



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

**BOARD OF DIRECTORS  
MEETING  
June 1, 2022**

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

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

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

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

**<https://bayareametro.zoom.us/j/81508940233>**

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

**WEBINAR ID: 815 0894 0233**

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

# BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, JUNE 1, 2022

9:00 AM

Chairperson, John Bauters

1. **Call to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Public Meeting Procedure**

*The Board Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Board members.*

*This meeting will be webcast. To see the webcast, please visit [www.baaqmd.gov/bodagendas](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 on Agenda Items:** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Board. No speaker who has already spoken on that item will be entitled to speak to that item again.*

## **CONSENT CALENDAR (Items 4 - 14)**

4. Approval of the Minutes of May 18, 2022

*The Board of Directors will consider approving the draft minutes of the Board of Directors meeting of May 18, 2022.*

5. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

*The Board of Directors will consider approving a resolution reauthorizing Air District Board and Committee meetings remote teleconferencing through July 1, 2022.*

6. Board Communications Received from May 18, 2022 through May 31, 2022

*A copy of communications directed to the Board of Directors received by the Air District from May 18, 2022 through May 31, 2022 if any, will be distributed to the Board Members by way of email.*

7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of April 2022

*In accordance with Resolution No. 2012-08 the Board of Directors will receive a list of all Notices of Violations issued, and all settlements for amounts in excess of \$10,000 during the month of April 2022.*

8. Authorization to Amend Contract with Innoppl, Inc.

*The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a contract amendment with Innoppl, Inc. to provide mobile application services in an amount not to exceed \$189,000.*

9. Authorization to Amend Contract with Valley Verde

*The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a contract amendment with James Cary Smith Community Grant recipient Valley Verde to increase their current contract from \$65,000 to \$65,500, to provide the grantee with the intended award amount.*

10. Authorization to Execute Contract with Critical Impact Consulting

*The Board of Directors will consider authorizing the Interim Executive Officer/APCO to execute a Professional Services Contract with Critical Impact Consulting in an Amount Not to Exceed \$250,000 to enhance environmental justice outreach and goals, and to administer, coordinate, and facilitate Spare the Air Resource Teams.*

11. Quarterly Report of the Executive Office and Division Activities for the Months of January 2022 - March 2022

*This is an informational item only.*

12. Report of the Technology Implementation Office Steering Committee Meeting of May 13, 2022

*The Board of Directors will receive a report of the Technology Implementation Office Steering Committee Meeting of May 13, 2022.*

13. Report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of May 16, 2022.

*The Board of Directors will receive a report of the Richmond Area Community Emissions Reduction Plan Steering Committee Meeting of May 16, 2022.*

14. Report of the Mobile Source & Climate Impacts Committee Meeting of May 26, 2022

*The Board of Directors will receive a report of the Mobile Source & Climate Impacts Committee meeting of May 26, 2022, and will consider approval of the following action items recommended by that Committee:*

- A) Approve the *Charge!* Program rank list and recommended projects with proposed grants awards; and authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects; and
- B) Approve recommended projects with proposed grant awards over \$500,000; and authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects; and
- C) Approve the allocation of up to an additional \$5.8 million in incentive revenue from Mobile Source Incentive Fund and/or Transportation Fund for Clean Air monies to cover the cost of increased program participation; and authorize the Interim Executive Officer/Air Pollution Control Officer to execute amendments that increase the contract amounts in Fiscal Year Ending 2023 and 2024:
  - a. With vehicle dismantlers Environmental Engineering Services and Pick-n-Pull by an additional \$5 million annually; and
  - b. With Direct Mail Services by an additional \$800,000 annually.

**PRESENTATION(S)**

15. Aclima Block-by-Block Air Quality Results

*Air District staff will be presenting the release of the results from the Aclima project to map air pollutants on all the publicly-accessible streets in the Bay Area. Aclima and West Oakland Environmental Indicators Project, who were partners on this project, will also present.*

**OTHER BUSINESS**

16. Public Comment on Non-Agenda Matters

*Pursuant to Government Code Section 54954.3*

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

17. Board Member Comments

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

18. Report of the Interim Executive Officer/APCO

19. Chairperson's Report

20. Time and Place of Next Meeting

*Wednesday, June 15, 2022, at 9:00 a.m., in person or via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).*

**CLOSED SESSION**

21. **EXISTING LITIGATION (Government Code Section 54956.9(a))**

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

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

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

**OPEN SESSION**

22. 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)

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

The Bay Area Air Quality Management District (Air District) does not discriminate on the basis of race, national origin, ethnic group identification, ancestry, religion, age, sex, sexual orientation, gender identity, gender expression, color, genetic information, medical condition, or mental or physical disability, or any other attribute or belief protected by law.

It is the Air District's policy to provide fair and equal access to the benefits of a program or activity administered by Air District. The Air District will not tolerate discrimination against any person(s) seeking to participate in, or receive the benefits of, any program or activity offered or conducted by the Air District. Members of the public who believe they or others were unlawfully denied full and equal access to an Air District program or activity may file a discrimination complaint under this policy. This non-discrimination policy also applies to other people or entities affiliated with Air District, including contractors or grantees that the Air District utilizes to provide benefits and services to members of the public.

Auxiliary aids and services including, for example, qualified interpreters and/or listening devices, to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the benefits, activities, programs, and services will be provided by the Air District in a timely manner and in such a way as to protect the privacy and independence of the individual. Please contact the Non-Discrimination Coordinator identified below at least three days in advance of a meeting so that arrangements can be made accordingly.

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at [www.baaqmd.gov/accessibility](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, Suma Peesapati, at (415) 749-4967 or by email at [speesapati@baaqmd.gov](mailto:speesapati@baaqmd.gov).

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

### MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

#### JUNE 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	1	9:00 a.m.	1 <sup>st</sup> Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361
Board of Directors Community Equity, Health and Justice Committee	Thursday	2	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Advisory Council Meeting - CANCELLED	Monday	13	8:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Legislative Committee	Monday	13	1:00 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee	Monday	13	2:30 p.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Meeting	Wednesday	15	9:00 a.m.	1 <sup>st</sup> Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361
Board of Directors Administration Committee	Wednesday	15	11:00 a.m.	1 <sup>st</sup> Floor, Board Room (In person option available) <u>and REMOTE</u> pursuant to Assembly Bill 361
Board of Directors Stationary Source and Climate Impacts Committee – CANCELLED & RESCHEDULED TO MONDAY, JUNE 13, 2022 AT 2:30 P.M.	Monday	20	9:00 a.m.	Webcast only pursuant to Assembly Bill 361

## JUNE 2022

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Budget and Finance Committee	Wednesday	22	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Board of Directors Mobile Source and Climate Impacts Committee - CANCELLED	Thursday	23	9:30 a.m.	Webcast only pursuant to Assembly Bill 361
Path to Clean Air Community Emissions Reduction Plan Steering Committee	Monday	27	5:30 p.m.	Webcast only pursuant to Assembly Bill 361
Community Advisory Council Meeting	Thursday	30	6:00 p.m.	Webcast only pursuant to Assembly Bill 361

JB 5/26/2022 – 4:28 P.M.

G/Board/Executive Office/Moncal

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Approval of the Minutes of May 18, 2022

RECOMMENDED ACTION

Approve the attached draft minutes of the Board of Directors meeting of May 18, 2022.

BACKGROUND

None.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Meeting of May 18, 2022.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of May 18, 2022

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

Board of Directors Regular Meeting  
Wednesday, May 18, 2022

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

**This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021),  
allowing remote meetings.**

## **CALL TO ORDER**

1. **Opening Comments:** Board of Directors (Board) Chairperson, John Bauters, called the meeting to order at 9:01 a.m.

*Note: Effective May 12, 2022, Karen Mitchoff stepped down as Chairperson of the Board, resuming her position as a regular Board member. This action automatically promoted John Bauters, then Vice Chairperson, to the position of Chairperson, and Davina Hurt, then Secretary, to that of Vice Chairperson, for the remainder of the Calendar Year (per § 2.3 of the Air District's Administration Code.)*

### **Roll Call:**

Present: Chairperson John Bauters; Vice Chairperson Davina Hurt; Secretary Teresa Barrett; and Directors Margaret Abe-Koga, Pauline Russo Cutter, John Gioia, Carole Groom, Erin Hannigan, David Haubert, Lynda Hopkins, David Hudson, Tyrone Jue, Otto Lee, Sergio Lopez, Nate Miley, Karen Mitchoff, Rob Rennie, Katie Rice, Mark Ross, Brad Wagenknecht, Shamann Walton, and Steve Young.

Absent: Directors David Canepa and Myrna Melgar.

2. **PUBLIC MEETING PROCEDURE**

3. **PLEDGE OF ALLEGIANCE**

## **CONSENT CALENDAR (ITEMS 4 – 13)**

4. Approval of the Minutes of May 4, 2022
5. Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

6. Board Communications Received from May 5, 2022 through May 17, 2022
7. Air District Personnel on Out of State Business Travel for the Month Ending April 2022
8. Authorization to Execute Contract Amendment for Environmental Audit, Inc.
9. Authorization to Execute Contract Amendment for BioWatch Maintenance and Operations
10. Authorization to Execute Contract Amendment for Mortarotti-Ramirez Productions
11. Authorization to Execute Contract Amendment for Cylogy, Inc.
12. Report of the Community Equity, Health and Justice Committee Meeting of May 5, 2022
13. Report of the Legislative Committee Meeting of May 9, 2022

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Groom made a motion, seconded by Director Cutter, to **approve** Consent Calendar Items 4 through 13, inclusive; and the motion **carried** by the following vote of the Board:

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

**DISCUSSION**

14. **APPOINTMENT OF NEW BOARD SECRETARY FOR REMAINDER OF 2022 TERM**

Chair Bauters reported on the discussion and subsequent recommendation of the Nominating Committee that held its meeting prior to the Board meeting (both on May 18, 2022).

Public Comments

No requests received.

Board Comments

After receiving the Report of the Nominating Committee Meeting of May 18, 2022, the Board and staff discussed whether the recent change in Board officers will remain from May 18, 2022 until the end of Calendar Year 2023, through automatic succession; and the importance of intentionally and fairly rotating Board members who are county supervisors and city councilmembers in the role of Board Chairperson.

Board Action

Director Haubert made a motion, seconded by Director Hannigan, to **approve** the appointment of Teresa Barrett as Board Secretary for the remainder of the 2022 Term, effective May 18, 2022; and the motion **carried** by the following vote of the Board:

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

**CLOSED SESSION** (9:13 a.m.)

15. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (GOVERNMENT CODE § 54956.9)**

*The Athletics Investment Group, LLC v. Bay Area Air Quality Management District, Alameda County Superior Ct. No. 22CV010930*

**Reportable Action:** Chair Bauters had nothing to report.

16. **PUBLIC EMPLOYEE APPOINTMENT AND EMPLOYMENT**

*Pursuant to Government Code Section 54957(b)*

*Title: Interim Executive Officer/Air Pollution Control Officer (APCO)*

**Reportable Action:** Chair Bauters had nothing to report.

**OPEN SESSION** (9:53 a.m.)

17. **CONSIDER APPROVING THE DISTRICT COUNSEL’S EMPLOYMENT AGREEMENT**

Chair Bauters asked for a motion to approve a proposed contract with Alexander Crockett (currently in the role of Interim Executive Officer/APCO) as District Counsel, which would take effect on May 23, 2022.

Public Comments

No requests received.

Board Comments

None.

Board Action

Director Cutter made a motion, seconded by Director Gioia, to **approve** a proposed contract with Alexander Crockett as District Counsel for a three-year term with an annual salary of \$291,750 and regular Air District non-represented Executive Staff employee benefits, and **authorize** the Chair to execute the agreement; and the motion **carried** by the following vote of the Board:

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

18. **CONSIDER APPROVING THE INTERIM EXECUTIVE OFFICER’S EMPLOYMENT AGREEMENT**

Chair Bauters asked for a motion to approve the proposed Interim Executive Officer’s Employment Agreement of Sharon Landers, which would take effect on May 23, 2022.

Public Comments

No requests received.

Board Comments

None.

Board Action

Motion that the board approves the contract to **appoint** Sharon Landers to the position of Interim Executive Officer for a nine-month term with a monthly salary of \$27,000 and regular District non-represented executive staff employee benefits and **authorize** the Chair to execute the agreement; and the motion **carried** by the following vote of the Board:

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

19. **PUBLIC COMMENT ON NON-AGENDA MATTERS**

Public comments were given by Bob Brown, Western States Petroleum Association; Gary Hughes, biofuelwatch; and LaDonna Williams, All Positives Possible.

20. **BOARD MEMBER COMMENTS**

Director Mitchoff thanked the Board members who have reached out to her after stepping down from her position as Chairperson. She and Directors Groom and Lopez thanked Chair Bauters and Vice Chair Hurt for accepting their new Board Officer positions, as a result.

Chair Bauters thanked Director Mitchoff for her five-month service as Chairperson. He also acknowledged the month of May as National Bike Month and encouraged others to ride bicycles instead of gas-powered vehicles.

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

Mr. Crockett thanked Director Mitchoff for supporting and assisting him as he began his role as Interim Executive Officer/APCO. He also asked Dr. Ranyee Chiang, Director of Meteorology and Measurement, to provide a summary on recent air quality.

22. **CHAIRPERSON'S REPORT**

Chair Bauters announced the following:

- On May 5, 2022, the Contra Costa Mayors Conference reappointed David Hudson to a new 2-year term on the Air District's Board, expiring June 15, 2024.
- The May 25, 2022 Budget & Finance Committee meeting has been cancelled.

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

Wednesday, June 1, 2022, at 9:00 a.m., in person or via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021).

24. **ADJOURNMENT**

The meeting adjourned at 10:14 a.m.

Marcy Hiratzka  
Clerk of the Boards

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Remote Teleconferencing per Assembly Bill (AB) 361 (Rivas)

RECOMMENDED ACTION

The Board of Directors will consider approving a resolution reauthorizing Air District Board and Committee meetings remote teleconferencing through July 1, 2022.

BACKGROUND

AB 361 (R. Rivas 2021) (Open meetings: state and local agencies: teleconferences) allows a local agency to use teleconferencing until January 1, 2024, without complying with certain teleconferencing requirements imposed by the Ralph M. Brown Act, when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided. The law requires a resolution every 30 days to provide this flexibility.

DISCUSSION

When the COVID-19 pandemic started, local agency boards struggled to conduct their meetings in compliance with the Brown Act's public accessibility requirements while still abiding by stay-at-home orders. As a result, Governor Newsom signed several executive orders to grant local agencies the flexibility to meet remotely during the COVID-19 pandemic. The Governor's executive orders allowed public agencies to meet remotely and did not require physical public access to those meeting locations. Those executive orders expired on September 30, 2021. The State of Emergency Declaration of March 4, 2020, continues to remain in effect.

AB 361 provides additional flexibility for local agencies looking to meet remotely during a proclaimed state of emergency, however, the legislative body is required to consider and vote on this flexibility on a monthly basis. Excerpts of the bill amending Section 54953 of the

Government Code provide the following guidance:

*(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:*

*(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.*

*(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*

*(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.*

The following guidance on exercising this flexibility is also contained in the amended Section 54953(e) of the Government Code:

*(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:*

*(A) The legislative body has reconsidered the circumstances of the state of emergency.*

*(B) Any of the following circumstances exist:*

*(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.*

*(ii) State or local officials continue to impose or recommend measures to promote social distancing.*

*(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).*

*(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.*

#### BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

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

ATTACHMENTS:

1. Draft AB 361 Subsequent Resolution

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**RESOLUTION NO. 2022-XX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 20, 2020, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR THE PERIOD JUNE 1 TO JULY 1, 2022 PURSUANT TO BROWN ACT PROVISIONS.**

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

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

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted Resolutions on October 6, 2021 and thereafter, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the COVID-19 state of emergency remains active and Governor Newsom's Covid-19 Emergency Proclamation of March 4, 2020 remains in effect to prevent, mitigate, and respond to the spread of COVID-19; and

WHEREAS, social distancing has been ordered and strongly recommended by state and local public health authorities due to the imminent health and safety risks of in person contacts and meetings during the COVID-19 emergency; and

WHEREAS, the Board of Directors does hereby find that the COVID-19 public health emergency, and its imminent health risks to attendees of public meetings have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

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

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

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency related to Covid 19 in the District, proclaims that a local emergency persists throughout the Bay Area Air Quality Management District due to COVID-19, observes that social distancing has been ordered and strongly recommended by the public health authorities, and finds that in person meetings present imminent health risks during the COVID-19 pandemic.

Section 3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The staff and legislative bodies of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) July 1, 2022 or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

The foregoing resolution was duly 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 1<sup>st</sup> day of JUNE 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
John Bauters  
Chair of the Board of Directors

\_\_\_\_\_  
Teresa Barrett  
Secretary of the Board of Directors

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Board Communications Received from May 18, 2022 through May 31, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from May 18, 2022 through May 31, 2022, if any, will be distributed to the Board Members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of  
April 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

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

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Adan Schwartz

ATTACHMENTS:

1. Notices of Violations for the Month April 2022

**NOTICES OF VIOLATIONS ISSUED**

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

<b>Alameda</b>						
<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>NOV #</b>	<b>Issuance Date</b>	<b>Regulation</b>	<b>Comment</b>
Ajinomoto Foods North America, Inc.	B6663	Hayward	A56700A	4/29/2022	2-1-302	Expired Permit to Operate
Cargill Salt	A0094	Newark	A61603A	4/12/2022	2-1-301	No Authority to Construct and No Permit to Operate
Cargill Salt	A0094	Newark	A61603B	4/12/2022	2-1-302	No Authority to Construct and No Permit to Operate
Healthy Coffee Lifestyles Inc.	A9452	Livermore	A60885A	4/27/2022	2-1-302	Expired Permit to Operate
Ken Betts Chevron	FA655	Oakland	A61416A	4/27/2022	8-7-301.1	Gas Dispensing Facility Violation
Ken Betts Chevron	FA655	Oakland	A61416B	4/27/2022	8-7-302.1	Gas Dispensing Facility Violation
SF Fuels, Inc.	FA627	Oakland	A61413A	4/13/2022	8-7-308	Gas Dispensing Facility Violation
State of California Department of Transportation	B4196	San Leandro	A61708A	4/18/2022	2-1-307	Permit Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61155A	4/25/2022	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61156A	4/25/2022	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61157A	4/28/2022	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61158A	4/28/2022	2-6-307	Title V Requirement/Condition Violation
Tesla, Inc.	A1438	Fremont	A61159A	4/28/2022	2-6-307	Title V

						Requirement/Condition Violation
Tony Star Gas	Z6202	Oakland	A61414A	4/19/2022	2-1-307	Permit Requirement/Condition Violation
Vulcan Materials, Western Division	A0705	Pleasanton	A60879A	4/11/2022	2-1-307	Permit Requirement/Condition Violation

<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>Comment</b>
Chevron Products Company	A0010	Richmond	A60644A	4/19/2022	8-5-320.5.2	Storage Tank Violation
Chevron Products Company	A0010	Richmond	A60645A	4/19/2022	8-5-320.5.2	Storage Tank Violation
Circle "A" Foodmart GDF	FA637	Brentwood	A60745A	4/5/2022	8-7-301.5	Gas Dispensing Facility Violation
Concord Smog & Gas	V4831	Concord	A60743A	4/5/2022	2-1-302	Expired Permit to Operate
Concord Smog & Gas	V4831	Concord	A60744A	4/5/2022	2-1-307	Permit Requirement/Condition Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60880A	4/12/2022	2-6-307	Title V Requirement/Condition Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60881A	4/12/2022	2-6-307	Title V Requirement/Condition Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60882A	4/12/2022	1-522.6	Continuous Emissions Monitor Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60883A	4/12/2022	1-522	Continuous Emissions Monitor Violation

Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60884A	4/12/2022	8-18-302	Equipment Leak Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60884B	4/12/2022	8-18-304	Equipment Leak Violation
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A61279A	4/26/2022	2-6-307	Title V Requirement/Condition Violation
Gold Bond Building Products, LLC	A0706	Richmond	A58801A	4/26/2022	6-1-301	Visible Emissions Violation
HASA, Inc.	B0913	Pittsburg	A61278A	4/25/2022	2-1-307	Permit Requirement/Condition Violation
Martinez Refining Company LLC	A0011	Martinez	A60422A	4/4/2022	CCR	CA Code of Regulation Violation
Martinez Refining Company LLC	A0011	Martinez	A60424A	4/21/2022	6-1-302	Visible Emissions Violation
Martinez Refining Company LLC	A0011	Martinez	A60424B	4/21/2022	10	Federal Requirement Violation
Martinez Refining Company LLC	A0011	Martinez	A60424C	4/21/2022	CFR	Code of Federal Regulation Violation
Martinez Refining Company LLC	A0011	Martinez	A60425A	4/21/2022	6-1-302	Visible Emissions Violation
Martinez Refining Company LLC	A0011	Martinez	A60425B	4/21/2022	10	Code of Federal Regulation Violation
Martinez Refining Company LLC	A0011	Martinez	A60426A	4/21/2022	6-1-302	Visible Emissions Violation

Martinez Refining Company LLC	A0011	Martinez	A60426B	4/21/2022	10	Federal Requirement Violation
Martinez Refining Company LLC	A0011	Martinez	A60426C	4/21/2022	CFR	Code of Federal Regulation Violation
Martinez Refining Company LLC	A0011	Martinez	A60427A	4/26/2022	6-1-302	Visible Emissions Violation
Martinez Refining Company LLC	A0011	Martinez	A61978A	4/26/2022	6-1-302	Visible Emissions Violation
Martinez Refining Company LLC	A0011	Martinez	A61978B	4/26/2022	10	Code of Federal Regulation Violation
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61096A	4/4/2022	2-1-301	No Authority to Construct and No Permit to Operate
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61096B	4/4/2022	2-1-302	No Authority to Construct and No Permit to Operate
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61097A	4/20/2022	9-1-307	SO2 Emissions Violation
San Ramon Valley Fire District - Admin Bldg.	B4021	San Ramon	A61710A	4/20/2022	2-1-307	Permit Requirement/Condition Violation
San Ramon Valley Fire District - Admin Bldg.	B4021	San Ramon	A61711A	4/20/2022	2-1-307	Permit Requirement/Condition Violation
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61011A	4/12/2022	8-5-320.3	Storage Tank Violation
Tesoro Refining &	B2758	Martinez	A61012A	4/12/2022	CCR	CA Code Regulation Violation

Marketing Company, LLC						
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61013A	4/12/2022	8-18-503.1	Equipment Leak Violation
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61014A	4/20/2022	8-33-309	Gasoline Bulk Terminal Violation
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A61015A	4/20/2022	8-33-309	Gasoline Bulk Terminal Violation
West Contra Costa County Landfill	A1840	Richmond	A58648A	4/19/2022	8-34-301.1	Landfill Violation

<b>Marin</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Danny Rogue	FA600	Corte Madera	A61390A	4/4/2022	2-1-307	Permit Requirement/Condition Violation
Novato Sanitary District	A1275	Novato	A61553A	4/27/2022	2-1-307	Permit Requirement/Condition Violation

<b>Napa</b>						
Site Name	Site #	City	NOV #	Issuance	Regulation	Comment

				<b>Date</b>		
Queen of the Valley Medical Center	A1082	Napa	A59919A	4/27/2022	2-1-302	Expired Permit to Operate
Queen of the Valley Medical Center	A1082	Napa	A59919B	4/27/2022	2-1-307	Permit Requirement/Condition Violation

<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>Comment</b>
Browning-Ferris Industries of CA Inc.	A2266	Half Moon Bay	A59722A	4/28/2022	2-1-301	No Authority to Construct and No Permit to Operate
Browning-Ferris Industries of CA Inc.	A2266	Half Moon Bay	A59722B	4/28/2022	2-1-302	No Authority to Construct and No Permit to Operate
Freemodel Inc.	FA656	Burlingame	A60137A	4/29/2022	11-2-401.3	Asbestos Violation
Freemodel Inc.	FA657	Burlingame	A60138A	4/29/2022	11-2-303	Asbestos Violation

<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>Comment</b>
Alliance Environmental Group	Y8752	San Jose	A61656A	4/19/2022	11-2-401.3	Asbestos Violation
Alzeta Corporation	E4717	San Jose	A59756A	4/14/2022	2-1-307	Permit Requirement/Condition Violation
Alzeta Corporation	E4717	San Jose	A59756B	4/14/2022	1-523	Parametric Monitor Violation
Bay West Development	FA643	Campbell	A61578A	4/29/2022	10	Naturally Occurring Asbestos Violation
Intel	A0633	Santa Clara	A61655A	4/15/2022	11-2-401.5	Asbestos Violation

Corporation						
Mathilda Shell	FA620	Sunnyvale	A61682A	4/19/2022	8-7-308	Gas Dispensing Facility Violation

<b>Solano</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Valero Refining Company - California	B2626	Benicia	A59516A	4/26/2022	9-1-307	SO2 Emissions Violation

<b>Sonoma</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Herc Rentals	Z6009	Rohnert Park	A61392A	4/28/2022	8-7-301	Gas Dispensing Facility Violation
Keith & Don's Flying A Gas	Y7760	Santa Rosa	A60245A	4/29/2022	8-7-301.5	Gas Dispensing Facility Violation
Keith & Don's Flying A Gas	Y7760	Santa Rosa	A60245B	4/29/2022	8-7-301.6	Gas Dispensing Facility Violation
Salkhi Petroleum Inc.	Z8547	Santa Rosa	A61415A	4/26/2022	8-7-301	Gas Dispensing Facility Violation
Salkhi Petroleum Inc.	Z8547	Santa Rosa	A61415B	4/26/2022	8-7-302	Gas Dispensing Facility Violation

<b>District Wide</b>						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Quality Builders	FA616	San Ysidro	A61654A	4/12/2022	11-2-401.3	Asbestos Violation
Southern Counties Oil Co.	Z8980	Orange	A61712A	4/25/2022	2-1-307	Permit Requirement/Condition Violation
Southern Counties Oil	Z8980	Orange	A61712B	4/25/2022	8-7-302	Gas Dispensing Facility Violation

Co.						
United Rentals Inc.	Z4254	Denver	A61707A	4/7/2022	8-7-301.5	Gas Dispensing Facility Violation

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

There were 1 settlement(s) for \$10,000 or more completed in April 2022.

- 1) On April 11, 2022, the District reached settlement with Browning-Ferris Industries of CA Inc for \$70,000, regarding the allegations contained in the following 5 Notices of Violations:

<b>NOV #</b>	<b>Issuance Date</b>	<b>Occurrence Date</b>	<b>Regulation</b>	<b>Comments from Enforcement</b>
A56515A	5/11/2017	5/11/2017	8-34-301.2	Landfill Violation
A56515B	5/11/2017	5/11/2017	8-34-303	Landfill Violation
A56515C	5/11/2017	5/11/2017	CCR	CA Code of Regulation Violation
A58220A	7/18/2019	7/18/2019	8-34-303	Landfill Violation
A58220B	7/18/2019	7/18/2019	10	CA Code of Regulation Violation
A58221A	7/18/2019	7/18/2019	8-34-301.2	Landfill Violation
A58224A	8/1/2019	4/30/2019	2-6-307	Title V Permit Requirement/Condition Violation
A58815A	9/25/2019		8-7-301.1	Gas Dispensing Facility Violation

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Authorization to Amend Contract with Innoppl, Inc.

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute a contract amendment with Innoppl, Inc. to provide mobile application services for the Spare the Air iPhone and Android app in an amount not to exceed \$189,000.

BACKGROUND

The Communications Office released a Request for Proposals (RFP) for mobile application services in 2020. Through the RFP selection process, Innoppl, Inc. was the chosen contractor and has been working to upgrade the Spare the Air app with a new design and features.

DISCUSSION

Innoppl, Inc. has been working with Air District staff to update the interface for the Spare the Air mobile application on Android and iOS platforms. The Spare the Air app update will feature a more user-friendly interface, revised alert structure to match the look and feel of the Spare the Air website and use responsive design to accommodate all devices and screen sizes.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the contract amendment is included in the 306 program budgets for Fiscal Year Ending (FYE) 2022 and FYE 2023.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Kristina Chu  
Reviewed by: Kristine Roselius

ATTACHMENTS:

1. Executed Contract Agreement - Contract No. 2020.209
2. Proposed Draft Contract Amendment No. 2 - Contract No. 2020.209

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**PROFESSIONAL SERVICES CONTRACT**

**CONTRACT NO. 2020.209**

1. **PARTIES** – The parties to this Contract (“Contract”) are the Bay Area Air Quality Management District (“DISTRICT”) whose address is 375 Beale Street, Suite 600, San Francisco, CA 94105, and **Innoppl, Inc.** (“CONTRACTOR”) whose address is 7000 Central Parkway, Suite 220, Atlanta, GA 30328.
  
2. **RECITALS**
  - A. DISTRICT is the local agency with primary responsibility for regulating stationary source air pollution in the Bay Area Air Quality Management District in the State of California. DISTRICT is authorized to enter into this Contract under California Health and Safety Code Section 40701. DISTRICT desires to contract with CONTRACTOR for services described in the Scope of Work, attached hereto as Attachment A and made a part hereof by this reference. DISTRICT is entering into this Contract based on CONTRACTOR’s stated qualifications to perform the services.
  - B. All parties to this Contract have had the opportunity to have this contract reviewed by their attorney.
  
3. **PERFORMANCE REQUIREMENTS**
  - A. CONTRACTOR is authorized to do business in the State of California. CONTRACTOR attests that it is in good tax standing with federal and state tax authorities.
  - B. CONTRACTOR agrees to obtain any and all required licenses, permits, and all other appropriate legal authorizations from all applicable federal, state and local jurisdictions and pay all applicable fees.
  - C. CONTRACTOR shall comply with all laws and regulations that apply to its performance under this Contract, including any requirements to disclose potential conflicts of interest under DISTRICT’s Conflict of Interest Code.
  - D. CONTRACTOR shall not engage in any performance of work during the term of this contract that is in direct or indirect conflict with duties and responsibilities set forth in the Scope of Work.
  - E. CONTRACTOR shall exercise the degree of skill and care customarily required by accepted professional practices and procedures.
  - F. CONTRACTOR shall ensure that any subcontractors, employees and agents performing under this Contract comply with the performance standards set forth in paragraph D above.
  
4. **TERM** – The term of this Contract is from the date of execution of the Contract to August 31, 2021, unless further extended by amendment of this Contract in writing, or terminated earlier. CONTRACTOR shall not submit any invoice for services performed under this Contract until the Contract is fully executed.
  
5. **TERMINATION**

- A. The DISTRICT may terminate this Contract at any time, at will, and without specifying any reason, by notifying CONTRACTOR in writing. The notice of termination shall specify the effective date of termination, which shall be no less than thirty (30) calendar days from the date of delivery of the notice of termination, and shall be delivered in accordance with the provisions of section 10 below. Immediately upon receipt of the notice of termination, CONTRACTOR shall cease all work under this Contract, except such work as is specified in the notice of termination. CONTRACTOR shall deliver a final invoice for all remaining work performed but not billed, including any work specified in the termination notice, on or before ten (10) business days following the termination date.
- B. Either party may terminate this Contract for breach by the other party.
  - i) Failure to perform any agreement or obligation contained in this Contract or failure to perform the services in a satisfactory manner shall constitute a breach of the Contract.
  - ii) The non-breaching party may terminate the Contract by delivery of a written notice of breach. The notice of breach shall specify the date of termination, which shall be no earlier than ten (10) business days from delivery of the notice of breach. In the alternative, at its sole discretion, the non-breaching party may require the breaching party to cure the breach. The notice of breach shall specify the nature of the breach and the date by which such breach must be cured.
  - iii) If CONTRACTOR fails to perform any obligation under this Contract, DISTRICT at its sole discretion, may perform, or cause the performance, of the obligation itself. In that event, DISTRICT shall deduct the costs to perform such obligation and any other costs to cure the breach from the payment otherwise due to CONTRACTOR for work performed under this Contract. DISTRICT's performance hereunder shall not be deemed a waiver or release of any obligation of, or default by, CONTRACTOR under this Contract.
  - iv) The notice of breach shall be provided in accordance with the notice requirements set forth in section 10.
  - v) The non-breaching party reserves all rights under law and equity to enforce this Contract and recover any damages.

6. INSURANCE

- A. CONTRACTOR shall maintain the following insurance:
  - i) Workers' compensation and employers' liability insurance as required by California law or other applicable statutory requirements.
  - ii) Occurrence-based commercial general liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each occurrence. Such insurance shall include DISTRICT and its officers, agents, and employees as additional insureds and shall be primary with respect to any insurance maintained by DISTRICT.
  - iii) Business automobile liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles. If CONTRACTOR is a sole proprietor, CONTRACTOR may meet this insurance requirement with personal automobile liability insurance carrying a business use endorsement or by demonstrating to the satisfaction of DISTRICT that business use is covered under the CONTRACTOR's personal automobile liability insurance. A CONTRACTOR using only rental vehicles in performing work under this Contract may meet this insurance requirement by purchasing automobile liability insurance in the required coverage amount from the rental

agency.

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

7. INDEMNIFICATION

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

8. PAYMENT

- A. DISTRICT shall pay CONTRACTOR for services in accordance with the terms set forth in the Cost Schedule, which is attached hereto as Attachment B and incorporated herein by this reference.
- B. CONTRACTOR shall submit invoice(s) to DISTRICT for services performed. Each invoice shall specify the total cost of the services for which the invoice is submitted, shall reference tasks shown in the Scope of Work, the hours associated with same, or percentage completion thereof, and the amount of charge claimed, and, as appropriate, shall list any charges for equipment, material, supplies, travel, and subcontractors' services.
- C. DISTRICT's payment of invoices shall be subject to the following limitations and requirements:
  - i) Each invoice, including supporting documentation, shall be prepared in duplicate on CONTRACTOR's letterhead; shall list DISTRICT's contract number, the period covered by the invoice, and the CONTRACTOR's Social Security Number or Federal Employer Identification Number; and shall be submitted to: Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA 94105, Attn: Contracts Manager.
  - ii) DISTRICT shall not pay interest, fees, handling charges, or the cost of money on the Contract.
  - iii) DISTRICT shall pay CONTRACTOR within thirty (30) calendar days after approval by

DISTRICT of an itemized invoice.

D. The total amount for which DISTRICT may be held liable for the performance of services specified in this Contract shall not exceed \$77,000.

- 9. DISPUTE RESOLUTION – A party that disputes a notice of breach must first seek mediation to resolve the dispute in accordance with the provisions set forth below.
  - A. Upon receipt of a notice of breach of contract, the party may submit a demand for mediation to resolve whether or not a breach occurred. The party must state the basis of the dispute and deliver the demand within ten (10) business days of the date of receipt of the notice of breach.
  - B. The mediation shall take place at DISTRICT’s office at 375 Beale Street, Suite 600, San Francisco, or at such other place as may be mutually agreed upon by the parties and the mediator.
  - C. The parties shall make good faith efforts to hold the mediation within thirty (30) days after receipt of the demand for mediation.
  - D. Each party shall bear its own mediation costs.
  - E. In the event the parties are unable to resolve the dispute, either party may file an action in a court of competent jurisdiction to enforce the Contract.
  - F. Maximum recovery under this section shall be limited to \$77,000. The mediation costs shall not reduce the maximum amount recoverable under this section.

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

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

CONTRACTOR: Innoppl, Inc.  
 7000 Central Parkway, Suite 220  
 Atlanta, GA 30328  
 Attn: Saravanan Shanmugam

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

12. EMPLOYEES OF CONTRACTOR

- A. CONTRACTOR shall be responsible for the cost of regular pay to its employees, as well as cost of vacation, vacation replacements, sick leave, severance pay, and pay for legal holidays.
- B. CONTRACTOR, its officers, employees, agents, or representatives shall not be considered employees or agents of DISTRICT, nor shall CONTRACTOR, its officers, employees, agents, or representatives be entitled to or eligible to participate in any benefits, privileges, or plans, given or extended by DISTRICT to its employees.
- C. DISTRICT reserves the right to review the credentials to perform the work of any of CONTRACTOR's employees assigned herein and to disapprove CONTRACTOR's assignments. CONTRACTOR warrants that it will not employ any subcontractor(s) without prior written approval from DISTRICT.

13. CONFIDENTIALITY – In order to carry out the purposes of this Contract, CONTRACTOR may require access to certain of DISTRICT's confidential information (including trade secrets, inventions, confidential know-how, confidential business information, and other information that DISTRICT considers confidential) (collectively, "Confidential Information"). It is expressly understood and agreed that DISTRICT may designate in a conspicuous manner Confidential Information that CONTRACTOR obtains from DISTRICT, and CONTRACTOR agrees to:

- A. Observe complete confidentiality with respect to such information, including without limitation, agreeing not to disclose or otherwise permit access to such information by any other person or entity in any manner whatsoever, except that such disclosure or access shall be permitted to employees of CONTRACTOR requiring access in fulfillment of the services provided under this Contract.
- B. Ensure that CONTRACTOR's officers, employees, agents, representatives, and independent contractors are informed of the confidential nature of such information and to assure by agreement or otherwise that they are prohibited from copying or revealing, for any purpose whatsoever, the contents of such information or any part thereof, or from taking any action otherwise prohibited under this section.
- C. Not use such information or any part thereof in the performance of services to others or for the benefit of others in any form whatsoever whether gratuitously or for valuable consideration, except as permitted under this Contract.
- D. Notify DISTRICT promptly and in writing of the circumstances surrounding any possession, use, or knowledge of such information or any part thereof by any person or entity other than those authorized by this section. Take at CONTRACTOR's expense, but at DISTRICT's option and in any event under DISTRICT's control, any legal action necessary to prevent unauthorized use of such information by any third party or entity which has gained access to such information at least in part due to the fault of CONTRACTOR.
- E. Take any and all other actions necessary or desirable to assure such continued confidentiality and protection of such information during the term of this Contract and following expiration or termination of the Contract.
- F. Prevent access to such materials by a person or entity not authorized under this Contract.
- G. Establish specific procedures in order to fulfill the obligations of this section.

