMP review): \$~~635~~552

Any person submitting an amendment to a request to amend an existing ADMP of a Naturally Occurring Asbestos (NOA) project shall pay the following fee: \$325

2. AIR MONITORING PROCESSING FEE:

NOA projects requiring an Air Monitoring component as part of the ADMP approval are subject to the following fee in addition to the ADMP fee: \$4,900

3. INSPECTION FEE:

The owner of any property for which an ADMP is required shall pay fees to cover the costs incurred by the District after July 1, 2012 in conducting inspections to determine compliance with the ADMP on an ongoing basis. Inspection fees shall be invoiced by the District on a quarterly basis, and at the conclusion of dust generating activities covered under the ADMP, based on the actual time spent in conducting such inspections, and the following time and materials rate: \$144 per hour

*(Adopted 6/6/07; Amended 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12; 6/19/13; 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE T  
GREENHOUSE GAS FEES**

For each permitted facility emitting greenhouse gases, the fee shall be based on the following:

1. Carbon Dioxide Equivalent (CDE) Emissions ~~\$0.1200~~ **\$0.144** per metric ton

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. The annual emissions of each greenhouse gas (GHG) listed below shall be determined by the APCO for each permitted (i.e., non-exempt) source. For each emitted GHG, the CDE emissions shall be determined by multiplying the annual GHG emissions by the applicable Global Warming Potential (GWP) value. The GHG fee for each facility shall be based on the sum of the CDE emissions for all GHGs emitted by the facility, except that no fee shall be assessed for emissions of biogenic carbon dioxide.

**Global Warming Potential Relative to Carbon Dioxide\***

GHG	CAS Registry Number	GWP**
Carbon Dioxide	124-38-9	1
Methane	74-82-8	34
Nitrous Oxide	10024-97-2	298
Nitrogen Trifluoride	7783-54-2	17,885
Sulfur Hexafluoride	2551-62-4	26,087
HCFC-22	75-45-6	2,106
HCFC-123	306-83-2	96
HCFC-124	2837-89-0	635
HCFC-141b	1717-00-6	938
HCFC-142b	75-68-3	2,345
HCFC-225ca	422-56-0	155
HCFC-225cb	507-55-1	633
HFC-23	75-46-7	13,856
HFC-32	75-10-5	817
HFC-125	354-33-6	3,691
HFC-134a	811-97-2	1,549
HFC-143a	420-46-2	5,508
HFC-152a	75-37-6	167
HFC-227ea	431-89-0	3,860
HFC-236fa	690-39-1	8,998
HFC-245fa	460-73-1	1,032
HFC-365mfc	406-58-6	966
HFC-43-10-mee	138495-42-8	1,952
PFC-14	75-73-0	7,349
PFC-116	76-16-4	12,340
PFC-218	76-19-7	9,878
PFC-318	115-25-3	10,592

\* Source: Myhre, G., et al., 2013: Anthropogenic and Natural Radiative Forcing (and Supplementary Material). In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., et al. (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available from [www.ipcc.ch](http://www.ipcc.ch).

\*\* GWPs compare the integrated radiative forcing over a specified period (i.e.100 years) from a unit mass pulse emission to compare the potential climate change associated with emissions of different GHGs. GWPs listed include climate-carbon feedbacks.

*(Adopted 5/21/08; Amended 5/20/09; 6/16/10; 6/4/14; 6/3/15; 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE U  
INDIRECT SOURCE REVIEW FEES**

The applicant for any project deemed an indirect source pursuant to District rules shall be subject to the following fees:

1. APPLICATION FILING FEE

When an applicant files an Air Quality Impact Assessment as required by District rules, the applicant shall pay a non-refundable Application Filing Fee as follows:

- |  |       |
|--|-------|
| a. Residential project:                  | \$615 |
| b. Non-residential or mixed use project: | \$918 |

2. APPLICATION EVALUATION FEE

Every applicant who files an Air Quality Impact Assessment as required by District rules shall pay an evaluation fee for the review of an air quality analysis and the determination of Offsite Emission Reduction Fees necessary for off-site emission reductions. The Application Evaluation fee will be calculated using the actual staff hours expended and the prevailing weighted labor rate. The Application Filing fee, which assumes eight hours of staff time for residential projects and twelve hours of staff time for non-residential and mixed use projects, shall be credited towards the actual Application Evaluation Fee.

3. OFFSITE EMISSION REDUCTION FEE

(To be determined)

*(Adopted 5/20/09; Amended 6/16/10; 6/4/14; 6/3/15, 6/15/16, 6/21/17)*

**SCHEDULE V  
OPEN BURNING**

1. Any prior notification required by Regulation 5, Section 406 is subject to the following fee:

a. OPERATION FEE: ~~\$138433~~

b. The operation fee paid as part of providing notification to the District prior to burning will be determined for each property, as defined in Regulation 5, Section 217, and will be valid for one year from the fee payment date when a given fire is allowed, as specified in Regulation 5, Section 401 for the following fires:

<b>Regulation 5 Section – Fire</b>	<b>Burn Period</b>
401.1 - Disease and Pest	January 1 – December 31
401.2 - Crop Replacement <sup>1</sup>	October 1 – April 30
401.3 - Orchard Pruning and Attrition <sup>2</sup>	November 1 – April 30
401.4 - Double Cropping Stubble	June 1 – August 31
401.6 - Hazardous Material <sup>1</sup>	January 1 – December 31
401.7 - Fire Training	January 1 – December 31
401.8 - Flood Debris	October 1 – May 31
401.9 - Irrigation Ditches	January 1 – December 31
401.10 - Flood Control	January 1 – December 31
401.11 - Range Management <sup>1</sup>	July 1 – April 30
401.12 - Forest Management <sup>1</sup>	November 1 – April 30
401.14 - Contraband	January 1 – December 31

<sup>1</sup> Any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres is defined in Regulation 5, Section 213 as a type of prescribed burning and, as such, is subject to the prescribed burning operation fee in Section 3 below.