14. INTELLECTUAL PROPERTY RIGHTS – Title and full ownership rights to all intellectual property developed under this Contract shall at all times remain with DISTRICT, unless otherwise agreed to in writing.



contained in or granted by the provisions of this Contract shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a party to enforce performance by the other party of any term, covenant, or condition of this Contract, and the failure of a party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.

20. ATTORNEYS' FEES – In the event any action is filed in connection with the enforcement or interpretation of this Contract, each party shall bear its own attorneys' fees and costs.
21. FORCE MAJEURE – Neither DISTRICT nor CONTRACTOR shall be liable for or deemed to be in default for any delay or failure in performance under this Contract or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the services, or other causes, except financial, that are beyond the reasonable control of DISTRICT or CONTRACTOR, for a period of time equal to the period of such force majeure event, provided that the party failing to perform notifies the other party within fifteen calendar days of discovery of the force majeure event, and provided further that that party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to party's own action or inaction, then such cause shall not excuse that party from performance under this Contract.
22. SEVERABILITY – If a court of competent jurisdiction holds any provision of this Contract to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them will not be affected.
23. HEADINGS – Headings on the sections and paragraphs of this Contract are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Contract.
24. COUNTERPARTS/FACSIMILES/SCANS – This Contract may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The parties may rely upon a facsimile copy or scanned copy of any party's signature as an original for all purposes.
25. GOVERNING LAW – Any dispute that arises under or relates to this Contract shall be governed by California law, excluding any laws that direct the application of another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Contract, including mediation, shall be San Francisco, California.
26. ENTIRE CONTRACT AND MODIFICATION – This Contract represents the final, complete, and

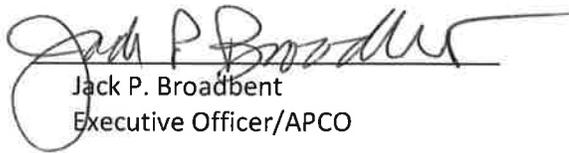
exclusive statement of the agreement between the parties related to CONTRACTOR providing services to DISTRICT and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Contract by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Contract may only be amended by mutual agreement of the parties in writing and signed by both parties.

27. SURVIVAL OF TERMS – The provisions of sections 7 (Indemnification), 13 (Confidentiality), 14 (Intellectual Property Rights), and 15 (Publication) shall survive the expiration or termination of this Contract.

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

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

INNOPPL, INC.

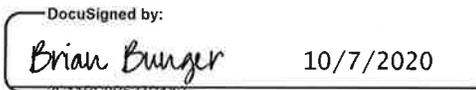
By:   
Jack P. Broadbent  
Executive Officer/APCO

By:   
Nash Ogden  
President

Date: 10/16/20

Date: 10/06/2020

Approved as to form:  
District Counsel

By:  10/7/2020  
2C11BC0B537B4A2...  
Brian C. Bunger  
District Counsel

## ATTACHMENT A

### SCOPE OF WORK

In consultation with DISTRICT, CONTRACTOR shall provide mobile application services to update and maintain the DISTRICT's Spare the Air mobile application, which will include compatibility with operating system Linux kernel and ARMv8-A architecture. CONTRACTOR will develop the software using Flutter, an open-source user interface software development kit. All final mobile application design methodology, approach, options, and air quality related features and functionalities must be approved by the DISTRICT in an email or other writing. All development activities will be carried out in development server and then moved to sandbox account testing. DISTRICT must approve in an email or other writing all changes before deployment to live environment.

#### A. Requirement Analysis

CONTRACTOR will analyze the provided requirement by DISTRICT and will deliver the following materials:

- a. Analysis of current application and definition of metrics for measuring success.
- b. Detailed information about the technology, which will be used to develop the application.
- c. Wireframes, use case diagram and architecture documentation.
- d. User stories / detailed briefs of the functionalities.

#### B. Mobile App Design & Development

CONTRACTOR will design a public-facing application that provides a creative, compelling, and engaging user experience. CONTRACTOR will present a minimum of three variations/concepts of mobile application designs to DISTRICT for consideration.

#### C. Components and Functional Requirement Details

CONTRACTOR will:

- a. Perform analysis to improve application usability/user experience which includes streamlining strategies for content delivery.
- b. Create a user-friendly user interface with rich visual alerts and indices for the Spare the Air mobile application on Android and iOS platforms following DISTRICT branding guidelines and working within the revised alert structure currently under development.
- c. Match the look and feel of the mobile application to the current Spare the Air website and use responsive design to accommodate all devices and screen sizes.
- a. Integrate application programming interfaces (APIs) and content feeds provided by DISTRICT's web team to connect with DISTRICT systems including the DISTRICT's website, Spare the Air website, DISTRICT dynamic/interactive maps, DISTRICT complaint systems, air quality data, and DISTRICT database applications. The mobile application will allow users to set specific alerts and to alert friends and family of alerts natively within the application; provide options for push notifications; be compatible with Android wear and Apple watch; and integrate analytics.
- a. Create a user profile based on zip code that offers users real time air quality data customized to fit the user's geographic location.
- b. Integrate the application with social media platforms for navigation to the Spare the Air

public pages to promote social engagement within the application (i.e., Facebook, Twitter, Instagram, Pinterest, etc.).

**D. Functional & Technical Documentation**

CONTRACTOR will prepare and provide the following documents to DISTRICT:

- a. Functional documentation / user stories that will explain the user journey in the application along with the functionalities, Business Rules and different parameters involved.
- b. Use case diagram, architecture documentation and accessibility compliance documentation.
- c. Testing documents will include creation of test plans, test scenarios & test cases.
- d. Manual testing for multiple devices and accessible design compliance.
- e. Assistance with regression testing of legacy components of the application.

**E. CONTRACTOR's Project Management**

- a. For the whole development lifecycle, CONTRACTOR will follow the sprint framework of the agile process of project management. Each sprint will include 10 working days/2 weeks. There are 2 sprints per month for each month of this Agreement until the updated app is deployed to live environment.
- b. Each sprint team will include a Scrum Master, Analyst, Development Team, Testing Team, DevOps Team, who will work together as a team to fulfil the Sprint goal defined by the Project Manager. Each team member of the sprint will be provided by CONTRACTOR.
- c. Scrum Master: The scrum master for the sprint team will act as the process owner for the sprint team. This includes communication with stakeholders, resolution of impediments, managing risk, driving relentless improvement, and strategic alignment of solutions.
- d. Analyst: The analyst will act as an umbrella in the scrum team to work with DISTRICT to understand & analyze the requirement, convert the business requirement to technical requirement for the developers & testers, prepare the wireframe, work with the designer to complete the design, and conduct all the agile ceremonies and other analysis to deliver a quality product.
- e. Development & Testing Team: The development team will develop the application as per the user stories & design provided by the analyst. The testing team will make the developed build bug free across all the available platforms.
- f. DevOps Team: This DevOps team will support all project sprint teams to manage release schedules, code migration, environment management, build automation, and overall technology integration for all sprint teams.
- g. Prior to initiating the sprint series to release, the sprint team will participate in a value stream mapping exercise that will aid in identifying the necessary backlog items.
- h. Prior to initiating the first sprint, the sprint team will work to ensure all necessary working conditions (proper environment, PC set up, space, etc.)
- i. As self-organizing teams, sprint teams will be expected to adjust their process to suit the team's needs. At a minimum, these processes will include:
  - Daily stand-ups that facilitate shared accountability and visibility into the team's work.

- Team leads will participate in a weekly Scrum of Scrums to escalate roadblocks and risks, coordinate/schedule major events, and share process changes.
  - Demos to share sprint outcomes at the completion of each sprint.
  - Sprint retrospectives at the completion of each sprint.
- j. In the duration of each sprint, teams will:
- Review backlog items and populate the backlog with newly discovered user stories and related work items.
  - Work with the Product Owner/Analyst to prioritize the work items in the backlog
  - Determine the contents of each sprint based on estimates and team velocity
  - Continuously integrate completed work items into higher environments
  - Write test cases, run them & evaluate test results.
  - Demonstrate work items after each sprint.
  - Review the work of the sprint, document lessons learned, and make any necessary process adjustments.

**F. Integration Requirements and Process**

- a. CONTRACTOR will receive read-only access to source control, documentation of naming conventions, core component documentation, and an overview of the existing systems.
- b. CONTRACTOR will collaborate on and assist with required backend support and required data integrations.

**G. Status Reporting and Project Management Requirements**

CONTRACTOR will provide the following Reporting and Project Management:

- a. As-needed check ins with DISTRICT’s Project Lead
- b. Sprint wise Status Reports including updates on the project schedule and budget
- c. Sprint wise project status meetings
- d. Sprint wise technical development meetings
- e. Other meetings and project management documentation as needed

**H. Maintenance and Ongoing Support**

CONTRACTOR shall provide maintenance and ongoing support for the application for the duration of the Contract including but not limited to as follows:

- a. Provide mobile application maintenance, updates, bug fixes, and support.
- b. Support Flutter upgrades and new programming language version.
- c. Maintain code backup. Backup of code and data will be performed on the first Friday of each month, until the end of the Contract. Location and server of the backup data will be decided after consultation with DISTRICT.
- d. Audit application performance optimization.
- e. CONTRACTOR will assign a primary Project Manager and development team to provide support to DISTRICT.
- f. CONTRACTOR will be available via telephone Monday to Friday, between 8 am and 5 pm Eastern Time, to provide support to DISTRICT. CONTRACTOR shall provide e-mail support outside the standard available hours. CONTRACTOR will respond to any reported bugs/issues/problems within one business day from the time it is reported. Resolution time will vary depending on the complexity of the reported bug/issue.

I. **Traceability Requirements of CONTRACTOR:**

- a. Project Management Tool: **JIRA**
- b. Communication Tool: **Gmail** (Internal & External), **Hangout** (Internal Team)
- c. Project Document Repository: **Google Drive**
- d. Code Repository: **Bitbucket**
- e. Meeting Tool: **Google Meet**
- f. Wire Framing Tool: **Balsamiq & Axure**
- g. Designing Tool: **Photoshop**

## **ATTACHMENT B**

### **COST SCHEDULE**

DISTRICT will pay CONTRACTOR a fixed cost of \$65,000 to update the Spare the Air mobile application. This fixed cost covers all of CONTRACTOR's time and expenses in completing the tasks in the Scope of Work.

DISTRICT will pay CONTRACTOR a monthly cost of \$1,000 per month for maintenance and on-going support. The monthly cost includes 15 hours of development and support hours. Unused hours from the previous month will be rolled over to the following month. All unused hours will expire upon termination of this Contract. Development support beyond the 15 hours will be billed at a rate of \$65 per hour.

**Total cost of Contract not to exceed \$77,000.**

**AMENDMENT NO. 2 TO**  
**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**CONTRACT NO. 2020.209**

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, May 17, 2022.

**RECITALS:**

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Innoppl, Inc.** (“CONTRACTOR”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled contract for mobile application services to update and maintain the DISTRICT’s Spare the Air mobile application (the “Contract”), which Contract was executed on behalf of CONTRACTOR on October 6, 2020, and on behalf of DISTRICT on October 16, 2020.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated June 1, 2021, for reference purposes only, to amend the term and total cost of the Contract.
3. The PARTIES seek to amend the term and total cost to the Contract due to delays in updates to the Spare the Air mobile application interface design and because the DISTRICT seeks to continue receiving services from CONTRACTOR prescribed in the Contract and CONTRACTOR desires to provide those services.
4. In accordance with Section 26 of the Contract, DISTRICT and CONTRACTOR desire to amend the above-entitled Contract as follows:

**TERMS AND CONDITIONS OF CONTRACT AMENDMENT:**

1. By this Contract Amendment, DISTRICT and CONTRACTOR amend Section 4, “Term.” The term of the Contract shall be extended so that the termination date of the Contract is now August 31, 2023.
2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph D of Section 8, “Payment,” of the Contract to replace “\$89,000” with “\$189,000.”
3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph F of Section 9, “Dispute Resolution,” of the Contract to replace “\$89,000” with “\$189,000.”
4. By this Contract Amendment, DISTRICT and CONTRACTOR replace Attachment B, Cost Schedule, with the attached “Attachment B-1, Cost Schedule” and agree that all

references in the Contract to Attachment B shall be deemed refer to Attachment B-1, Cost Schedule.

- 5. DISTRICT and CONTRACTOR agree that all other terms and conditions of the Contract shall remain in full force and effect.

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

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

INNOPPL, INC.

By: \_\_\_\_\_  
Alexander Crockett  
Interim Executive Officer/APCO

By: \_\_\_\_\_  
Nash Ogden  
President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:  
District Counsel

By: \_\_\_\_\_  
Adan Schwartz  
Acting District Counsel

## **ATTACHMENT B-1**

### **COST SCHEDULE**

DISTRICT will pay CONTRACTOR a fixed cost of \$65,000 to update the Spare the Air mobile application. This fixed cost covers all of CONTRACTOR's time and expenses in completing the tasks in the Scope of Work.

Following execution of Amendment 2, DISTRICT will pay CONTRACTOR a fixed cost of \$82,000 to continue updating the Spare the Air mobile application to provide new features, design updates, and operating system version updates. This fixed cost covers all of CONTRACTOR's time and expenses in continuing and completing the tasks in the Scope of Work.

Through August 31, 2022 DISTRICT will pay CONTRACTOR a monthly cost of \$1,000 per month for maintenance and on-going support. The monthly cost includes 15 hours of development and support hours. Unused hours from the previous month will be rolled over to the following month. All unused hours will expire upon termination of this Contract. Development support beyond the 15 hours will be billed at a rate of \$65 per hour.

From September 1, 2022 to August 31, 2023 DISTRICT will pay CONTRACTOR a monthly cost of \$1,500 per month for maintenance and on-going support. The monthly cost includes 15 hours of development and support hours. Unused hours from the previous month will be rolled over to the following month. All unused hours will expire upon termination of this Contract. Development support beyond the 15 hours will be billed at a rate of \$65 per hour.

**Total cost of Contract not to exceed \$189,000.**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Authorization to Amend Contract with Valley Verde

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Acting Executive Officer/APCO to execute a contract amendment with Valley Verde in an amount not to exceed \$65,500 to provide the grantee with the correct award amount.

BACKGROUND

On November 3, 2021, the Air District's Board of Directors approved grant awards for the Fiscal Year (FY)2021/2022 James Cary Smith Community Grant Program, and authorized the Executive Officer/APCO to execute grant agreements for the recommended projects.

Valley Verde's Community Compost Initiative, based in Santa Clara County, was one of the projects selected for grant funding. The Board of Directors authorized an award amount of \$65,000 per year, payable to Valley Verde.

DISCUSSION

Due to a clerical error, Air District staff inadvertently included an incorrect grant dollar amount in the November 3, 2021 Board materials for James Cary Smith Community Grant awards. The Community Engagement Office's intent was to award \$65,500 to grantee Valley Verde, as requested by the organization in its application to the grant program, instead of \$65,000. The error was not discovered until Spring of 2022.

The Air District seeks to honor the grantee's original request for funding through a contract amendment, so that the organization can perform its grant-funded activities to the best of its ability. This amendment, if approved, would increase the existing contract with the grantee from \$65,000 to \$65,500, an increase of \$500.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the contract amendment of \$500 is included in the Fiscal Year Ending (FYE) 2022 budget.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Elinor Mattern  
Reviewed by: Suma Peesapati

ATTACHMENTS:

- 1. Executed Contract Agreement - Contract No. 2022.030
- 2. Proposed Draft Contract Amendment No. 1 - Contract No. 2022.030

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**GRANT AGREEMENT**

**GRANT NO. 2022.030**

1. **PARTIES** - The parties to this Agreement ("Agreement") are the Bay Area Air Quality Management District ("DISTRICT") whose address is 375 Beale Street, Suite 600, San Francisco, CA 94105, and **Valley Verde** ("GRANTEE") whose address is 59 Barack Obama Blvd, San Jose, CA 95110.
2. **RECITALS**
  - A. DISTRICT is the local agency with primary responsibility for regulating stationary source air pollution in the Bay Area Air Quality Management District in the State of California. DISTRICT is authorized to enter into this Agreement under California Health and Safety Code Section 40701.
  - B. DISTRICT desires to award GRANTEE a grant for the activities described in Attachment A, Work Plan.
  - C. All parties to this Agreement have had the opportunity to have the Agreement reviewed by their attorney.
3. **TERM** - The term of this Agreement is from March 1, 2022 until March 31, 2023, unless further extended by amendment of this Agreement in writing, or terminated earlier.
4. **TERMINATION**
  - A. DISTRICT shall have the right to terminate this Agreement at its sole discretion at any time upon thirty (30) days written notice to GRANTEE. The notice of termination shall specify the effective date of termination, which shall be no less than thirty (30) calendar days from the date of delivery of the notice of termination, and shall be delivered in accordance with the provisions of section 10 below. Immediately upon receipt of the notice of termination, GRANTEE shall cease all activities under this Agreement, except such activities as are specified in the notice of termination. Within forty-five (45) days of receipt of written notice, GRANTEE is required to:
    - i) Submit a final written report describing all work performed by GRANTEE;
    - ii) Submit an accounting of all grant funds expended up to and including the date of termination; and,
    - iii) Reimburse DISTRICT for any unspent funds.
  - B. DISTRICT may terminate this Agreement and be relieved of any payments should GRANTEE fail to perform the requirements of this Agreement at the time and in the manner herein provided.
5. **NO AGENCY RELATIONSHIP CREATED / INDEPENDENT CAPACITY** - GRANTEE and the agents and employees of GRANTEE, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of DISTRICT, and nothing herein shall be construed to be inconsistent with that relationship or status. DISTRICT shall not have the right to direct or control the activities of GRANTEE in performing the services provided herein.
6. **CONTRACTORS / SUBCONTRACTORS / SUBGRANTEES**
  - A. GRANTEE will be entitled to make use of its own staff and such contractors, subcontractors, and subgrantees as are mutually acceptable to GRANTEE and DISTRICT. Any change in contractors,

subcontractors, or subgrantees must be mutually acceptable to the parties. Immediately upon termination of any such contract, subcontract, or subgrant, GRANTEE shall notify DISTRICT.

- B. Nothing contained in this Agreement or otherwise, shall create any contractual relation between DISTRICT and any contractors, subcontractors, or subgrantees of GRANTEE, and no agreement with contractors, subcontractors, or subgrantees shall relieve GRANTEE of its responsibilities and obligations hereunder. GRANTEE agrees to be as fully responsible to DISTRICT for the acts and omissions of its contractors, subcontractors, and subgrantees and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by GRANTEE. GRANTEE's obligation to pay its contractors, subcontractors, and subgrantees is an independent obligation from DISTRICT's obligation to make payments to GRANTEE. As a result, DISTRICT shall have no obligation to pay or to enforce the payment of any moneys to any contractor, subcontractor, or subgrantee.

7. INDEMNIFICATION

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

8. PAYMENT

- A. DISTRICT agrees to award GRANTEE a grant of \$65,000 for the activities described in Attachment A, Work Plan. This grant shall be payable in five (5) installments, as follows:
  - i) \$22,750 within thirty (30) days after the execution of this Agreement;
  - ii) \$13,000 within thirty (30) days after DISTRICT receipt and approval of GRANTEE's first grant report documenting GRANTEE's progress and startup costs including receipts detailing the initial \$22,750 grant fund payment used for equipment purchases, supplies, stipends, and other out-of-pocket costs;
  - iii) \$13,000 within thirty (30) days after DISTRICT receipt and approval of GRANTEE's second grant report
  - iv) \$11,250 within thirty (30) days after DISTRICT receipt and approval of GRANTEE's third grant report
  - v) \$5,000 within thirty (30) days upon final completion of all work specified in the Work Plan, including all Tasks and Deliverables, and after DISTRICT receipt and approval of GRANTEE's detailed 2022 final grant report.

- 9. AUTHORIZED REPRESENTATIVE - GRANTEE shall continuously maintain a representative vested with signature authority authorized to work with DISTRICT on all grant-related issues. GRANTEE shall, at all times, keep DISTRICT informed as to the identity of the authorized representative.

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

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

GRANTEE: Valley Verde  
59 Barack Obama Blvd  
San Jose, CA 95110  
Attn: Raul Lozano

11. ADDITIONAL PROVISIONS - All attachment(s) to this Agreement are expressly incorporated herein by this reference and made a part hereof as though fully set forth.
12. ACKNOWLEDGEMENTS - GRANTEE shall acknowledge DISTRICT support each time the activities funded, in whole or in part, by this Agreement are publicized in any news media, brochures, or other type of promotional material. The acknowledgement of DISTRICT support must state "Funded by a Grant from the Bay Area Air Quality Management District." Initials or abbreviations for DISTRICT shall not be used.
13. ADVERTISING / PUBLIC EDUCATION - The DISTRICT shall have the right to review and approve all draft public education or advertising materials prior to GRANTEE's use of such materials.
14. FINANCIAL MANAGEMENT SYSTEM
- A. GRANTEE shall be responsible for maintaining an adequate financial management system and will immediately notify DISTRICT when GRANTEE cannot comply with the requirements in this section.
  - B. GRANTEE's financial management system shall provide for:
    - i) Financial reporting: accurate, current, and complete disclosure of the financial results of each grant in conformity with generally accepted principles of accounting, and reporting in a format that is in accordance with the financial reporting requirements of the grant.
    - ii) Accounting records: records that adequately identify the source and application of funds for DISTRICT-supported activities. These records must contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays or expenditures and income.

- iii) Internal control: effective internal and accounting controls over all funds, property and other assets. GRANTEE shall adequately safeguard all such assets and assure that they are used solely for authorized purposes.
  - iv) Budget control: comparison of actual expenditures or outlays with budgeted amounts for each grant.
  - v) Allowable cost: procedures for determining reasonableness, allowability, and allocability of costs generally consistent with the provisions of federal and state requirements.
  - vi) Source documentation: accounting records that are supported by source documentation.
  - vii) Cash management: procedures to minimize the time elapsing between the advance of funds from DISTRICT and the disbursement by GRANTEE, whenever funds are advanced by DISTRICT.
- C. DISTRICT may review the adequacy of the financial management system of GRANTEE at any time subsequent to the award of the grant. If DISTRICT determines that GRANTEE's accounting system does not meet the standards described in paragraph B above, additional information to monitor the grant may be required by DISTRICT upon written notice to GRANTEE, until such time as the system meets with DISTRICT approval.
15. AUDIT / RECORDS ACCESS - GRANTEE agrees that DISTRICT shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. GRANTEE agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, or until completion of any action and resolution of all issues which may arise as a result of any litigation, dispute, or audit, whichever is later. GRANTEE agrees to allow the designated representative(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, GRANTEE agrees to include a similar right of DISTRICT to audit records and interview staff in any contract, subcontract, or subgrant related to performance of this Agreement.
16. FORFEIT OF GRANT FUNDS / REPAYMENT OF FUNDS IMPROPERLY EXPENDED - If grant funds are not expended, or have not been expended, in accordance with this Agreement, or if real or personal property acquired with grant funds is not being used, or has not been used, for grant purposes in accordance with this Agreement, DISTRICT, at its sole discretion, may take appropriate action under this Agreement, at law or in equity, including requiring GRANTEE to forfeit the unexpended portion of the grant funds and/or to repay to DISTRICT any funds improperly expended.
17. COMPLIANCE - GRANTEE shall comply fully with all applicable federal, state, and local laws, ordinances, regulations, and permits. GRANTEE shall provide evidence, upon request, that all local, state, and/or federal permits, licenses, registrations, and approvals have been secured for the purposes for which grant funds are to be expended. GRANTEE shall maintain compliance with such requirements throughout the grant period. GRANTEE shall ensure that the requirements of the California Environmental Quality Act are met for any approvals or other requirements necessary to carry out the terms of this Agreement. Any deviation from the requirements of this section shall result in non-payment of grant funds.
18. CONFIDENTIALITY – In order to carry out the purposes of this Agreement, GRANTEE may require access to certain of DISTRICT's confidential information (including trade secrets, inventions, confidential know-how, confidential business information, and other information that DISTRICT considers confidential) (collectively, "Confidential Information"). It is expressly understood and

agreed that DISTRICT may designate in a conspicuous manner Confidential Information that GRANTEE obtains from DISTRICT, and GRANTEE agrees to:

- A. Observe complete confidentiality with respect to such information, including without limitation, agreeing not to disclose or otherwise permit access to such information by any other person or entity in any manner whatsoever, except that such disclosure or access shall be permitted to employees of GRANTEE requiring access in fulfillment of the services provided under this Agreement.
- B. Ensure that GRANTEE's officers, employees, agents, representatives, subgrantees, and independent contractors are informed of the confidential nature of such information and to assure by agreement or otherwise that they are prohibited from copying or revealing, for any purpose whatsoever, the contents of such information or any part thereof, or from taking any action otherwise prohibited under this section.
- C. Not use such information or any part thereof in the performance of services to others or for the benefit of others in any form whatsoever whether gratuitously or for valuable consideration, except as permitted under this Agreement.
- D. Notify DISTRICT promptly and in writing of the circumstances surrounding any possession, use, or knowledge of such information or any part thereof by any person or entity other than those authorized by this section. Take at GRANTEE's expense, but at DISTRICT's option and in any event under DISTRICT's control, any legal action necessary to prevent unauthorized use of such information by any third party or entity which has gained access to such information at least in part due to the fault of GRANTEE.
- E. Take any and all other actions necessary or desirable to assure such continued confidentiality and protection of such information during the term of this Agreement and following expiration or termination of the Agreement.
- F. Prevent access to such materials by a person or entity not authorized under this Agreement.
- G. Establish specific procedures in order to fulfill the obligations of this section.

19. INTELLECTUAL PROPERTY RIGHTS - Title and full ownership rights to all intellectual property developed under this Agreement shall at all times remain with DISTRICT, unless otherwise agreed to in writing.

20. PUBLICATION

- A. DISTRICT shall approve in writing any report or other document prepared by GRANTEE in connection with performance under this Agreement prior to dissemination or publication of such report or document to a third party. DISTRICT may waive in writing its requirement for prior approval.
- B. Until approved by DISTRICT, any report or other document prepared by GRANTEE shall include on each page a conspicuous header, footer, or watermark stating "DRAFT – Not Reviewed or Approved by BAAQMD," unless DISTRICT has waived its requirement for prior approval pursuant to paragraph A of this section.
- C. Information, data, documents, or reports developed by GRANTEE for DISTRICT, pursuant to this Agreement, shall be part of DISTRICT's public record, unless otherwise indicated. GRANTEE may use or publish, at its own expense, such information, provided DISTRICT approves use of such information in advance. The following acknowledgment of support and disclaimer must appear in each publication of materials, whether copyrighted or not, based upon or developed under this Agreement.

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

- D. GRANTEE shall inform its officers, employees, subgrantees, and subcontractors involved in the performance of this Agreement of the restrictions contained herein and shall require compliance with the above.
21. PROPERTY AND SECURITY - Without limiting GRANTEE's obligations with regard to security, GRANTEE shall comply with all the rules and regulations established by DISTRICT for access to and activity in and around DISTRICT's premises.
22. ASSIGNMENT - No party shall assign, sell, license, or otherwise transfer any rights or obligations under this Agreement to a third party without the prior written consent of the other party, and any attempt to do so shall be void upon inception.
23. WAIVER - No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a party to enforce performance by the other party of any term, covenant, or condition of this Agreement, and the failure of a party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
24. FORCE MAJEURE - Neither DISTRICT nor GRANTEE shall be liable for or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the services, or other causes, except financial, that are beyond the reasonable control of DISTRICT or GRANTEE, for a period of time equal to the period of such force majeure event, provided that the party failing to perform notifies the other party within fifteen calendar days of discovery of the force majeure event, and provided further that that party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to party's own action or inaction, then such cause shall not excuse that party from performance under this Agreement.
25. SEVERABILITY - If a court of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them will not be affected.

26. HEADINGS - Headings on the sections and paragraphs of this Agreement are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Agreement.
27. COUNTERPARTS/FACSIMILES/SCANS – This Contract may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The parties may rely upon a facsimile copy or scanned copy of any party's signature as an original for all purposes.
28. GOVERNING LAW - Any dispute that arises under or relates to this Agreement shall be governed by California law, excluding any laws that direct the application to another jurisdiction's laws. Venue for resolution of any dispute that arises under or relates to this Agreement, including mediation, shall be San Francisco, California.
29. ENTIRE AGREEMENT AND MODIFICATION - This Agreement represents the final, complete, and exclusive statement of the agreement between the parties and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Agreement by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Agreement may only be amended by mutual agreement of the parties in writing and signed by both parties.
30. SURVIVAL OF TERMS - The provisions of sections 7 (Indemnification), 15 (Audit / Records Access), 16 (Forfeit of Grant Funds / Repayment of Funds Improperly Expended), 18 (Confidentiality), 19 (Intellectual Property Rights), and 20 (Publication) shall survive the expiration or termination of this Agreement.

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

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

VALLEY VERDE

DocuSigned by:

By: Jack P. Broadbent  
Jack P. Broadbent  
Executive Officer/APCO

By: Raul Lozano  
Raul Lozano  
Executive Director

Date: 2/22/2022

Date: 3/12/2022

Approved as to form:  
District Counsel

By: Adan Schwartz 2/22/2022  
Adan Schwartz  
Acting District Counsel

## ATTACHMENT A

### WORK PLAN

#### **Overview**

GRANTEE will launch the Community Compost Program for Santa Clara County. GRANTEE's Community Compost Program will serve to improve air quality in Santa Clara County, by identifying and reducing key participation barriers and implementing solutions identified through community-based research methods.

The structural inequities that impact food access and self-sufficiency of the communities GRANTEE serves are the same systems that increase multiethnic communities' rates of pollution exposure. According to an environmental justice analysis in Santa Clara County, "Latinx populations and neighborhoods with lower economic capacities were more likely to be exposed to environmental hazards, and less likely to have access to environmental benefits, such as parks... It is a place where air pollution due to roadway vehicle emissions and socio-economic differences between neighborhoods are especially high" (Stewart et al., 2014). GRANTEE understands that larger socio-economic disparities have long been associated with the grave differences in protection from environmental burdens on communities of color. GRANTEE aims to be a part of the solution and increase multiethnic representation in the food system, by teaching community members how to start and sustain their own composting systems, which will reduce waste that enters landfills and thus, carbon emissions. The Community Compost Program will increase self-efficacy to address the environmental and climate issues impacting the vulnerable neighborhoods and communities in Santa Clara County. As part of the Community Compost Program, GRANTEE will update educational workshops for program participants, graduates, and the community to specifically teach the environmental benefits of composting using culturally relevant methods and in participants' preferred language as well as incorporate participant feedback found in GRANTEE's Mid-Year Evaluation survey administered in June of 2021. This feedback from forty-one (41) 2021 garden program participants sheds light on potential barriers to participation in the Community Compost Program; therefore, this allows GRANTEE to anticipate and problem solve with 2022 garden program participants. GRANTEE will provide a variety of solutions, and will help communities find the best method, whether at home or via a community composting hub.

#### **Part 1: Project Schedule**

##### **Quarter 1 Tasks: Initial Research, Scoping, Planning (March 2022 – May 2022)**

- 1.1. GRANTEE will review the forty-one (41) Mid-Year Evaluation survey responses administered to program participants in June of 2021 and current research on composting systems
- 1.2. GRANTEE will research different types of composting options and consider the different types of housing where community members reside to provide a range of potential solutions for community members
- 1.3. GRANTEE will recruit community-research participants from current program participants, graduates, and community and coordinate with established school partnerships (Gardner Elementary, Educare, Mateo-Sheedy, George Mayne Elementary) as well as Community Composting Network for continued development and design of the Community Compost Program:  
GRANTEE will coordinate with organizations and individuals in the following zip codes: 95116, 95122, 95121, 95111, 95121, 95035.

**Quarter 1 Deliverables**

- Report of compost research and summary of 2021 Mid-Year Survey responses that will inform possible solutions
- Report on overview of community partnerships and research participants
- 1<sup>st</sup> Quarterly Report

**Quarter 2 Tasks: Data Collection (April - June)**

- 2.1. GRANTEE will create a schedule for administering surveys, and interview questions during garden visits for all 2022 garden program participants as well as conducting focus groups with program participants, graduates and community.
- 2.2. GRANTEE will draft indicators for survey, finalize and translate all material for data collection (Spanish and Vietnamese)
- 2.3. GRANTEE will survey and question current 2022 program participants to explore and understand how to increase composting among program participants.

**Quarter 2 Deliverables**

- Timeline for data collection methods, with surveys and garden visit interview questions being administered first, in order to better understand barriers as well as identify potential solutions for program participants. Focus groups will be used to explore implementation of compost systems better suited to individual needs of GRANTEE's target community.
- Copy of indicators used in evaluation as well as focus group questions
- Copy of survey including all translated materials
- 2<sup>nd</sup> Quarterly Report

**Quarter 3 Tasks: Data Analysis and Program Design (July – September)**

- 3.1. GRANTEE will host informational community compost workshops online, Facebook Live sessions, and/or in-person, to survey attendees to gain a broader range of feedback for the program.
- 3.2. GRANTEE will host focus groups with graduates and the community as well as conduct home visits to collect quantitative data.
- 3.3. GRANTEE will analyze quantitative and qualitative data, in order to present two (2) new strategies aimed at reducing barriers to compost participation and increasing the use of compost in program participants' gardens.
- 3.4. GRANTEE will develop and design Community Compost Program with program overview and outcomes, mapping out topics and corresponding activity/lesson objectives.

**Quarter 3 Deliverables**

- Copy of results and final analysis of evaluations and focus groups will include two (2) new strategies aimed at reducing barriers to compost participation and increase use of compost in program participants' gardens
- Copy of program overview of the Community Composting Program, including key topics and lesson objectives
- Copy of all translated materials
- 3<sup>rd</sup> Quarterly Report

**Quarter 4 Tasks (October - December)**

- 4.1 Prepare and submit 2022 Final Grant Report

**Quarter 4 Deliverables**

- 2022 Final Grant Report

**Additional Tasks**

GRANTEE will attend a kick-off meeting for the DISTRICT's James Cary Smith Community Grant Program tentatively scheduled in March 2022. The meeting will be an opportunity for grantees to meet each other, DISTRICT staff and consultants who will be supporting the program. At the kick-off meeting, GRANTEE will:

1. Meet the other James Cary Smith Community Grant grantees
2. Meet DISTRICT staff that will support the grant projects
3. Meet staff from InterEthnica, designated by the DISTRICT, to provide ongoing technical assistance to grantees, such as helping prepare reports and invoices, best practices for tracking expenditures, applying for future funding, etc. as needed
4. Meet staff from Resource Development Associates, designated by the DISTRICT, to conduct a year-long evaluation of the realigned James Cary Smith Community Grant Program
5. Learn about the grant timeline and reporting requirements

GRANTEE will participate in a year-long evaluation of the realigned James Cary Smith Community Grant Program. GRANTEE will participate in at least:

1. Two (2) surveys (one at baseline in 2022 and one at the end of the grant in early 2023)
2. Two (2) focus groups (one at mid-year in 2022 and one at the end of the grant in 2023)

**Part 2: Reporting to DISTRICT**

GRANTEE will develop and submit three (3) quarterly reports and one (1) final grant report to the DISTRICT, following the format provided by the DISTRICT. The quarterly reports and final report must document progress toward and final completion of the tasks and deliverables set forth in this Work Plan.

**Quarterly and Final Reporting Due Dates**

1. First Quarterly Report: due June 15, 2022
2. Second Quarterly Report: due September 15, 2022
3. Third Quarterly Report: due December 15, 2022
4. 2022 Final Grant Report: due no later than March 31, 2023

**AMENDMENT NO. 1 TO**  
**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**GRANT NO. 2022.030**

This amendment to the above-entitled grant (“Grant Amendment”) is dated, for reference purposes only, March 17, 2022.

**RECITALS:**

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Valley Verde** (“GRANTEE”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled grant to launch the Community Compost Program to improve air quality for Santa Clara County (the “Grant”), which Grant was executed on behalf of GRANTEE on February 18, 2022, and on behalf of DISTRICT on February 22, 2022.
2. The PARTIES mutually seek to amend the total grant funds to the Grant to provide the GRANTEE the correct awarded grant amount.
3. In accordance with Section 29 of the Grant, DISTRICT and GRANTEE desire to amend the above-entitled Grant as follows:

**TERMS AND CONDITIONS OF GRANT AMENDMENT:**

1. By this Grant Amendment, DISTRICT and GRANTEE amend Paragraph A of Section 8, “Payment,” of the Grant Agreement by replacing it in its entirety with:  
DISTRICT agrees to award GRANTEE a grant of \$65,500 for the activities described in Attachment A, Work Plan. This grant shall be payable in five (5) installments, as follows:
  - i) \$22,750 within thirty (30) days after the execution of this Agreement;
  - ii) \$13,250 within thirty (30) days after DISTRICT receipt and approval of GRANTEE’s first grant report documenting GRANTEE’s progress and startup costs including receipts detailing the initial \$22,750 grant fund payment used for equipment purchases, supplies, stipends, and other out-of-pocket costs;
  - iii) \$13,250 within thirty (30) days after DISTRICT receipt and approval of GRANTEE’s second grant report
  - iv) \$11,250 within thirty (30) days after DISTRICT receipt and approval of GRANTEE’s third grant report
  - v) \$5,000 within thirty (30) days upon final completion of all work specified in the Work Plan, including all Tasks and Deliverables, and after DISTRICT receipt and approval of GRANTEE’s detailed 2022 final grant report.