<sup>2</sup> Upon the determination of the APCO that heavy winter rainfall has prevented this type of burning, the burn period may be extended to no later than June 30.

c. Any person who provided notification required under Regulation 5, Section 406, who seeks to burn an amount of material greater than the amount listed in that initial notification, shall provide a subsequent notification to the District under Regulation 5, Section 406 and shall pay an additional open burning operation fee prior to burning.

2. Any Marsh Management fire conducted pursuant to Regulation 5, Section 401.13 is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:

a. OPERATION FEE: ~~\$495476~~ for 50 acres or less  
~~\$673648~~  
for more than 50 acres but less than or equal to 150 acres  
~~\$849817~~ for more than 150 acres

b. The operation fee paid for a Marsh Management fire will be valid for a Fall or Spring burning period, as specified in Regulation 5, Subsection 401.13. Any burning subsequent to either of these time periods shall be subject to an additional open burning operation fee.

3. Any Wildland Vegetation Management fire (prescribed burning) conducted pursuant to Regulation 5, Section 401.15 is subject to the following fee, which will be determined for each prescribed burning project by the proposed acreage to be burned:

a. OPERATION FEE: ~~\$602579~~ for 50 acres or less  
~~\$816785~~  
for more than 50 acres but less than or equal to 150 acres  
~~\$1,0624,022~~ for more than 150 acres

- b. The operation fee paid for a prescribed burn project will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 4. Any Filmmaking fire conducted pursuant to Regulation 5, Section 401.16 and any Public Exhibition fire conducted pursuant to Regulation 5, Section 401.17 is subject to the following fee:
  - a. OPERATION FEE: ~~\$714687~~
  - b. The operation fee paid for a Filmmaking or Public Exhibition fire will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 5. Any Stubble fire conducted pursuant to Regulation 5, Section 401.5 that requires a person to receive an acreage burning allocation prior to ignition is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:
  - a. OPERATION FEE: ~~\$353340~~ for 25 acres or less  
~~\$495476~~ for more than 25 acres but less than or equal to 75 acres  
~~\$602579~~ for more than 75 acres but less than or equal to 150 acres  
~~\$708684~~ for more than 150 acres
  - b. The operation fee paid for a Stubble fire will be valid for one burn period, which is the time period beginning September 1 and ending December 31, each calendar year. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 6. All fees paid pursuant to Schedule V are non-refundable.
- 7. All fees required pursuant to Schedule V must be paid before conducting a fire.

*(Adopted June 19, 2013; Amended 6/4/14; 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19)*

**SCHEDULE W**  
**PETROLEUM REFINING EMISSIONS TRACKING FEES**

1. ANNUAL EMISSIONS INVENTORIES:

Any Petroleum Refinery owner/operator required to submit an Annual Emissions Inventory Report in accordance with Regulation 12, Rule 15, Section 401 shall pay the following fees:

- a. Initial submittal: \$58,86054,000
- b. Each subsequent annual submittal: \$29,43027,000

Any Support Facility owner/operator required to submit an Annual Emissions Inventory Report in accordance with Regulation 12, Rule 15, Section 401 shall pay the following fees:

- a. Initial submittal: \$3,5973,300
- b. Each subsequent annual submittal: \$1,7994,650

2. AIR MONITORING PLANS:

Any person required to submit an air monitoring plan in accordance with Regulation 12, Rule 15, Section 403 shall pay a one-time fee of \$8,1757,500.

*(Adopted 6/15/16, 6/5/19)*

**SCHEDULE X  
MAJOR STATIONARY SOURCE COMMUNITY AIR MONITORING FEES**

For each major stationary source, emitting 35 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide and/or PM<sub>10</sub> within the vicinity of a District proposed community air monitoring location, the fee shall be based on the following:

- |    |                   |                 |
|----|-------------------|-----------------|
| 1. | Organic Compounds | \$60.61 per ton |
| 2. | Sulfur Oxides     | \$60.61 per ton |
| 3. | Nitrogen Oxides   | \$60.61 per ton |
| 4. | Carbon Monoxide   | \$60.61 per ton |
| 5. | PM <sub>10</sub>  | \$60.61 per ton |

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide, or PM<sub>10</sub>, if occurring in an amount less than 35 tons per year, shall not be counted.

*(Adopted: 6/15/16; Amended: 6/21/17)*



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**STAFF REPORT**

**PROPOSED AMENDMENTS TO  
BAAQMD REGULATION 3: FEES**

**APPENDIX C**

**COSTS FOR ASBESTOS DUST MITIGATION  
PLAN AMENDMENTS**



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 20, 2019

Re: Public Hearing to Consider Adoption of the Air District's Proposed Budget for Fiscal  
Year Ending (FYE) 2020

---

**RECOMMENDED ACTION**

Recommend Board of Directors conduct its second and final public hearing and consider adoption of a resolution to approve the Budget for the Fiscal Year Ending (FYE) 2020 and various budget related actions.

**BACKGROUND**

Pursuant to Health and Safety Code Section 40131, the Executive Officer/APCO will present the FYE 2020 proposed budget to the Board of Directors for adoption.