2. DISTRICT and GRANTEE agree that all other terms and conditions of the Grant shall remain in full force and effect.

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

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

VALLEY VERDE

By: \_\_\_\_\_  
Alexander Crockett  
Interim Executive Officer/APCO

By: \_\_\_\_\_  
Raul Lozano  
Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:  
District Counsel

By: \_\_\_\_\_  
Adan Schwartz  
Acting District Counsel

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Authorization to Execute Contract with Critical Impact Consulting

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Interim Executive Officer/APCO to execute a Professional Services Contract with Critical Impact Consulting for an amount not to exceed \$250,000 to outreach to environmental justice communities, develop environmental justice goals and provide administration, coordination, and facilitation services for the Spare the Air Resource Teams.

BACKGROUND

The Air District's Community Engagement Office relies on the support of contractors to assist with the outreach, development, coordination, and administration of Spare the Air Resource Teams in its nine Bay Area counties. Previously, Spare the Air Resource Teams focused on the goal of improving public transit accessibility and the use of corporate transit programs. In 2021, the Air District's Board of Directors directed staff to increase outreach and focus to historically disadvantaged communities that have faced discriminatory land use and transportation policies, and Resource Teams will be required to:

- Partner with the Air District to improve outreach and accessibility of incentive programs in environmental justice communities; and/or
- Identify culturally relevant ways to reduce mobile sources of pollution in environmental justice communities.

DISCUSSION

To support the shift in focus for the Spare the Air Resource Teams, District staff conducted a Request for Proposals in early 2022 to seek consultants to outreach to environmental justice communities, to assist in reenvisioning the Resource Teams towards environmental justice goals, and for facilitation and coordination services of the Resource Teams.

The Air District received 3 proposals for the RFP, and recommended interviewing Critical Impact Consulting to better understand their approach to coalition-building and direct experience in environmental justice work in disadvantaged communities. The panel thoroughly evaluated the proposals and conducted interviews based on the six evaluation criteria outlined in the attached scoring summary.

**Evaluation of Proposals:** After averaging and summing the scores for each bidder who applied for the RFP, the panel conducted interviews with the top two applicants. Please refer to the scoring summary to see tables listing the RFP evaluation criteria and each applicant's average score for the proposal evaluations.

**Interview Process:** The panel members interviewed Sound of Hope Radio Network and Critical Impact Consulting to gain a deeper understanding of their background in environmental justice work, outreach to disadvantaged communities, and experience in coalition-building. The panel asked questions related to their experience in environmental justice work, how the applicants proposed to address membership attrition and recruitment of new members, and applicant expectations around communication with the Air District and with Spare the Air Resource Team members. Please refer to the attached scoring summary to see tables listing the RFP evaluation criteria and each firm's average score for the interview.

**Overall Scoring:** The panel averaged the scores for the applicants' proposal evaluations and interviews and summed the average scores for each bidder. The attached scoring summary shows the bidder and each firm's total average score for each step in the review process. The panel gave Critical Impact Consulting the highest combined score of 153.75 out of a possible 200 for the proposal and interview evaluation. The interview panel noted that Critical Impact Consulting demonstrated an understanding of the sensitive nature of the environmental justice emphasis of the RFP, had a nuanced awareness of historical distrust of the Air District and the context setting for the work ahead. Critical Impact Consulting also communicated a clear plan toward recruitment and retention of community groups that emphasized being attentive to the particular needs of local environmental justice and community groups. Critical Impact Consulting also demonstrated a long history of environmental justice work and coalition-building with disadvantaged communities, had previous experience with the Spare the Air teams, and familiarity with the Air District and understood the direction towards environmental justice goals.

The contract will allow Critical Impact Consulting to do a transition meeting with the current consultants, conduct an assessment of the current state of the Spare the Air Resource Teams and the needs of environmental justice communities, develop an outreach and recruitment plan for new Spare the Air Team members, and coordinate and reconvene the Spare the Air Resource Teams as they develop their new plans and projects to reduce mobile sources of pollution in environmental justice communities.

Critical Impact Consulting will conduct the following tasks:

- Meet with the current Spare the Air contractors and team members to prepare for a transition in focus
- In coordination with Air District staff, gather information from key community informants, and develop a summary report and outreach plan to engage with environmental justice communities
- Present the outreach and recruitment plan to the Air District and implement it
- Convene and facilitate Spare the Air Resource Team meetings
- Manage and coordinate the Spare the Air Resource Teams between meetings and support team projects, such as executing education and public awareness campaigns of the Spare the Air Resource Teams in coordination with the Air District
- Provide Air District with quarterly progress reports

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the contract is included in the 306 program budget for Fiscal Year Ending 2022 and Fiscal Year Ending 2023.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Ayla Peters  
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Draft Contract for Critical Impact Consulting - Contract No. 2022.125
2. Community Engagement and Facilitation Services for Spare the Air Resource Teams - Scoring Summary

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

**PROFESSIONAL SERVICES CONTRACT**

**CONTRACT NO. 2022.125**

1. PARTIES – The parties to this Contract (“Contract”) are the Bay Area Air Quality Management District (“DISTRICT”) whose address is 375 Beale Street, Suite 600, San Francisco, CA 94105, and **Critical Impact Consulting** (“CONTRACTOR”) whose address is 2790 Rollingwood Drive, San Pablo, CA 94806.
  
2. RECITALS
  - A. DISTRICT is the local agency with primary responsibility for regulating stationary source air pollution in the Bay Area Air Quality Management District in the State of California. DISTRICT is authorized to enter into this Contract under California Health and Safety Code Section 40701. DISTRICT desires to contract with CONTRACTOR for services described in the Scope of Work, attached hereto as Attachment A and made a part hereof by this reference. DISTRICT is entering into this Contract based on CONTRACTOR’s stated qualifications to perform the services.
  - B. All parties to this Contract have had the opportunity to have this contract reviewed by their attorney.
  
3. PERFORMANCE REQUIREMENTS
  - A. CONTRACTOR is authorized to do business in the State of California. CONTRACTOR attests that it is in good tax standing with federal and state tax authorities.
  - B. CONTRACTOR agrees to obtain any and all required licenses, permits, and all other appropriate legal authorizations from all applicable federal, state and local jurisdictions and pay all applicable fees.
  - C. CONTRACTOR shall comply with all laws and regulations that apply to its performance under this Contract, including any requirements to disclose potential conflicts of interest under DISTRICT’s Conflict of Interest Code.
  - D. CONTRACTOR shall not engage in any performance of work during the term of this contract that is in direct or indirect conflict with duties and responsibilities set forth in the Scope of Work.
  - E. CONTRACTOR shall exercise the degree of skill and care customarily required by accepted professional practices and procedures.
  - F. CONTRACTOR shall ensure that any subcontractors, employees and agents performing under this Contract comply with the performance standards set forth in paragraphs A-E above.
  
4. TERM – The term of this Contract is from date of Contract execution to June 30, 2023, unless further extended by amendment of this Contract in writing, or terminated earlier. CONTRACTOR shall not submit any invoice for services performed under this Contract until the Contract is fully executed.
  
5. TERMINATION

- A. The DISTRICT may terminate this Contract at any time, at will, and without specifying any reason, by notifying CONTRACTOR in writing. The notice of termination shall specify the effective date of termination, which shall be no less than thirty (30) calendar days from the date of delivery of the notice of termination, and shall be delivered in accordance with the provisions of section 10 below. Immediately upon receipt of the notice of termination, CONTRACTOR shall cease all work under this Contract, except such work as is specified in the notice of termination. CONTRACTOR shall deliver a final invoice for all remaining work performed but not billed, including any work specified in the termination notice, on or before ten (10) business days following the termination date.
- B. Either party may terminate this Contract for breach by the other party.
- i) Failure to perform any agreement or obligation contained in this Contract or failure to perform the services in a satisfactory manner shall constitute a breach of the Contract.
  - ii) The non-breaching party may terminate the Contract by delivery of a written notice of breach. The notice of breach shall specify the date of termination, which shall be no earlier than ten (10) business days from delivery of the notice of breach. In the alternative, at its sole discretion, the non-breaching party may require the breaching party to cure the breach. The notice of breach shall specify the nature of the breach and the date by which such breach must be cured.
  - iii) If CONTRACTOR fails to perform any obligation under this Contract, DISTRICT at its sole discretion, may perform, or cause the performance, of the obligation itself. In that event, DISTRICT shall deduct the costs to perform such obligation and any other costs to cure the breach from the payment otherwise due to CONTRACTOR for work performed under this Contract. DISTRICT's performance hereunder shall not be deemed a waiver or release of any obligation of, or default by, CONTRACTOR under this Contract.
  - iv) The notice of breach shall be provided in accordance with the notice requirements set forth in section 10.
  - v) The non-breaching party reserves all rights under law and equity to enforce this Contract and recover any damages.
6. INSURANCE
- A. CONTRACTOR shall maintain the following insurance:
- i) Workers' compensation and employers' liability insurance as required by California law or other applicable statutory requirements.
  - ii) Occurrence-based commercial general liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each occurrence. Such insurance shall include DISTRICT and its officers, agents, and employees as additional insureds and shall be primary with respect to any insurance maintained by DISTRICT.
  - iii) Business automobile liability insurance or equivalent form with a limit of not less than one million dollars (\$1,000,000) each accident. Such insurance shall include coverage for owned, hired, and non-owned vehicles. If CONTRACTOR is a sole proprietor, CONTRACTOR may meet this insurance requirement with personal automobile liability insurance carrying a business use endorsement or by demonstrating to the satisfaction of DISTRICT that business use is covered under the CONTRACTOR's personal automobile liability insurance. A CONTRACTOR using only rental vehicles in performing work under this Contract may meet this insurance requirement by purchasing automobile liability insurance in the required coverage amount from the rental

- agency.
  - iv) Professional liability insurance with limits not less than one million dollars (\$1,000,000) each claim.
  - B. All insurance shall be placed with insurers acceptable to DISTRICT.
  - C. Prior to commencement of work under this Contract, CONTRACTOR shall furnish properly-executed certificates of insurance for all required insurance. Upon request by DISTRICT, CONTRACTOR shall provide a complete copy of any required insurance policy. CONTRACTOR shall notify DISTRICT in writing thirty (30) days prior to cancellation or modification of any required insurance policy. Any such modifications are subject to pre-approval by DISTRICT.
  - D. If CONTRACTOR fails to maintain the required insurance coverage set forth above, DISTRICT reserves the right either to purchase such additional insurance and to deduct the cost thereof from any payments owed to CONTRACTOR or to terminate this Contract for breach.
7. INDEMNIFICATION
- A. CONTRACTOR shall indemnify and hold DISTRICT, its officers, employees and agents harmless from and against any and all liability, loss, expense, including reasonable attorneys' fees, or claims for injury or damages arising out of the performance of this Contract but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of CONTRACTOR, its officers, agents, or employees.
  - B. DISTRICT shall indemnify and hold CONTRACTOR, its officers, employees and agents harmless from and against any and all liability, loss, expense, including reasonable attorneys' fee, or claims for injury or damages arising out of the performance of this Contract but only in proportion to and to the extent such liability, loss, expense, attorneys' fees, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of DISTRICT, its officers, agents, or employees.
8. PAYMENT
- A. DISTRICT shall pay CONTRACTOR for services in accordance with the terms set forth in the Cost Schedule, which is attached hereto as Attachment B and incorporated herein by this reference.
  - B. CONTRACTOR shall submit invoice(s) to DISTRICT for services performed. Each invoice shall specify the total cost of the services for which the invoice is submitted, shall reference tasks shown in the Scope of Work, the hours associated with same, or percentage completion thereof, and the amount of charge claimed, and, as appropriate, shall list any charges for equipment, material, supplies, travel, and subcontractors' services.
  - C. DISTRICT's payment of invoices shall be subject to the following limitations and requirements:
    - i) Each invoice, including supporting documentation, shall be prepared in duplicate on CONTRACTOR's letterhead; shall list DISTRICT's contract number, the period covered by the invoice, and the CONTRACTOR's Social Security Number or Federal Employer Identification Number; and shall be submitted to: Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, CA 94105, Attn: Contracts Manager.
    - ii) DISTRICT shall not pay interest, fees, handling charges, or the cost of money on the

Contract.

- iii) DISTRICT shall pay CONTRACTOR within thirty (30) calendar days after approval by DISTRICT of an itemized invoice.
  - D. The total amount for which DISTRICT may be held liable for the performance of services specified in this Contract shall not exceed \$250,000.
9. DISPUTE RESOLUTION – A party that disputes a notice of breach must first seek mediation to resolve the dispute in accordance with the provisions set forth below.
- A. Upon receipt of a notice of breach of contract, the party may submit a demand for mediation to resolve whether or not a breach occurred. The party must state the basis of the dispute and deliver the demand within ten (10) business days of the date of receipt of the notice of breach.
  - B. The mediation shall take place at DISTRICT’s office at 375 Beale Street, Suite 600, San Francisco, or at such other place as may be mutually agreed upon by the parties and the mediator.
  - C. The parties shall make good faith efforts to hold the mediation within thirty (30) days after receipt of the demand for mediation.
  - D. Each party shall bear its own mediation costs.
  - E. In the event the parties are unable to resolve the dispute, either party may file an action in a court of competent jurisdiction to enforce the Contract.
  - F. Maximum recovery under this section shall be limited to \$250,000. The mediation costs shall not reduce the maximum amount recoverable under this section.
10. NOTICES – All notices that are required under this Contract shall be provided in the manner set forth herein, unless specified otherwise. Notice to a party shall be delivered to the attention of the person listed below, or to such other person or persons as may hereafter be designated by that party in writing. Notice shall be in writing sent by e-mail, facsimile, or regular first class mail. In the case of e-mail and facsimile communications, valid notice shall be deemed to have been delivered upon sending, provided the sender obtained an electronic confirmation of delivery. E-mail and facsimile communications shall be deemed to have been received on the date of such transmission, provided such date was a business day and delivered prior to 4:00 p.m. PST. Otherwise, receipt of e-mail and facsimile communications shall be deemed to have occurred on the following business day. In the case of regular mail notice, notice shall be deemed to have been delivered on the mailing date and received five (5) business days after the date of mailing.

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

CONTRACTOR: Critical Impact Consulting  
2790 Rollingwood Drive  
San Pablo, CA 94806  
Attn: Ratha Lai

11. ADDITIONAL PROVISIONS – All attachment(s) to this Contract are expressly incorporated

herein by this reference and made a part hereof as though fully set forth.

12. EMPLOYEES OF CONTRACTOR

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

13. CONFIDENTIALITY – In order to carry out the purposes of this Contract, CONTRACTOR may require access to certain of DISTRICT's confidential information (including trade secrets, inventions, confidential know-how, confidential business information, and other information that DISTRICT considers confidential) (collectively, "Confidential Information"). It is expressly understood and agreed that DISTRICT may designate in a conspicuous manner Confidential Information that CONTRACTOR obtains from DISTRICT, and CONTRACTOR agrees to:

- A. Observe complete confidentiality with respect to such information, including without limitation, agreeing not to disclose or otherwise permit access to such information by any other person or entity in any manner whatsoever, except that such disclosure or access shall be permitted to employees of CONTRACTOR requiring access in fulfillment of the services provided under this Contract.
- B. Ensure that CONTRACTOR's officers, employees, agents, representatives, and independent contractors are informed of the confidential nature of such information and to assure by agreement or otherwise that they are prohibited from copying or revealing, for any purpose whatsoever, the contents of such information or any part thereof, or from taking any action otherwise prohibited under this section.
- C. Not use such information or any part thereof in the performance of services to others or for the benefit of others in any form whatsoever whether gratuitously or for valuable consideration, except as permitted under this Contract.
- D. Notify DISTRICT promptly and in writing of the circumstances surrounding any possession, use, or knowledge of such information or any part thereof by any person or entity other than those authorized by this section. Take at CONTRACTOR's expense, but at DISTRICT's option and in any event under DISTRICT's control, any legal action necessary to prevent unauthorized use of such information by any third party or entity which has gained access to such information at least in part due to the fault of CONTRACTOR.
- E. Take any and all other actions necessary or desirable to assure such continued confidentiality and protection of such information during the term of this Contract and following expiration or termination of the Contract.

- F. Prevent access to such materials by a person or entity not authorized under this Contract.
  - G. Establish specific procedures in order to fulfill the obligations of this section.
14. INTELLECTUAL PROPERTY RIGHTS – Title and full ownership rights to all intellectual property developed under this Contract shall at all times remain with DISTRICT, unless otherwise agreed to in writing.
15. PUBLICATION
- A. DISTRICT shall approve in writing any report or other document prepared by CONTRACTOR in connection with performance under this Contract prior to dissemination or publication of such report or document to a third party. DISTRICT may waive in writing its requirement for prior approval.
  - B. Until approved by DISTRICT, any report or other document prepared by CONTRACTOR shall include on each page a conspicuous header, footer, or watermark stating “DRAFT – Not Reviewed or Approved by BAAQMD,” unless DISTRICT has waived its requirement for prior approval pursuant to paragraph A of this section.
  - C. Information, data, documents, or reports developed by CONTRACTOR for DISTRICT, pursuant to this Contract, shall be part of DISTRICT’s public record, unless otherwise indicated. CONTRACTOR may use or publish, at its own expense, such information, provided DISTRICT approves use of such information in advance. The following acknowledgment of support and disclaimer must appear in each publication of materials, whether copyrighted or not, based upon or developed under this Contract.

“This report was prepared as a result of work sponsored, paid for, in whole or in part, by the Bay Area Air Quality Management District (District). The opinions, findings, conclusions, and recommendations are those of the author and do not necessarily represent the views of the District. The District, its officers, employees, contractors, and subcontractors make no warranty, expressed or implied, and assume no legal liability for the information in this report.”
  - D. CONTRACTOR shall inform its officers, employees, and subcontractors involved in the performance of this Contract of the restrictions contained herein and shall require compliance with the above.
16. NON-DISCRIMINATION – In the performance of this Contract, CONTRACTOR shall not discriminate in its recruitment, hiring, promotion, demotion, and termination practices on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, medical condition, or physical or mental disability and shall comply with the provisions of the California Fair Employment & Housing Act (Government Code Section 12900 et seq.), the Federal Civil Rights Act of 1964 (P.L. 88-352) and all amendments thereto, and all administrative rules and regulations issued pursuant to said Acts. CONTRACTOR shall also require each subcontractor performing work in connection with this Contract to comply with this section and shall include in each contract with such subcontractor provisions to accomplish the requirements of this section.
17. PROPERTY AND SECURITY – Without limiting CONTRACTOR’S obligations with regard to security, CONTRACTOR shall comply with all the rules and regulations established by DISTRICT for access to and activity in and around DISTRICT’s premises.

18. ASSIGNMENT – No party shall assign, sell, license, or otherwise transfer any rights or obligations under this Contract to a third party without the prior written consent of the other party, and any attempt to do so shall be void upon inception.
19. WAIVER – No waiver of a breach, of failure of any condition, or of any right or remedy contained in or granted by the provisions of this Contract shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies. Further, the failure of a party to enforce performance by the other party of any term, covenant, or condition of this Contract, and the failure of a party to exercise any rights or remedies hereunder, shall not be deemed a waiver or relinquishment by that party to enforce future performance of any such terms, covenants, or conditions, or to exercise any future rights or remedies.
20. ATTORNEYS' FEES – In the event any action is filed in connection with the enforcement or interpretation of this Contract, each party shall bear its own attorneys' fees and costs.
21. FORCE MAJEURE – Neither DISTRICT nor CONTRACTOR shall be liable for or deemed to be in default for any delay or failure in performance under this Contract or interruption of services resulting, directly or indirectly, from acts of God, enemy or hostile governmental action, civil commotion, strikes, lockouts, labor disputes, fire or other casualty, judicial orders, governmental controls, regulations or restrictions, inability to obtain labor or materials or reasonable substitutes for labor or materials necessary for performance of the services, or other causes, except financial, that are beyond the reasonable control of DISTRICT or CONTRACTOR, for a period of time equal to the period of such force majeure event, provided that the party failing to perform notifies the other party within fifteen calendar days of discovery of the force majeure event, and provided further that that party takes all reasonable action to mitigate the damages resulting from the failure to perform. Notwithstanding the above, if the cause of the force majeure event is due to party's own action or inaction, then such cause shall not excuse that party from performance under this Contract.
22. SEVERABILITY – If a court of competent jurisdiction holds any provision of this Contract to be illegal, unenforceable or invalid in whole or in part for any reason, the validity and enforceability of the remaining provisions, or portions of them will not be affected.
23. HEADINGS – Headings on the sections and paragraphs of this Contract are for convenience and reference only, and the words contained therein shall in no way be held to explain, modify, amplify, or aid in the interpretation, construction, or meaning of the provisions of this Contract.
24. COUNTERPARTS/FACSIMILES/SCANS – This Contract may be executed and delivered in any number of counterparts, each of which, when executed and delivered, shall be deemed an original, and all of which together shall constitute the same contract. The parties may rely upon a facsimile copy or scanned copy of any party's signature as an original for all purposes.

25. GOVERNING LAW – Any dispute that arises under or relates to this Contract shall be governed by California law, excluding any laws that direct the application of another jurisdiction’s laws. Venue for resolution of any dispute that arises under or relates to this Contract, including mediation, shall be San Francisco, California.

26. ENTIRE CONTRACT AND MODIFICATION – This Contract represents the final, complete, and exclusive statement of the agreement between the parties related to CONTRACTOR providing services to DISTRICT and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has been induced to enter into this Contract by, nor is any party relying upon, any representation or warranty outside those expressly set forth herein. This Contract may only be amended by mutual agreement of the parties in writing and signed by both parties.

27. SURVIVAL OF TERMS – The provisions of sections 7 (Indemnification), 13 (Confidentiality), 14 (Intellectual Property Rights), and 15 (Publication) shall survive the expiration or termination of this Contract.

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

BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT

CRITICAL IMPACT CONSULTING

By: \_\_\_\_\_  
Alexander Crockett  
Interim Executive Officer/APCO

By: \_\_\_\_\_  
Ratha Lai  
Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:  
District Counsel

By: \_\_\_\_\_  
Adan Schwartz  
Acting District Counsel

## ATTACHMENT A

### SCOPE OF WORK

#### Overview:

DISTRICT seeks assistance to relaunch its Spare the Air Resources Team (Resource Team) with local air quality action plans that focus on environmental justice goals. The Spare the Air Resources Team serves to disseminate air-quality related information and establish and maintain a network of community-based Resource Teams, which shall develop and implement local air quality action plans to improve air quality and reduce mobile sources of pollution in environmental justice communities throughout the Bay Area. The current Spare the Air Resource Teams include:

- Contra Costa County Spare the Air Resource Team
- Napa Clean Air Coalition
- San Francisco County Spare the Air Resource Team
- San Mateo County Spare the Air Resource Team
- Santa Clara County Spare the Air Resource Team
- Sonoma County Spare the Air Resource Team
- Southern Alameda County Spare the Air Resource Team
- Tri-Valley Spare the Air Resource Team

CONTRACTOR has experience in environmental justice work and coalition-building with disadvantaged communities, had previous experience with the Spare the Air teams, and demonstrates familiarity with the Air District and understood this new direction towards environmental justice goals. CONTRACTOR shall work with DISTRICT to conduct an assessment, planning, and outreach phase to understand the current context of the Spare the Air Resource teams and explore opportunities to shift to an environmental justice focus. CONTRACTOR shall facilitate and manage eight (8) Spare the Air Resource Teams and ensure each team convenes three (3) to six (6) times during the term of this Contract to develop and implement local air quality action plans that shall:

- Improve outreach and accessibility of incentive programs in environmental justice communities;
- Identify and engage with environmental justice communities in culturally relevant ways to reduce mobile sources of pollution.

#### CONTRACTOR shall perform the following tasks:

##### Task 1: Transition Planning

1. CONTRACTOR shall meet with DISTRICT staff and current Spare the Air contractors to receive passwords and login information for Spare the Air online resources, pass on contacts lists and other systems to support coordination of the Resource Teams, and understand the context of the current teams, team makeup, what community relationships have been established, and gaps in community relationships and potential opportunities for a shift in focus to environmental justice goals (minimum of one meeting);

2. CONTRACTOR will meet with DISTRICT for an orientation, program overview and review the goal and direction from DISTRICT Board of Directors and leadership and develop a plan for Resource Team relationship building and key informant interviews.
3. Upon DISTRICT request, CONTRACTOR shall attend at least one (1) Spare the Air Resource team meeting to meet Spare the Air team members and learn more about the Resource Team model and project.

*Deliverables:*

- Meeting agendas and notes/summaries for a minimum of two meetings.

**Task 2: Gather Information from Key Informants and Develop Summary Report and Outreach Plan**

1. In consultation with DISTRICT, CONTRACTOR shall reach out to Spare the Air Resource Team members to request interviews with at least one (1) member from each Resource Team, or conduct a survey of all Resource Teams. The goal of the interviews or survey would be to refocus Resources Teams towards environmental justice issues by learning more about each Resource Team model, plan, successes, challenges, and opportunities. CONTRACTOR will summarize the findings from the interviews or surveys.
2. CONTRACTOR will create an outreach list of environmental justice communities in the Bay Area that are directly or indirectly affected by mobile sources of pollution, such as truck idling and highway and freeway traffic.
3. In consultation with DISTRICT, CONTRACTOR shall gather information to assess the geography, demographics and needs of environmental justice communities to engage with Resource Teams (such as through conducting outreach and interviews or a survey of environmental justice organizations).
4. CONTRACTOR will create a summary report of the information gathered on the strengths and gaps of the Resource Teams model overall and at the Resource Team level, and in consultation with DISTRICT, include recommendations to improve outreach and accessibility for environmental justice communities and focus on environmental justice goals.
5. In consultation with DISTRICT, CONTRACTOR will create an outreach plan with key activities for DISTRICT and CONTRACTOR to engage with environmental justice communities, including an outreach list by community, key materials to be developed, translation and other resource needs and a timeline.

*Deliverables:*

- Meeting agendas, interview questions/survey tool and summary report with findings
- Recommendations for a minimum of eight interviews/surveys (1 per Resource Team) and an outreach plan.

### **Task 3: Implement outreach and recruitment plan**

1. CONTRACTOR will present findings and outreach plan to DISTRICT with an action plan to implement new strategies.
2. In consultation with DISTRICT, CONTRACTOR will implement the Outreach Plan and recruit new members to the Spare the Air Resource Teams including creating outreach materials, such as flyers, social media posts, PowerPoint presentations, and/or emails.
3. CONTRACTOR will develop an onboarding process and presentation and meets with new Resource Team members to orient them before their first meeting.

#### *Deliverables:*

- Meeting agendas and notes (minimum of two (2) meetings to prepare and a minimum of one meeting for new member orientation)
- Outreach materials (such as emails, flyers, social media or PowerPoint presentations), and orientation materials.
- List of new/continuing members for each Spare the Air Resource Team.
- Presentation of findings and outreach plan

**After the assessment, planning, and outreach phase, CONTRACTOR shall perform the following tasks:**

### **Task 4: Convene and Facilitate Spare the Air Resource Team meetings**

1. Facilitate meetings with Resource Teams to redefine their annual project goals with an explicit environmental justice focus (2-3 meetings for each Resource Team).
2. Provide logistical support for meetings, which includes hosting on-line platforms, organizing meeting space and times, ensure language justice needs are met by coordinating translation and interpretation with DISTRICT as needed, contacting meeting participants and guest speakers, developing meeting agendas, distributing documents, coordinating audio-visual equipment and providing refreshments for in-person and hybrid meetings.
3. Facilitate and moderate meetings based on agenda approved by DISTRICT.
4. Develop and provide a comprehensive record of each facilitated meeting including, but not limited to, names of all attendees, groups represented, meeting summaries (topic discussion outcomes, issues discussed), and new content for website on an as needed basis.
5. As needed, extend invitations, schedule meetings, and confirm speakers.
6. As needed, schedule Community Listening Sessions in partnership with the Spare the Air team members.
7. Communicate with Resource Team members, send event notices, confirm meeting participation, respond to requests for information from Team Members, and provide post-meeting follow-ups.

*Deliverables:*

- Meeting agendas and summaries for all meetings

**Task 5: Spare the Air Resource Team Management and Coordination**

**CONTRACTOR shall perform the following tasks:**

1. Manage and coordinate Spare the Air Resource Team project work between meetings;
2. Review guidance for team project selection and appropriate team expenditures with team members at the first Spare the Air Resource Team meeting of the contract year;
3. Between Spare the Air Resource Team meetings, contact team members, as appropriate, to ensure project tasks are being completed on schedule;
4. Submit collaboratively developed year-long action plans and budgets to DISTRICT by end of the first quarter after Resource Teams reconvene;
5. Maintain accurate spreadsheet of ongoing Resource Team project costs;
6. Retain necessary contracts and receipts of work done on behalf of Resource Team projects;
7. Coordinate with the DISTRICT and Resource Teams on success metrics and prepare Resource Team progress and budget summaries to present to DISTRICT and Resource Team members upon request and for inclusion in each quarterly report.

*Deliverables:*

- List of Spare the Air Resource Team projects with estimated budget.

**Task 6: Spare the Air Resource Team Recruiting and Reporting**

**CONTRACTOR shall perform the following tasks:**

1. Recruit and retain a diverse membership for each Resource Team that reflects the cultural diversity of the community they are serving;
2. Schedule and meet with local businesses, community-based and environmental organizations to recruit their membership on the Spare the Air Resource Teams;
3. Provide DISTRICT staff with quarterly updates through Quarterly Reports on Spare the Air Resource Team projects and activities;
4. Provide DISTRICT staff with updates for posting on the Spare the Air Resource Team pages on <http://www.sparetheair.org> as needed, based on updates to Spare the Air Resource Team projects.

*Deliverables:*

- List of new Spare the Air Resource Team members
- Quarterly Reports that provide updates on Spare the Air Resource Team projects and activities
- Updates to post on Spare the Air Resource Team web page.

**Task 7: Increase Public Awareness**

**CONTRACTOR shall perform the following tasks:**

1. In consultation with DISTRICT, develop education and public awareness actions with Spare the Air Resource Team members to promote Spare the Air and Spare the Air Resource Team projects, such as promotion in their newsletters and social media channels.
2. Develop promotional content to be hosted on the DISTRICT website;
3. Coordinate with DISTRICT staff to publicize Spare the Air Resource Team projects in the DISTRICT’s newsletter, Air Currents, DISTRICT’s social media channels, and in local media via press releases.

*Deliverables:*

- Copies of newsletters and social media posts promoting Spare the Air and Spare the Air Resource Team projects.

**Task 8: Reporting**

1. CONTRACTOR will provide DISTRICT monthly invoices and Quarterly Reports according to the schedule\* in the table below.

Work Completed During	Invoice Due Date	Quarterly Report Due
June, 2022	July 15, 2022	N/A
July 1-July 31, 2022	August 15, 2022	
August 1-August 31, 2022	September 15, 2022	
September 1-September 30, 2022	October 17, 2022	
	October 31, 2022	October 31, 2022: Quarter 1 (to cover work between June and September)
October 1-October 31, 2022	November 15, 2022	
November 1-November 30, 2022	December 15, 2022	
December 1-December 31, 2022	January 16, 2023	
	January 31, 2023	January 31, 2023: Quarter 2 (to cover work between October-December)
January 1-January 31, 2023	February 15, 2023	
February 1-February 28, 2023	March 15, 2023	
March 1-March 31, 2023	April 17, 2023	
	April 28, 2023	April 28, 2023: Quarter 3 (to cover work between January-March)
April 1-April 30, 2023	May 15, 2023	
May 1-May 31, 2023	June 15, 2023	
June 1-June 30, 2023	July 17, 2023	
	July 31, 2023	July 31, 2023: Quarter 4 (to cover work between April-June)

\*Schedule of reporting can be amended by mutual agreement in writing of both DISTRICT and CONTRACTOR.

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**ATTACHMENT B**

**COST SCHEDULE**

DISTRICT shall pay CONTRACTOR on a time and materials basis for the tasks outlined in the Scope of Work, up to a maximum amount of \$250,000. CONTRACTOR shall submit monthly invoices for payment based on the schedule outlined in Attachment A, Scope of Work. Invoices shall include the number of hours worked per Spare the Air Resource Team and must include receipts and trip forms separated by Spare the Air Resource Team. Payment shall be made in accordance with Section 8 (“Payment”) of this Contract.

**Labor:** DISTRICT shall pay CONTRACTOR for time spent completing the tasks outlined in the Scope of Work at the hourly rate listed below:

Staff	Hourly Rate
Ratha Lai, Principal	\$150

**Reimbursable Expenses:** DISTRICT shall reimburse CONTRACTOR for any expenses incurred by CONTRACTOR on behalf of DISTRICT up to \$40,000 in total. Reimbursable expenses include expenses that CONTRACTOR may incur in completion of the work under this Contract, including, but not limited to CONTRACTOR’s travel costs, conference call fees, meeting refreshments, meeting materials, general supplies, and funding for Spare the Air Resource Team projects (up to \$4,000 per team). CONTRACTOR shall provide receipts and/or supporting documentation for all reimbursable expenses. CONTRACTOR’s invoices shall clearly separate reimbursable expenses from labor costs. DISTRICT shall not report reimbursable expenses on CONTRACTOR’s Internal Revenue Service Form-1099.