**BUDGET CONSIDERATION/FINANCIAL IMPACT**

The proposed consolidated budget for FYE 2020 is \$252,707,473 which includes General Fund Budget of \$104,614,832.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Stephanie Osaze  
Reviewed by: Jeff McKay

Attachment 14A: Resolution to Approve the Budget for the Fiscal Year Ending June 30, 2019 (FYE 2018-2019) and Various Budget Related Actions

Attachment 14B: Bay Area Air Quality Management District Salary Schedule for Management and Confidential Classes

Attachment 14C: Proposed FYE 2019 budget available at:  
<http://www.baaqmd.gov/publications/annual-budget>

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**Resolution No. -**

**A Resolution to Approve the Budget for the Fiscal Year Ending June 30, 2020  
(FY 2019-2020) and Various Budget Related Actions**

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District (Air District) has the statutory authority and direction to set the Air District's financial budget pursuant to Health & Safety Code Sections 40130-40131 and 40270-40276;

WHEREAS, by Resolution No. 2018-06, the Board of Directors adopted the Air District Budget for Fiscal Year (FY) 2018-2019 on June 6, 2018, pursuant to the above-mentioned statutory authority;

WHEREAS, the Board of Directors, in connection with that action, approved the following budget related actions:

- A. Transfer Funds from Encumbered Balance of Appropriations to the Next Fiscal Year for Continuation of Projects/Programs
- B. Transfer Funds from Unencumbered Balance of Appropriations to the General Reserve;
- C. Fund the General Reserve from Year to Year;
- D. Authorize Modification to Name and Purpose of certain Designated Reserve Funds;
- E. Authorize Disposal of Surplus Government Property;
- F. Approve Salary Ranges for District Employees; and
- G. Approve Proposed District Budget for FY 2018-2019;

WHEREAS, Air District staff has determined through its annual budget review and analysis that similar actions are necessary in connection with the adoption of a budget for FY 2019-2020 and that all of these actions be incorporated into a single resolution;

WHEREAS, the Budget and Finance Committee of the Board of Directors reviewed the proposed FY 2019-2020 District Budget at public meetings held on March 22, 2019, and April 22, 2019, and recommended that the Board of Directors approve as submitted.

WHEREAS, an initial public hearing was duly noticed and held on May 15, 2019, at a Special Meeting of the Board of Directors held pursuant to Health & Safety Code Section 40131, for the purpose of reviewing the Air District's proposed FY 2019-2020 Budget and of providing the public with an opportunity to comment upon the proposed District Budget;

WHEREAS, at the May 15, 2019 Special Meeting of the Board of Directors, the Proposed FY 2019-2020 Air District Budget was set for a further hearing and proposed adoption at the Regular Meeting of the Board of Directors to be held on June 5, 2019;

WHEREAS, in connection with the public hearing and consideration of the Proposed FY 2019-2020 District Budget on June 5, 2019, the Board of Directors decided to take the following actions related to the FY 2018-2019 District Budget:

**A. CARRYFORWARD ENCUMBERED BALANCE OF APPROPRIATIONS TO THE NEXT FISCAL YEAR FOR CONTINUATION OF PROJECTS/PROGRAMS NOT COMPLETED IN THE CURRENT FISCAL YEAR**

WHEREAS, the Air District Budget FY2018-2019 has appropriated funds committed for projects/programs not completed in the current fiscal year that will carry over to the next fiscal year;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs Air District staff, that in the event there is encumbered balance of appropriations from FY 2018-2019 for continuation of projects, to transfer such appropriations to the 2019-2020 fiscal year budget as needed for completion of projects/programs;

**B. TRANSFER FUNDS FROM UNENCUMBERED BALANCE OF APPROPRIATIONS TO THE GENERAL RESERVE**

WHEREAS, the Proposed Air District Budget provides sufficient funds for the operation of the Air District for FY 2019-2020;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby directs Air District staff, that in the event there is an unencumbered balance of appropriations from FY 2018-2019, to transfer such excess balance to the General Reserve.

**C. FUND THE GENERAL RESERVE FROM YEAR TO YEAR**

WHEREAS, the Board of Directors on June 12, 1958, created a General Reserve in the Air District's budget and transferred certain funds into it;

WHEREAS, the Air District has operated for much of its existence with a General Reserve in its fiscal year budget;

WHEREAS, the Air District retained the consulting firm of KPMG LLP in 1998-99 to conduct a permit fee cost recovery study of the Air District;

WHEREAS, KPMG LLP determined through their study of Air District finances that the General Reserve was inadequately funded and therefore recommended that the General Reserve be funded to a level consistent with generally accepted governmental practices;

WHEREAS, Air District staff concurred with this finding and recommendation from KPMG LLP;

WHEREAS, the Board of Directors concurs with the recommendation of KPMG LLP, Air District staff and its Budget and Finance Committee that maintaining a healthy and properly funded General Reserve in the Air District's budget is a prudent and financially sound decision;

WHEREAS, as a part of the adoption of the 2015-16 Budget, the Board of Director approved an Economic Contingency Reserve Policy of 20% of the General Fund Budget;

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Reserve be continued for FY 2019-2020, and thereafter until discontinued by resolution of the Board of Directors.

**D. AUTHORIZE DISPOSAL OF SURPLUS GOVERNMENT PROPERTY**

WHEREAS, the Air District Budget for FY 2019-2020 provides for the replacement of certain equipment and other property that has either become obsolete and surplus or will become obsolete and surplus;

WHEREAS, Air District staff has determined that certain equipment or other property will no longer be economically feasible to maintain or repair, and that some equipment will become obsolete and not useful for Air District purposes;

WHEREAS, from time to time during the course of the coming fiscal year it may be advantageous to the Air District to sell or dispose of such equipment or other property;

WHEREAS, the Board of Directors desires to authorize the Executive Officer/APCO, or his or her designee, to sell or dispose of such surplus or obsolete equipment or other property pursuant the requirements and guidelines of Government Code Sections 25363 and 25504;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors hereby authorizes the Executive Officer/APCO, or his or her designee, to sell or dispose of surplus or obsolete equipment or other property during FY 2019-2020.

**E. SALARY RANGES FOR DISTRICT EMPLOYEES**

WHEREAS, the Board of Directors established Salary Ranges and Classifications on June 10, 1962, pursuant to Resolution No. 270 and has from time to time amended those Salary Ranges and Classifications;

WHEREAS, the Air District Budget for FY 2019-2020 includes funds for Board of Director discretionary use in adjusting salaries and fringe benefits for Air District employees;

WHEREAS, the successor Memorandum of Understanding (the “MOU”) with the employees represented by the recognized employee organization Bay Area Air Quality Management District Employees Association (“EA”) is set to expire on June 30, 2019, and a successor MOU is being negotiated and completion is anticipated in the FY 2019-2020 period;

WHEREAS, the successor MOU between the District and EA is set to expire on June 30, 2019 and all provisions shall supersede the provisions of the June 1, 2014 to June 30, 2017 agreement;

WHEREAS, management employees and confidential employees are not represented by a recognized employee organization;

WHEREAS, the FY 2018-2019 salary schedule attached hereto remains unchanged for FY 2019-2020 pending the completion of negotiations; whereby any proposed salary adjustments will be presented to the Board of Directors for approval at such time.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Board of Directors approves the salary schedules attached hereto effective July 1, 2019 which provides no salary increases.

**F. APPROVE FUNDING FOR OTHER POST RETIREMENT BENEFITS (OPEB) AND CALPERS PENSION BENEFITS (CalPERS) FOR FY 2019-2020**

WHEREAS, as a part of the adoption of the FY 2016 and FY 2017 Budgets, the Board of Directors approved a policy to prefund OPEB to achieve 90% funding with no target date;

WHEREAS, as a part of the adoption of the FY 2019 Budget, the Board of Directors approved recommendation to amend the funding policy for the CalPERS pension plan to achieve 90% funding within 20 years;

NOW, THEREFORE, BE IT FURTHER RESOLVED that as a part of the FY 2019-2020 Proposed Budget, the Board of Directors approved a recommendation for continuation of prefunding OPEB and CalPERS in the amount of \$4.0 million and \$1.0 million, respectively.

**G. APPROVE PROPOSED AIR DISTRICT BUDGET FOR FY 2019-2020**

WHEREAS, on May 15, 2019, and June 5, 2019, public proceedings have been held in a manner and form required by Health & Safety Code Section 40131 for the adoption of the FY 2019-2020 Budget of the Bay Area Air Quality Management District;

WHEREAS, the Board of Directors has considered the Proposed Budget for the fiscal year ending June 30, 2020, as well as the report on this proposed budget from the Budget and Finance Committee of the Board of Directors which considered the Proposed FY 2019-2020 Air District Budget at their meetings of March 22, 2019 and April 22, 2019;

WHEREAS, at the May 15, 2019, Regular Meeting of the Board of Directors, in its report to the Board of Directors, the Budget and Finance Committee of the Board of Directors through consensus supported staff recommendations to forward the Proposed FY 2019-2020 Air District Budget to the Board of Directors;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Proposed Air District Budget for FY Ending 2019-2020 in the total consolidated amount of Two Hundred Fifty-Two Million, Seven Hundred Seven, Four Hundred and Seventy Three Dollars (\$252,707,473), specifying by appropriation classification – personnel, services and supplies, capital outlay, program distributions and transfers –is hereby adopted by the Board of Directors of the Bay Area Air Quality Management District to become effective as of July 1, 2019.

DRAFT

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 \_\_\_\_\_ 2019

by the following vote of the Board:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
KATIE RICE  
Chairperson of the Board of Directors

\_\_\_\_\_  
CINDY CHAVEZ  
Secretary of the Board of Directors

DRAFT

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
SALARY SCHEDULE FOR MANAGEMENT AND CONFIDENTIAL CLASSES**  
Annually/Monthly/Bi-weekly/Hourly effective July 1, 2019

**ID-JDE MANAGEMENT**

**Per Employment Agreement**

1B101 Executive Officer/Air Pollution Control Officer (1)	308114.82
	25676.24
	11850.57
	148.13