**Total cost of Contract not to exceed: \$250,000.**

<b>Criteria</b>	<b>Description</b>	<b>Weight</b>
Expertise	Related expertise of the firm and personnel assigned to RFP tasks; bidder's ability to perform and complete the work in a professional and timely manner.	20%
Skill	Experience of the bidder and, in particular, experience working on projects of similar scope with government agencies, environmental justice communities, low-income communities, communities with limited English proficiency and communities of color.	25%
Approach	The extent to which the proposed approach meets the Air District's goal of establishing and maintaining a network of community-based Resource Teams to improve air quality in environmental justice communities throughout the Bay Area.	20%
Cost	Cost or cost effectiveness and resource allocation strategy.	5%
Outreach	Proposed plan to outreach and recruit Team Members. The outreach plan will be evaluated for effectiveness and the ability to reach Team Members with professional and lived experience with environmental justice communities, low-income communities, communities with limited English proficiency and communities of color.	20%
Firm's Speciality Focus Area	Local business (8%), Green business (2%)	10%
		100%

## 2022-004 - Community Engagement and Facilitation Services for Spare the Air Resource Teams Scoring Summary

### Active Submissions

	Total	A - Proposal	A-1 - Expertise	A-2 - Skill	A-3 - Approach	A-4 - Cost	A-5 - Outreach	A-6 - Firm's Specialty Focus Area	B - Interview	B-1 - Expertise	B-2 - Skill	B-3 - Approach	B-4 - Outreach
Supplier	/ 185 pts	/ 100 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 5 pts	/ 20 pts	/ 10 pts	/ 85 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 20 pts
Critical Impact Consulting	153.75	82	17.5	18.25	17	5	16.25	8	71.75	16.75	21.25	17	16.75
Sound of Hope media group	111.5	61.25	12.75	14.25	11.25	4.75	10.75	7.5	50.25	11.75	15	12.25	11.25

### Eliminated Submissions

	A - Proposal	A-1 - Expertise	A-2 - Skill	A-3 - Approach	A-4 - Cost	A-5 - Outreach	A-6 - Firm's Specialty Focus Area	B - Interview	B-1 - Expertise	B-2 - Skill	B-3 - Approach	B-4 - Outreach
Supplier	/ 100 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 5 pts	/ 20 pts	/ 10 pts	/ 85 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 20 pts
Calm Waters Group	24.75	8.25	3.75	4.5	0	7.5	0.75	-	-	-	-	-

## 2022-004 - Community Engagement and Facilitation Services for Spare the Air Resource Teams Critical Impact Consulting

### Scoring Summary

#### Evaluation Group 1 - Main Evaluation

	Total	A - Proposal	A-1 - Expertise	A-2 - Skill	A-3 - Approach	A-4 - Cost	A-5 - Outreach	A-6 - Firm's Specialty Focus Area	B - Interview	B-1 - Expertise	B-2 - Skill	B-3 - Approach	B-4 - Outreach
Reviewer	/ 185 pts	/ 100 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 5 pts	/ 20 pts	/ 10 pts	/ 85 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 20 pts
Ayla Peters	153	84	20	18	18	5	15	8	69	17	20	15	17
Elinor Mattern	148	73	15	15	15	5	15	8	75	18	23	18	16
Jhamere Howard	170	93	20	20	20	5	20	8	77	17	21	20	19
Sonam Shah-Paul	144	78	15	20	15	5	15	8	66	15	21	15	15
		Average:	17.5	18.25	17	5	16.25	8	Average:	16.75	21.25	17	16.75
Calculated:	153.75	82	17.5	18.25	17	5	16.25	8	71.75	16.75	21.25	17	16.75

### Scoring Comments

#### A-1 - Expertise - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	20	Strongly fits desired attribute(s)	
Elinor Mattern	15	Strongly fits desired attribute(s)	
Jhamere Howard	20	Meets or exceeds my expectations	
Sonam Shah-Paul	15	High level of detail in response	

#### A-2 - Skill - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	18	High level of detail in response	Strong experience with communities of color and communities with limited English proficiency and communities of color. Not tone of listed experience with gov or EJ communities.
Elinor Mattern	15	Partially meets my expectations	
Jhamere Howard	20	High level of detail in response	
Sonam Shah-Paul	20	Strongly fits desired attribute(s)	

#### A-3 - Approach - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	18	High level of detail in response	
Elinor Mattern	15	Meets or exceeds my expectations	
Jhamere Howard	20	Meets or exceeds my expectations	
Sonam Shah-Paul	15	High level of detail in response	

#### A-4 - Cost - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	5	High level of detail in response	
Elinor Mattern	5	High level of detail in response	
Jhamere Howard	5	Other	Not sure what price should cost.
Sonam Shah-Paul	5	Meets or exceeds my expectations	

**A-5 - Outreach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	15	High level of detail in response	Great detail in their plan. Not really tons of detail on how they're going to outreach to already existing partners and well-worn pathways of relationships.
Elinor Mattern	15	Meets or exceeds my expectations	
Jhamere Howard	20	Meets or exceeds my expectations	
Sonam Shah-Paul	15	High level of detail in response	

**A-6 - Firm's Specialty Focus Area - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	8	Strongly fits desired attribute(s)	Local business, but not focused necessarily on E.J.
Elinor Mattern	8	Strongly fits desired attribute(s)	
Jhamere Howard	8	Meets or exceeds my expectations	
Sonam Shah-Paul	8	Meets or exceeds my expectations	

**B-1 - Expertise - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	17	Strongly fits desired attribute(s)	Really strong community outreach focus, very familiar with Spare the Air and the Air District, has interfaced w/ Air District in the past.
Elinor Mattern	18	Strongly fits desired attribute(s)	
Jhamere Howard	17	Strongly fits desired attribute(s)	
Sonam Shah-Paul	15	Strongly fits desired attribute(s)	

**B-2 - Skill - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	20	High level of detail in response	Very very detailed in his experience with government agencies, advocacy, coalition building, and community engagement. Really thoughtful responses in the level of detail provided.
Elinor Mattern	23	Well-supported claim(s)	
Jhamere Howard	21	Meets or exceeds my expectations	
Sonam Shah-Paul	21	Strongly fits desired attribute(s)	

**B-3 - Approach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	15	Strongly fits desired attribute(s)	Great idea for how to do outreach, maintain retention, and gain new members. Very thoughtful in his approach. I think a bit vague and uncertain simply because he doesn't quite know the exact needs of the team and the Air District.
Elinor Mattem	18	Well-supported claim(s)	
Jhamere Howard	20	Meets or exceeds my expectations	
Sonam Shah-Paul	15	High level of detail in response	

**B-4 - Outreach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	17	Strongly fits desired attribute(s)	Very detailed (overly so) in his proposed plan to outreach and retain STA team members. Very effective understanding of AD politics, relationship to community members, etc.
Elinor Mattem	16	Other	
Jhamere Howard	19	Meets or exceeds my expectations	
Sonam Shah-Paul	15	High level of detail in response	

## 2022-004 - Community Engagement and Facilitation Services for Spare the Air Resource Teams Sound of Hope media group

### Scoring Summary

#### Evaluation Group 1 - Main Evaluation

	Total	A - Proposal	A-1 - Expertise	A-2 - Skill	A-3 - Approach	A-4 - Cost	A-5 - Outreach	A-6 - Firm's Specialty Focus Area	B - Interview	B-1 - Expertise	B-2 - Skill	B-3 - Approach	B-4 - Outreach
Reviewer	/ 185 pts	/ 100 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 5 pts	/ 20 pts	/ 10 pts	/ 85 pts	/ 20 pts	/ 25 pts	/ 20 pts	/ 20 pts
Ayla Peters	106	56	12	12	10	4	10	8	50	12	15	12	11
Elinor Mattern	120	68	13	16	13	5	13	8	52	12	15	13	12
Jhamere Howard	108	61	13	15	12	5	10	6	47	10	15	12	10
Sonam Shah-Paul	112	60	13	14	10	5	10	8	52	13	15	12	12
		Average:	12.75	14.25	11.25	4.75	10.75	7.5	Average:	11.75	15	12.25	11.25
Calculated:	111.5	61.25	12.75	14.25	11.25	4.75	10.75	7.5	50.25	11.75	15	12.25	11.25

### Scoring Comments

#### A-1 - Expertise - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	12	Partially meets my expectations	A good amount of experience in coalition building and outreach to the Chinese community. Not certain how they plan to outreach to other communities (black, Latino, etc.), not a lot of direct EJ experience.
Elinor Mattern	13	Medium level of detail in response	
Jhamere Howard	13	Other	
Sonam Shah-Paul	13	Partially fits desired attributes	

#### A-2 - Skill - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	12	Partially fits desired attributes	Describe involvement in various government and EJ groups in the Bay Area, but does not describe how that experience directly qualifies them for the consultant position. Good experience with the Chinese community, but does not describe outreach to other low-income communities of color.
Elinor Mattern	16	Partially meets my expectations	
Jhamere Howard	15	Other	
Sonam Shah-Paul	14	Partially fits desired attributes	

#### A-3 - Approach - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	10	Partially meets my expectations	Very little detail given on how they will build a coalition and how it relates to air quality and EJ in the Bay Area.
Elinor Mattern	13	Partially fits desired attributes	

Jhamere Howard	12	Other	
Sonam Shah-Paul	10	Partially fits desired attributes	

**A-4 - Cost - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	4	Meets or exceeds my expectations	A lot of costs associated with staff that aren't really justified as part of an STA plan.
Elinor Mattern	5	Strongly fits desired attribute(s)	
Jhamere Howard	5	Other	
Sonam Shah-Paul	5	Meets or exceeds my expectations	

**A-5 - Outreach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	10	Partially meets my expectations	Very little detail on their plan to outreach to EJ/low-income communities.
Elinor Mattern	13	Medium level of detail in response	
Jhamere Howard	10	Partially fits desired attributes	Emphasis on focusing on primarily Chinese demographic is only concern.
Sonam Shah-Paul	10	Partially fits desired attributes	

**A-6 - Firm's Specialty Focus Area - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	8	Well-supported claim(s)	Good focus on being local, very little focus on EJ.
Elinor Mattern	8	Strongly fits desired attribute(s)	
Jhamere Howard	6	Other	
Sonam Shah-Paul	8	Meets or exceeds my expectations	

**B-1 - Expertise - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	12	Partially meets my expectations	Had an interesting background in radio, outreach to the Chinese community, etc., also some vague experience with MTC and other boards, but not tons of experience otherwise directly related to the needs of the RFP.
Elinor Mattern	12	Partially supported claim(s)	
Jhamere Howard	10	Partially fits desired attributes	
Sonam Shah-Paul	13	Medium level of detail in response	

**B-2 - Skill - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	15	Partially meets my expectations	Did not have any direct experience working with government agencies or EJ communities.
Elinor Mattern	15	Partially supported claim(s)	

Jhamere Howard	15	Partially meets my expectations	
Sonam Shah-Paul	15	Medium level of detail in response	

**B-3 - Approach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	12	Partially meets my expectations	Seemed to have a cursory understanding of outreach needs. Not really detailed in their response on recruitment/retention.
Elinor Mattern	13	Partially meets my expectations	
Jhamere Howard	12	Partially meets my expectations	
Sonam Shah-Paul	12	Partially meets my expectations	

**B-4 - Outreach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	11	Partially meets my expectations	Very vague idea of recruitment/outreach needs.
Elinor Mattern	12	Medium level of detail in response	
Jhamere Howard	10	Partially supported claim(s)	
Sonam Shah-Paul	12	Mostly complete response	

## 2022-004 - Community Engagement and Facilitation Services for Spare the Air Resource Teams Calm Waters Group (Eliminated)

### Scoring Summary

#### Evaluation Group 1 - Main Evaluation

Reviewer	A - Proposal / 100 pts	A-1 - Expertise / 20 pts	A-2 - Skill / 25 pts	A-3 - Approach / 20 pts	A-4 - Cost / 5 pts	A-5 - Outreach / 20 pts	A-6 - Firm's Specialty Focus Area / 10 pts	B - Interview / 85 pts	B-1 - Expertise / 20 pts	B-2 - Skill / 25 pts	B-3 - Approach / 20 pts	B-4 - Outreach / 20 pts
Ayla Peters	19	10	0	3	0	5	1	-	-	-	-	-
Elinor Mattern	25	5	5	5	0	10	0	-	-	-	-	-
Jhamere Howard	26	8	5	3	0	8	2	-	-	-	-	-
Sonam Shah-Paul	29	10	5	7	0	7	0	-	-	-	-	-
<b>Average:</b>		8.25	3.75	4.5	0	7.5	0.75	<b>Average:</b>	-	-	-	-
<b>Calculated:</b>	24.75	8.25	3.75	4.5	0	7.5	0.75	-	-	-	-	-

### Scoring Comments

#### A-1 - Expertise - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	10	Partially meets my expectations	They do have some experience in EJ communities and Bay Area-based environmental work.
Elinor Mattern	5	Poor level of detail in response	
Jhamere Howard	8	Partially supported claim(s)	There could be more details about their ability to complete tasks, their background, etc.
Sonam Shah-Paul	10	Partially meets my expectations	

#### A-2 - Skill - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	0	Doesn't meet my expectations	No description of their experience with government agencies, environmental justice communities, low-income communities, communities with limited English proficiency, or communities of color.
Elinor Mattern	5	Missing / mismatched attributes	
Jhamere Howard	5	Other	Not enough details about their experience.
Sonam Shah-Paul	5	Incomplete response	

#### A-3 - Approach - Reviewer Scores

Reviewer	Score	Reason	Comments
Ayla Peters	3	Doesn't meet my expectations	Does not give detail on how they will create and maintain the STA network in the Bay Area.
Elinor Mattern	5	Doesn't meet my expectations	
Jhamere Howard	3	Other	

Sonam Shah-Paul	7	Partially meets my expectations	
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**A-4 - Cost - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	0	Missing / mismatched attributes	Did not provide a cost associated with the proposal
Elinor Mattern	0	Incomplete response	
Jhamere Howard	0	Other	Can't provide a score based on the information provided.
Sonam Shah-Paul	0	Incomplete response	

**A-5 - Outreach - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	5	Incomplete response	Did not offer detail into how outreach and recruitment would happen.
Elinor Mattern	10	Partially meets my expectations	
Jhamere Howard	8	Other	Very high level details and an overview but more details would have been preferred.
Sonam Shah-Paul	7	Partially meets my expectations	

**A-6 - Firm's Specialty Focus Area - Reviewer Scores**

Reviewer	Score	Reason	Comments
Ayla Peters	1	Doesn't meet my expectations	Bay Area firm specializing in community engagement and EJ.
Elinor Mattern	0	Incomplete response	
Jhamere Howard	2	Poor level of detail in response	
Sonam Shah-Paul	0	Incomplete response	

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Quarterly Report of the Executive Office and Division Activities for the Months of  
January 2022 - March 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

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

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Aloha de Guzman  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. First Quarter Report for the Months of January 2022 - March 2022

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

**Business Office**

The Business Office issued 599 purchase orders and executed 107 contracts. There were six (6) Requests for Proposals/Qualifications issued during this period.

**Fleet and Facilities Office**

In the First Quarter of 2022, Fleet services disposed of zero (0) vehicles, acquired zero (0) vehicles, and processed zero (0) vehicles for body shop repairs and sent fifty-nine (59) vehicles for maintenance. There were twenty-six (26) vehicle requests of which zero (0) were pool vehicles and twenty-six (26) were Enterprise car rentals. One (1) cancellation was received. Fleet currently maintains one-hundred twenty-six (126) vehicles: three (3) electric, one (1) hydrogen fuel cell, eighty-six (86) plug-in hybrids, thirteen (13) hybrids, twenty-two (22) gas, and one (1) diesel.

Facilities received thirty-nine (39) Angus requests and completed one-hundred-twenty-one (121) ad-hoc projects/tasks (which includes eighty-three (83) offices, garages, rooftop equipment sites, trailers and similar). No furniture orders were facilitated.

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

The Human Resources (HR) Office conducted 13 recruitments including exams for: Accountant I/II, Air Quality Engineer I/II, Assistant Manager, Hearing Board Member, Manager (2), Principal Environmental Planner, Senior Advanced Projects Advisor, Senior Air Quality Specialist (2), Senior Staff Specialist, Staff Specialist I/II, and Supervising Staff Specialist. The HR Office offered 67 wellness/fitness classes and 6 group training sessions with 141 attendees, including: Workplace Civility, Resiliency and Grit for Changing Times, Managing Contractors, Women and Leadership, Art of Writing Performance Evaluation, and Managing COVID-19 Issues. In addition, 5 employees utilized individual training courses and educational reimbursements. The HR Office continues to administer payroll, benefits, safety/worker's compensation, and labor/employee relations. There were 15 new employees, 8 promotions, and 9 separations from January 2022 to March 2022. There are currently 401 regular employees, 6 temporary employees, and 44 budgeted vacant positions.

**COMPLIANCE AND ENFORCEMENT DIVISION  
J. GOVE, DIRECTOR**

**Enforcement Program**

Air District Staff documented 216 air pollution violations that resulted in Notice of Violations (NOV) and responded to 888 general air pollution complaints. These activities addressed noncompliance with applicable Federal, State and Air District regulations, and provided a mechanism for the public to voice their concerns about air pollution issues that might be in noncompliance status. Additionally, highlighted enforcement activities for the quarter are as follows:

- On June 8, 2021, the Air District issued three NOVs to Chemtrade which alleged 18 different violations of Air District regulations, including Regs. 1-522, 2-6, and 9-1. Air District filed an “Accusation and Stipulated Conditional Order for Abatement” (the “Stipulated Order”) against Chemtrade and the Air District brought the abatement order in front of the agency’s independent Hearing Board on April 12, 2022, to correct air quality violations at Chemtrade’s Richmond facility. Chemtrade has been operating an uncertified or out-of-control Continuous Emissions Monitoring System that may have underreported sulfur dioxide emissions since Chemtrade acquired the facility from General Chemical in 2014. Air District’s Hearing Board approved and signed the Stipulated Order of Abatement on April 12, 2022. Chemtrade would be required to come into compliance by April 15, 2022, and conduct source testing by May 2, 2022.
- Staff conducted multiple Continuous Emissions Monitoring Systems (CEMS) and source test audit/investigation at the P66 refinery in Rodeo, CA in 2021 and 15 NOVs were issued on December 2, 2021 to P66 – San Francisco Refinery (#A0016). On December 11, 2021, staff issued an additional NOV on S-15-unit 244 501-505 furnace for an inoperative CEMS (broken heated sample line). The sample line was inoperative since November 2018 and not reported to the Air District.
- On February 16, 2022, staff issued P66 31 NOVs invalidating multiple source test. Staff subsequently drafted a technical report and the NOV report which was reviewed and approved by Compliance & Enforcement, Engineering, Meteorology & Measurements and Legal. C&E staff also briefed the APCO and District counsel on the P66 CEM audit/investigation.
- On January 19, 2022 – January 20, 2022, staff attended the quarterly meeting of the California Air Pollution Control Officers Association (CAPCOA) Enforcement Managers Committee. The meeting agenda included a variety of topics of interested to all the air districts and was attended by representatives from several air districts as well as from the California Air Resources Board and the United States Environmental Protection Agency/Region 9.
- On January 20, 2022, staff attended the South Bay Odor Stakeholders Group meeting. Staff provided a report on the Regional Odor Study status and an update on the number of odor complaints received by the Air District from local residents.
- Throughout the first quarter, staff responded to community concerns of dust and toxic air pollution in the Candlestick Point area of Bayview Hunters Point, San Francisco. Three unpermitted facilities, Bauman Landscape and Construction (Bauman), Precision Engineering (Precision), and M Squared (M2) operated material handling facilities directly adjacent to the Arelious Walker Apartment units along Arelious Walker Drive and Gilman Avenue. Their activities generated alleged dust, naturally occurring asbestos dust, and track out complaints from residents and community leaders to the Air District and City. Staff response included daily surveillance of the facilities and surrounding areas, complaint investigations, partnership development with applicable SF agencies, and weekly reports to the District 10 supervisor. Other key highlights included:
  - o February 3, 2022, meeting with representatives of Bauman and Murphy Properties (Landlord) to discuss ongoing permitting, dust and track out issues.
  - o March 1, 2022, meeting with the Candlestick Heights Neighborhood Alliance to address community concerns.

- o March 9, 2022, order from the City Attorney's Office and the Office of Community Investment and Infrastructure (OCII) to cease and desist unpermitted operations at Bauman, Precision, and M2.
- o March 22, 2022, meeting with community members from Bayview Hunters Point (BVHP) and San Francisco's District 10 Supervisor and Legislative Aid to discuss the Air District's role in BVHP, the additional attention the Air District provides in (future) Assembly Bill (AB) 617 areas, enforcement issues involved at the Bauman, Precision and M2 sites, and the efforts made by the Air District to work with partnering agencies at the City to get the facilities closed and out of the area.
- Throughout the first quarter, staff performed several activities related to community complaints regarding portable generators providing primary power for a marijuana grow operation at a warehouse in East Oakland owned by Green Sage Management, LLC (Green Sage).
- On January 12, 2022, staff contacted the City of Oakland Building Department in response to the community complaints. Staff later verified that the engines were registered under the State Portable Equipment Registration Program (PERP) and had several meetings with Air District Legal and Engineering Division staff to determine whether the generators were operating in violation of applicable Air District and State regulations.
- On February 15, 2022, Air District staff from the Compliance and Enforcement, and Engineering Divisions met with representatives from Green Sage regarding the use of multiple diesel generators for primary power at several East Oakland locations. Green Sage representatives outlined plans to temporarily replace the generators with several portable gas turbines and, eventually, a stationary gas turbine. Green Sage representatives also explained that electrical power from PG&E was insufficient to power their operations. Air District staff explained that the use of the continued diesel generators was a violation of Air District regulations and that the generators could not be permitted if they did not meet current emissions standards for stationary sources. Air District staff also explained the requirements for permitting the portable and stationary gas turbines.
- On February 16, 2022, staff issued a Notice of Violation to Green Sage for operating 9 diesel generators providing primary power for cannabis operations at 5601 and 5333 San Leandro Street in Oakland without an Air District Permit to Operate.
- On February 24, 2022, Green Sage submitted to the Air District a permit application for the diesel generators. The application is under review by the Engineering Division; however, it is expected that the engines cannot be permitted as they do not meet current emission standards for stationary sources. Green Sage representatives have also mentioned that they plan to submit applications for several portable gas turbines and a stationary gas turbine, intended to replace the 9 diesel generators in the future. Green Sage representatives allege that energy from PG&E will be insufficient to provide power to their facilities.
- On March 17, 2022, Air District Compliance and Enforcement and Engineering Division staff met with City of Oakland Cannabis Permitting Office, Building Department, and Fire Department representatives to discuss the use of diesel generators for primary power by cannabis operators. Air District staff also discussed Green Sage's proposal to replace the diesel generators with 3 portable 5-megawatt (MW) temporary gas turbines, to be eventually replaced by a stationary 48-MW gas turbine.
- On March 24, 2022, staff conducted a multi-agency inspection of the cannabis operations at the Green Sage's facility located at 5601 San Leandro Street, Oakland. The inspection was conducted with staff from the City of Oakland Fire Department (FD) and Cal/OSHA to

follow up on a previous inspection by City of Oakland FD staff, which found potentially high levels of carbon monoxide resulting from the use of diesel generators for primary power by the cannabis operators. Cal/OSHA staff did not find elevated levels of carbon monoxide or carbon dioxide during the inspection.

- On March 2, 2022, staff participated on a regulatory panel at the annual Lehigh Southwest Cement, Town Hall Meeting hosted by Santa Clara County Supervisor Joe Simitian. Staff provided the ‘virtual’ audience information about the Air District’s regulatory oversight at Lehigh and answered the audience’s air quality questions as posed by Joe Simitian. Other participating agencies included the Santa Clara Department of Planning, Environmental Health and Legal Counsel, the United States Environmental Protection Agency, the Department of Fish and Game, the Santa Clara Valley Water District, and the City of Cupertino. There were upwards of 250 attendees comprised of concerned residents, politicians, and industry representatives.
- On March 8, 2022, staff responded to complaints that illegal burning was occurring at ALCO Iron & Metal in San Leandro. Staff met with ALCO representatives, who stated that the reports of the alleged burning were likely the result of oxy-acetylene torch cutting of ferrous metal, where water is used to quench/douse the metal to prevent fires resulting in steam. On March 9, 2022, staff witnessed the torch cutting operation and observed that steam was created as water was sprayed on the metal to prevent fires. ALCO representatives stated that they would discontinue the practice as a result of the complaints, and that they had found an alternative location to process the material.
- On March 17, 2022, staff submitted the Air District’s Annual Burn Report to the California Air Resources Board. The report provided key information regarding agricultural and prescribed burning conducted in the Air District during calendar year 2021. Of note, there was a 7.5% increase in prescribed burning from year 2020.
- On March 24, 2022, staff conducted a joint inspection with the City of San Jose’s Code Enforcement on a single-family dwelling (SFD) in San Jose. The homeowner was alleged to have operated an automotive coating business out of the SFD and both the Air District and the City of San Jose had been receiving complaints about the operation.
- Staff participated in monthly conference calls with Lehigh Southwest Cement representatives to discuss ongoing compliance and permitting issues at this Portland Cement manufacturing facility and quarry. Lehigh’s kiln remained idle during the period.

### **Compliance Assurance**

Air District Staff conducted over 2,272 inspections of permitted facilities, gasoline dispensing stations, asbestos demolition and renovation jobs, naturally occurring asbestos projects, open burning, portable equipment and mobile sources. Additionally, highlighted inspection activities for the quarter are as follows:

- On January 20, 2022, staff participated at the Santa Clara Fire Training Officers Meeting in Santa Clara to provide South Bay Fire Department Representatives Regulation 5, Open Burning information and discuss the open burn notification process, live fire training and the inherent challenges to planning and conducting live fire training, and interagency relationship building and future agency coordination.
- On January 20, 2022, staff participated in the quarterly California Air Pollution Control Officers Association (CAPCOA) Asbestos Work Group meeting. Attendees included CAPCOA, the California Air Resources Board (CARB) and other Air District’s from California and U.S. EPA’s Region 9.

- On January 27, 2022, staff participated in a conference call with California Air Pollution Control Officers Association's (CAPCOA) Prescribed Burn Workgroup. Meeting participants included representatives from CAPCOA, California Air Resources Board (CARB), and other local air districts. The group discussed CARB's upcoming Wildfire Smoke Messaging Campaign.
- On March 28, 2022, staff met with the Executive Director and Climate & Soil Specialist of Napa Green, a non-profit that serves as a catalyst and facilitator to grow certified sustainable, responsible businesses committed to environmental stewardship and climate action in Napa County. The group discussed vineyard waste burning, alternatives to burning, the use of air curtain burners, Regulation 5, Open Burning, the Air District's Agricultural Waste and Wildfire Prevention Chipping programs and potential future collaboration.
- Staff approved seven Asbestos Dust Mitigation Plans (ADMP) for the following projects: RIN-0223, Sunnysdale Hope, SF Phase 1A3, RIN-0225, Herz Playground Recreation Center, SF, RIN-0226, UCSF 401 Parnassus, SF, RIN-0230, Sunol Wilderness Water System Improvement, RIN-0231, 15101 Washington Ave, San Leandro, RIN-0236, 355 Sango Court, Milpitas, and RIN 0237, Kirby Canyon Landfill. These NOA (Naturally Occurring Asbestos) projects are required to perform asbestos ambient perimeter air monitoring and submit results to the Air District on a bi-weekly basis. In addition, staff received five ADMP revision requests and approved three to date: 1.) RIN-0197 Harbor Pointe Project revisions 2 and 3, and 2.) RIN-0104 KB Homes Communication Hills Project, SJ.

### **Compliance Assistance and Operations Program**

Air District Staff received and evaluated over 2,880 plans, petitions, and notifications required by the asbestos, coatings, open burn, tank and flare regulations. Staff received and responded to over 111 compliance assistance inquiries and green business review requests. Highlighted compliance assistance activities for the quarter also included the following:

- Air District staff approved 4 prescribed burn smoke management plans in Contra Costa, San Mateo, and Santa Clara County.
- Air District staff approved seven (7) marsh smoke management plans in Solano County.
- Staff mailed out 209 informational packets to residences that received complaints regarding wood burning. During the first quarter of 2022, the Air District received 299 complaints regarding wood burning.
- Air District staff completed the data verification and posting of refinery flare monitoring data through January.
- Air District staff conducted the following inspections for the Strategic Incentives Division (SID): 86 engines.

### **AB 617**

On February 28, 2022, staff participated in a joint presentation with Engineering, Rules, Strategic Incentives and Technology Implementation Office to discuss "Actions to Reduce Emissions and Exposure" in the AB 617 Richmond San Pablo Path to Clean Air Steering Committee Meeting. The presentation covered potential strategies and actions that could help address air quality and emissions concerns of the community and presented opportunities for an open discussion with community members on a variety of Air District programs and tools to reduce emissions, including the inspection program, air quality complaint program and enforcement activities of the division.

On March 21, 2022, staff provided a presentation on “Compliance and Enforcement Data and Findings” to the AB 617 Richmond San Pablo Path to Clean Air Steering Committee. The presentation provided an overview of the compliance and enforcement activities for a three-year period from 2019 – 2021 and included a comprehensive review and assessment of data findings based on compliance verification inspections and investigation, air quality complaints, notice of violations. Staff summarized data and trends, provided data comparisons with field inspection observations, and discussed whether the findings aligned with community concerns. The presentation highlighted specific facilities such as the Chevron Refinery, Chemtrade, City of Richmond Water Pollution Control District, West Contra Costa Landfill, and AAK Oil and discussed potential concerns of the community as the first step to identifying future Air District strategies that improve air quality and reduce emissions in the Richmond San Pablo area.

### **Wildfire Air Quality Response Program**

*Home Air Filtration Program (HAFP):* Over the last quarter, the Air District’s Home Air Filtration Program transitioned from the Compliance & Enforcement Division to the Community Engagement Division with the goal of focusing on developing and expanding community partnerships in vulnerable communities impacted by wildfires and air pollution. As part of the HAFP, in August 2021, the Air District partnered with the Regional Asthma Management and Prevention (RAMP) to help provide home air filtration units to those who are low income and suffering from severe asthma who are enrolled in the State of California’s Asthma Mitigation Project (AMP) to receive home asthma assessments and care. Eighty-five units were distributed across the program over the last quarter, a decline from the fourth quarter of 2021 due to the Omicron surge at the beginning of the year. The distribution of air filtration units is expected to increase across the Bay Area in the upcoming months as the Covid outlook has improved and health care services return to some sense of normalcy. Air District staff are looking at opportunities to expand the HAFP in 2022 and are exploring partnerships with Marin Community Clinic, Ole Health and La Clinica, West Oakland Health Council, Roots Community Health Center, FQHCs located in Marin, Napa, Solano Counties, West Oakland and East Oakland, respectively.

*Partnerships with County Office of Emergency Services (OES):* The Air District signed partnership agreements with the OES in Marin, Alameda, Solano, San Mateo, Santa Clara and San Francisco Counties to enhance wildfire coordination and preparedness in the Bay Area. Through Air District funding, each county will receive portable air filtration units up to an amount of \$100,000 to deploy to evacuation and sheltering facilities and other congregate facilities such as schools, libraries, community centers when wildfire smoke impacts their region. San Mateo, Alameda, Sonoma and Marin Counties received the air filtration units and are prepared to deploy units during the next wildfire smoke event. San Francisco and Santa Clara Counties are in the process of placing orders and Contra Costa and Napa Counties have committed to partnering with the Air District and are currently in the process of reviewing draft agreements and evaluating program logistics to better serve their communities. Solano County expressed staffing and resource challenges that prevent them from entering into a partnership agreement with the Air District at this time.

*Wildfire Recovery Assistance Programs:* On March 13, 2022, Sonoma Clean Power and Marin Clean Energy submitted final reports to the Air District for the \$3 million Sonoma and Napa Wildfire Recovery Assistance Programs. The Air District had authorized \$3 million to fund these programs back in May 2018. The programs aided wildfire rebuild efforts in North Bay communities and promoted energy efficient homes. In total, the programs funded 172 projects (homes) for a total of

346 rebates. There was approximately \$2.4 million in unused funds. Staff is working to close out the programs.

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

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

**Climate Tech Finance**

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

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

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

- **SWITCH Maritime**, a hydrogen fuel cell ferry (\$2.5 million/50% guarantee with State funds)
- **Gridscape Solutions**, a renewable microgrid developer (\$1 million/90% guarantee including Air District funds)
- **Imperial Electric Services**, an electric vehicle charging station installer (80% guarantee with State funds)
- **The Climate Center**, a nonprofit that helped establish Community Choice Aggregators (80% guarantee with State funds)
- **EvGateway**, an EV charging software platform developer (\$2.5 million/90% guarantee including Air District funds)
- **UCAP Power**, an ultracapacitor energy storage developer (\$2.5 million/90% guarantee including Air District funds)

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

Staff, with the support of the Air District's web team, launched a new Climate Tech Finance website to enhance outreach for the program. Staff is working with a contractor to develop a Salesforce Customer Relationship Management platform for the Climate Tech Finance program.

Staff advanced discussions on the statewide expansion of Climate Tech Finance with IBank and NorCal FDC by utilizing state and federal funding from recent climate legislation.

**Clean Air Centers**

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

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

The Air District held a meeting with counties in December 2021 to go over the program and draft guidelines, along with an optional pre-screening application. Staff opened the solicitation in January 2022 and are currently reviewing applications and preparing to contract for projects.

**Clean Cars for All**

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

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

**Clean Cars for All Funding to Date**

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

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

**Key program highlights:**

- 3,698 applications have been submitted since the program opened in March 2019, and 2,819 awards have been made (totaling over \$23.6 million). Over 2,200 grantees purchased new vehicles, 35 grantees selected PEX cards for public transit and other mobility options, 228 grantees have requested or installed a home charger or purchased a portable charger.
- Of the clean transportation options selected to date, 26% were battery electric vehicles (BEV), 52% were plug-in hybrid electric vehicles (PHEV), 19% were conventional hybrid vehicles, 2% percent were hydrogen fuel cell vehicles (FCEV), and 1% were mobility option.

**Clean Cars for All Program Key Performance Indicators (KPI)**

<b>Clean Cars for All Program KPI Totals to Date (2019-2022)</b>	
Total budget	\$42M
Total available	\$4.47M (i.e. not awarded)
Applications received	3,698
Funds awarded	\$23.6M / 2,819 grantees
Funds paid	\$18.62M / 2,355 payments
<b>Clean Cars for All Program KPI Totals During Q1 of 2022</b>	
Applications received	288
Funds awarded	\$2.83M / 359 grants
Funds paid	\$1.71M / 209 payments

**Charge! Program for Electric Vehicle (EV) Infrastructure**

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

- Staff continue to administer and monitor current Charge! Program projects for compliance.
- The 2021 Charge! Program launched on December 28, 2020 and closed on March 18, 2021. Twenty-five applications were submitted requesting nearly \$13 million in funding. Applications were evaluated and a panel of three staff from TIO, SID, and Rules and Strategic Policy scored and ranked the projects. Twenty projects were eligible for approximately \$10 million in funding. Sixteen projects received funding, totaling to \$5.23 million.

The 2022 Charge! Program opened on December 7, 2021 and closed on March 1, 2022. There is \$7 million available in funding for the 2022 Charge! Program. A draft version of the Charge! Program guidance was released on October 15, 2021, and public comments were accepted until November 15, 2021. An informational webinar was held on December 14, 2021 to provide an overview of the

program and information about how to submit an application. TIO staff are currently evaluating, scoring, and ranking applications.

### **EV Outreach and Partnerships**

TIO continues to organize the Bay Area EV Coordinating Council and convene quarterly networking, coordinating, and information sharing events for public agencies, companies, and non-profit organizations to accelerate EV adoption in the Bay Area. The next meeting is scheduled for April 28, 2022, and will focus on EV charging at multi-family buildings.

Staff have finalized a partnership with StopWaste to provide technical assistance to encourage EV charging installations at multi-family buildings serving low-income residents or located in AB 617 communities and has started to engage building owners and stakeholders in Oakland and Richmond.

TIO staff submitted an application for the California Energy Commission's Reliable, Equitable, and Accessible Charging for Multi-family Housing grant solicitation. TIO partnered with GRID Alternatives and MCE on a proposed project that is centered around community engagement. The project team will work directly with community groups to identify transportation needs in addition to selecting multi-unit dwelling sites to install Level 1, Level 2, and DC Fast chargers. The goal is to identify project sites solely within disadvantaged and low-income areas, in addition to affordable housing facilities in Oakland, Richmond/San Pablo, and Vallejo.

**ENGINEERING DIVISION  
P. LEONG, DIRECTOR**

### **California Environmental Quality Act (CEQA) Projects**

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

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

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

The Contra Costa County Planning Commission approved the Final Environmental Impact Reports (FEIRs) for the projects for both Marathon and Phillips 66 on March 23 and March 30, respectively. The FEIRs for both projects were appealed, and a Hearing at the Contra Costa County Board of Supervisors is scheduled for May 3, 2022.

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

The Air District executed Task Order No. 1 with PlaceWorks on January 28. The initial project kickoff meeting took place on February 16. Staff discussed elements of the project, timelines, project responsibilities and controversies related to the projects for the material handling facilities: CEMEX Construction Materials, Hanson Aggregates Piers 92 & 94, and Recology.

### **Permits and Projects**

#### **Advanced IPM (Port of Oakland)**

Advanced IPM applied for a Permit to Operate for an existing commodity fumigation operation. Advanced IPM is a pest control company that fumigates containers with a toxic air contaminant at the Port of Oakland. Emissions from the operation were evaluated with the emissions of two related Advanced IPM facilities also located at the Port of Oakland. A Health Risk Assessment was conducted, and the operations were found to comply with the requirements of Regulation 2, Rule 5. The application satisfied the CEQA requirements by receiving a Restricted Materials Permit from the Alameda County Agricultural Department. The Restricted Materials and Permitting Program, developed by the California Department of Pesticide Regulations and implemented by the county commissioners for the Agricultural Department, is equivalent to a full-scale Environmental Impact Report normally required by CEQA. The Restricted Materials and Permitting Program is a certified program substitute as listed under 14 CCR Section 15251(i). A Permit to Operate was issued to Advanced IPM on January 6, 2022.

#### **San Jose-Santa Clara Regional Wastewater Facility (San Jose)**

The San Jose-Santa Clara Regional Wastewater Facility (RWF) applied to install two Sludge Handling Storage Tanks and one Sludge Handling Operation. The RWF plans to replace the current lagoons and drying beds which hold biosolids for approximately four years before the solids can be transported to a landfill. The new mechanical dewatering system will utilize centrifuges to remove water from the biosolids at a faster rate. Authorities to Construct were issued on March 9, 2022.

#### **Ardagh Metal Beverage USA Inc. (Fairfield)**

On March 21, 2019, the Air District issued Ardagh Metal Beverage USA Inc. (Ardagh) an Authority to Construct to install new can coating lines and modify an existing can coating line to increase beverage can production rates. The emissions consist of precursor organic compounds (POC) and are required to be abated by two regenerative thermal oxidizers (RTOs). Ardagh performed startup testing to ensure that the RTOs are meeting all capture and control requirements for POCs and emission limits for nitrogen oxides (NOx) and carbon monoxide (CO). The Air District issued the Permit to Operate for the new coating lines and RTOs on December 16, 2021.

#### **Schnitzer Steel Products Company (Oakland)**

The Air District issued an Authority to Construct to Schnitzer Steel for two Regenerative Thermal Oxidizers and Packed Bed Scrubbers on the Metal Shredder Enclosure in August 2021. After issuance of the Authority to Construct, the facility questioned several permit conditions, which the Air District determined needed correcting. A Change of Conditions for Application 30009 was prepared to correct emission limits and clarify monitoring requirements. The Change of Conditions for Application 30009 was issued on March 8, 2022.

### **California Air Pollution Control Officers Association (CAPCOA)**

Staff chaired and participated in the January 24, 2022 and January 25, 2022, meeting of the Engineering Managers Committee. At the meeting, CARB gave updates on air district program reviews, air quality training programs, gas station industry-wide guidance documents, and the criteria pollutants and toxic air contaminants reporting regulation. CalRecycle gave an update on its organic waste/composting study. EPA provided federal regulatory updates. Attendees also discussed Best Available Control Technology determinations including large emergency standby diesel engines and solvent extraction at cannabis operations.

### **Toxic and Risk Manager Committee (TARMAC)**

TARMAC is a sub-committee of the CAPCOA Engineering Managers Committee. Staff participated in the January 25, 2022 TARMAC meeting. District workgroup chairs provided updates on district implementation of Emission Inventory Criteria and Guidelines (EICG) and Criteria and Toxic Reporting (CTR) Regulations, development of an air toxics emission factors clearinghouse, and preparation of health risk assessment guidelines for diesel engines and auto body shops. Districts discussed progress implementing AB617 and several areas of recent interest including cannabis growing and processing operations, air curtain incinerators, BACT determinations for diesel engines and ammonia slip emission limits.

### **National Association of Clean Air Agencies (NACAA)**

Staff participated in the January 12, 2022 and March 9, 2022 meetings of the NACAA Permitting and New Source Committee. At the meetings, U.S. EPA introduced Rochelle Boyd as the new leader for their New Source Review Group. EPA also gave an update on its new source review regulatory actions and implications of their recent addition of 1-Bromopropane to the list of Clean Air Act Section 112 hazardous air pollutants. The NACAA New Source Review subcommittee presented its training survey results, and the New Source Review Improvement Project provided a progress report. In addition, the Minnesota Pollution Control Agency made a presentation on its cumulative impacts and environmental justice information request to state and local air quality agencies.

### **Cost Recovery and Containment Study**

In July 2021, the Air District hired Matrix Consulting to conduct a new Cost Recovery and Containment Study. The final report from the last study was completed in 2018. The core internal working group includes staff from the Executive Team, Engineering, Compliance & Enforcement and Finance. The key areas of study include paths for attaining 100% cost recovery, reviewing Air District practices, and identifying efficiency opportunities. The process included interviewing internal staff in fee-based programs and support activity, industry representatives and the public. The core internal working group continues to work with Matrix to finalize the draft report.

### **Enhanced Permitting Program Webinar**

Staff conducted a March 7, 2022 virtual technical webinar about enhancements to the Air District's "New Source Review" permitting program. This webinar covered the following topics: (1) Application Submittal Minimum Requirements; (2) Application Completeness Requirements; (3) Revisions to Applications; (4) Permit Condition Review, and (5) Permit Condition Revisions after Permit Issuance. This webinar focused on the changes to the Air District's policies and procedures that may affect all permit applicants, but impacts larger facilities such as power plants, petroleum refineries, chemical plants, manufacturing plants, wastewater treatment plants, landfills, and other large industrial facilities. The presentation was aimed at facility environmental staff, consultants,

and others who regularly work on or review Air District permit applications for facilities such as these. All interested members of the public were invited to attend.

**Bay View Hunters Point Environmental Justice Task Force Meeting, San Francisco**

Staff attended the meeting on March 16 to provide an update on the permitting of CEMEX, Hanson at Piers 92 and 94, and Recology.

**Rule Development and Implementation**

**Regulation 3: Fees Amendments**

On January 24, 2022, staff met with the Budget Advisory Group (BAG) to present and discuss the current Bay Area economy and outlook, cost recovery background/methodology, and the Air District’s preliminary fee amendment concepts. BAG is comprised of the chair of the Budget & Finance Committee, Air District staff and industry representatives. On February 17, 2022, staff held a virtual public workshop to discuss proposed amendments to Regulation 3 for fiscal year ending (FYE) 2023. On March 14, 2022, staff met with the BAG to discuss the proposed amendments, the Air District’s Budget Calendar, and the 2022 Cost Recovery Report. A proposed fee revision was distributed on March 17, 2022, and updated on the rule development webpage to advise the public of an additional proposal that would be presented to Board for consideration. On March 23, 2022, staff presented the proposed amendments to the Air District’s Budget & Finance Committee.

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

Regulation 11, Rule 18, or Rule 11-18 requires that facilities reduce health risks if facility health risks exceed a risk action level (RAL). A site wide HRA is necessary to determine the facility health risks due to routine and predictable toxic emissions from stationary sources at the facility. The current list of Phase I facilities is available on the Air District web site at: <https://www.baaqmd.gov/community-health/facility-risk-reduction-program/facility-risk-reduction-list>.

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

**Status as of March 31 for the Phase I facilities**

<b>HRA Review Stage</b>	<b>Number of Facilities</b>
Validating Inventory and HRA Input Data	13
Preparing Preliminary HRA	14
On 90-Day Facility Review	0
Preparing Draft HRA	4
On 45-Day Public Comment	0
Preparing Final HRA	3
Final HRA Complete	0

On February 28, 2022, staff presented Rule 11-18 program enhancements to the Stationary Source and Climate Impacts Committee. These program enhancements are intended to accelerate the pace of HRA review and risk reduction plan review without compromising HRA and Plan quality by improving staff efficiency and adding new staff dedicated to this program. The Committee expressed their unanimous support for the proposed program enhancements including the addition of at least 4 new Full Time Equivalents (FTEs) for this program and at least one (1) new FTE to handle the modeling increases expected due to Permit Reform.

### **Eco Services Operations (Martinez)**

On February 11, 2022, staff received comments from Eco Services Operations Corporation regarding their Preliminary HRA. Staff are reviewing these comments, responding to the facility, and preparing the draft HRA for this facility.

### **Regulation 12, Rule 15 – Petroleum Refining Emissions Tracking**

Staff is currently working on finalizing emissions inventories with Air District required corrections. Staff is also working with the Western States Petroleum Association on ways the facilities can improve their submittals so that they do not require as much review effort to validate submitted inventories.

### **Heavy Liquids Study**

On November 2, 2021, staff provided to the Western States Petroleum Association (WSPA) a draft report of the findings and analysis of the Heavy Liquids Study for WSPA's review. On December 17, 2021, WSPA provided their comments on the draft report. Staff reviewed the comments and incorporated necessary revisions into the draft report as well as drafted responses to comments.

### **AB 617**

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

Staff presented "Actions to Reduce Emissions and Exposure" to the steering committee on February 28, 2022. Staff worked with the CARB, CAPCOA, and other local air districts as part of the CARB's BACT / Best Available Retrofit Control Technology (BARCT) Working Group to review and comment on the AB 617 Technology Clearinghouse being developed by CARB and its consultants. AB 617 requires CARB to establish and maintain a statewide Technology Clearinghouse that identifies the best technologies for reducing emissions, namely BACT, BARCT, and related technologies for the control of toxic air contaminants. CARB is developing this technology clearinghouse of air district rules and control technologies as required under its AB 617 program and is working with CAPCOA and local air districts to ensure the information is useful and meets the needs of users.

Staff continued to meet weekly with CARB and other air districts on preparing responses to frequently asked questions (FAQs) on permitting in communities. The FAQs are posted at [Stationary Source Permitting - Community Questions | California Air Resources Board](#) on CARB's website as part of their Technology Clearinghouse.

Staff also collaborated with the East Oakland Community on the preparation of a public records act request.

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

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

The District Counsel's Office received 284 violations reflected in Notices of Violation (NOVs) for processing.

Mutual Settlement Program staff-initiated settlement discussions regarding civil penalties or passing the Wood Smoke Awareness Course for 65 violations reflected in NOVs. In addition, 0 Final 30 Day Letter(s) was/were sent regarding civil penalties for 0 violation(s).

Finally, settlement negotiations resulted in collection of **\$126,650** in civil penalties for **103** NOVs. *Zero NOVs were settled by passing the Wood Smoke Awareness Course with \$0.*

Counsel in the District Counsel's Office initiated settlement discussions regarding civil penalties for **17** violation(s). Settlement negotiations by counsel resulted in collection of **\$462,00** in civil penalties for **43** violation(s).

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

**Media Inquiries:**

Staff responded to 72 media inquiries, including requests about:

- AB&I
- Aerosols
- Air Quality
- Bauman Construction
- Candlestick Park
- Chemtrade
- Chevron and PBE lawsuit over PM rule
- Chevron Flaring
- Chevron Strike
- Clean Air Centers Program
- Clean Air Centers
- Clean Cars for All
- Climate Tech Finance loan to EV gateway
- Complaint Procedures
- Deer Valley Oil Well
- Eagle Rock Aggregates
- Green Sage
- Gun Range
- Jack P. Broadbent's Retirement

- New Board Member T. Young
- PM 2.5
- Prescribed Burning
- Refinery Flaring
- Refinery Penalties Bill
- Richmond Odors
- Richmond Statistics
- Tesla
- Valero
- Valero Meeting
- Valero Settlement
- Wildfire Preparedness
- Wood Burning Rule
- Wood Smoke

**Press Releases:**

- 03/24/2022 [Air District settles case with Valero Refining Co.](#)
- 03/22/2022 [Air District files Hearing Board case to end air quality violations at Chemtrade](#)
- 03/15/2022 [Hearing Board approves abatement order to end significant air quality violations at Valero](#)
- 03/15/2022 [Air District announces retirement of Jack Broadbent](#)
- 02/22/2022 [Media Advisory: Air District to host community workshop on Valero emissions, Hearing Board case](#)
- 02/09/2022 [Air District sponsors AB 1897 to increase refinery penalties & deter air quality violations](#)
- 01/24/2022 [Air District seeks Hearing Board approval to end significant air quality violations at Valero](#)
- 01/12/2022 [Air District settles case with Air Liquide](#)
- 01/11/2022 [First meeting of Air District’s Community Advisory Council to be held January 13](#)
- 01/05/2022 [Air District’s Climate Tech Finance program funds acceleration of electric vehicle adoption](#)

**Media Events/Op-Eds:**

- Climate Tech Finance/EvGateway – January 5, 2022.
- Community Advisory Council – January 10, 2022.
- NBC California Live Segment – January 19, 2022.
- Valero Hearing Board meeting – March 9, 2022.

**Media Highlights:**

The Air District was mentioned in 463 print/online stories and 95 radio/video clips from January through March 2022. Below are media coverage highlights:

- 03/28/2022 [Air regulators face scrutiny over excessive amounts of pollutants coming from Benicia refinery](#)
- 03/28/2022 [Meet the Bay Area mayor who wants to persuade you to get rid of your car](#)
- 03/25/2022 [Listen: Why were toxic releases kept secret at a Bay Area refinery?](#)

03/25/2022 [Bay Area Air District Settles 2017 Violations With Valero For \\$345K](#)

03/25/2022 [Environmental group sues Port of Oakland over sand and gravel project](#)

03/25/2022 [Environmental group sues Port of Oakland over sand and gravel project](#)

03/25/2022 [Bay Area air regulators didn't tell public about illegal emissions for three years. Can residents trust what comes next?](#)

03/25/2022 [Valero to pay \\$345,000 for Benicia refinery violations](#)

03/24/2022 [Valero To Pay \\$345K For Benicia Refinery Violations: Air District](#)

03/24/2022 [Benicia Mayor Steve Young Appointed To Air District Board](#)

03/24/2022 [Air District Reaches \\$345K Settlement With Benicia Valero Refinery Over 2017 Violations](#)

03/24/2022 [Martinez oil refinery cleared to start producing more 'renewable' biofuels](#)

03/24/2022 [Martinez oil refinery cleared to start producing more 'renewable' biofuels](#)

03/24/2022 [Mayor Steve Young Appointed To Air District Board](#)

03/23/2022 [A Denver-Based Firm Is Using Huge Diesel Generators to Grow Cannabis in East Oakland. Now the City Is Trying to Shut Them Down](#)

03/23/2022 [Cal Fire says 'there is no longer a wildfire season.' Island fire near Antioch emphasizes that fear](#)

03/23/2022 [Air District To Recommend Abatement Order For Emissions From Chemtrade Facility](#)

03/23/2022 [Air district moves to target Chemtrade emissions with abatement order](#)

03/23/2022 [S.F. officials scramble to create 'clean air centers' ahead of looming wildfire season](#)

03/23/2022 [Air District To Recommend Abatement Order For Emissions From Chemtrade Facility](#)

03/22/2022 [Contaminant Plaguing East Oakland's Air May Soon Be Monitored in California's Water](#)

03/22/2022 [Diridon: Fight Russia and drive free with an EV](#)

03/21/2022 ['They Own the Oil, but the People Are Ours': Workers Strike at Chevron's Richmond Refinery](#)

03/20/2022 [Air district Executive Officer Broadbent retiring](#)

03/19/2022 [What's next for workers, city after century-old foundry announces move to Texas?](#)

03/14/2022 [Tesla Fines Prove You Need Accurate Hazardous Waste Records](#)

03/12/2022 [Napa Valley Grapegrowers Report: Exploring alternatives to traditional agricultural burning](#)

03/11/2022 [Dust cloud plaguing San Francisco neighborhood](#)

03/11/2022 [Fireplaces are illegal to use on some winter nights. Has that helped Oakland's air?](#)

03/11/2022 [East Oakland foundry long accused of emitting toxins says it's moving to Texas](#)

03/10/2022 [SF City Attorney Issues Cease-and-Desist Letters To Candlestick Point Construction Firms Over Dust, Noise](#)

03/10/2022 [SF Concrete Plant That Was Focus of NBC Bay Area Investigative Report, Ordered to Shut Down](#)

03/10/2022 [City Accuses Construction Companies Of Pollution, Zoning Law Violations Near Candlestick Point](#)

03/10/2022 [Bayview residents may soon find relief from harmful industrial dust](#)

03/10/2022 [City orders companies to stop Bayview construction that's kicking up hazardous dust](#)

03/10/2022 [Burlingame looks to bring back bike share program](#)

03/09/2022 [California Pilot Points Out Lead Fallacies](#)

03/09/2022 [Fire burning near port of Redwood City](#)

03/08/2022 [Quarry now quiet, but noise made about future](#)

03/08/2022 [Sustainable Silicon Valley \(SSV\) Awarded \\$300,000 Community Air Grant from the California Air Resources Board \(CARB\) for the Youth Air Quality Advocates \(YAQA\) project in East San José to Fight Air Pollution](#)

03/08/2022 [Sustainable Silicon Valley \(SSV\) Awarded \\$300,000 Community Air Grant from the California Air Resources Board \(CARB\) for the Youth Air Quality Advocates \(YAQA\) project in East San José to Fight Air Pollution](#)

03/05/2022 [Vallejo soil remediation begins on waterfront parcel](#)

03/05/2022 [Soil Remediation Begins On Waterfront Parcel](#)

02/27/2022 [Valero pollution report leads to calls for transparency](#)

02/25/2022 [Port of Oakland approves controversial sand and gravel operation](#)

02/25/2022 [Air Quality District Says Benicia Refinery Has Been Emitting Hazardous Chemicals for 15 Years](#)

02/25/2022 [East Oakland foundry pollution spurs two lawsuits to protect community](#)

02/24/2022 [Investigation Shows Valero Benicia Refinery Released Toxic Chemicals for Years](#)

02/24/2022 ['First I Had Heard of It': Valero's Benicia Refinery Secretly Released Toxic Chemicals for Years](#)

02/24/2022 ['It looks like the Wild West': Industrial dust is taking a toll on the Bayview](#)

02/24/2022 [EPA Fines Tesla \\$250K for Air Pollution from Fremont Factory](#)

02/24/2022 [EPA settles with Tesla over Clean Air Act violations at Fremont plant; \\$275K penalty](#)

02/23/2022 [Tesla settles with the EPA over Clean Air Act violations](#)

02/23/2022 [Tesla Gets \\$275,000 Finger-Wag From EPA Over Air Pollution Violations](#)

02/23/2022 [Opinion: It's time California cleared the air of dirty diesel fuel](#)

02/23/2022 [Tesla fined \\$275,000 for violating Clean Air Act at Fremont factory](#)

02/23/2022 [After years of pollution violations, Tesla is fined \\$275,000 by the EPA](#)

02/23/2022 [Tesla got fined for polluting \(again\)](#)

02/23/2022 [Tesla settles with EPA over Clean Air Act violations in California](#)

02/22/2022 [Tesla agrees to pay \\$275,000 penalty to EPA after violating Clean Air Act](#)

02/14/2022 [Federal funds will convert schools to shelters next heatwave](#)

02/13/2022 [Letter to the editor: Support for Community Health Fair](#)

02/10/2022 [What's Good For Generac Is Bad For America](#)

02/10/2022 [Mountain View City Council tells developer to save trees, reduce parking](#)

01/28/2022 [Cancer Alley at the Hunters Point Shipyard](#)

01/28/2022 [Santa Clara County Pressed to Take Closer Look at Lehigh Cement Plant and Quarry](#)

01/27/2022 [West Oakland Residents Eye Lawsuit Against Rock, Gravel Stockpile Plans At Port of Oakland](#)

01/27/2022 [Residents May Sue Over Project That May Mean More Air Pollution For Them](#)

01/26/2022 [Planned facility at Port of Oakland raises concerns among West Oakland environmental activists](#)

01/26/2022 [West Oakland residents, air district officials sound alarm on proposed gravel facility at Port of Oakland](#)

01/25/2022 [Port Pollution: West Oakland residents oppose proposed open air sand and gravel storage site at Port of Oakland](#)

01/25/2022 [Opinion: Port of Oakland gravel facility would worsen air quality](#)

01/25/2022 [Air District Accuses Benicia Valero Refinery Of Excess Emissions, Seeks Abatement Order](#)

- 01/25/2022 [Bay Area air quality officials seeking tougher regulators against East Bay Valero refinery following years of ‘harmful’ emissions](#)
- 01/24/2022 [Why is Bay Area air quality so bad in the winter?](#)
- 01/18/2022 [Bike shares re-emerge in Burlingame with hotel-based program](#)
- 01/14/2022 [Air Liquide To Pay \\$159K For Violations At Rodeo Plant](#)
- 01/14/2022 [Friday Morning News Roundup: Air Liquide to pay fees for violations](#)
- 01/14/2022 [Air district settles emission quality violation at SF hydrogen plant](#)
- 01/13/2022 [Air quality map: Why Bay Area has hazy skies](#)
- 01/13/2022 [Haze settles in over Bay Area, but relief could be coming](#)
- 01/13/2022 [Haze settles in over Bay Area, but relief could be coming](#)
- 01/13/2022 [Haze settles in over Bay Area, but relief could be coming](#)
- 01/13/2022 [Why the air quality in the San Francisco Bay Area suddenly got so gross](#)
- 01/13/2022 [Why Is SF’s Air Quality So Bad Right Now?](#)
- 01/13/2022 [Here’s the reason for the S.F. Bay Area’s poor air quality right now](#)
- 01/01/2022 [California is 60 years behind on its climate goals. We can’t catch up without green buildings](#)

**Public Inquiries:**

Phone: 83 public calls

**Events:**

- Participation in most events has been cancelled due to COVID-19. Some participation in digital events and specially requested Spare the Air presentations.
  - o Christmas in the Park — History Park in San Jose on November 27, 2021 – January 3, 2022.

**Spare the Air:**

- Advertising
  - o Winter campaign reporting
    - Requested winter campaign reporting from all vendors.
    - Reviewed winter campaign reporting from all vendors.
  - o Spring/summer campaign
    - Worked on organization for the spring/summer campaign.
    - Began organizing and planning the spring/summer campaign and met on February 8, 2022 to discuss priorities.
    - Reviewing vendor proposals to move forward with negotiations for spring/summer media plan.
    - Reached out to vendors for the spring/summer campaign and set up calls for new advertisers.
    - Negotiated and met with vendors for spring/summer media plan.
    - Received updated vendor proposals and started building out the media plan.
    - Began a creative review process, discussing needs for the upcoming summer campaign.
  - o Added value segments
    - Coordinated with NBC and Telemundo regarding added value segments, b-roll and review of sneak peeks of California Live and Accesso segments to air.

- o Billing
  - Communicated with contractors and internal team regarding payment details.
- Media Relations
  - o Maintained comprehensive Bay Area media list including local broadcast, print and online outlets.
  - o Began media audit of top meteorologists in the Bay Area to assess Spare the Air coverage, social media activity and other opportunities for strengthening relationships.
  - o Reviewed Bay Area news monitoring alerts and clips.
  - o Started updating media relations section of Spare the Air Every Day tactical plan with appropriate dates and priorities (including rising gas prices messaging).
  - o Developed media relations slides and door-to-door slides for the end of Winter Campaign Report.
- Social Media
  - o Finalized and shared creative assets and scheduled content to publish via Sprout Social.
  - o Identified and posted third-party content on Spare the Air channels, including content from related organizations and transit agencies.
    - Content highlighted public transit and taking public transit instead of driving due to rising gas prices.
  - o Monitored social channels daily.
    - Looked for notable posts tied to Valero's Benicia refinery.
    - Paused content for the week of February 22, 2022 due to the ongoing conflict in Ukraine and continued monitoring to determine the best path forward for posting.
  - o Scheduled meeting with A+P to discuss 2021 analytics.
  - o Developed and reviewed 6-month social recap.
- Employer Program
  - o Website audit
    - Coordinated program website audit.
    - Discussed website audit expectations, goals and next steps.
    - Finished first draft messaging map and framework.
    - Finalized website messaging audit outlining relevancy of resources and links on site.
    - Discussed timeline for website audit and site recommendations.
    - Finalized initial review of website and drafted site map.
    - Scheduled meeting with A+P for March 9, 2022 to review website audit findings and next steps.
    - Drafted website audit presentation.
    - Reviewed Phase 1 website audit findings; incorporated feedback into Phase 2.
    - Met with team to discuss specifics for phase 2 of website audit, which started on March 29, 2022.
    - Provided image recommendations for website.

- Door-to-Door Outreach
  - o Coordinated with canvassing firm and delivered door hanger materials.
  - o Managed and confirmed door to door canvassing project completion.
  - o Continued follow up for final door to door hanger report with canvassing firm.
  - o Delivered final door to door canvassing report outlining addresses and regions served.

**Spare the Air Social Media:**

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

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

In this quarter, Spare the Air social media follower numbers decreased to 12,924 (-77) on Facebook, decreased to 15,507 (-11) on Twitter, decreased to 1,729 (-4) on Instagram, and increased to 299 (+1) on Pinterest.

**Air District Social Media:**

- LinkedIn campaign to promote the Flex Your Commute program ran January 3, 2022 – February 1, 2022.
- Google, Facebook and Nextdoor campaigns to promote Clean Cars for All ran January 14, 2022 – March 22, 2022.
- Staff continued to run social posts daily including:
  - o Air quality forecasts: daily, two-day and five-day forecasts.
  - o Shared:
    - PM2.5 video
    - New Years and wood burning
    - Brightline Defense air quality education program
    - Hydrogen trucks through the NorCal ZERO project
    - Wood burning
    - Carl Moyer program
    - Hydrogen fueling
    - Permit rules amendment
    - Brightline’s air quality monitoring efforts
    - LA Times EV transition article
    - First CAC meeting
    - Air Liquide settlement
    - CARB One-Stop Truck Event
    - Wood smoke and temperature inversions
    - Clean Vehicle Assistance Program grantee
    - California air districts

- Clean Cars for All program
- Staff feature on Dinesh Patel
- EV Gateway's loan guarantee through the Climate Tech Finance program
- Carl Moyer Program grants for AC Transit electric and fuel cell buses
- The Climate Center webinar on sustainable mobility
- TIME article on Stanford study re: emissions from gas stoves and Air District efforts to decarbonize buildings
- Staff feature on Milly Alagwu
- Air quality data sources video
- Brightline Defense air purifier giveaway
- Taking a bike on the SMART train
- EPA electricity and climate change calculator
- California air districts
- Wood smoke and temperature inversions
- NorCal Zero project hydrogen trucks
- Clean Air Center program and location map
- Black History Month spotlight on pioneers in environmental science
- Resource Teams RFP recruitment
- National Weatherperson's Day
- Spotlight on particulate matter
- Staff feature on Jarrett Claiborne
- Richmond air monitoring online event
- Carl Moyer Program video
- Valero community meeting
- EPA air quality monitoring grants
- Clips from the Climate Center webinar on transportation
- Steps to reduce GHGs from EPA air
- CARB designation of new AB 617 communities
- Spare the Air Resource Teams RFP
- Cal Fire video on prescribed burns
- Carl Moyer Program video
- Youth Air Quality Advocates project in San Jose
- Statement by Jack Broadbent on California's clean car standards
- Household cleaning supplies tips from SCAQMD
- International Women's Day spotlight on Sally Newman
- Switch Is On incentives
- Prescribed burn at Mt. Diablo
- Total SF podcast on biking in SF
- Town hall to inform the Richmond-San Pablo CERP
- Video highlighting a South Bay couple's sustainable home
- One millionth EV sold in California
- Clean Air Center Program map
- StopWaste webinar on EV charging
- Tugboat project
- Spotlight on pioneer in meteorology Archie Williams
- Clean Air Center article in SF Examiner
- Marsh management fire at the Suisun Marsh
- Chemtrade Hearing Board case

- Chefs featured in Acterra’s Holiday ReFresh event nominated for James Beard Foundation awards
- Spotlight on carbon monoxide
- Staff spotlight on Michael Bostick
- Hearing Board approval of Valero abatement order
- CalRecycle video on rebuilding after wildfires
- Flex Your Commute program and biking to work
- EPA press conference on Electric School Buses
- Chefs cooking on induction stovetops

In this quarter, Air District social media follower numbers increased to 5,243 (+12) on Facebook, increased to 21,250 (+419) on Twitter, increased to 2,352 (+23) on Instagram, and increased to 2,641 (+96) on LinkedIn.

**Other:**

- Video
  - o Completed Carl Moyer Program video.
  - o Completed Jack’s retirement video.
  - o Edited Air Quality Monitoring video.
  - o Edited Strategic Incentives Division’s “Proposed FYE 2023 TFCA Regional Fund Policies Public Workshop” webinar video.
  - o Reviewed Alerts vs. Advisories videos.
  - o Reviewed Spotlight on Ozone video.
  - o Distributed Workforce Policy training videos in progress.
  - o Researched frame.io as a video editing management software.
  - o B-roll
    - Met with video team regarding creation of b-roll checklist.
    - Updated photo and b-roll video libraries with new content.
- Photography
  - o Worked on extending term of Sharon Beals contract.
  - o Photographed:
    - Zero-emission equipment
    - F-gas recycling program
    - Hyundai truck event
    - Tugboats funded by Strategic Incentives Division
- Staff Development
  - o CAPIO and Ragan training ongoing.
  - o Staff participated in team trainings on Distributed Work Policy.
  - o Staff completed annual harassment training.
  - o Staff completed web accessibility training.
  - o Staff participated in training on video editing.
  - o Conducted media training with Veronica Eady.
  - o CommonLook accessibility software pilot program training being organized.
- 2021 Annual Report
  - o Worked on video content.
  - o Print version in final reviews.
    - Completed final proofread of print version.

- o Web version in final revisions.
- Graphic Design Projects
  - o Toast for Clearing the Air ad complete.
  - o Hiring Manager Tips flyer complete.
  - o Volunteer program logo complete.
  - o PowerPoint presentation template for HR complete.
  - o Finalizing J. Broadbent proclamation.
  - o Spring break Human Resources flyer in review.
  - o Report template for Meteorology and Measurements in progress.
- Web Updates
  - o Spare the Air web alerts
    - Populated homepage Emergency Panel block items for various alert types in Sitecore.
    - Filled out excel sheet of Spare the Air web alerts.
  - o Ongoing current air quality site monitoring to ensure reporting.
    - Handled station maintenance flags at sites that were temporarily down.
  - o Community Advisory Committee webpage
    - Posted Community Advisory Council photos and bios.
  - o Spare the Air virtual booth webpage
    - Made correction to Air District name.
  - o Sparetheair.org
    - Swapped out old Winter Spare the Air video for new wood smoke edit.
    - Updated the Take a Minute, Spare the Air video link.
    - Sparetheair.org website translation
      - Met with web team to review hidden content items as preliminary to getting site translation underway.
  - o Valero Hearing Board materials
    - Posted Valero Hearing Board materials as they came in.
    - Coordinated upload of Valero Hearing Board Case Workshop video.
  - o Posted translations of press releases.
    - Worked on translation for refinery bill press release.
  - o Worked on Bay Area Clean Air Foundation website.
  - o Updating CEQA webpages
    - Worked on updates to CEQA Guidelines and CEQA Tools pages and structure to prepare for new Thresholds of Significance approval.
  - o Worked on automation of Community Engagement Board info emails.
  - o Suggested edits to Climate Tech Finance info document.
  - o Email blasts:
    - Clean Air Centers solicitation for public input on locations.
    - VW Zero Emission Freight and Marine Program deadline reminder.
    - CEQA Thresholds public comment open.
    - Email blast for Community Engagement.
    - Community Engagement details – March 21, 2022.
    - Mobile Source Committee meeting – March 24, 2022.
    - Goods Movement Program solicitation ending – 3/24.
    - Heavy Duty Zero-Emission Truck and Bus Voucher Incentive Program re-opens – March 28, 2022.

- Rule 13-5 Public Hearing Notice – March 28, 2022.
  - o Annual Report on web
    - Reviewed online version for functionality, accessibility.
  - o Wildfire Materials
    - Made accessibility updates and posted brochures with translations.
  - o Budget and Finance Committee
    - Added back in as separate committee on website.
  - o Open Burn page
    - Removed special Marin County notice and fixed payment link.
  - o Air purifier instruction brochure
    - Added accessibility elements and uploaded translations to Wildfire Safety Tips page.
  - o Community Health Protection Program
    - Posted March 21, 2022, Richmond-San Pablo Steering Committee meeting event.
  - o Air District Leadership page
    - Removed Jack P. Broadbent and Brian Bunger bios.
- Spare the Air Smartphone App Upgrade/Redesign
  - o Met with Innopl to discuss most recent smartphone app changes.
  - o Reviewed most recent smartphone app changes.
  - o Finalized graphics.
  - o Drafted text for wood smoke and wildfire buttons.
- Publications
  - o Published Air Currents on February 1, 2022.

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

**CEQA Program**

During the first quarter of 2022, staff tracked 579 projects, reviewed 13 projects, and commented on the following eight projects: California Energy Commission CA 3 Back Up Generating Facility - Vantage Draft Environmental Impact Report; Martinez General Plan Update Draft Environmental Impact Report Notice of Preparation; U.S. Army Corps of Engineers Oakland Harbor Turning Basins Widening Integrated Feasibility Report and National Environmental Policy Act Environmental Assessment; San Jose Data Center Draft Environmental Impact Report; San Leandro Housing Element and General Plan Update Notice of Preparation; San Jose Data Center Project Draft Environmental Impact Report; Caltrans District 4 Proposed State Route 239 Draft Environmental Impact Report Notice of Preparation; and Contra Costa County Centerpoint Properties Project Environmental Impact Report. Staff responded to 22 Stationary Source Information Requests and a variety of requests for technical assistance. Planning staff reviewed the Final Environmental Impact Report and attended the Contra Costa County Planning Commission Hearing for the Martinez Refinery Renewable Fuels Project on March 23, 2022. Planning staff reviewed the Final Environmental Impact Report and attended the Contra Costa County Planning Commission Hearing for the Phillips 66 Rodeo Renewed Project on March 30, 2022

Staff continued working in partnership with Climate Protection staff, legal staff, and Ascent consultants on the update of the CEQA Thresholds of Significance for Climate Impacts (Climate Impacts Thresholds) and the CEQA Guidelines. Staff completed the Draft Justification Report: *Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* and initiated a 30-day public comment period on February 16, 2022. Staff hosted a second public workshop on the Thresholds of Significance for Climate Impacts on March 10, 2022. Staff reviewed and summarized public comments received on the CEQA Climate Impacts Thresholds and the Draft Justification Report, met with California Air Resources Board staff to discuss the plan-level thresholds and carbon neutrality targets, and met with the webteam to discuss revisions to the CEQA webpages. Staff helped to prepared for and attended the March 24, 2022, Mobile Source and Climate Impacts Committee meeting recommending the Board of Directors consider approval of the CEQA Thresholds of Significance for Climate Impacts from Land Use Plans and Projects.

### **Community Health Protection (AB 617)**

West Oakland staff continued to plan and hold regular Core Team meetings and weekly meetings with the Co-leads, West Oakland Environmental Indicators Project (WOEIP), and project consultants. Staff continued meeting biweekly with City of Oakland staff to discuss coordination on the General Plan update, Environmental Justice element, and WOCAP implementation. Staff continued meeting with agency partners including the City of Oakland, the Bay Area Regional Collaborative, and MTC/ABAG to share updates and exchange ideas on implementation. Planning staff continued to attend monthly meetings of the Community Steering Committee and monthly meetings with CARB staff.

Staff working on the Path to Clean Air Richmond-North Richmond-San Pablo project continued to plan and hold regular internal and external meetings including weekly Core Team meetings, biweekly Internal Path cross-divisional meetings, monthly meetings with Executive staff, a monthly meeting to update Director Gioia, biweekly meetings with the Community Steering Committee co-chairs, biweekly meetings of the Community Description and Technical Assessment Ad-hoc committees, and monthly meetings of the Community Steering Committee. Staff assisted Steering Committee members prepare for and hold a Town Hall on March 15, 2022.

East Oakland staff continued to plan and hold regular Core Team meetings and attend semi-regular meetings with Communities for a Better Environment (CBE) to discuss research needs including air monitoring, inventory, and modeling approaches, and to share the draft project action plan, and to discuss project timeline. East Oakland staff prepared for and held a meeting with Secretary Hurt to brief her on the East Oakland project in advance of the CARB Board Meeting on February 10, 2022, to consider selection of East Oakland for an AB 617 CERP. Planning staff compiled a summary of prior and current plans strategies and actions, Air District policies, regulations and rules that apply to East Oakland air pollution concerns and met with CBE staff to discuss a draft East Oakland strategy library and how it can be helpful throughout the CERP process. Staff also met with the Port of Oakland's Environment Department to learn about the Oakland International Terminal and Modernization Development Project DEIR. East Oakland staff attended the CBE East Oakland Toxics Tour on March 28, 2022.

### **Air Quality Planning**

Staff continued working on local, regional, and statewide air quality planning activities. Staff attended CARB's Health Risk Assessment Capacity Building training. Staff attended the Association of Environmental Professionals 2022 Advanced CEQA Workshop. Staff attended the Resiliency and Grit for Changing Times training. Staff attended the MTC Air Quality Conformity Task Force meeting. Staff attended the National Association of Clean Air Agencies Criteria Pollutants Committee meeting. Staff attended a two-hour training on workplace harassment with Sejal Thakkar. Staff attended a 90-minute conversation with Nikki Giovanni hosted by Veronica Eady and the Office of Diversity, Equity and Inclusion. Staff submitted the contract amendment for the Asthma Mitigation Project pilot program to the Business and Legal office. Staff continued to work on developing the Division's Strategic Plan.

## **ASSESSMENT, INVENTORY, AND MODELING**

### **P. MARTIEN, DIRECTOR**

### **Emissions and Community Exposure Assessment**

Under Assembly Bill (AB) 617 community assessment work, staff participated in meetings for the joint technical assessment for the Richmond-North Richmond-San Pablo (R-NR-SP) community, completed presentation materials for two community steering committee meetings, and supported the R-NR-SP Community Emissions Reduction Plan (CERP) development. Staff continued collaboration with the Metropolitan Transportation Commission (MTC) staff and completed a draft guidance for publishing datasets from the data management platform. Under the District's California Environmental Quality Act (CEQA) work, staff continued collaboration with the Planning and Climate Protection Division staff and completed the CEQA modeling guidance development and management review; staff completed additional review of CEQA analysis for the Marathon refinery renewable fuels project. Staff completed a screening tool package for the Bay Area rail line sources and finished setting up dispersion modeling runs for estimating particulate matter concentration impacts from the Bay Area roadways. Staff developed a list of business types for all facilities in the Bay Area, completed a review of the 2020 permitted stationary source risk and hazards web application map, and delivered review comments to the Planning and Climate Protection Division. Staff led a meeting with staff at the Office of Environmental Health Hazard Assessment (OEHHA) to discuss the Air District's recent white paper on a methodology for assessing risk from fine particulate matter.

Under emissions reporting work to meet the reporting requirement under the California Emission Inventory Development and Reporting System (CEIDARS) and the new statewide Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR), staff met with the Engineering Division staff and the California Council for Environmental and Economic Balance (CCEEB) staff regarding emissions reporting requirements; staff also developed spreadsheet template to support the Engineering Division in version control of emissions data for refinery facilities. Staff continued development of the Air District's base year emissions inventory, focusing on quality assurance and methodology documentation update with the use of scripting and version control tools. Staff completed emissions estimates by sector for greenhouse gases (GHG) and criteria pollutants to support the development of the Air District's 2021 Annual Report. Staff addressed

requests from the California Air Resources Board (CARB) for airports and agricultural waste burning emissions in the Bay Area.

### **Air Quality Modeling and Analysis**

AB 617 and related work remained a large part of the program workload, with the R-NR-SP community continuing to be the focus. Staff participated in meetings related to the technical assessment (TA) for the R-NR-SP AB 617 community, including meetings of the TA Ad Hoc Committee of the Community Steering Committee. Staff met with staff at CARB to discuss emissions inventory forecasts for R-NR-SP. In preparing for these meetings, staff helped prepare and presented materials on emissions, modeling, and exposure work completed and planned.

Staff completed a draft report documenting pollutant and health impacts from commercial and residential natural gas-fired space and water heating building appliances in the Bay Area to provide supplemental information for draft amendments to Rules 9-4 and 9-6. Staff prepared and presented a report at the February 14 Advisory Council meeting on the draft modeling results on the impacts of building appliances. Staff began drafting a similar report on the air quality impacts of residential woodsmoke emissions in the Bay Area.

To support Rules & Strategic Policy Division's rule prioritization efforts, staff summarized regional emissions from sources identified in a prioritization matrix. To support and accelerate modeling activities, staff began testing cloud computing and storage options for regional-scale and local-scale modeling: setting up files, testing batch queueing of modeling runs, and evaluating results. Staff also worked on the quality assurance and quality control of the Air District-collected meteorological data for 2019 through 2021 in support of regional-scale and local-scale modeling.

<b>RULES &amp; STRATEGIC POLICY DIVISION</b> <b>E. YURA, DIRECTOR</b>
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### **Amendments to Regulation 2: Permits (Rules 2-1 and 2-5):**

*Status / Next Milestones:*

- 'Permit Reform' Phase II has commenced, with staff working to schedule a kick-off meeting with community stakeholders
- Proposed Amendments adopted by Board of Directors on December 15, 2021. CEQA Notice of Declaration (NOD) to adopt a Negative Declaration has been filed with counties
- Post-hearing activities to commence including website updates, CARB notifications and other administrative tasks

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

*Discussion / Key Updates:* On August 24, 2021, the Air District hosted a virtual public workshop on draft rule amendments to Rule 2-1 (General Permitting Requirements) and Rule 2-5 (New Source Review of Toxic Air Contaminants). During the workshop, staff described the following draft changes, which are based on internal and external comments on how to make the permitting rules more equitable and health protective:

1. Utilize CalEnviroScreen 4.0 to delineate areas that experience high levels of environmental pollution and health burdens, referred to as “Overburdened Communities.”
2. In Overburdened Communities, make the cancer risk limit more stringent to increase the health protectiveness of the permitting program.
3. To increase transparency, require notification of surrounding addresses if a health risk assessment is necessary for a project in an Overburdened Community.
4. Update the Air District’s Health Risk Assessment Guidelines with more health protective procedures for assessing health risk from projects at gasoline dispensing facilities. Also update the Toxic Air Contaminant Trigger Levels in Table 2-5-1.
5. Seek feedback on a potential change to health risk assessment procedures for emergency backup engine operations.
6. Update language in the rule as necessary to improve clarity and prevent circumvention of rule requirements.

The adopt rule changes were based upon those discussed during the May 12, 2021, public workshop on proposed concepts to amend the permitting rules. Staff provided an update to the Stationary Source and Climate Impacts Committee on May 17, 2021, on the feedback received during the concepts workshop. Staff also updated the Community Equity, Health and Justice Committee on July 1, 2021. On September 27, 2021, staff presented to the Stationary Source and Climate Impacts Committee on the feedback received on the draft language and provided the Committee with an overview of the proposed amendments that are described in this Staff Report.