1B102 Counsel (1)	295559.94
	24630.00
	11367.69
	142.10

**ID-JDE MANAGEMENT**

	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
3M101 Air Monitoring Manager	148M	133904.94	140600.18	147630.19	155011.70	162762.29
		11158.74	11716.68	12302.52	12917.64	13563.52
		5150.19	5407.70	5678.08	5961.99	6260.09
		64.38	67.60	70.98	74.52	78.25
3M102 Air Quality Engineering Manager	148M	133904.94	140600.18	147630.19	155011.70	162762.29
		11158.74	11716.68	12302.52	12917.64	13563.52
		5150.19	5407.70	5678.08	5961.99	6260.09
		64.38	67.60	70.98	74.52	78.25
3M103 Air Quality Planning Manager	148M	133904.94	140600.18	147630.19	155011.70	162762.29
		11158.74	11716.68	12302.52	12917.64	13563.52
		5150.19	5407.70	5678.08	5961.99	6260.09
		64.38	67.60	70.98	74.52	78.25
3M104 Air Quality Program Manager	148M	133904.94	140600.18	147630.19	155011.70	162762.29
		11158.74	11716.68	12302.52	12917.64	13563.52
		5150.19	5407.70	5678.08	5961.99	6260.09
		64.38	67.60	70.98	74.52	78.25
8M101 Assistant Counsel I	149M	134867.14	141610.50	148691.02	156125.57	163931.85
		11238.93	11800.87	12390.92	13010.46	13660.99
		5187.20	5446.56	5718.89	6004.83	6305.07
		64.84	68.08	71.49	75.06	78.81
7M101 Assistant Counsel II	153M	151275.93	158839.73	166781.71	175120.80	183876.84
		12606.33	13236.64	13898.48	14593.40	15323.07
		5818.31	6109.22	6414.68	6735.42	7072.19
		72.73	76.37	80.18	84.19	88.40
3M121 Assistant Manager	147M	130677.84	137211.73	144072.31	151275.93	158839.73
		10889.82	11434.31	12006.03	12606.33	13236.64
		5026.07	5277.37	5541.24	5818.31	6109.22
		62.83	65.97	69.27	72.73	76.37
3M117 Audit & Special Projects Manager	148M	133904.94	140600.18	147630.19	155011.70	162762.29
		11158.74	11716.68	12302.52	12917.64	13563.52
		5150.19	5407.70	5678.08	5961.99	6260.09
		64.38	67.60	70.98	74.52	78.25

ID-JDE MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M105 Business Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
2M111 Communications Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
1M101 Deputy Air Pollution Control Officer	160M	179445.42 14953.79 6901.75 86.27	188417.69 15701.47 7246.83 90.59	197838.58 16486.55 7609.18 95.11	207730.50 17310.88 7989.63 99.87	218117.03 18176.42 8389.12 104.86
1M102 Deputy Executive Officer	169M	223503.45 18625.29 8596.29 107.45	234678.62 19556.55 9026.10 112.83	246412.55 20534.38 9477.41 118.47	258733.18 21561.10 9951.28 124.39	271669.84 22639.15 10448.84 130.61
2M110 Director/Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M101 Director of Administration	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M102 Director of Enforcement	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M103 Director of Engineering	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M108 Director of Strategic Incentives	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M104 Director of Information Services	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M105 Director of Planning and Research	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
2M107 Director of Technical Services	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49

ID-JDE	MANAGEMENT(CONTINUED)	Range	Step A	Step B	Step C	Step D	Step E
3M119	Engineering Project Processing Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M113	Executive Operations Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M107	Finance Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M106	Fleet and Facilities Manager	134M	95163.74 7930.31 3660.14 45.75	99921.92 8326.83 3843.15 48.04	104918.02 8743.17 4035.31 50.44	110163.92 9180.33 4237.07 52.96	115672.12 9639.34 4448.93 55.61
2M110	Health Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
3M118	Human Resources Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M108	Human Resources Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
3M109	Information Systems Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
2M109	Information Technology Officer	156M	161687.74 13473.98 6218.76 77.73	169772.13 14147.68 6529.70 81.62	178260.73 14855.06 6856.18 85.70	187173.77 15597.81 7198.99 89.99	196532.46 16377.70 7558.94 94.49
3M110	Manager (Laboratory)	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M120	Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M115	Manager of Executive Operations	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25

<b>ID-JDE MANAGEMENT(CONTINUED)</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
3M111 Meteorology and Data Analysis Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M112 Research and Modeling Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
6M101 Senior Assistant Counsel	157M	166781.71 13898.48 6414.68 80.18	175120.80 14593.40 6735.42 84.19	183876.84 15323.07 7072.19 88.40	193070.68 16089.22 7425.80 92.82	202724.21 16893.68 7797.09 97.46
6M102 Senior Policy Advisor	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25
3M116 Strategic Facilities Planning Manager	148M	133904.94 11158.74 5150.19 64.38	140600.18 11716.68 5407.70 67.60	147630.19 12302.52 5678.08 70.98	155011.70 12917.64 5961.99 74.52	162762.29 13563.52 6260.09 78.25

## ID-JDE CONFIDENTIAL

	Range	Step A	Step B	Step C	Step D	Step E
7C007 Administrative Secretary (Confidential)	118	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54
5C101 Clerk of the Boards	132	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42
8C004 Executive Secretary I	128	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64
7C001 Executive Secretary II	132	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42
8C101 Human Resources Analyst I	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
7C103 Human Resources Analyst II	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
8C001 Human Resources Technician I	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7C002 Human Resources Technician II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
7C003 Legal Office Services Specialist	124	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30
8C002 Legal Secretary I	116	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80
7C004 Legal Secretary II	120	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37
8C003 Office Assistant I (HR)	104	44442.12 3703.51 1709.31 21.37	46664.23 3888.69 1794.78 22.43	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97

**ID-JDE CONFIDENTIAL(CONTINUED)**

	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
7C005 Office Assistant II (HR)	108	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63
7C102 Paralegal	124	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30
6C102 Senior Human Resources Analyst (2)	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
6C001 Senior Executive Secretary	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
5C102 Supervising Human Resources Analyst	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**SALARY SCHEDULE FOR TECHNICAL/GENERAL AND PROFESSIONAL EMPLOYEES**  
Effective July 1, 2019 per Memorandum of Understanding dated May 15, 2002

<b>ID-JDE PROFESSIONAL</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
7P001 Accountant I	123	70646.90 5887.24 2717.19 33.96	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28
7P014 Accountant II	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7P002 Advanced Projects Advisor	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
8P001 Air Quality Chemist I	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7P003 Air Quality Chemist II	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
8P002 Air Quality Engineer I	132	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42
7P004 Air Quality Engineer II	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
8P003 Air Quality Meteorologist I	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
7P005 Air Quality Meteorologist II	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7P006 Atmospheric Modeler	140	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50
8P004 Environmental Planner I	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97