On October 19, 2021, staff published the Notice of Public Hearing, CEQA Initial Study and proposed Negative Declaration, CEQA Notice of Intent, Staff Report, proposed amendments to Rules 2-1 and 2-5, Socioeconomic Impact Study, and other supporting documents to the Regulation 2 amendments webpage. Written public comments were accepted through November 18, 2021.

The Board of Directors adopted the proposed amendments and CEQA Negative Declaration at the December 15, 2021, Public Hearing. Staff is performing post-adoption tasks including website updates, CARB notifications and other administrative tasks. As committed in the Board resolution, staff will continue engagement with community stakeholders and wastewater operators on implementation of the adopted amendments and consideration of additional future amendments to the Permitting Regulations.

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

### **Rule 13-5: Industrial Hydrogen Plants:**

*Status / Next Milestones:*

- Public Hearing Notice and CEQA Notice of Availability released January 24, 2022, along with Proposed Regulatory Language, Draft Staff Report, Draft EIR, and accompanying documents.
- Notice of Rescheduled Public Hearing released March 25, 2022.

- Consideration by Board of Directors at a Public Hearing on May 4, 2022.

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

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

In developing Rule 13-5: Refinery Hydrogen Plants, staff first held a public workshop in January 2020 to solicit comments from the Public and regulated community. Based on comments received and additional research, staff revised the draft rule significantly and posted a revised version of the draft rule on the Air District's web page in September 2020. During staff analysis of this sector, the issue of flaring as one of the possible abatement methods, arose as a concern since a flare may emit of oxides of nitrogen and volatile organic compounds in quantities sufficient to potentially exceed that Air District's California Environmental Quality Act (CEQA) threshold. Staff conducted a thorough environmental analysis to determine if an Environmental Impact Report would be required under CEQA for this rule development effort. On June 30, a revised draft rule and a Notice of Preparation and Initial Study (NOP/IS) was posted to the Air District Rule 13-5 webpage. Staff held a scoping meeting on July 27, 2021, to solicit public comment regarding the scope and content of the environmental information to be included in the Draft Environmental Impact Report. Staff also updated the Stationary Source and Climate Impacts Committee on rule development activities for Rule 13-5 on July 19, 2021. The issue of flaring was raised as a concern by members of the committee at that meeting. Staff met with industry representatives to explore alternative emission reduction methods and revised rule language to allow compliance through submittal and approval of an Alternative Compliance Plan. Staff updated the Stationary Source and Climate Impacts Committee on the revised proposal on February 28, 2022. Staff intends to propose new Rule 13-5 to the Board of Directors for consideration on May 4, 2022.

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

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

*Status / Next Milestones:*

- Update at Stationary Source and Climate Impacts Committee – April 18, 2022
- Release of final rule package – TBD 2022

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

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

On September 30, 2021, Staff released draft amendments to Rules 9-4 and 9-6 as well as a workshop report for public review. Staff then held a virtual public workshop on the evening of October 7, 2021, to discuss and receive feedback on the draft amendments. The workshop was attended by over 40 stakeholders and members of the public and staff received valuable feedback for consideration. Staff additionally presented to the Stationary Source and Climate Impacts committee on October 18<sup>th</sup> to discuss the draft amendments. The committee directed staff to continue in the current direction of rulemaking, with additional considerations for community and stakeholder involvement following potential rule amendment adoption. Staff updated the Stationary Source and Climate Impacts Committee on November 15, 2021, on public comments received and proposed an alternate schedule to allow for additional stakeholder engagement, environmental review, and cost analysis. Following review of this information, Staff intends to complete an additional analysis of grid capacity as well as a full Environmental Impact Report to support the proposed amendments. Staff will present at the April meeting of the Stationary Source and Climate Impacts Committee and provide updated timelines for the completion of this work and potential board approval of the rule in Fall 2022.

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

*Status / Next Milestones:*

- Engage with stakeholders on emissions inventory – Q1 2022

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

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

A more in-depth stakeholder engagement effort is anticipated in early 2022. Staff is tentatively scheduled to present this rule to the Board of Directors in 2022.

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

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

*Status / Next Milestones:*

- Engage with stakeholders – Q1 2022

*Background:* Regulation 8: Organic Compounds, Rule 5: Storage of Organic Liquids (Rule 8-5) was selected as one of the six high-priority rule development projects in the AB 617 BARCT Schedule because stored organic liquids are estimated to emit over 400 tons of volatile organic compounds per year and emit toxic air contaminants, such as benzene, toluene, ethylbenzene, and xylene. Storage tank designs used for organic liquid storage vessels include fixed roof tank (vertical and horizontal), external floating roof tank, domed external (or covered) floating roof tank, internal floating roof tank, variable vapor space tank, and pressure tanks (low and high).

*Discussion / Key Updates:* Staff is currently working to development amendments to Rule 8-5 that would further reduce emissions of organic compounds, including toxic emissions.

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

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

*Status / Next Milestones:*

- Stationary Source and Climate Impacts Committee—Q4 2021

*Background:* This rule development project would address emissions of reactive organic gases (ROG) from petroleum refineries, chemical plants, bulk terminals and bulk plants, and other facilities that store, transport, and use organic liquids. Amendments to Regulation 8, Rule 18: Equipment Leaks (Rule 8-18) in December 2015 addressed equipment that service heavy liquids at these sources, but those amendments have not yet been fully implemented due to uncertainty regarding proper emissions factors for heavy liquid fugitive emissions. Air District staff coordinated with each of the five Bay Area refineries to conduct a Heavy Liquid Leak Study. These studies are designed to determine appropriate emission factors for heavy liquid leaks. The results of these studies are currently being finalized.

*Discussion / Key Updates:* Staff recommends using results of the Heavy Liquid Leak Study to amend Rule 8-18 and address the current issues with the 2015 amendments. Any recommended and implemented requirements to address reactive organic compound emissions from these sources are also anticipated to reduce toxic air contaminant (TAC) emissions. Once the results of the heavy liquids study are finalized, the results will be used to complete rulemaking for emissions of organics from equipment that service heavy liquid. Staff anticipates updating the Stationary Source and Climate Impacts Committee in the fourth quarter of 2021 and tentatively presenting this effort at a Board Hearing in 2022.

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

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

*Status / Next Milestones:*

- Active rule development currently on hold pending data gathering efforts, including determining the impacts of the Consent Decree.

*Background:* Potential emissions reductions from Cement Manufacturing were identified as part of the AB 617 Expedited BARCT Implementation Schedule. In the Rule Development Project Scope, staff estimated that application of BARCT may result in emissions reductions of particulate matter (PM) and sulfur dioxide (SO<sub>2</sub>). Emissions of oxides of nitrogen (NO<sub>x</sub>), and reactive organic gases (ROG) were addressed by the 2012 adoption of Regulation 9, Rule 13, so rulemaking for those emissions was not anticipated. Regulation 9, Rule 13 also addressed emissions of PM but specified the use of accepted source test methods at the time which only account for filterable particulate matter. Source test methodology adopted by US Environmental Protection Agency (US EPA) in 2016 now allows for measurement of condensable particulate matter through use of dry impingement.

The Lehigh Cement Company LLC (Lehigh) facility in Cupertino is the only Portland cement manufacturing facility currently operating within Air District jurisdiction and is thereby the only facility subject to the requirements of Rule 9-13. On Nov 18<sup>th</sup> of 2020, a consent decree (CD) was entered into federal Court between Lehigh Cement Company and US EPA, the Air District, and other environmental jurisdictions throughout the United States. This CD compels Lehigh to implement modifications for enhanced control of NO<sub>x</sub> and SO<sub>2</sub> emissions at several facilities including the kiln in Cupertino. The CD requires Lehigh to enter into a “test and set” procedure to establish the lowest achievable SO<sub>2</sub> emission level for the Cupertino kiln. The “test and set” process may take between two and three years and includes time for preparation, submittal and approval of a design and optimization plan, optimization report, and demonstration report, along with a period to design and install equipment and operational modifications, an optimization period, and a demonstration period. Review and approval periods for US EPA are not set and there may be extensions due to non-operation of the kiln, required permitting, or other reasons.

*Discussion / Key Updates:* Staff will coordinate with Lehigh Cupertino to conduct a series of source tests during the demonstration period as proscribed in the consent decree to measure and characterize the back half (condensable fraction) particulate matter, along with oxides of nitrogen, sulfur dioxide, total organic compounds, and ammonia (measurements for these emissions may be corroborated by continuous emissions monitoring systems). Staff will evaluate the effectiveness of the consent

decree in reducing particulate matter emissions and will determine if additional rulemaking is needed to ensure adequate control of this pollutant.

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

#### *Status / Next Milestones:*

- Awaiting the decisions of Phillip 66 regarding the shutting down of the Carbon Plant—Q4 2021

*Background:* This rule limits sulfur dioxide emissions from coke calcining kilns; of which there is only one in the Air District operated by Phillip 66. The amendments to Rule 9-14 would address oxide of nitrogen emissions from the coke calciner. However, Phillip 66 has announced that it will convert to a renewable fuels production operation.

*Discussion / Key Updates:* This announcement leaves in doubt the future of the coke calciner. Staff believes there are three potential outcomes: 1) With the conversion of Phillip 66 to renewable fuels production, the refinery could shut down the operation of the coke calciner; 2) Phillip 66 could continue operation of the calciner by accepting and processing green coke from another source; or 3) Phillip 66 could resume petroleum refining and continue operations of the coke calciner. Until one of the above outcomes is decided upon, the impacts of coke plant operation remain unknown. Staff will continue to track the status of the coke calciner and will be evaluating potential paths forward later this year.

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

### **Particulate Matter (PM) Reduction Efforts:**

#### *Status / Next Milestones:*

- PM Planning efforts underway.
- PM emission reduction white paper – Q3 2022

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

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

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

Staff is currently investigating ways to further reduce particulate matter emissions that are consistent with the Air District's authority under that California Health and Safety Code, including potential measures to further reduce emissions and public exposure from particulate matter sources, such as restaurants and concrete batch plants.

The Air District has also established a Policy-focused PM Internal Working Group (IWG) to collaborate with the PM Design Team (consisting of representatives from community groups) on Air District PM reduction efforts. Rule Development staff are currently mapping PM-related rule developing activities and are drafting potential PM emissions reductions concepts to be included in a white paper. This white paper will include the potential concepts, analysis and general roadmaps to guide future PM emission reduction rulemaking efforts. The white paper is expected to be finalized by Summer, 2022.

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

#### *Status / Next Milestones:*

- Rules is participating in the cross-divisional Internal Path group (led by Planning and Community Engagement) and weighing in bi-weekly
- The Internal Path group has created agenda topics for Community Steering Committee (CSC) meetings through ~January 2022
  - o Plans for the January – March 2022 agendas are still in discussion
- Rules will give its first presentation – a Rules 101 presentation – to the CSC in December

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

*Discussion / Key Updates:* Rules will assist, as needed, AIM and M&M with the launch of a Technical Assessment CSC subgroup. The ad hoc technical assessment group is envisioned to provide opportunity to dive into technical pieces of the CERP in greater depth and/or earlier in the process, in order to provide the CSC with the best information to use in selecting strategies for the CERP. Rule Development will participate with respect to developing and prioritizing regulatory strategies.

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

**Community Engagement and Outreach Programs**

AB 617 Community Health Protection Program

- **Thursday, February 7, 2022** - Staff attended a CARB Board meeting where the Board approved East Oakland to create an AB 617 community emissions reduction plan.
- **Tuesday February 1, 2022** - Staff met with Communities for a Better Environment to develop a training for community members on the Brown Act and Steering Committee governance and to develop the Partnership Agreement.
- **Wednesday January 26, 2022** – Staff met with Communities for a Better Environment to discuss data needs.

West Oakland AB 617

- Staff continue to meet with our West Oakland Co-Leads (WOEIP) on a weekly basis to discuss next steps for implementation of the Community Action Plan and design the following month's Steering Committee meeting.
- Staff met with WOEIP on Tuesday, March 22<sup>nd</sup> and Monday, March 28<sup>th</sup> to discuss outreach, recruitment, and retention strategies.
- **Wednesday, March 2, 2022 – Owning Our Air West Oakland Steering Committee Meeting** - The West Oakland Environmental Indicators Project (WO EIP) and the BAAQMD hosted an AB 617 Steering Committee meeting via Zoom. WO EIP staff and our consultant team shared Operationalization Documents and the Charter Agreement with attendees. Our group discussions focused on Steering Committee community outreach and recruitment. Partners shared progress status on current projects underway.
- **Wednesday, February 2, 2022** – Owning Our Air Steering Committee Meeting – The February Steering Committee featured Black History Month programming in addition to providing the Steering Committee with updates on outreach and recruitment. The Co-Leads also presented the Charter Agreement to the Steering Committee and solicited feedback.
- **Wednesday, January 19, 2022**– In addition, there was a Health Equity Advisory Committee meeting.

Richmond/San Pablo AB 617

- **Thursday, March 24, 2022 – PTCA Co-Chairs Meeting** - Staff met with our Steering Committee Co-Chairs to debrief the March 21st meeting.
- **Wednesday, March 23, 2022 – PTCA CD Ad Hoc Meeting** - Air District staff met with the Community Description (CD) Ad Hoc committee members to check-in and discuss their current stage on drafting their sections for the CD outline
- **Monday, March 21, 2022 – PTCA CSC Meeting #12** - Staff hosted the 12th PTCA CSC meeting, which included a presentation on the Technical Assessment Insights (Part 1) and a presentation on the Compliance & Enforcement Data Findings from 2019 – 2021.
- **Thursday, March 17, 2022 – Path to Clean Air Technical Assessment Ad Hoc Working Group Meeting**; Staff met with the TA Ad Hoc to discuss various topics on related to the TA.

- **Tuesday, March 15, 2022 – Path to Clean Air Town Hall** – Staff and Community Steering Committee (CSC) members held a virtual Town Hall event for Richmond/San Pablo residents to share additional community input on air quality in the neighborhoods.
- **Monday, March 14, 2022** – Staff met with Director Gioia to discuss the proposed timeline extension for the CERP and CSC meetings and discuss potential Hybrid meeting locations for Steering Committee meetings
- **Monday, March 14, 2022 - CSC Town Hall Dry Run** – Staff met with the Town Hall planning committee for a dry run practice session.
- **Thursday, March 10, 2022 – Path to Clean Air Co-Chair Bi-Weekly Meeting;** Staff met with PTCA co-chairs to discuss the March PTCA Steering Committee meeting.
- **Wednesday, March 9, 2022 – CSC Town Hall Planning Meeting;** staff met with the Town Hall planning committee to discuss and plan the upcoming Clean Air Affair Town Hall.
- **Monday, March 7, 2022 – CSC Town Hall Planning Meeting;** staff met with the Town Hall planning committee to discuss and plan the upcoming Clean Air Affair Town Hall.
- **Thursday, March 3, 2022 – PTCA Co-Chair Meeting** - Staff met with our Steering Committee Co-Chairs to discuss the March 21st meeting, Adhocs groups, upcoming Town Hall, and Brown Act Training for CBE (East Oakland).
- **Thursday, March 3, 2022 – PTCA Town Hall Planning Meeting** - Staff met with PTCA Steering Committee members to discuss the planning efforts for the March 15, 2022, Town Hall.
- **Monday, February 28, 2022 – PTCA CERP Steering Committee Meeting #11** - Staff hosted the 11<sup>th</sup> PTCA CSC meeting, which included a presentation on the Types of Actions to Reduce Emissions and Exposure and Initial Community Concerns List with Key Issues Framing.
- **Monday, February 28, 2022 – Community Description Report Out Meeting with Nancy Pearce** – Staff met with Steering Committee member Nancy Pearce to discuss her report out on the Community Description for the February PTCA Steering Committee Meeting.
- **Thursday, February 24, 2022 – PTCA Co-Chair Meeting** - Staff met with our Steering Committee Co-Chairs for a dry-run of the February 28<sup>th</sup> meeting.
- **Wednesday, February 23, 2022 – PTCA Community Description Ad Hoc Meeting** - Air District staff presented information on demographic data and committee members discussed what health and demographic data aligned with the themes they selected and covered a land use discussion.
- **Wednesday, February 23, 2022 – PTCA Town Hall Planning Meeting** - Staff met with PTCA Steering Committee members to discuss the planning efforts for the March 15, 2022, Town Hall.
- **Thursday, February 17, 2022 – Path to Clean Air Technical Assessment Ad Hoc Working Group Meeting** – The TA Ad Hoc will be preparing to co-present at the February 28, 2022, Steering Committee meeting, and getting a preview presentation of the March TA development work.
- **Monday, February 14, 2022** – Staff met with Dir. Gioia
- **Wednesday, February 9, 2022** – Staff met with the Town Hall planning committee to discuss the Clean Air Affair Town Hall.
- **Wednesday, February 9, 2022 – Path to Clean Air Community Description Ad Hoc Working Group Meeting** – Air District staff presented information on demographic data and committee members discussed what health and demographic data aligned with the themes they selected.

- **Tuesday, February 8, 2022** – Staff met with Steering Committee member Heidi to discuss Community Description Outline.
- **Monday, February 7, 2022** – Staff met with three Steering Committee members to discuss the Town Hall phone answering machine and flyer.
- **Thursday, February 3, 2022 – PTCA Co-Chairs Meeting** – Staff met with our Steering Committee Co-Chairs to discuss the February 28, 2022, meeting, Adhocs groups, and upcoming Town Hall.
- **Wednesday, February 2, 2022 – Board of Directors Meeting** – Staff facilitated a presentation from the Richmond Progressive Alliance on their work on the Listening Project Podcast.
- **Thursday, January 27, 2022 - Prep for Board Presentation on the Listening Project** – Staff met with Marisol Cantu, Alfredo Angulo, and Dani Zacky to prepare for the Board of Directors meeting and their presentation.
- **Thursday, January 27, 2022 – Technical Assessment Ad Hoc Working Group Meeting** – Staff worked with the committee members to revise and finalize their goal statements and look at categorizing community concerns.
- **Thursday, January 27, 2022 – Town Hall Prep Meeting #2** – Staff met with 3 PTCA Steering Committee members to discuss the planning efforts for the March 3<sup>rd</sup> Town Hall.
- **Wednesday, January 26, 2022 – Community Description Ad Hoc Working Group Meeting** – Staff met with several PTCA Steering Committee members and shared information on population and demographics data.
- **Monday, January 24, 2022 – Path to Clean Air Steering Committee Meeting** - Staff hosted the 10<sup>th</sup> PTCA CSC meeting, which included an introduction to the new SC members, the Final Presentation on the Social Pinpoint work from the Community Organizing Grantees, and a Technical Assessment Topic Centered presentation from the M&M division on how measurements and modeling help develop a Community Emissions Reduction Plan.
- **Thursday January 20, 2022** – Staff met with our Steering Committee Co-chairs to discuss the January 24, 2022, meeting agenda items (dry-run).
- **Wednesday, January 19, 2022** – Staff met with Marisol Cantu and Simren Sandhu to complete the PTCA Steering Committee onboarding and swear in.
- **Thursday, January 13, 2022** – Staff met with our Steering Committee Co-chairs to discuss the CERP meeting schedule and key milestones for 2022.
- **Thursday, January 13, 2022** – Staff met with CSC members (ad hoc) to discuss the Technical Assessment work.
- **Wednesday, January 12, 2022** – Staff met with CSC members (ad hoc) to discuss and strategize the Community Description outline including a presentation on health data.
- **Tuesday, January 11, 2022** – Staff met with CSC members to discuss and plan the upcoming Town Hall Event.

#### East Oakland AB 617

- **Monday, March 28, 2022** – staff attended an East Oakland Built Environment Tour with Communities for a Better Environment, Directors Miley and Gioia and City of Oakland Planning Staff. Staff continues to meet with Communities for a Better Environment (CBE) on the Partnership Agreement and amending their contract to provide outreach and engagement services in East Oakland.
- **Wednesday, March 23, 2022** – Staff attended a tour of Brookfield Elementary school vegetative buffer site with Higher Ground, staff from City of Oakland Councilmember

Reid's office and Oakland Parks Foundation to learn more about the future tree planting and upcoming Earth Day event.

- Staff continues to meet with Communities for a Better Environment (CBE) on the Partnership Agreement and amending their contract to provide outreach and engagement services in East Oakland.
- **Monday, March 7, 2022** - Staff provided a training on the Brown Act and a cross-community discussion with the Richmond-North Richmond-San Pablo Community Steering Committee Co-Chairs to aid CBE and their members in determining their governance structure and taking the initial steps to develop the Steering Committee.

#### Spare the Air Youth

- **Wednesday, March 23, 2022 – Meeting with MTC** – Staff met with regional partners at MTC to continue supporting the Youth Summer Academy.
- **Wednesday, March 16, 2022 – Spare the Air Youth Technical Advisory Committee** – Staff attended and provided a brief update for the Air District at the STAY – TAC meeting.

#### Spare the Air Resource Teams

- **Monday, March 21, 2022 - Review Spare the Air Resource Team RFQ, Panel Process, and Evaluation Criteria** – Staff from a cross-section of Air District departments met to review the Request for Proposal for the new Spare the Air Resource Team consultant, discussed criteria, and overviewed the Bonfire system.
- **Thursday, March 17, 2022 – Tri-Valley Spare the Air Team Meeting** – The Tri-Valley Spare the Air Resource Team met on March 17, 2022. The team discussed promoting the Idle Free Tri-Valley pledge on social media and online, which runs through March 31st. The team also discussed the April Bike-Friendly Driver quiz and how to publicize the quiz with appropriate outreach methods. The team also discussed the Bay Area Council's February results of their monthly return-to-work survey.
- **Tuesday, March 15, 2022 – San Mateo County Spare the Air Team Meeting** – The San Mateo County Spare the Air Team met on March 15, 2022. The team discussed their SHRM webinar, scheduled for April 13, 2022, and talked about where to find people to present on commute alternatives, the benefits of public transit, and the emotional and social impacts of non-vehicular travel.
- **Wednesday, March 10, 2022 – San Francisco Spare the Air Team Meeting** – The San Francisco Spare the Air Resource Team met on March 10, 2022. The team discussed finding presenters for their national webinar on April 14th about measuring the impact of employee commute programs. The team also discussed the webinar they are sponsoring for the SF Bicycle Coalition on bike-safe driving and how drivers can safely share the road with cyclists. The team was also informed about the RFP for Spare the Air Community Engagement and Facilitation services.
- **Thursday, March 3, 2022 – Contra Costa Spare the Air Meeting** – The Contra Costa Spare the Air Resource Team met on March 3, 2022. The team discussed continuing the Clipper START Project and agreed on final outreach materials for their Idle Free pledge promotion.
- **Wednesday, March 2, 2022 – Santa Clara County Spare the Air Meeting** – The Santa Clara County Spare the Air Resource Team met on March 2, 2022. The team discussed a decision on implementing the Bikepool Pilot rides and listened to an update on discussions with commute platforms.

- **Tuesday, February 20, 2022 – STA Resource Team Consultant Pre-Bidders Conference** – Staff conducted a pre-bid conference for interested bidders for the RFP solicitation for a new Resource Team consultant.
- **Friday, February 18, 2022 – Napa Valley Clean Air Coalition** – The Napa Valley Clean Air Coalition met via Zoom on Friday, February 18, 2022, at 1:00 pm. In this meeting, the team discuss the Bay Area Council’s January 2022 Return to Work and Transit Survey results. The team also discussed methods for spreading the word about Regeneration Napa County’s Climate Solutions Ambassador Program, which engages Napa residents in carrying out climate solutions in their local communities.
- **Thursday, February 17, 2022 – Tri-Valley Spare the Air Resource Team** – The Tri-Valley Spare the Air Resource Team met via Zoom on Thursday, February 17, 2022, at 1:00 pm. The team discussed draft graphics for the [Idle Free pledge](#) promotion, along with DRAFT newsletter articles and verbiage for social media posts.
- **Tuesday, February 15, 2022 – San Mateo County Spare the Air Resource Team** – The San Mateo County Spare the Air Resource Team met via Zoom on Tuesday, February 15, 2022, at 1:00 pm. At this meeting, members discussed responses to a survey sent out to understand how to support HR professionals who are responsible for employee commute programs. Members also discussed logistics around planning a webinar to public discuss the data gathered.
- **Friday, February 11, 2022 – Sonoma County Spare the Air Resource Team** – The Sonoma County Spare the Air Resource Team met via Zoom on Friday, February 11, 2022, at 10:30 am. At this meeting, members discussed upcoming Community Transportation Fairs and other strategies to incentivize Sonoma County residents to take transit instead of drive to work.
- **Wednesday, February 9, 2022 – San Francisco Spare the Air Resource Team** – The San Francisco Spare the Air Resource Team met via Zoom on Wednesday, February 9, 2022, at 1:00 pm. In this meeting, members explored ways to support organizations that are pursuing Net Zero GHG targets, including how to measure and reduce impact of employee commutes. The STA team also discussed a future Bike-Friendly Driver webinar, which is a webinar dedicated to teaching drivers how to be more respectful and safer with bicyclists on the road.
- **Thursday, February 3, 2022 – Contra Costa County Spare the Air Resource Team** – The Contra Costa County Spare the Air Resource Team met via Zoom on Thursday, February 3, 2022, at 11:00 am. At the meeting, the Team reviewed DRAFT articles and social media blurbs to promote the Idle Free pledge, along with DRAFT graphics. The Team plans to go live with this outreach in February. The Team also discussed their **Clipper START Booster Project, which aims** to encourage eligible Contra Costa residents to sign up for Clipper START. The Team will do this by working with workforce development, providing Clipper cards as a stopgap to get folks onto transit ASAP.
- **Wednesday, February 2, 2022 – Santa Clara County Spare the Air Resource Team** – The Santa Clara County Spare the Air Resource Team met via Zoom on Wednesday, February 2, 2022, at 10:00 am. At the meeting, the Team received an update on their Bike Pool project. The Team also reviewed and discussed the “Innovation Watering Hole” invitation and the outline and timing of the PILOT Bike Pool project.

### Community Grant Program

- Staff continue to work with the new cohort of James Cary Smith Community Grantees to finalize scopes of work, share available resources, and act as the liaison between the business and legal offices and grantees to ensure contracts are finalized.
- Staff continued working with FY 2019-2020 James Cary Smith Grantees and School Community Grantees to discuss project updates, available resources, and workplan adjustments due to COVID-19.
- 2022 James Cary Smith Community Grant Program: Staff met with 34 grantees to meet the organization's staff, provide feedback on scopes of work and discuss next steps in the contracting process.

### Community Advisory Council

- **Wednesday, March 30, 2022 - Community Advisory Council Meeting** – The CAC will address various topics such as voting on a structure, governance, and workplan. It will also elect leadership and be provided with a biomonitoring presentation from the Office of Environmental Health Hazard Assessment (OEHHA).
- Staff has finished conducting 4 Meet & Greets (2 in-person and 2 virtual) and one-on-one meetings with all Councilmembers.
- Staff continues to host 1:1s with Suma and CAC Councilmembers. On February 25, 2022, Staff will begin hosting a series of CAC Meet & Greets (virtual and in-person) where CAC Councilmembers will have an opportunity to get to know one another. Staff also continues to plan the next CAC meeting which will take place on March 30<sup>th</sup>.
- Staff continues to work on the next CAC meeting (finalizing the agenda and date, as well as establishing a procedure to elect a Chair and Co-Chair). Staff is also working on onboarding a Facilitator and setting up Meet and Greets for the Councilmembers.
- Staff compiled the necessary documents for the CAC binders and placed the request for mailing on Friday, January 28, 2022.
- Staff coordinated planning for four CAC members to be filmed for the Annual Report video and continue to work on preparation for the March meeting.
- The Community Advisory Council had its first meeting on January 13, 2022. Staff are working to schedule 1:1s with CAC councilmembers, meet and greets, and next meeting's agenda which will take place in March 2022.
- Staff are working with our new Councilmembers to compile headshots and bios for the CAC website and setting up other systems in place to support meeting logistics and technology to launch the first meeting to be held on January 13, 2022 at 6 p.m. via Zoom.
- Staff are also preparing the agenda and presentations from the Chair of the Board, Jack Broadbent, Veronica Eady and Adan Schwartz and potential press (release scheduled for January 10, 2022).

### Training

- **Tuesday, March 22, 2022** - Staff participated in a Women and Leadership training module offered by the Diversity, Equity & Inclusion Office and HR.
- **Tuesday, March 1, 2022** – Staff attended a conversation with Dr. Mendez about centering frontline communities and examining the legacy of race and class in California climate policy.
- **Tuesday, February 22, 2022 – Participatory Budget Training** – Staff attended an Air District hosted training on Participatory Budgeting

## Other

- Staff continue to partner with the Bay Air Center to support local organization seeking the new EPA Community Air Monitoring Grant. Staff completed and submitted letters of recommendation and letters of commitment for three grants. Grants were submitted March 25, 2022.
- **Friday, March 18, 2022 – Bay Air Center, Sensor Verification Check-in** – Staff participated in a meeting with M&M staff, BAC consultants, and Brightline Defense to check-in on their recent sensor verification effort.
- **Thursday, March 10, 2022 – Public Workshop on Air District Update to CEQA Thresholds of Significance for Greenhouse Gases** – Staff moderated a workshop for the Planning division to share updates and respond to questions and comments.
- **Wednesday, March 9, 2022 – Bay Air Center meeting with Belle Haven Advocates** – Staff met with advocates in the Belle Haven community to discuss next steps in presenting air quality information to the community and city council.
- **Monday, March 7, 2022 – Meeting with Youth Leadership Institute** – Staff met with the CEO of YLI to discuss an approach to train Air District staff on allying with youth and effective youth and adult partnerships.
- **Thursday, March 3, 2022 – EPA Community Air Monitoring Grant** – Staff met with Greenaction to follow-up on their proposal for the newly released EPA grant and Bay Air Center support for their proposal.
- **Tuesday, March 1, 2022 – EPA Community Air Monitoring Grant** – Staff met with Marin City Climate Resilience and Health Justice to follow-up on their proposal for the newly released EPA grant and Bay Air Center support for their proposal.
- **Monday, February 28, 2022 – Bay Air Center Presentation to Belle Haven Action** – Staff participated in a meeting with the Bay Air Center and Belle Haven Action to share findings from the first phase of air quality data collection and assessment. We also discussed next steps for training the Belle Haven community.
- **Thursday, February 24, 2022 – Valero Community Briefing** – staff facilitated a community briefing regarding the Valero enforcement case.
- **Thursday, February 24, 2022 – Meeting with New Voices are Rising** – Staff met with staff from New Voices are Rising to discuss the newly formed Environmental Justice and Community Engagement consultant bench and how the Air District and New Voices could work together to support youth engagement at the Air District.
- **Tuesday, February 22, 2022 – EPA Community Air Monitoring Grant** – Staff met with Brightline Defense, Sequoia Foundation and Clarity to learn about interest in the newly released EPA grant, their proposed work, and requests for support from the Air District.
- **Friday, February 18, 2022 – EPA Grant Coordination** – Staff met with Rise South City to coordinate Bay Air Center support for their EPA grant proposal to implement community air monitoring in their community to help advocacy efforts around preventing freeway expansion.
- **Thursday, February 17, 2022 – EPA Grant Coordination** – Staff met with Marin City Climate Resilience and Health Justice to coordinate Bay Air Center support for their EPA grant proposal to implement community air monitoring in their community.
- **Tuesday, February 15, 2022 – EPA Grant Coordination** – Staff met with Greenaction to discuss support for Greenaction’s EPA proposal to expand air monitoring in BVHP and potential ongoing support if the grant is awarded.

- **Saturday, February 5, 2022 – Belle Haven Action Health Fair** – Staff tabled at a health fair in Belle Haven, an environmental justice community in Menlo Park.
- **Thursday, January 20, 2022** – EPA Community Air Monitoring Grant – Staff met with Communities for a Better Environment to learn about interest in the newly released EPA grant, their proposed work, and requests for support from the Air District.
- **Wednesday, January 19, 2022 – Sensor Verification System meeting with Brightline** – Staff attended a meeting with M&M and Brightline Defense to discuss partnering on verification/quality assurance for sensor data Brightline and Clarity are deploying in the Tenderloin.
- **Tuesday, January 11, 2022 and Wednesday, January 12, 2022** – EPA Community Air Monitoring Grant – Staff met with four community partners (Greenaction, Rise South City, Marin City Climate Resilience and Health Justice, and San Leandro 2050) to learn about interest in the newly released EPA grant, their proposed work, and requests for support from the Air District.

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

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

**Board of Directors/Community Equity, Health, and Justice Committee Support –**

For the Board of Directors’ Special Meeting/Retreat on January 19, 2022, the Office prepared an update presentation focused on the newly formed Community Advisory Council (CAC) and the existing Office of Diversity, Equity, and Inclusion. The CAC will advise the Air District Board, Community Equity, Health, and Justice Committee (CEHJ) and staff on policies and programs affecting impacted communities. The Office update included information regarding the Equity Model of Change, employee demographics, and projects for 2022.

The Office provided research data and support to Chief Administrative Officer (CAO), Rex Sanders during his presentation to the Administration Committee Meeting. CAO Sanders provided an update on the Air District’s strategies to ensure equity in the recruitment and selection process. In addition, Human Resources consultant, MEB Consulting Group presented its findings and recommendations regarding methods to strengthen the Air District’s workforce diversity and bench strength through intentional inclusive practices.

The Office is part of the Community Advisory Council (CAC) Support Team. Monthly, the team provides support for the Community Advisory Council meetings. During the first quarter of 2022, the team met to identify potential meeting agenda items, establish a council meeting facilitator with the guidance of councilmembers, and advise the Council on CAC leadership voting methods to satisfy Brown Act requirements. The Office participated in the March Community Advisory Council (CAC) meeting to provide support to staff and the meeting facilitator. During this meeting topics included a presentation on biomonitoring from the Office of Environmental Health Hazard Assessment, a discussion and vote on the CAC’s structure, governance, and workplan, the election

of Community Advisory Council leadership, and an update regarding the Milpitas odor topic shared by a community member during the January CAC meeting.

**Strategic Planning -**

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

\*Bay Area - ACS

Gender	
F	50%
M	50%

Air District

Gender	
F	43%
M	57%

\*Bay Area - ACS

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

Air District

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

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

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

The Office manages the Air District Equity Resource Team meetings. The Equity Resource Team consists of personnel across all divisions of the agency. The team's work focuses on 4 pillars. The pillars of work are Workforce Development, Community Health, Public Investment and Operations. The team's first quarter work focused on the Workforce Development pillar. The team's specific efforts in the area focus on providing recommendations and creating an action plan related to equity within recruitment, promotional opportunities, pay equity, and training.

The Office created a plan for events and activities at the Air District related to Black History Month in February. Events included, but were not limited to, a cooking demonstration, an African American Black Expo/Vendor Fair, and a Conversation with Nikki Giovanni. The virtual cooking demonstration featured Chef Mimi, a local culinary chef. The presentation included the history of soul food, recipes, cooking techniques, and healthy food alternatives. The Black Expo/Vendor Fair began with a presentation on the history and evolution of Black businesses. The second portion featured an array of local vendors sharing their food items, bath and beauty products to clothing. The month's featured event was the Conversation with Nikki Giovanni. Sr. Deputy Executive Officer Veronica Eady facilitated a discussion with African American poet and activist Giovanni. Following their discussion, Ms. Giovanni read her poetry and answered questions from two hundred audience

members in attendance. The event was attended by Air District staff, community members and several other government agencies from across California.

On a monthly basis, air district diversity, equity, and inclusion offices from across the state meet to discuss best practices and provide support for new and innovative ideas. The Office participated in the March meetings and will continue to work with this group to ensure equity work is performed across the state.

The Office met with Executive Officer Broadbent, Sr. Deputy Executive Officers Eady and Breen and Officer Peesapati to discuss the compliance agreement between the Air District and the EPA regarding a complaint related to Title VI of the Civil Rights Act of 1964. As part of the EPA's recommendation, the Office is working with internal staff on updating the Air District's Language Access Report. The updated report will include an overlay map with languages spoken at home data as provided by the latest Census data. Additional aspects of the agreement will be discussed and met in the future.

The Office meets with the Remote Work Task Force (RWTF) on a regular basis. The RWTF will continue to work on topics related to remote and hybrid work. The Office works with the Task Force to ensure equity is factored into all decisions, where applicable. Topics included, but were not limited to, hybrid work schedules and workspace allocation.

The Office meets bi-weekly with the African American Resource Team (AART) to discuss subjects related to the African American community. The Office provides space bi-weekly for employees to gather for informal, If Beale St. Could Talk, conversations in a safe space for conversation.

In the Month of March, the Office kicked off the Air District's first Women's Employee Resource Group. Benefits of the resource group include personal and professional development, mentorship opportunities, education, and support.

### **Community Engagement/DEI Strategies -**

The Office is a member of the Air District's Participatory Budget (PB) Team. Participatory budgeting is a democratic process that allows community members to directly participate in budget-related decision making, i.e., community members decide how to spend a defined portion of a government agency's budget. The team created an outline describing the next steps and requirements for Participatory Budgeting training to begin at the Air District. The Office met with the Participatory Budget (PB) Team and Executive Officer Broadbent to discuss upcoming participatory training scheduled for staff. The initial training included Air District staff members. Our PB trainers were Kristania DeLeon, Co-Director and Keyan Bliss, Community Engagement Specialist of the Participatory Budgeting Project. Training included information about the process and what makes it different from other types of community engagement in budget decision-making.

The Office is working with the Community Engagement team on creating an agency-wide stipend policy for community members. As part of this process, the team met with community members in focus groups to capture their thoughts, suggestions, and recommendations regarding the policy. Subsequently, the team finalized its initial policy draft. The Air District's Community Stipend Policy will serve as a guide for all Air District divisions to provide community stipends in a consistent,

transparent, and equitable manner. This policy focuses on stipends to community members residing within the Air District’s jurisdiction.

**Human Resources/DEI Strategies –**

As part of an on-going partnership, the Office met multiple times during the first quarter of 2022 with the Human Resources management team and contractor, MEB to discuss and assess the Air District’s current employee recruitment and retention strategies. MEB interviewed Human Resources’ personnel and management team members from across the agency as part of their initial fact findings process. MEB’s findings were shared during an Administration Committee meeting. The Office and the Human Resources management team will continue to meet on a regular basis to create inclusive programs and policies.

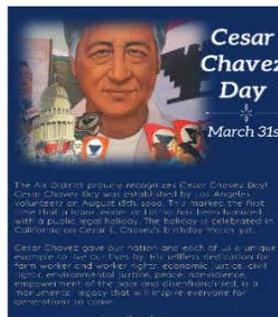
**Trainings –**

In honor of Women’s History Month in March, the Office provided a training module to staff entitled, Leading from Where You Are. Components included hurdles that women face, influence vs. power, assertive communication, concise and confident reporting, and more. As part of the Office’s outline, training sessions will occur quarterly for all staff on an array of subjects/topics.

**Communications -**

The Office continued to provide educational and informational content on the Public Bulletin Board and within the Air District Employee Newsletter. Communication covered a range of topics and events such as Martin Luther King Jr. Day, Lunar New Year, equity trainings, Black Expo/Virtual Vendor Fair 2022, A Conversation with Nikki Giovanni, International Women’s Day, Holi, St. Patrick’s Day, Women’s History Month, an acknowledgement of Ramadan, and Cesar Chavez Day.

**Sample communications:**



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

**Key Performance Indicators**

Key Performance Indicators for the period of January 1, 2022 to March 31, 2022.

<i>Project Activity</i>	<i>Count</i>	<i>Total Amount</i>
Applications Evaluated	34	\$14,329,442
Contracts Executed	35	\$9,802,472

Contracts Amended	21	n/a
Payments Processed	26	\$3,202,005

<i>Program/Funding Source Activity</i>		<i>Count</i>	<i>Total Amount/Description</i>
New Applications Submitted		1	\$4,800,000 - CMP Yr 24 State Reserve
Contracts Executed		3	\$24,484,334 - CMP Yr 24 Amendments - FARMER 2, CMP Yr 22
Disbursement Requests Submitted		3	\$7,261,477 CMP Years 22, 22 State Reserve, 24
Disbursements Received		2	\$6,620,935 VW LDV, CMP Year 22
Reports	Submitted to CARB	2	VW ZEFM Quarterly VW LDV Quarterly
	Submitted to EPA	2	Woodsmoke Program Q4 Report and Annual WBE/MBE
Outreach	Presentations	7	340 Attendees
	e-Blast	2	VW ZEFM Solicitation Closing GMP Solicitation Closing

### **Key Accomplishments and Milestones**

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

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

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

During this period, staff evaluated applications, contracted with grantees for eligible projects, conducted outreach and webinars to promote funding opportunities, submitted disbursement requests and funding reports to CARB, and participated in meetings and educational/informational events related to these programs. Staff also continued to process payment requests, monitor projects that are in the operational phase, and close out projects that have completed their contracted project life.

***Key Administrative Activities and Reports:***

- o Received the FARMER 2 (FY 2018/2019) grant amendment executed by CARB to extend the liquidation deadline to June 30, 2024, February 16, 2022.
- o Received the CMP Year 24 grant agreement executed by CARB for funding in the amount of \$28,28,484,334 on March 16, 2022, and submitted the initial disbursement request for administrative and project funds on March 24, 2022. *The value of this award is approximately three times higher than the historical average.*
- o Received the executed grant agreement amendment #2 from CARB for CMP Year 22 State Reserve on March 22, 2022 that expands the number of eligible project categories and submitted the final disbursement request for project funds on March 23, 2022.
- o Submitted a CMP Year 24 State Reserve application to CARB requesting \$4.8M, March 24, 2022.

***Coordination Meetings, Events, and Other Activities:***

- o Staff held a virtual vendor exhibition booth at CARB’s One-Stop Truck Event, January 20, 2022.
- o Staff attended meetings, trainings, workshops, and webinars on:
  - o FYE 2021-22 CORE Voucher Incentive Project
  - o CAPCOA Mobile Source & Grants Committee CMP Chapter 4 discussion
  - o FARMER Program Updates
  - o Proposed Updates to the CMP Guidelines, Chapter 4
  - o Commercial Harbor Craft Regulation Amendments
  - o State Reserve and CORE

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

**Audit #23:** The authorizing legislation for this revenue requires audits be conducted at least bi-annually to determine whether funds were used to implement the approved projects in accordance with applicable State law. This quarter, staff notified project sponsors about upcoming Audit #23 and attended a kickoff meeting with auditors Simpson & Simpson on March 21, 2022.

***County Program Manager (CPM) Fund:***

- o Staff issued the Expenditure Plan Application forms and funding estimates to the nine CPM managers, January 13, 2022.
- o Staff held teleconference with the CPM Work Group to discuss the FYE 2023 Guidance and other updates, February 8, 2022.
- o Staff received CPM Expenditure Plan Applications for FYE 2023, March 3, 2022.

***Regional Fund:***

- o Staff held a public webinar on the proposed updates to the TFCA Regional Fund Policies for FYE 2023, February 8, 2022.
- o Staff received and reviewed semiannual TFCA Regional Fund progress and operational reports from grantees, March 1, 2022.

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

The program has approximately \$20 million in remaining funds. Staff conducted outreach efforts during the open solicitation, continued to contract on- and off-road projects in the rank list approved by CARB, completed inspections, processed reimbursement requests, monitored projects that are in the operational phase, and closed out projects that have completed their contracted project life. The solicitation period closed on March 31, 2022, and applications requesting approximately \$3 million were received by the deadline.

**Volkswagen (VW) Environmental Mitigation Trust Fund Program** - The VW Environmental Mitigation Trust is a national program that in California will award approximately \$360M to mitigate the excess nitrogen oxide emissions caused by VW's use of illegal emissions testing defeat devices. Under contract to CARB, the San Joaquin Valley, South Coast, and Bay Area air districts are administering VW Program funding, with the Bay Area Air District responsible for the administration of funding for two VW-funded programs: 1) \$10 million for the installation of new electric and hydrogen fueling stations for light duty vehicles, and 2) \$70 million for the scrap and replacement of heavy-duty forklifts, airport ground support equipment, port cargo-handling equipment, engines of marine vessels, and the installation of shore power systems for ocean going vessels to be awarded in two installments.

***Coordination Meetings, Events, and Other Activities:***

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

***Light-Duty Infrastructure (LDI) – Hydrogen-Fueling Stations*** – The available \$5 million was awarded through a competitive solicitation that closed on May 22, 2020, and conducted under a contract with the California Energy Commission (CEC). On December 9, 2020, the CEC approved award of VW funds to five stations (\$1 million each). Two of these stations are in the Bay Area and construction is anticipated to be completed in 2022. During this quarter staff continued to coordinate with the CEC and routinely met with project partners to discuss the status of light-duty hydrogen stations. Due to the fall-out of one of the 5 stations, staff updated the ranking list.

***LDI – Electric Vehicle (EV) Stations*** - A competitive solicitation offering the available \$5 million was conducted May 11, 2021 - August 18, 2021. Eighteen applications were received requesting over \$40 million. This quarter, staff updated the ranking list and submitted a disbursement request to CARB. On February 22, 2022, the Air District received the \$5 million disbursement. Staff also worked to begin developing contracts for the awarded projects.

***Zero-Emission Freight and Marine Projects (ZEFM)*** – A competitive solicitation offering the first installment of \$35 million was conducted June 18 - August 31, 2020. A first-come, first-served solicitation seeking to award the remaining ~ \$34 million, was conducted May 25, 2021 - March 22, 2022. The solicitation closed with a total of 21 applications requesting \$26 million. Staff evaluated and awarded eligible projects on a first-come, first-served basis, conducted inspections, and monitored project progress. Staff also continued to work with CARB to update the program guidance materials and plans to open the next solicitation in late Spring 2022.

**Zero-Emission Hydrogen Ferry Demonstration Project** – This Project, funded by CARB in 2018 and administered by the Air District, will demonstrate the feasibility of hydrogen fuel cells for use in the commercial maritime industry by deploying a zero-emission hydrogen ferry in the San Francisco Bay. Construction on the ferry started in November 2018 and is planned to be completed by mid-2022. This period, staff hosted monthly meetings with project partners to discuss the project’s status and technological/regulatory/funding issues; met with SWITCH and ZEI to discuss commercialization plans for the vessel and the status of zero-emission technology; and executed a contract amendment with CARB.

**Woodsmoke Reduction Program** – This Environmental Protection Agency (EPA) Targeted Airshed Grant (TAG) funded program will provide grants to homeowners to replace approximately 325 woodstoves & fireplace-inserts with zero-emission heat pumps initially in West Oakland and Richmond-San Pablo and is tentatively scheduled to open in 3<sup>rd</sup> quarter 2022.

The program is currently being developed, and during this period staff continued to develop program materials, researched programs to partner with for outreach, and worked with IT contractor for needed enhancements to the grants management system. Additionally, staff:

- Submitted to EPA the annual WBE/MBE report on January 27, 2022, and 2022 Q1 program report on January 28, 2022.
- Attended EPA’s Residential Wood Smoke Working Group monthly meetings, January 25, 2022, February 22, 2022, and March 22, 2022.

#### **Other SID Coordination Meetings and Events**

- Chaired and participated in the monthly CAPCOA Mobile Source and Grants Sub-Committee Meetings, January 12, 2022, February 9, 2022, and March 9, 2022.
- Presented at The Climate Center’s Investing in Sustainable Mobility Webinar, January 16, 2022.
- Presented to the AB617 Richmond-San Pablo Path to Clean Air Steering Committee on Air District incentive programs, February 28, 2022.
- Presented on funding opportunities for lower-emission and zero-emission port cargo handling equipment at meeting of the West Oakland Sustainable Port Collaborative, March 11, 2022.
- Staff attended the following program webinars, workshops, and meetings:
  - o Monthly meetings with regional, state, and federal government staff to discuss updates on the development of hydrogen stations in California
  - o Metropolitan Transportation Commission’s Transportation Demand Management Working Group Meeting
  - o Metropolitan Transportation Commission Active Transportation Working Group Meeting Monthly Bay Area County Transportation Agency Meeting
  - o Transportation Managers for the I-80 Corridor Partnership Meeting

- o Reformulated Gasoline (RFG) Settlement Administrators Meeting
- o Veloz’s 350 kW: Will this Futureproof EV Charging? Webinar
- o Climate Center’s Business Network Breakfast Workgroup Meeting
- o The White House’s EV Infrastructure Investment and Jobs Act (IIJA) Webinar
- o Forth Mobility’s “Plugged In: A Driver Centered Approach to Electrifying Rideshare” Webinar
- o Forth Mobility’s “Driving Change with Clean Fuel Program” Webinar
- o Calstart’s EnergiIZE Funding Advisory Committee Meeting
- o Calstart’s EnergiIZE Commercial Vehicles Workshop
- o CEC Zero-Emission Vehicle Infrastructure Plan Workshop
- o CARB’s:
  - Commercial Harbor Craft Regulation Webinar
  - EVSE Standards Regulation Webinar
  - Zero-Emission Forklift Rulemaking Workgroup Meeting
  - Medium and Heavy-Duty Infrastructure Work Group - Electricity and the Grid Webinar and Costs & Funding Webinar
  - Electric Bicycle Incentives Project Workgroup Meeting
  - Clean Transportation Equity Project Safeguards for Cap-and-Trade Auction Revenue Uncertainty Workgroup Meeting
  - Clean Off-Road Equipment Voucher Incentive Project (CORE) Workgroup Meeting
  - Advanced Technology Demonstration and Pilot Projects Workgroup Meeting
  - HVIP “innovative small e-fleets” Pilot Program Workgroup Meeting
  - 2020 and Beyond Workgroup Meeting
  - 2022 HVIP Implementation Workshop
  - Dairy and Livestock Methane and Renewable Natural Gas in California Workshop
  - Fiscal Year 2022-23 Update to the Three-Year Plan for Light-Duty Vehicles and Clean Transportation Equity Investments Workshop
- Staff attended the following trainings:
  - o MapBox Interactive Maps Training
  - o Resiliency & Grit for Changing Times Training

**Open Grant Solicitations Administered by SID (as of 4/1/2022)**

- o ***Heavy-duty Diesel Emissions Reductions Grant Programs:*** – Funding is available for eligible projects that upgrade or replace on-road trucks, transit buses, off-road and agricultural equipment, marine equipment, and locomotives, and for eligible infrastructure projects that support advanced clean vehicles and technology. Priority is given to projects that benefit areas highly impacted by air pollution including AB 617-identified communities. Funding is also available for public school districts, Joint Powers Authorities (JPAs), and contracted fleets in the Bay Area to provide grants funds for bus replacements to zero emissions and low-NOx, and electric charging & alternative fueling infrastructure projects. The solicitation period Cycle Year 22 is scheduled to close on May 18, 2022, and anticipated to reopen in mid-2022.
- o ***Passenger Car and Light-duty Truck Retirement*** – The Vehicle Buy Back Program pays Bay Area residents \$1,200 per vehicle to turn in their operable, registered, model year 1997 and older passenger cars or light-duty trucks for scrapping.

**METEOROLOGY & MEASUREMENT DIVISION  
R. CHIANG, DIRECTOR**

*Air Quality Forecasting*

	# of Days	Dates
Spare the Air alerts called for ozone	0	
Spare the Air Alerts called for PM <sub>2.5</sub>	0	
Exceedances of the national 8-hour ozone standard (70 ppb)	0	
Exceedances of the national 24-hour PM <sub>2.5</sub> standard (35 µg/m <sup>3</sup> )	0	

No Spare the Air alerts were called for ozone or PM<sub>2.5</sub> and no exceedances were observed during the first quarter of 2022. Despite a remarkably dry January, February, and March, breezy conditions prevailed for most of the quarter, keeping pollutants dispersed and air quality below federal health standards.

**Laboratory**

Subsequent to the shelter-in-place due to COVID-19, the laboratory has continued to operate on a rotation, performing support for critical ambient air monitoring programs including PM<sub>10</sub>, PM<sub>2.5</sub>, PM<sub>coarse</sub>, SASS, toxics canisters, and aldehydes.

During the first quarter the laboratory has continued to bring other instrumentation online and has continued to focus on document revision, method and systems evaluation, and modernizing procedures amenable to digitalization.

**Regulatory Air Monitoring**

Twenty-nine air monitoring sites were operational during the first quarter 2022. Operations were adjusted to ensure staff safety and compliance with applicable county health directives pertaining to COVID-19 response. Despite having to adapt to the logistical challenges posed by the shelter-in-place directives, staff continued to exceed all quality objectives while maintaining an average data capture rate for continuous criteria pollutant measurements of 88.9%.

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

**Livermore-Portola (new PAMS)** Construction activities for the new station support infrastructure continued through end of March 2022.

**Napa Valley College** station was demobilized on May 20, 2021 due to development efforts on the college campus. District staff identified and secured a new site location to restore air monitoring activities in Napa County and a new space was leased in March 2022.

**Refinery Community Monitoring in Fenceline Communities** - District employees identified and secured a new site location to install a new community air monitoring station in Benicia. The lease was signed in March 2022 and becomes effective in May 2022.

### ***Community Monitoring***

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

### ***Performance Evaluation***

All gas analyzers and particulate samplers were found to be operating within the Air District's established accuracy limits (22 monitoring stations, 66 parameters).

- o The section has been conducting as many audits as possible, while still respecting social-distancing guidelines, as well as everyone's personal-parameter requests for health and safety needs.
- o The section completed the TVA QC Check/Calibration System for the Compliance and Enforcement Division. The section calibrated 16 of the C&E Division's (18) TVAs (Toxic Vapor Analyzers). The PE Section, working with the C&E Division, developed a schedule so that six (6) TVAs are calibrated by our section each month.
- o 4th quarter audit results were compiled and uploaded to AQS. All the 4th quarter official audit reports were compiled, reviewed, and completed as well.
- o Several auditing standards were transported to CARB for regularly scheduled certification.
- o Ground-Level Monitoring (GLM) audits of hydrogen sulfide (H<sub>2</sub>S) and sulfur dioxide (SO<sub>2</sub>) gas-analyzers were conducted at Chevron, Marathon and Phillips 66 Refineries. A start-up audit was performed at Marathon's new site, Clyde. All gas-analyzers met the Air District's performance evaluation (audit) acceptance criteria.
- o Regular departmental duties continued, including audits; report processing and review; database management; and equipment testing and maintenance.

### ***Air Quality Analysis***

#### General Monitoring Analysis and Summaries

- Refinery-related monitoring siting analyses: Published the first installation of a Refinery Community Air Monitoring Plan which provides an overview of the Major Stationary Source Community Air Monitoring Program funded by Schedule X and its implementation in the refinery communities. The Plan includes an appendix that documents an assessment of potential locations for the Benicia monitoring station. Prior to its completion, we shared this information with the City of Benicia ahead of their City Council Meeting (March 1)

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

##### Support the Community Emissions Reduction Plan (CERP) Development

- Prepared analyses of measurement datasets to support the CERP technical assessment effort, and developed and delivered presentations on monitoring information for internal technical assessment meetings
- Prepared materials for and held meetings of the Technical Assessment Ad Hoc workgroup (January 13, 2022, January 27, 2022, February 17, 2022, March 3, 2022, and March 17, 2022)
- Delivered presentations to the CERP CSC:
  - o How Measurements and Modeling Help Develop a CERP (January 24, 2022)
  - o Technical Assessment Insights, Part I (March 21, 2022)

## Technical Support to Bay Area Communities and Stakeholders

- East Oakland
  - o Developed and submitted an application for an EPA ARP grant for a community air monitoring project in East Oakland in partnership with Communities for a Better Environment and UC Berkeley. The project includes three monitoring components: exploratory measurements using the Air District van, follow-up short- or medium-duration stationary measurements, and deployment of PM sensors throughout East Oakland. The total project cost is approximately \$1.7 million, of which nearly \$300,000 would be covered by the EPA grant for CBE and UC Berkeley participation costs.
  - o Coordinated meeting w/ Sequoia Foundation and Clarity to learn about their project to develop a sensor network grant partnership w/ WOEIP and east Oakland schools.
- Eastern SF / Bayview-Hunters Point
  - o Participated in the EJ Task Force Meeting to announce our technical support efforts w/ Greenaction's sensor network (March 16, 2022)
  - o Created template summary report for Navy air monitoring data
  - o Continue to work with Brightline Defense on implementation of the Sensor Verification System
    - Coordinated in-person demo of the system for Brightline leadership and staff next to the District's SF-Arkansas St. location on March 8, 2022
    - Provided summary data and analysis of demo data
    - Provided analysis of hourly NO<sub>2</sub> data throughout the Bay Area to inform target calibration levels
- Ongoing technical support from District and Bay Air Center for the following projects:
  - o Alameda County Library – finalized informational displays on air quality
  - o Belle Haven (Councilwoman Taylor) – community-focused air quality analysis and training on accessing and interpreting data
  - o EPA ARP grant application assistance to Marin City Climate Resilience and Health Justice and RISE South City
- Provided response to questions on Pb network and regulatory data access from Dr. Jill Ryer-Powder at Environmental Health Decisions
- Discussed differences of air monitoring data sources (sensors vs. District sites) with Michael Wentworth from the County of San Mateo
- Provided letters of support for community organizations applying for the EPA ARP funding for enhanced air quality monitoring for communities:
  - o Marin City Climate Resilience and Health Justice
  - o Comite Civico del Valle & Greenaction
  - o Sequoia Foundation with Brightline and RISE South City

## Naturally Occurring Asbestos Program Technical Support

- Reviewed the monitoring design for 11 new and revised Asbestos Dust Monitoring Plans.

## Prepare information for or conduct interviews with press on including

- Conducted multiple interviews with SF Chronicle on high PM readings within the San Francisco Purple Air sensor network – [link to article](#).
- Provided general talking points

### ***Source Test***

- Evaluations and implementation of new measurement technologies and developed test procedures relevant to AB-617, Regulation 11-18 and emission inventory improvement.
- Oversight of the Regulation 12-15 fence line monitoring programs and initiation of hydrogen sulfide monitoring requirements.
- Continued refinery CEMS compliance audits in partnership with the Compliance and Enforcement Division.
- Attended workgroup meetings to review South Bay Odor Attribution Study draft reports.
- Attended EPA Emissions Inventory Virtual Seminar Series.
- Attended AWMA Air Measurements Conference.
- Continued management review of Injury & Illness Prevention Plan (IIPP).
- Continued development of source test prioritization system and review of current practices.
- Source tests conducted:
  - o Conducted FTIR field trial and expanded post-analysis software reference library.
  - o Performance of source tests to determine emissions of precursor organic compounds, and toxic air contaminants.
  - o Performance of source tests to determine emissions of particulate matter.
  - o Performance of tests to assess the compliance status of gasoline cargo tanks, gasoline dispensing facilities, gasoline terminal loading and vapor recovery systems.
  - o Evaluation of independent contractor conducted source tests to determine report acceptability and source compliance.
  - o Evaluation of CEMS installations and ongoing compliance, including monitoring plan review and approval.
- Technical advising to Air District Divisions:
  - o Advice and guidance to Engineering on emission data interpretation, permitting handbook condition revisions, Rule 11-18 health risk assessments and air toxics, permit development, and facility annual emission reporting.
  - o Advice and guidance to Compliance and Enforcement and Legal on emission data interpretation, recommendations for further evaluation indicating potential violations, CEMS compliance audits, and ongoing enforcement actions.
  - o Advice to the Rules Section on development of Rule 13-5.
  - o Advice and meeting participation on AB-617 internal workgroups and knowledge gap analysis.

### **Recruitment News**

#### ***New Hires and Promotions***

- Richmiel Dela Torre, Air Quality Laboratory Technician I

<b>EXTERNAL AFFAIRS</b> <b>L. FASANO, OFFICER</b>
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### **AIR DISTRICT GENERAL**

- In March 2022:
  - o Staff provided feedback on AB 2206 and encouraged the Air District support of the legislation.

- o Staff provided Alan Abbs, Legislative Officer two potential amendments to the parking cash legislation to discuss with Assemblyman Alex Lee's staff.
- o Staff reviewed and provided notes on the SPUR Regional Parking Census. Staff reviewed SPUR Transportation Policy suggestion documents
- In April 2022:
  - o External Affairs coordinated with Menlo Spark for the Air District to attend the We Love the Earth Festival event on April 16, 2022. This event also was the first in-person foods event as part of our sponsorship with Acterra. The event was well attended with over 500 guests. Featured Bay Area chefs demonstrated how to prepare delicious vegan dishes on an induction cook top. A featured Healthy Plate marketplace featured vegetarian and vegan food items. All booths sold out and arranged to have additional food items delivered to the event. The Air District booth was well attended with many interactions with community members on air quality issues such as wood burning, boiler rule and other general air quality questions.
  - o Staff met with the Air and Waste Management Association (A&WMA) Executive Director, Stephanie Glyptis, to confirm a space at 375 Beale for the EPA Alumni Reception, part of the 2022 A&WMA conference, on Monday, June 27, 2022, at 5:30pm. The Air District will provide reception event space in the Tamalpais Conference Room at 375 Beale Street. The A&WMA Sponsorship Agreement for the event is being finalized. The A&WMA Annual Conference & Exhibit will be June 27-30 at the Hyatt Regency San Francisco near the Embarcadero Center.

### **DISTRIBUTED WORK POLICY**

- The Distributed Work Policy work continues. Lisa Fasano is the executive leader on the Remote Work Task Force. The General Workweek Arrangement app was released in February to a small group of staff to test ease of use. A survey was conducted following the trial and the app is now being updated to incorporate feedback received from our test group. The revised V 2.0 app is expected to be completed in mid-May. Staff will conduct bug testing and once completed, the app will be released to all staff at the Air District so they can input their agreed upon schedule into the system as part of the roll out of the Distributed Work Policy implementation.
- Edited the training script for the distributed work policy training to incorporate answers to questions raised during online training sessions.
- In March, met with Executive Officer to confirm timing potential return to the workplace planning. Discussed phases of the return to the workplace efforts as the Air District and the region transition out of COVID requirements.

### **COMMUTER BENEFITS PROGRAM**

- Biweekly meetings with MTC Commuter Benefits and WSP team to discuss:
  - o Automatic emails to employers and scheduling for these emails
  - o Commuter Benefits Program 2014 data updates and employer categorization strategy
  - o Plan Bay Area 2050 and transportation measures EN-7 and EN-9
  - o Data QA/QC efforts and developing an approach to cleaning up the Commuter Benefits Program Database
- Procurement for the Commuter Benefits Program – A joint working group kickoff meeting with the MTC Commuter Benefits Program staff and the External Affairs staff was held to discuss:

- Development of a scope of work for the issuance of a request for proposal for a firm to administer and support the program timeline, and budget.
    - The working group will meet bi-weekly over the next six weeks to jointly develop a workplan: define the scope of work for the procurement of a firm to administer and support the Commuter Benefits Program. The current firm WSP's contract expires June 2023. Completion of the scope of work for the issuance of an RFP is scheduled for mid-July 2022.
- MTC staff compiled a list of all inactive employers in the Commuter Benefits Program database since 2014. The list is being researched by staff from both agencies and the consulting firm administering the program to confirm existence of employers in the region.
- Staff will complete its annual review and update to the Commuter Benefits Program documents on the websites.
- Strategic planning is underway to restart Commuter Benefits Program Enforcement in the second quarter of 2022:
  - o Mid-March 2022 - Staff assessed and briefed the Enforcement section on the proposed process to restart compliance and enforcement late spring.
  - o Staff is coordinating with Assemblyman Lee's office on the Parking Cash Out bill moving through the legislature.
- Staff compiled team recommendations for amendments to Regulation 14-1 or potential new legislation to address emissions from commuting.
  - o Staff developed timeline for Commuter Benefits Program enhancement.
- Staff met with Rules and Strategic Policy Division to discuss rule making process.
- Staff met with Planning Division to discuss the transportation strategies outlined in the 2017 Clean Air Plan.
- Staff met with MTC staff and James Choe (MTC/ABAG) to discuss Parking Management Strategies.
- Staff reviewed San Joaquin Air District Indirect Source Rule and South Coast Air Quality Management District Indirect Mobile Source Rules and Regulations.
- Staff reviewed and discussed the sections of Washington State's Clean Air Act related to commuting, as well as the city of Seattle's Commute Trip Reduction Ordinance.
- Staff researched the Washington D.C.'s 2020 Transportation Benefits Equity Amendment and its applicability to Bay Area.
- Draft press release was requested of the Communications Office relative to informing employers of the Commuter Benefits Program requirements. The press release will also encourage employers to create partnerships with their employees to assist with options for commuting without driving alone when returning to the office.
- Staff met with Christine Maley-Grubl, Associate Program Coordinator, leading the Commuter Benefits and Carpool Program efforts at MTC. Providing her with an overview of the CBP the last 2 years; initiatives launched and challenges we continue to work jointly on with MTC. Christine believes in strong partnership building and wants to increase partnerships with employers as we move forward.

### **Flex Your Commute**

- Radio spots completed/approved - ran on KCBS radio January 17, 2022, through January 31, 2022.
- LinkedIn online ads ran from January 17, 2022 through February 15, 2022.

- Additional *Flex Your Commute* advertising will be conducted following the Request for Proposal (RFP) and selection process for a *Flex Your Commute* program contractor.
  - o The *Flex Your Commute* RFP has been submitted and budget transfer was completed.
  - o RFP is currently under review.
- Legal Division approved adding *Flex Your Commute* messaging to Commuter Benefits Program e-mails.

## **Sponsorships**

### ***Acterra – STA Leadership Awards Sponsorship***

Staff, as part of the Acterra Judging Committee, discussed finalists for the Spare the Air Leadership Award. The committee conducted finalist interviews and arrived at a split decision as to who should win the award. At the February 24<sup>th</sup> meeting of Acterra’s board of directors, External Affairs staff on the judging committee nominated Marin Clean Energy’s Low-Income Families and Tenants program for the award.

Acterra’s board of directors did not ratify the nomination because of the judging committee’s split decision. The Spare the Air Leadership Award was presented to Marin Clean Energy by the Air District, independently of Acterra, at the Air District’s April 20<sup>th</sup> Board of Director’s meeting.

Staff are discussing a shift in employer solicitation and selection process with Acterra leadership for the Spare the Air Leadership Award next year.

### ***Acterra – Healthy Plate/Healthy Planet Sponsorship***

The Air District sponsored several Healthy Plate/Healthy Planet lecture events through our partnership with Acterra touting the ingredients, preparation, and benefits to the climate of a vegan or vegetarian diet.

An in person Healthy Plate/Healthy Planet event took place on April 16<sup>th</sup> as part of the We Love the Earth Menlo Spark Earth Day festival in Menlo Park. Three chefs gave a demonstration of how to prepare delicious vegan/vegetarian dishes on an induction cook top. Attendees watched the preparation, were able to ask questions and taste the dishes. In addition, there was a vegan/vegetarian foods marketplace where regional restaurants made and sold vegan/vegetarian food items. The items were very popular and sold out requiring the vendors to arrange for more product to be brought to the festival. More than 500 people attended the We Love the Earth festival.

### ***Michelson 20MM Foundation***

- The contract for Michelson 20MM Foundation has been processed and executed.
- Awaiting receipt of memo from Michelson 20MM Foundation to initiate processing of grant funds.
  - o Notified Hope Cahan on January 13, 2022, that the check for Michelson 20MM Foundation was processed and mailed out.

<b>STATISTICS</b>			
<b><u>Administrative Services:</u></b>		<b><u>Compliance Assistance and Operations Program:</u></b>	
<b><u>Accounting/Purchasing/Comm.</u></b>		Asbestos Plans Received	1797
General Checks Issued	1585	Coating and other Petitions Evaluated	6
Purchase Orders Issued	644	Open Burn Notifications Received	1050
Checks/Credit Cards Processed	5518	Prescribed Burn Plans Evaluated	4
Contracts Completed	79	Tank/Soil Removal Notifications Received	15
RFP/RFQ	6	Compliance Assistance Inquiries Received	108
		Green Business Reviews	3
		Refinery Flare Notifications	8
<b><u>Executive Office:</u></b>			
APCO'S Meetings Attended	442		
Board Meetings Held (including Budget Hearing and CAF)	7	<b><u>Compliance Assurance Program:</u></b>	
Committee Meetings Held (including Richmond Area CERP)	15	Industrial Inspections Conducted	959
Advisory Council Meetings Held	1	Gas Station Inspection Conducted	340
Hearing Board Meetings Held	1	Asbestos Inspections Conducted	842
New Variances Received	0	Open Burning Inspections Conducted	15
		PERP Inspections Conducted	30
<b><u>Information Systems:</u></b>		Mobile Source Inspections	0
New Installation Completed	11	Grant Inspections Conducted	86
PC Upgrades Completed	17		
Service Calls Completed	878	<b><u>Engineering Division:</u></b>	
		Annual Update Packages Completed	1280
<b><u>Human Resources:</u></b>		New Applications Received	278
Manager/Employee Consultation (Hrs.)	350	Authorities to Construct Issued	235
Management Projects (Hrs.)	400	Permits to Operate Issued (New and Modified)	148
Employee/Benefit Transaction	600	Permit Exemptions (Entire application deemed exempt)	4
Training Sessions Conducted (Group)	6	New Facilities Added	103
Training Sessions Conducted (Individual)	5	Registrations (New)	23
Applications Processed	151	Health Risk Assessments (HRA)	85
Exams Conducted	13		
New Hires	15	<b><u>Communications and Public Information:</u></b>	
Promotions	8	Responses to Media Inquires	72
Separations	9	Events Staffed with Air District Booth	1
Safety/Wellness Administration	67		
		<b><u>Community Engagement:</u></b>	
<b><u>Facility/Vehicle:</u></b>		Presentations Made	15
Request for Facility Service	39	Visitors	0
Vehicle Request(s)	26	Air District Tours	0
Vehicle Maintenance/Service/Repair(s)	59	Community Meetings Attended	42

<b>STATISTICS (continued)</b>			
<b>Compliance and Enforcement Division:</b>		<b>1<sup>st</sup> Quarter 2022 Agricultural Burn Days</b>	
<b>Enforcement Program</b>		Jan. – Mar. Permissive Burn Days-North	69
Violations Resulting in Notices of Violations	216	Jan. – Mar. No-Burn Days-North	21
Violations Resulting in Notice to Comply	0	Jan. – Mar. Permissive Burn Days-South	68
New Hearing Board Cases Reviewed	2	Jan. – Mar. No-Burn Days-South	22
Reportable Compliance Activity Investigated	239	Jan. – Mar. Permissive Burn Days-Coastal	66
General Complaints Investigated	888	Jan. – Mar. No Burn Days-Coastal	24
Wood Smoke Complaints Received	299		
Mobile Source Violations	0	<b>Laboratory</b>	
		Analyses Performed	1329
<b>Meteorology Measurements &amp; Rules:</b>		Inter-Laboratory Analyses	0
<b>1st Quarter 2022 Ambient Air Monitoring</b>			
Days Exceeding Nat'l 24-Hour PM <sub>2.5</sub> Std.	0	<b>Technical Library</b>	
Days Exceeding Nat'l 24-Hour PM <sub>10</sub> Std.	0	Titles Indexed/Cataloged	0
Days Exceeding State 24-Hour PM <sub>10</sub> Std.	0	Periodicals Received/Routed	0
Days Exceeding the Nat'l 8-Hour Ozone Std.	0	Reportable Compliance Activity Investigated	0
Days Exceeding the State 1-Hour Ozone Std.	0	<b>Source Test</b>	
Days Exceeding the State 8-Hour Ozone Std.	0	Cargo Tank Tests Performed	0
		Total Source Tests	25
<b>Ozone Totals, Year to Date 2022</b>		Pending Source Tests	1
Days Exceeding State 1-Hour Ozone Std.	0	Further Evaluation Notices Recommended	17
Days Exceeding Nat'l 8-Hour Ozone Std.	0	Contractor Source Tests Reviewed	4,634
Days Exceeding State 8-Hour Ozone Std.	0	Outside Test Observed	10
		Further Evaluation Notices Recommended After Review	23
<b>Particulate Totals, Year to Date 2022</b>		Contractor Source Test Protocols Reviewed	29
Days Exceeding Nat'l 24-Hour PM <sub>2.5</sub> Std.	0	Contractor Source Tests invalidated	94
Days Exceeding Nat'l 24-Hour PM <sub>10</sub> Std.	0		
Days Exceeding State 24-Hour PM <sub>10</sub> Std.	0	<b>Continuous Emissions Monitoring (CEM)</b>	
		Indicated Excesses Emission Reports Evaluated	22
<b>Ground Level Monitoring (GLM)</b>		Monthly CEM Reports Reviewed	100
Jan. – Mar. Ground Level Monitoring SO <sub>2</sub> Excess Reports	0	Indicated Excess from CEM	22
Jan. – Mar. Ground Level Monitoring H <sub>2</sub> S Excess Reports	0	Field Accuracy Tests Performed	1

## These facilities have received one or more Notices of Violations Report period: January 1, 2022 – March 31, 2022

These facilities have received one or more Notices of Violations.  
Reporting Period: January 1, 2022 through March 31, 2022

2022 1st Quarter

### Alameda County

Status	Date	Site #	Site Name	City	Regulation Title
	01/04/22	Z9773	Liaoning Benefit Petroleum (US) Corporation	Alameda	GDF Phase II Equipment Not Maintained
	01/04/22	FA526	Shell of Alameda GDF	Alameda	Failure to Meet Permit Conditions
	01/04/22	FA526	Shell of Alameda GDF	Alameda	GDF Phase I Equipment Not Maintained
	01/06/22	Z9773	Liaoning Benefit Petroleum (US) Corporation	Alameda	GDF Phase I Equipment Not Maintained
	01/20/22	FA184	SFD	Alameda	Asbestos; Written Plan or Notification
	02/08/22	B1767	Group Delphi	Alameda	No Authority to Construct
	02/08/22	B1767	Group Delphi	Alameda	No Permit to Operate
	02/22/22	A3194	City of Alameda, Maint Serv Center	Alameda	Failure to Meet Permit Conditions
	03/24/22	FA526	Shell of Alameda GDF	Alameda	GDF Phase I Equipment Not Maintained
	03/24/22	FA526	Shell of Alameda GDF	Alameda	Failure to Meet Permit Conditions
	03/24/22	A0460	Sutter Bay Hospitals dba Alta Bates Summit Med Ctr	Berkeley	Failure to Meet Permit Conditions
	03/24/22	A0460	Sutter Bay Hospitals dba Alta Bates Summit Med Ctr	Berkeley	Periodic Testing
	03/24/22	A0460	Sutter Bay Hospitals dba Alta Bates Summit Med Ctr	Berkeley	Periodic Testing
	03/24/22	A0460	Sutter Bay Hospitals dba Alta Bates Summit Med Ctr	Berkeley	Periodic Testing
	01/19/22	B2001	Quiikrete Northern California	Fremont	Failure to Meet Permit Conditions
	01/25/22	W0024	Fremont Gas N Wash	Fremont	GDF Phase I Equipment Not Maintained
	02/07/22	A1438	Tesla, Inc	Fremont	Non-Compliance; Major Facility Review
	02/24/22	A1438	Tesla, Inc	Fremont	Failure to Meet Permit Conditions
	01/05/22	Z4759	76 Gas Station	Hayward	GDF Phase II Requirements
	02/15/22	Z4600	ABE Petroleum - Olympic Oil	Hayward	GDF Phase I Requirements
	02/16/22	FA384	Speedway No. 4478 GDF	Hayward	GDF Phase II Requirements
	02/17/22	FA370	Crest 76	Hayward	Failure to Meet Permit Conditions
	02/22/22	FA438	Fast & Easy Mart	Hayward	Failure to Meet Permit Conditions
	02/24/22	FA372	Sahola Petroleum LLC	Hayward	Failure to Meet Permit Conditions
	03/01/22	Z4600	ABE Petroleum - Olympic Oil	Hayward	Failure to Meet Permit Conditions
	03/17/22	FA446	Doubletime Hayward	Hayward	Failure to Meet Permit Conditions
	03/17/22	FA446	Doubletime Hayward	Hayward	No Authority to Construct
	01/20/22	Z4740	Tri Valley Shell	Livermore	GDF Phase II Requirements
	01/31/22	E1754	High Octane Body & Paint	Oakland	No Authority to Construct
	01/31/22	E1754	High Octane Body & Paint	Oakland	No Permit to Operate
	02/09/22	FA310	SFD	Oakland	Asbestos; Written Plan or Notification
	02/16/22	FA387	Green Sage Management, LLC	Oakland	No Authority to Construct
	02/16/22	FA387	Green Sage Management, LLC	Oakland	No Permit to Operate
	03/08/22	FA429	SFD	Oakland	Asbestos; Written Plan or Notification
	03/29/22	FA538	GO Petroleum, LLC	Oakland	GDF Phase II Requirements
	03/10/22	FA586	SFD	Piedmont	Open Burning; Prohibition of Fires
	02/18/22	P9997	Shell Gas Station	San Leandro	No Authority to Construct
	03/09/22	FA444	United Rentals Branch 67F	San Lorenzo	Failure to Meet Permit Conditions
	01/20/22	A8581	MPP Union City a Division of Amcor Packaging Dist	Union City	Failure to Meet Permit Conditions
	01/27/22	A3256	Turk Island Solid Waste Disposal Site	Union City	Landfill Emission Control System Requirement
	01/27/22	A3256	Turk Island Solid Waste Disposal Site	Union City	Parametric Monitoring and Recordkeeping Procedures
	03/10/22	Y1350	Mission Shell Gasoline	Union City	No Permit to Operate