ID-JDE PROFESSIONAL(continued)	Range	Step A	Step B	Step C	Step D	Step E
7P007 Environmental Planner II	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
7P008 Legislative Analyst	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
7P009 Librarian	128	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64
4P001 Principal Accountant	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
4P002 Principal Air and Meteorological Monitoring Specialist	143	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00	133215.27 11101.27 5123.66 64.05	139876.03 11656.34 5379.85 67.25
4P005 Principal Air Quality Chemist	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
4P003 Principal Air Quality Engineer	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
4P004 Principal Environmental Planner	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
7P010 Research Analyst	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
6P001 Senior Advanced Projects Advisor	148	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91	150496.80 12541.40 5788.34 72.35	158021.64 13168.47 6077.76 75.97
6P002 Senior Air Quality Chemist	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33

<b>ID-JDE PROFESSIONAL(continued)</b>		<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
6P003	Senior Air Quality Engineer	140	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50
6P004	Senior Air Quality Meteorologist	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
6P005	Senior Atmospheric Modeler	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
6P006	Senior Environmental Planner	138	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53
7P011	Statistician	137	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09
5P001	Supervising Air Quality Engineer	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
5P002	Supervising Air Quality Meteorologist	143	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00	133215.27 11101.27 5123.66 64.05	139876.03 11656.34 5379.85 67.25
5P003	Supervising Environmental Planner	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
7P012	Toxicologist	144	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63	143330.28 11944.19 5512.70 68.91
<b>ID-JDE TECHNICAL/GENERAL</b>		<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
8T001	Accounting Assistant I	106	46664.23 3888.69 1794.78 22.43	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27
7T001	Accounting Assistant II	110	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06

ID-JDE TECHNICAL/GENERAL(cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T002 Administrative Analyst	131	85871.75	90165.34	94673.61	99407.29	104377.65
		7155.98	7513.78	7889.47	8283.94	8698.14
		3302.76	3467.90	3641.29	3823.36	4014.52
		41.28	43.35	45.52	47.79	50.18
7T003 Administrative Secretary	118	62534.53	65661.25	68944.32	72391.53	76011.11
		5211.21	5471.77	5745.36	6032.63	6334.26
		2405.17	2525.43	2651.70	2784.29	2923.50
		30.06	31.57	33.15	34.80	36.54
8T002 Air Quality Case Settlement Specialist I	126	76011.11	79811.66	83802.25	87992.36	92391.98
		6334.26	6650.97	6983.52	7332.70	7699.33
		2923.50	3069.68	3223.16	3384.32	3553.54
		36.54	38.37	40.29	42.30	44.42
7T004 Air Quality Case Settlement Specialist II	130	83802.25	87992.36	92391.98	97011.58	101862.16
		6983.52	7332.70	7699.33	8084.30	8488.51
		3223.16	3384.32	3553.54	3731.21	3917.78
		40.29	42.30	44.42	46.64	48.97
8T003 Air Quality Inspector I	124	72391.53	76011.11	79811.66	83802.25	87992.36
		6032.63	6334.26	6650.97	6983.52	7332.70
		2784.29	2923.50	3069.68	3223.16	3384.32
		34.80	36.54	38.37	40.29	42.30
7T005 Air Quality Inspector II	128	79811.66	83802.25	87992.36	92391.98	97011.58
		6650.97	6983.52	7332.70	7699.33	8084.30
		3069.68	3223.16	3384.32	3553.54	3731.21
		38.37	40.29	42.30	44.42	46.64
8T004 Air Quality Instrument Specialist I	124	72391.53	76011.11	79811.66	83802.25	87992.36
		6032.63	6334.26	6650.97	6983.52	7332.70
		2784.29	2923.50	3069.68	3223.16	3384.32
		34.80	36.54	38.37	40.29	42.30
7T006 Air Quality Instrument Specialist II	128	79811.66	83802.25	87992.36	92391.98	97011.58
		6650.97	6983.52	7332.70	7699.33	8084.30
		3069.68	3223.16	3384.32	3553.54	3731.21
		38.37	40.29	42.30	44.42	46.64
8T005 Air Quality Laboratory Technician I	122	68944.32	72391.53	76011.11	79811.66	83802.25
		5745.36	6032.63	6334.26	6650.97	6983.52
		2651.70	2784.29	2923.50	3069.68	3223.16
		33.15	34.80	36.54	38.37	40.29
7T007 Air Quality Laboratory Technician II	126	76011.11	79811.66	83802.25	87992.36	92391.98
		6334.26	6650.97	6983.52	7332.70	7699.33
		2923.50	3069.68	3223.16	3384.32	3553.54
		36.54	38.37	40.29	42.30	44.42
8T006 Air Quality Permit Technician I	122	68944.32	72391.53	76011.11	79811.66	83802.25
		5745.36	6032.63	6334.26	6650.97	6983.52
		2651.70	2784.29	2923.50	3069.68	3223.16
		33.15	34.80	36.54	38.37	40.29

<b>ID-JDE TECHNICAL/GENERAL(cont'd)</b>	<b>Range</b>	<b>Step A</b>	<b>Step B</b>	<b>Step C</b>	<b>Step D</b>	<b>Step E</b>
7T008 Air Quality Permit Technician II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
8T007 Air Quality Specialist I	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3553.54 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
7T009 Air Quality Specialist II	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
7T010 Air Quality Technical Assistant	118	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54
8T008 Air Quality Technician I	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7T011 Air Quality Technician II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
8T014 Assistant Staff Specialist I	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7T033 Assistant Staff Specialist II	126	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42
7T012 Building Maintenance Mechanic	114	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15
7T013 Data Entry Operator	111	52717.81 4393.15 2027.61 25.35	55353.70 4612.81 2128.99 26.61	58121.38 4843.45 2235.44 27.94	61027.45 5085.62 2347.21 29.34	64078.82 5339.90 2464.57 30.81

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T010 Data Support Supervisor	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
7T014 Database Specialist	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7T015 Deputy Clerk of the Boards	123	70646.90 5887.24 2717.19 33.96	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28
7T028 Facilities Maintenance Worker	108	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63
5T008 Facilities Services Supervisor	130	83802.25 6983.52 3223.16 40.29	87992.36 7332.70 3384.32 42.30	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97
7T031 Fiscal Services Coordinator	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
8T009 Mechanic I	121	67282.76 5606.90 2587.80 32.35	70646.90 5887.24 2717.19 33.96	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32
7T016 Mechanic II	125	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35
8T010 Office Assistant I	104	44442.12 3703.51 1709.31 21.37	46664.23 3888.69 1794.78 22.43	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97
7T017 Office Assistant II	108	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97	56720.66 4726.72 2181.56 27.27	59556.69 4963.06 2290.64 28.63
5T001 Office Services Supervisor	116	59556.69 4963.06 2290.64 28.63	62534.53 5211.21 2405.17 30.06	65661.25 5471.77 2525.43 31.57	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80
7T029 Organizational Development and Training Specialist	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T018 Permit Coordinator	134	92391.98 7699.33 3553.54 44.42	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99
6T009 Principal Air Quality Instrument Specialist (2)	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
4T001 Principal Air Quality Specialist	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
8T011 Programmer Analyst I	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7T019 Programmer Analyst II	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
8T012 Public Information Officer I	127	77888.21 6490.68 2995.70 37.45	81782.62 6815.22 3145.49 39.32	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52
7T020 Public Information Officer II	131	85871.75 7155.98 3302.76 41.28	90165.34 7513.78 3467.90 43.35	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18
7T027 Purchasing Agent	122	68944.32 5745.36 2651.70 33.15	72391.53 6032.63 2784.29 34.80	76011.11 6334.26 2923.50 36.54	79811.66 6650.97 3069.68 38.37	83802.25 6983.52 3223.16 40.29
7T021 Radio/Telephone Operator	113	55353.70 4612.81 2128.99 26.61	58121.38 4843.45 2235.44 27.94	61027.45 5085.62 2347.21 29.34	64078.82 5339.90 2464.57 30.81	67282.76 5606.90 2587.80 32.35
5T002 Radio/Telephone Operator Supervisor	119	64078.82 5339.90 2464.57 30.81	67282.76 5606.90 2587.80 32.35	70646.90 5887.24 2717.19 33.96	74179.25 6181.60 2853.05 35.66	77888.21 6490.68 2995.70 37.45
7T022 Receptionist	104	44442.12 3703.51 1709.31 21.37	46664.23 3888.69 1794.78 22.43	48997.44 4083.12 1884.52 23.56	51447.31 4287.28 1978.74 24.73	54019.68 4501.64 2077.68 25.97

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
7T023 Secretary	112	54019.68	56720.66	59556.69	62534.53	65661.25
		4501.64	4726.72	4963.06	5211.21	5471.77
		2077.68	2181.56	2290.64	2405.17	2525.43
		25.97	27.27	28.63	30.06	31.57
6T001 Senior Accounting Assistant	114	56720.66	59556.69	62534.53	65661.25	68944.32
		4726.72	4963.06	5211.21	5471.77	5745.36
		2181.56	2290.64	2405.17	2525.43	2651.70
		27.27	28.63	30.06	31.57	33.15
6T002 Senior Air Quality Inspector	132	87992.36	92391.98	97011.58	101862.16	106955.26
		7332.70	7699.33	8084.30	8488.51	8912.94
		3384.32	3553.54	3731.21	3917.78	4113.66
		42.30	44.42	46.64	48.97	51.42
6T003 Senior Air Quality Instrument Specialist	132	87992.36	92391.98	97011.58	101862.16	106955.26
		7332.70	7699.33	8084.30	8488.51	8912.94
		3384.32	3553.54	3731.21	3917.78	4113.66
		42.30	44.42	46.64	48.97	51.42
6T007 Senior Air Quality Permit Technician	130	83802.25	87992.36	92391.98	97011.58	101862.16
		6983.52	7332.70	7699.33	8084.30	8488.51
		3223.16	3384.32	3553.54	3731.21	3917.78
		40.29	42.30	44.42	46.64	48.97
6T004 Senior Air Quality Specialist	138	101862.16	106955.26	112303.03	117918.18	123814.09
		8488.51	8912.94	9358.59	9826.51	10317.84
		3917.78	4113.66	4319.35	4535.31	4762.08
		48.97	51.42	53.99	56.69	59.53
6T006 Senior Air Quality Technician	130	83802.25	87992.36	92391.98	97011.58	101862.16
		6983.52	7332.70	7699.33	8084.30	8488.51
		3223.16	3384.32	3553.54	3731.21	3917.78
		40.29	42.30	44.42	46.64	48.97
6T005 Senior Public Information Officer	135	94673.61	99407.29	104377.65	109596.53	115076.36
		7889.47	8283.94	8698.14	9133.04	9589.70
		3641.29	3823.36	4014.52	4215.25	4426.01
		45.52	47.79	50.18	52.69	55.33
6T008 Senior Staff Specialist	138	101862.16	106955.26	112303.03	117918.18	123814.09
		8488.51	8912.94	9358.59	9826.51	10317.84
		3917.78	4113.66	4319.35	4535.31	4762.08
		48.97	51.42	53.99	56.69	59.53
8T013 Staff Specialist I	130	83802.25	87992.36	92391.98	97011.58	101862.16
		6983.52	7332.70	7699.33	8084.30	8488.51
		3223.16	3384.32	3553.54	3731.21	3917.78
		40.29	42.30	44.42	46.64	48.97
7T032 Staff Specialist II	134	92391.98	97011.58	101862.16	106955.26	112303.03
		7699.33	8084.30	8488.51	8912.94	9358.59
		3553.54	3731.21	3917.78	4113.66	4319.35
		44.42	46.64	48.97	51.42	53.99

ID-JDE TECHNICAL/GENERAL (cont'd)	Range	Step A	Step B	Step C	Step D	Step E
5T003 Supervising Air Quality Inspector	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
5T004 Supervising Air Quality Instrument Specialist	136	97011.58 8084.30 3731.21 46.64	101862.16 8488.51 3917.78 48.97	106955.26 8912.94 4113.66 51.42	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69
5T005 Supervising Air Quality Specialist	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
5T006 Supervising Public Information Officer	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
5T009 Supervising Staff Specialist	142	112303.03 9358.59 4319.35 53.99	117918.18 9826.51 4535.31 56.69	123814.09 10317.84 4762.08 59.53	130004.79 10833.73 5000.18 62.50	136505.03 11375.42 5250.19 65.63
5T007 Supervising Systems Analyst	139	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33	120830.18 10069.18 4647.31 58.09	126871.69 10572.64 4879.68 61.00
7T024 Systems Analyst	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7T025 Systems Quality Assurance Specialist	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33
7T026 Web Master	135	94673.61 7889.47 3641.29 45.52	99407.29 8283.94 3823.36 47.79	104377.65 8698.14 4014.52 50.18	109596.53 9133.04 4215.25 52.69	115076.36 9589.70 4426.01 55.33

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Katie Rice and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: May 29, 2019

Re: Update on the West Oakland Community Action Plan

---

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

Assembly Bill (AB) 617 was passed in 2017, to improve local air quality and health in disproportionately impacted communities. The law requires the California Air Resources Board (CARB) work with community groups, air districts and others to select locations from around the state where communities will work with local air districts to reduce air pollution. In September 2018, CARB approved the Bay Area Air Quality Management District's (Air District) recommendation to develop and implement a Community Emission Reduction Plan (Plan) for West Oakland.

**DISCUSSION**

To develop a Plan for West Oakland, in April 2018 the Air District entered into a contract with the West Oakland Environmental Indicators Project (WOEIP) to serve as our Plan community partner. WOEIP has a long history of community planning and advocacy to reduce residents' exposure to diesel particulate matter and toxic air contaminants.

Since April 2018, WOEIP and Air District staff have worked together to engage the public in the planning process. Air District staff and WOEIP have established a community Steering Committee comprised of residents, neighborhood and business leaders, and partner agencies. The Steering Committee has met approximately monthly since July 2018, for a total of 11 meetings.

Steering Committee meetings are moderated by a neutral facilitator. These meetings seek to gather local knowledge and experience from the Steering Committee members and the public, and to share information about the Air District and other local and regional agency programs that relate to air quality and health. Steering Committee members and the public have shared their experiences living near industrial sources, heavy-duty trucking businesses, freeways, and the Port of Oakland. Air District staff and WOEIP have solicited this information through plenary and small-group discussions, mapping and world café style exercises.

At Steering Committee meetings, the Air District has provided information about the Air District's complaint process, enforcement programs, and authority as a regulatory and permitting agency for stationary sources. The City of Oakland, Port of Oakland, and Alameda County Department of Public Health all serve on the Steering Committee and have made presentations about their agencies proposed and ongoing programs that relate to air quality. These presentations were designed to give the Steering Committee information to understand the opportunities and responsibilities of many government agencies that influence community health in West Oakland.

Steering Committee meetings also have included presentations and exercises that focus on the technical work of the Air District and other partners to better understand air pollution sources and impacts in West Oakland. These presentations explained available West Oakland monitoring and modeling data. Specifically, the Air District completed and presented a modeling assessment of local pollution sources and concentrations in West Oakland. This assessment is designed to assist the Steering Committee as it considers measures to reduce emissions and exposure in their community.

The Steering Committee has identified a range of strategies to reduce emissions and exposure in West Oakland. These strategies include actions by the Air District as well as recommended actions by CARB, the City of Oakland, the Port of Oakland and others.

The Steering Committee's work will result in the five-year West Oakland Community Action Plan, which will guide efforts to reduce emissions and exposure in West Oakland. Air District staff anticipates releasing a draft Plan in July 2019 and taking a final Plan to the Air District Board of Directors for consideration in October 2019. The CARB Board of Directors will consider adopting the Plan in December 2019. Once the Plan is adopted by the Air District Board of Directors, Air District staff will begin working with the Steering Committee, WOEIP, and other partners to implement the Plan.

Simultaneous with the development of the West Oakland Community Action Plan, the Port of Oakland has been developing their Seaport Air Quality 2020 and Beyond Plan. The plan was considered by the Port of Oakland's governing board on May 23, 2019. Staff will also provide any update on the Port's clean air plan and how it relates to the West Oakland Community Action Plan.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Resources to prepare the West Oakland Community Action Plan are included in the Fiscal Year Ending (FYE) 2019 and proposed FYE 2020 budgets. Ongoing implementation of the Plan will require additional resources from the Air District, the state, and others.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Greg Nudd