### Contra Costa County

Status	Date	Site #	Site Name	City	Regulation Title
	3/21/2022	B9730	Mariposa Energy, LLC	Byron	Continuous Emission Monitoring and Recordkeeping
	3/21/2022	B9730	Mariposa Energy, LLC	Byron	Non-Compliance; Major Facility Review
	3/21/2022	B9730	Mariposa Energy, LLC	Byron	Continuous Emission Monitoring and Recordkeeping
	3/21/2022	B9730	Mariposa Energy, LLC	Byron	Non-Compliance; Major Facility Review
	1/18/2022	FA274	Clayton Valley Shell	Concord	Failure to Meet Permit Conditions
	2/3/2022	FA259	CND	Concord	Asbestos; Containment Requirement
	2/14/2022	FA308	Ducky's Concord LLC	Concord	Failure to Meet Permit Conditions
	3/15/2022	Z5735	Willow Pass Exxon	Concord	Failure to Meet Permit Conditions
	3/28/2022	B0330	All Custom Wood Works	Concord	Wood Furniture, Custom Cabinetry & Custom Architectural Limits
	3/28/2022	B0330	All Custom Wood Works	Concord	Wood Products Coatings Recordkeeping Requirements
	3/29/2022	FA527	San Ramon Valley Fire District Station #31 GDF	Danville	Failure to Meet Permit Conditions
	3/29/2022	FA527	San Ramon Valley Fire District Station #31 GDF	Danville	GDF Phase I Equipment Not Maintained
	3/24/2022	Z4042	Salkhi Petroleum	El Cerrito	Failure to Meet Permit Conditions
	1/5/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources
	1/5/2022	A0011	Martinez Refining Company LLC	Martinez	Standards for New Stationary Sources





**These facilities have received one or more Notices of Violations**  
**Report period: January 1, 2022 – March 31, 2022**  
**(continued)**

These facilities have received one or more Notices of Violations.  
 Reporting Period: January 1, 2022 through March 31, 2022

2022 1st Quarter

**San Francisco County**

Status Date	Site #	Site Name	City	Regulation Title
1/5/2022	A1860	Laguna Honda Hospital	San Francisco	Periodic Testing
1/12/2022	A1860	Laguna Honda Hospital	San Francisco	Periodic Testing
1/21/2022	FA434	Bauman	San Francisco	PMP Prohibition of Trackout Monitoring & Recordkeeping
2/7/2022	FA112	SF Fire Station #8	San Francisco	Failure to Meet Permit Conditions
2/7/2022	FA375	San Francisco Fire Dept Station 7 GDF	San Francisco	Failure to Meet Permit Conditions
2/7/2022	FA376	San Francisco Fire Dept Station 18 GDF	San Francisco	Failure to Meet Permit Conditions
2/7/2022	FA377	City of San Francisco Fire Station 9 GDF	San Francisco	Failure to Meet Permit Conditions
2/7/2022	FA377	City of San Francisco Fire Station 9 GDF	San Francisco	GDF Phase I Equipment Not Maintained
2/10/2022	FA437	Silver Gas	San Francisco	Failure to Meet Permit Conditions
3/17/2022	A1446	Anchor Brewing, LLC	San Francisco	Inorganic Gaseous Pollutants Final Emission Limits
3/21/2022	A0459	Veterans Administration Health Care System	San Francisco	Failure to Meet Permit Conditions
3/22/2022	FA476	MFD	San Francisco	Asbestos; Containment Requirement
3/22/2022	FA480	MFD	San Francisco	Asbestos; Written Plan or Notification

**San Mateo County**

Status Date	Site #	Site Name	City	Regulation Title
2/3/2022	FA400	City of Belmont GDF	Belmont	GDF Phase II Equipment Not Maintained
2/25/2022	L9034	WEST LAKE CHEVRON	Daly City	GDF Phase I Requirements
2/25/2022	L9034	WEST LAKE CHEVRON	Daly City	GDF Phase II Equipment Not Maintained
2/25/2022	L9034	WEST LAKE CHEVRON	Daly City	Failure to Meet Permit Conditions
3/24/2022	FA511	Ernest Petros	Daly City	Failure to Meet Permit Conditions
2/1/2022	FA164	MFD	San Bruno	Improper Demolition, Renovation and Removal
2/1/2022	FA164	MFD	San Bruno	Waste Disposal Procedures
2/1/2022	FA164	MFD	San Bruno	Asbestos; Written Plan or Notification
1/20/2022	FA190	Sixt Rent A Car	San Francisco	No Permit to Operate
3/22/2022	FA474	Herc Rentals	San Mateo	Failure to Meet Permit Conditions
3/30/2022	FA540	Peninsula Chevron	San Mateo	Failure to Meet Permit Conditions
1/11/2022	Z8022	Westborough Kwik Serv	South San Francisco	GDF Phase II Requirements
2/3/2022	E4732	Gateway of Pacific Building 3	South San Francisco	Failure to Meet Permit Conditions

**Santa Clara County**

Status Date	Site #	Site Name	City	Regulation Title
1/7/2022	FA152	Stevens Creek Gas	Cupertino	GDF Phase II Equipment Not Maintained
1/18/2022	FA189	The Forum at Rancho San Antonio	Cupertino	No Authority to Construct
1/18/2022	FA189	The Forum at Rancho San Antonio	Cupertino	No Authority to Construct
1/18/2022	FA189	The Forum at Rancho San Antonio	Cupertino	No Permit to Operate

**These facilities have received one or more Notices of Violations**  
**Report period: January 1, 2022 – March 31, 2022**  
**(continued)**

These facilities have received one or more Notices of Violations.  
 Reporting Period: January 1, 2022 through March 31, 2022

2022 1st Quarter

**Santa Clara County Continued**

Status Date	Site #	Site Name	City	Regulation Title
2/2/2022	FA279	SFD	Gilroy	Asbestos; Written Plan or Notification
2/2/2022	A6370	Recology Pacheco Pass	Gilroy	Landfill Emission Control System Requirement
3/17/2022	B5827	City of Gilroy	Gilroy	Failure to Meet Permit Conditions
3/23/2022	FA519	Eagle Ridge Golf Club GDF	Gilroy	Failure to Meet Permit Conditions
2/10/2022	A1812	Kirby Canyon Recycling and Disposal Facility	Morgan Hill	Non-Compliance; Major Facility Review
1/20/2022	A0550	NASA-AMES Research Center	Mountain View	Failure to Meet Permit Conditions
1/20/2022	A0550	NASA-AMES Research Center	Mountain View	Failure to Meet Permit Conditions
3/14/2022	FA517	Shoreline Shell GDF	Mountain View	Failure to Meet Permit Conditions
3/7/2022	Z5554	Terra Bella Group Inc.	Palo Alto	GDF Operating Practices
3/18/2022	FA450	CND	Palo Alto	Asbestos; Containment Requirement
1/11/2022	A7265	San Jose State University (Cogen Plant)	San Jose	Inorganic Gaseous Pollutants Emission Limits, General
1/20/2022	FA223	Coleman Highline Phase 3	San Jose	California Code of Regulations
1/26/2022	FA244	MFD	San Jose	Asbestos; Containment Requirement
2/9/2022	A5149	F & F Steel & Stairway Inc	San Jose	Organic Compounds Spray Application Equipment Limitations
3/3/2022	FA403	SFD	San Jose	Asbestos; Written Plan or Notification
3/22/2022	E1327	Cowboy Painting & Finishing	San Jose	Failure to Meet Permit Conditions
3/24/2022	FA525	Rotten Robbie #2 GDF	San Jose	GDF Phase II Requirements
3/9/2022	A8611	Gilbert Spray Coat	Santa Clara	No Authority to Construct
3/9/2022	A8611	Gilbert Spray Coat	Santa Clara	No Permit to Operate
1/5/2022	B0861	Northrop Grumman Systems Corporation	Sunnyvale	Failure to Meet Permit Conditions
3/30/2022	FA530	Camden Gas & Mini Mart GDF	Sunnyvale	Failure to Meet Permit Conditions

**Solano County**

Status Date	Site #	Site Name	City	Regulation Title
1/11/2022	Z0868	Benicia Harbor Corp	Benicia	Failure to Meet Permit Conditions
1/13/2022	FA204	City of Benicia - Corporation Yard	Benicia	Failure to Meet Permit Conditions
1/26/2022	B2626	Valero Refining Company - California	Benicia	Right to Access to Information
2/3/2022	FA290	West Coast Fueling Systems	Benicia	GDF Phase I Requirements
3/7/2022	B2626	Valero Refining Company - California	Benicia	Right to Access to Information
3/7/2022	B2626	Valero Refining Company - California	Benicia	Material Representations Made To Permit Applications
3/28/2022	B2626	Valero Refining Company - California	Benicia	Public Nuisance
2/1/2022	FA249	Fairfield Shell	Fairfield	No Authority to Construct
2/3/2022	FA291	Travis Unified School District	Fairfield	Failure to Meet Permit Conditions
3/8/2022	E4057	NorCal Museum Siding, LLC	Vallejo	Failure to Meet Permit Conditions

**Sonoma County**

Status Date	Site #	Site Name	City	Regulation Title
3/16/2022	FA456	College Shell	Santa Rosa	GDF Phase I Requirements
3/16/2022	FA456	College Shell	Santa Rosa	GDF Phase II Equipment Not Maintained
3/18/2022	FA456	College Shell	Santa Rosa	Failure to Meet Permit Conditions

**Closed Notice of Violations with Penalties by County  
January 1, 2022 – March 31, 2022**

**Alameda**

<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
AC Transit District - Central Maintenance Building	A2258	Oakland	\$1,000	1
Berkeley Asphalt Co	A0123	Berkeley	\$57,000	5
Bigge Crane And Rigging Co.	Z9616	San Leandro	\$800	1
Castlewood Country Club	Z2569	Pleasanton	\$1,000	2
D.W. Nicholson Co	Z9590	Hayward	\$800	1
Harder Road Beacon	Z8978	Hayward	\$750	1
Lexus of Fremont	Z9073	Fremont	\$100	1
Livermore Auto Group Inc.	Z9614	Livermore	\$1,250	1
Mattson Technology, Inc	B2989	Fremont	\$1,000	1
Metropolitan Golf Links	Z9562	Oakland	\$1,500	3
MG Remediation, Inc.	Z9744	Hayward	\$750	1
Pleasanton Garbage Service	E3992	Pleasanton	\$4,000	2
Pleasanton Hand Wash & Detail	Z9628	Pleasanton	\$2,500	3
Portola Food & Liquor	Z9361	Livermore	\$2,000	1
Restoration Management Company	Z7864	Hayward	\$6,000	1
Salkhi Petroleum Inc.	Z8126	San Leandro	\$750	2
Sanmina - SCI	A1559	Newark	\$30,000	2

SFD	Z9808	Alameda	\$250	1
Wong's Valero (7238)	Z8259	Oakland	\$1,500	2

**Alameda Total Violations Closed: 32**

**Contra Costa**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Air Liquide Large Industries US LP	B7419	Rodeo	\$159,000	5
Antioch Unified School District	Z9725	Antioch	\$1,000	1
Blanco Investments LLC	Z8672	Brentwood	\$1,500	2
Byron Bethany Irrigation District	Z4143	Byron	\$2,000	2
City of Pittsburg	Z9721	Pittsburg	\$1,000	2
Clean Harbors Industrial Services, Inc	B6381	Martinez	\$10,000	1
East Bay Regional Park District	Z9865	Orinda	\$1,000	1
Enterprise Roofing Service Inc	B1916	Concord	\$600	2
Gafco Enterprises Inc.	Z9400	Lafayette	\$2,400	4
Gold Bond Building Products, LLC	A0706	Richmond	\$3,000	2
Golden State Contract	Z9483	Concord	\$1,350	1
Kellog Creek Agregates Inc	A6330	Byron	\$15,000	6
Lone Tree Golf Course	Z4218	Antioch	\$4,000	2
Orinda Country Club	Z9519	Orinda	\$3,000	1
Town of Danville	FA043	Danville	\$500	1

**Contra Costa Total Violations Closed: 33**

**Marin**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Equator Coffees, LLC	B5081	San Rafael	\$900	2
MarinHealth Medical Center	A1713	Greenbrae	\$4,500	1

**Marin Total Violations Closed: 3****Napa**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Dept of Transportation	Z9340	Napa	\$2,500	2
Huneus Vintners LLC	E2998	Saint Helena	\$1,000	1
Napa County Public Works	FA307	Napa	\$1,000	1

**Napa Total Violations Closed: 4****San Francisco**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Caltrans - Alemany Main	Z8603	San Francisco	\$1,500	1
Central Concrete Supply Inc	B2124	San Francisco	\$12,000	1
Ideal Restoration Inc.	U5715	San Francisco	\$500	1
One Embarcadero Center/Boston Properties, Inc	B0703	San Francisco	\$4,000	2
St Francis Memorial Hospital	A2087	San Francisco	\$7,000	2
St Luke's Hospital A/P,CPMC-STL Campus	A9313	San Francisco	\$8,000	4

**San Francisco Total Violations Closed: 11**

**San Mateo**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Double AA Corp.	Z8614	South San Francisco	\$13,750	4
NST Investments LLC	Z9544	San Bruno	\$3,000	4
SFD	Z8673	Daly City	\$400	1
South San Francisco Fire Department	Z9911	South San Francisco	\$1,000	1

**San Mateo Total Violations Closed: 10**

**Santa Clara**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
beshoff Motor Group	Z8789	San Jose	\$450	2
Best USA Logistics Inc	E0695	Milpitas	\$1,500	1
Bottomley Distributing	Z9179	Milpitas	\$1,000	1
Capitol Nissan	Z9440	San Jose	\$1,250	2
Chevron #9-5771	V9914	San Jose	\$2,250	3
Cyote Creek Golf Course	Z9125	Morgan Hill	\$3,000	1
Hadad Enterprises, Inc.	Z8882	Sunnyvale	\$550	2
JSR Micro, Inc	B1024	Sunnyvale	\$5,000	1
Mountain View Los Altos High School District	Z9163	Mountain View	\$15,000	1
Mt. View-Los Altos Shl	K6565	Mountain View	\$15,000	2
Palo Alto Unified School District	Z9608	Palo Alto	\$1,000	1
Royal Gas Zone, Inc. M&S Santa Clara Gas	Z9307	Santa Clara	\$500	1

Santa Clara County Roads and Airports Dept	B2472	San Martin	\$500	1
SFPP, LP	A4020	San Jose	\$15,000	1
Terrax Environmental Inc	E4570	San Jose	\$500	1
The Home Depot (Store #6621)	B7731	San Jose	\$1,500	1

**Santa Clara Total Violations Closed: 22**

**Solano**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
A & A Gas	Z0380	Vallejo	\$500	1
Benicia Industries	Z9389	Benicia	\$350	1
GD & Son Builders, Inc	Z9482	Vallejo	\$500	1
Gilroy Energy Center, LLC (Wolfskill Energy Ctr)	B4511	Fairfield	\$10,000	1
Travis AFB - AAFES	Z9838	Fairfield	\$1,000	1
Travis Air Force Base	Z9895	Fairfield	\$1,000	1
Valero Refining Company - California	B2626	Benicia	\$99,000	10
Vallejo Fire Department	Y6435	Vallejo	\$1,000	2
Vallejo Golf Club, Inc	Z9301	Vallejo	\$1,000	1

**Solano Total Violations Closed: 19**

**Sonoma**

Site Name	Site #	City	Penalty Amount	# of Violations Closed
Petaluma Creamery	B8712	Petaluma	\$18,000	1

**Sonoma Total Violations Closed: 1**

**District Wide**

<b>Site Name</b>	<b>Site #</b>	<b>City</b>	<b>Penalty Amount</b>	<b># of Violations Closed</b>
BP Products North America	Z9632	Artesia	\$4,000	3
BP West Coast Products LLC	Z4251	Artesia	\$2,500	1
Iraj Sufapour	Z9118	Pacific Palisades	\$900	1
Southern Counties Oil Co.	Z8980	Orange	\$800	1
Travis AFB	A0770	Travis AFB	\$4,000	4
Valley Convenience Stores Inc.	Z9570	Exeter	\$750	1

**District Wide Total Violations Closed: 11**

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Report of the Technology Implementation Office Steering Committee Meeting of  
May 13, 2022

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Technology Implementation Office Steering Committee met on Friday, May 13, 2022, and approved the minutes of September 17, 2021. This meeting was conducted under procedures authorized by Assembly Bill 361 (Rivas 2021), allowing remote meetings. Members of the Committee participated by teleconference.

The Committee received and discussed the staff presentation *Light-Duty Electric Vehicle Update*.

The Committee then received and discussed the staff presentation *Electric Vehicle Infrastructure*.

Finally, the Committee received and discussed the staff presentation *Climate Tech Finance Statewide Expansion*.

The next meeting of the Technology Implementation Office Steering Committee will be held on Friday, October 14, 2022, at 1:00 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair Report of the Technology Implementation Office Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Technology Implementation Office Steering Committee May 13, 2022 Meeting Memorandums

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Karen Mitchoff and Members  
of the Technology Implementation Office Steering Committee

From: Alexander Crockett  
Interim Executive Officer/APCO

Date: May 13, 2022

Re: Light-Duty Electric Vehicle Update

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

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 five 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.

At the end of 2020, there were a total of 214,928 EVs registered and operating on Bay Area roads, representing 3.9% of the region's light-duty fleet, according to data from the California Energy Commission. Of those EV registrations in the Bay Area, 64% were battery electric vehicles (BEVs), 35% were plug-in hybrid vehicles (PHEVs), and 1% were fuel cell electric vehicles (FCEVs). As of March 31, 2022, 16.3% of new sales in California were EVs and cumulative Bay Area EV sales were at 383,348 vehicles, signaling a continued interest in EVs locally and across the state. This increased demand for EVs and supply chain shortages during the past year have contributed to limited vehicle supply and rising sales prices at dealerships, which have made incentives a key to vehicle affordability.

To reach California and Bay Area EV adoption goals, significant acceleration in the market is required, especially to move beyond early adopters and beyond regions where EVs are currently concentrated. EV outreach, education, and incentives need to be focused on low-income communities that are disproportionately burdened by air pollution.

The Air District's Clean Cars for All (CCFA) Program supports the Bay Area and California's climate goals by replacing older, high-emitting vehicles with newer, cleaner vehicles, or mobility options, including electric bikes and public transit. The Committee will receive an update on the program and its efforts to provide equitable access to EVs and clean transportation in the region.

## DISCUSSION

### **CCFA Program**

CCFA is a voluntary program in which eligible income qualified consumers living in communities disproportionately burdened by air pollution can receive up to \$9,500 to retire their older high-polluting vehicle and replace it with a cleaner and more fuel-efficient vehicle. Eligible vehicles include conventional hybrid vehicles, plug-in hybrid vehicles, battery electric vehicles, and fuel cell electric vehicles. Consumers may also select the mobility option, which includes a pre-paid debit card for public transit or to purchase electric bicycles (e-bikes). Consumers that purchase an eligible vehicle through the program may receive a rebate of up to \$2,000 for electric vehicle service equipment.

The Air District launched the CCFA program in March 2019 with an initial \$5 million grant and has been allocated a total of \$42 million in program funding to date. CCFA receives funding from a variety of sources, including California Climate Investments (the state's Cap-and-Trade program), Volkswagen Mitigation Fund, and the Air District's Transportation Fund for Clean Air, which is funded by a \$4 Department of Motor Vehicles surcharge on vehicle registration. Interest and demand for CCFA remains high with 3,698 applications received and \$23.6 million awarded to 2,819 projects since the program's inception.

CCFA is a critical incentive program to increase equitable access to EVs in the Bay Area. Despite high program participation rates, the program has faced challenges with participant diversity and vehicle shortages that have prevented participants with grant awards from purchasing affordable vehicles. Community engagement and targeted outreach continue to be a priority for the program and the Air District is working with community groups on strategies to increase participation in underserved communities, particularly in Black and Latinx communities. To address limited vehicle supply at dealerships, the Air District released a request for qualifications at the end of April to add additional dealerships to the authorized dealership network.

### **Other EV Incentives**

Staff provides information to participants on other incentives (administered by other entities) available in the Bay Area to maximize consumer savings and increase vehicle affordability.

Some incentives may be stacked with CCFA funds and others are available to residents living outside of disadvantaged communities. Below are some of the EV incentives that may be available to Bay Area residents:

- California Clean Vehicle Rebate Project - <https://cleanvehiclerebate.org/eng>

Offers rebates of up to \$7,000 for the purchase or lease of new, eligible zero-emission vehicles. May be combined with CCFA.

- Clean Vehicle Assistance Program - <https://cleanvehiclegrants.org/>

Provides grants up to \$5,000 and affordable financing to help low-income Californians purchase a new or used hybrid or electric vehicle. Cannot be stacked with CCFA.

- Driving Clean Assistance Program - <https://communityhdc.org/dcap/>

Offers up to \$5,000 toward the purchase of an eligible advanced technology vehicle. Provides financing through Travis Credit Union and Beneficial State Bank. Cannot be stacked with CCFA.

- MCEv Program - <https://www.mcecleanenergy.org/ev-drivers/>

Eligible MCE customers may receive a \$3,500 EV rebate (post-purchase) to lower the price of new electric vehicles. May be combined with CCFA.

- Peninsula Clean Energy Used EVs - <https://www.peninsulacleanenergy.com/usedev/>

San Mateo County residents can receive a rebate of up to \$4,000 to offset the purchase price of a used EV. Residents must apply prior to purchasing their EV to be eligible. Only \$1,700-\$2,000 can be stacked with Clean Cars for All.

- California Clean Fuel Reward - <https://cleanfuelreward.com/>

Offers up to \$750 off the purchase or lease of an eligible new Battery Electric (BEV) or Plug-in Hybrid (PHEV) vehicle.

- Federal Tax Credit - <https://www.fueleconomy.gov/feg/taxevb.shtml>

All-electric and plug-in hybrid cars purchased in or after 2010 may be eligible for a federal income tax credit of up to \$7,500. The credit amount will vary based on the capacity of the battery used to power the vehicle and the manufacturer of the vehicle

- High-Occupancy Vehicle (HOV) Lane Access - <https://www.dmv.ca.gov/portal/vehicle-registration/license-plates-decals-and-placards/clean-air-vehicle-decals-for-using-carpool-lanes/>

The Program authorizes a qualifying vehicle that meets specified emissions standards to be issued a CAV decal to allow single occupancy use of High Occupancy Vehicle (HOV or carpool) lanes.

- FasTrak Discount - <https://www.bayareafastrak.org/en/support/clean-air-vehicle.shtml>

Eligible Clean Air Vehicles (CAVs) receive discounts on all state-owned Bay Area toll bridges (but not the Golden Gate Bridge) and toll-free travel in express lanes.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett  
Interim Executive Officer/APCO

Prepared by: Deanna Yee, Tin Le

Reviewed by: Anthony Fournier

ATTACHMENTS:

None

TECHNOLOGY IMPLEMENTATION  
OFFICE STEERING COMMITTEE  
MEETING OF 05/13/2022

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Karen Mitchoff and Members  
of the Technology Implementation Office Steering Committee

From: Alexander Crockett  
Interim Executive Officer/APCO

Date: May 13, 2022

Re: Light-Duty Electric Vehicle Charging Update

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

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 250,000 EV chargers and 1.5 million EVs sold by 2025, five million EVs sold by 2030, and to phase out sales of most conventional vehicles by 2035. The Bay Area has set a target of 1.5 million zero-emissions vehicles by 2030 and 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. At the end of 2020, there were a total of 214,928 EVs registered and operating on Bay Area roads, representing 3.9% of the region's light-duty fleet according to data from the California Energy Commission (CEC). Of those EV registrations in the Bay Area, 64% were battery electric vehicles (BEVs), 35% were plug-in hybrid vehicles (PHEVs), and 1% were fuel cell electric vehicles (FCEVs).

To support the increase of EVs needed to achieve Bay Area and California goals, significant investments in EV infrastructure are needed. The National Renewable Energy Laboratory (NREL) [EV Infrastructure Projection Tool](#) estimates that the Bay Area needs over 30,000 charging ports in 2022. According to the U.S. Department of Energy's [Alternative Fuels Data Center](#), there are approximately 11,917 (17 Level 1, 9,967 Level 2 and 1,933 DC Fast) publicly available charging ports across the Bay Area as of April 15, 2022. Figure 1 shows a breakdown of these publicly available chargers by county in the Bay Area. The Bay Area has less than half of the chargers it needs to support targets by NREL.

Additional charging stations will be needed to accommodate future growth in the EV market to achieve the ambitious Bay Area goals and to support a broader range of Bay Area residents. Figure 2 shows a map of publicly available charging stations in the Bay Area. The chargers are generally located in urban areas and around transportation corridors. An individual or

household's charging needs are related to their type of residence, with drivers in single-family homes being much more likely to have home charging compared to those living in apartments or multi-unit dwellings (MUDs). Those that live in single-family homes are more likely to purchase EVs due to higher income levels and the ability to charge the vehicle at home. In the Bay Area, over one-third (36%) of housing units are in MUDs. To extend the EV market beyond those living in single-family homes, the Bay Area must expand public charging infrastructure and charging at MUDs.

CALGreen, California's first green building code (California Code of Regulations, Title 24, Part 11), sets requirements for installing EV Capable infrastructure in new residential and nonresidential buildings. The current CALGreen code requires that new construction multi-unit dwellings (MUD) include EV Capable infrastructure in at least 10% of parking spaces, rounded up, meaning that they must have raceway and panel capacity installed. Additionally, CALGreen requires that about 6% of parking spaces in new nonresidential buildings must be EV capable. CALGreen only applies to new constructions, meaning that existing buildings pose a significant gap in this policy approach. On April 20, 2022, the Air District's Board of Directors adopted updated California Environmental Quality Act (CEQA) thresholds for evaluating the significance of climate impacts from land use projects and plans, which includes requirements for off-street electric vehicle requirements that align with CALGreen's policies.

The Air District's *Charge!* Program, other grant programs supporting EV infrastructure, and regional policies play a critical role in increasing the number of charging stations to support the Bay Area's growing EV fleet. As part of this presentation, the Committee will receive updates about the latest *Charge!* Program solicitation and additional efforts taken to support EV charging infrastructure in the region.

## DISCUSSION

### ***Air District Grant Programs***

The [Charge! Program](#) is funded with motor vehicle registration surcharge fees (Health and Safety Code, Section 44225) administered through the Air District's Transportation Fund for Clean Air (TFCA) and Mobile Source Incentive Fund (MSIF). This year there was \$7M available for *Charge!* projects with a portion reserved for MUDs located in Assembly Bill 617 (AB 617) communities.

The *Charge!* Program provides grant funding to offset the cost of purchasing and installing new publicly accessible chargers for light-duty EVs, at workplaces, destinations, transit parking locations, along transportation corridors, and at MUD facilities. The Air District has administered the *Charge!* Program since 2016 and has awarded over \$17M to support more than 3,321 Level 2 charging ports and 445 DC Fast chargers throughout the Bay Area.

The 2022 *Charge!* Program was a competitive solicitation that launched on December 7, 2021, and closed on March 1, 2022. A total of \$7M in grant funding was available for organizations, including governments, businesses, and nonprofits. The 2022 *Charge!* Program prioritizes projects located at MUDs, affordable and below market-rate housing, environmental justice communities, and in regions with lower EV charger density. Staff are currently in the process of

evaluating 2022 *Charge!* Program applications and plan to present project recommendations to the Mobile Source & Climate Impacts Committee in May.

Throughout the Bay Area there are areas that have a high density of publicly available EV chargers, as well as regions where EV charging is scarce. EV charging appears to be sparse in lower-income areas, where residents experience a disproportionately high burden to environmental pollution. Figures 3, 4, and 5 show that there is limited access to public EV chargers in East Oakland, West Oakland and Richmond, which are AB 617 communities. Figure 6 shows that there is limited access to public EV chargers in Vallejo, which is a future community for AB 617 consideration. The *Charge!* Program aims to expand EV charging access in these regions.

Additionally, the Air District recently administered \$5M in Volkswagen Environmental Mitigation Trust funding as part of a state-wide program to expand EV charging infrastructure. Other EV infrastructure programs that have invested in the Bay Area charging network include CALeVIP, CEC, and Electrify America. Community Choice Aggregations and utilities also provide incentives for customers to support Bay Area EV infrastructure, such as Marin Clean Energy, Pacific Gas & Electric Company, Silicon Valley Power, and Sonoma Clean Power.

### **EV Council**

The Air District and the Metropolitan Transportation Commission (MTC) established the EV Council to serve as a staff-level, peer-to-peer forum to guide the development of the Bay Area Plug-In EV Readiness Plan in 2011. Since the adoption of the PEV Readiness Plan in 2013, the EV Council has continued to serve as a venue for members to discuss EV-related emerging trends and to share information and best practices from their experiences in implementing projects that support accelerated EV adoption within their communities. Since 2015, the EV Council has grown from approximately 70 city/county staff contacts to over 460 members representing a cross-section of EV stakeholders. The members include auto manufacturers, city/county staff and transit authorities, charging infrastructure and technology companies, federal and state government agencies, regional entities, sustainability/environmental/climate change/other interest groups (i.e., labor, disadvantaged communities, etc.), and utilities and Community Choice Aggregators. The EV Council includes participation from each of the nine counties within the Bay Area.

### **Multi-Unit Dwelling Technical Assistance Pilot with StopWaste**

To support the increase of EVs needed to achieve Bay Area and California emissions reduction goals, significant investments in EV infrastructure are needed, particularly for MUDs in AB 617 communities. The Air District's Bay Area EV Acceleration plan performed market research and focus groups to understand barriers preventing property managers and landlords from installing EV charging at MUDs. The main reasons provided by property managers and landlords were a lack of time to research EV charging, and uncertainty about cost and upgrade requirements. They suggested that technical assistance, including site assessments, would help increase installations of EV charging at MUDs.

On October 15, 2021, the Air District contracted with Alameda County Waste Management Authority (StopWaste), to perform outreach and technical assistance for MUDs in West Oakland

and Richmond/San Pablo. Partnering with StopWaste allows the Air District to leverage their connections with existing multi-family building owners and experience as the lead implementer for the BayREN multifamily programs, which include a multifamily rebate and technical assistance program for energy efficiency projects. Energy Conservation Options (ECO), a StopWaste sub-contractor, is a local business that is well connected with the West Oakland and Richmond AB 617 communities. This project will prioritize these communities and experience has shown that having existing relationships and employing contractors from these communities increases the ability to integrate local knowledge and meet community needs. StopWaste and partners have hosted informational webinars and are currently offering free technical site assessments to MUD property owners. Air District staff and ECO have engaged with the Oakland Housing Authority and hope to provide technical assistance to two public housing MUDs in West Oakland.

### **Additional Efforts**

In 2021, the Air District released its [Bay Area EV Acceleration Plan](#) (Plan). This Plan aims to update and supplement the 2013 Readiness Plan and includes an update on the EV ecosystem, results of our EV market research study, recommendations to address the barriers to EV adoption, and strategies to increase racial and social equity in the EV market. The Plan is the result of collaboration among Bay Area EV stakeholders, local and regional government agencies, and community outreach and participation. The Plan intends to help the Bay Area achieve the EV goals described in the Air District's 2017 Clean Air Plan and MTC Plan Bay Area 2050.

Using feedback from partners, research, data, and resources, staff developed the following goals to accelerate EV adoption in the Bay Area:

- Increase Air District support for low-income and frontline communities.
- Establish an interim goal of 1.5 million EVs in the Bay Area by 2030.
- Enact EV ready reach codes by 2030 in 100% of Bay Area Cities and Counties.
- Enact EV Charging Station Permitting Streamlining procedures and policies by 2022 in 100% of Bay Area Cities and Counties.
- Seek more ambitious CalGreen EV ready parking space standards in the 2022 Title 24 Code Update (for both existing and new buildings).

In addition, the Air District has recently applied for grant funding from the CEC to support EV charger installations at MUDs. If awarded funding, the Air District will work with partner organizations and community groups to identify project sites to install EV chargers across the Bay Area, specifically in Oakland, Richmond/San Pablo, and Vallejo. Leveraging CEC funding with local grant funds would significantly reduce the out-of-pocket expenses for MUDs to install and operate EV chargers. The goal is to install EV chargers solely at MUDs with affordable housing units to serve disadvantaged and low-income communities. The Air District will also work with MUD residents to apply for the Air District's Clean Cars for All Program, which provides grant funding for income-qualified Bay Area residents to retire their older vehicle and replace it with a new or used hybrid, plug-in hybrid, battery, or hydrogen fuel cell vehicle, pre-paid public transit card, or an e-bike.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett  
Interim Executive Officer/APCO

Prepared by: Ada Truong, Danny Fung, Deanna Yee

Reviewed by: Tin Le, Anthony Fournier

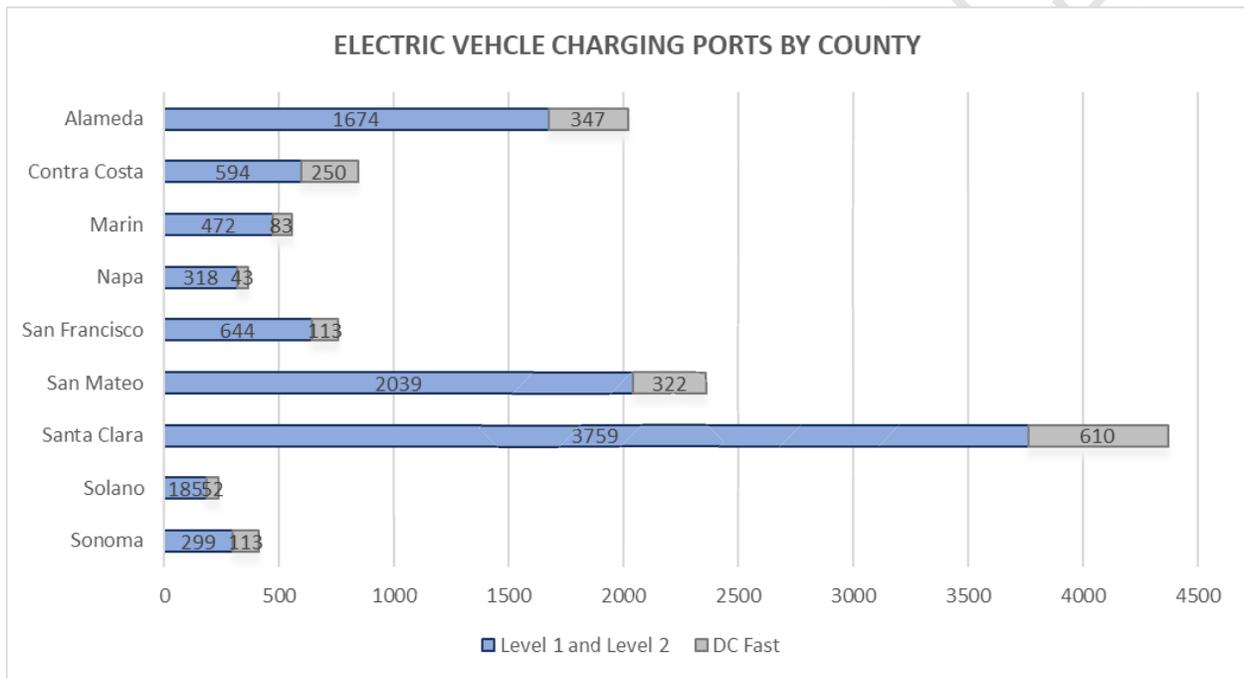
ATTACHMENTS:

1. TIO Steering Committee Charge and EVSE Report Attachments

# Attachment 1

## Light-duty Electric Vehicle Charging Update: Figures and Maps

Figure 1. Publicly Available Level 1, Level 2, and DC Fast Charging Ports by County in the Bay Area



TECHNOLOGY  
OFFICE STAFF  
MEETING OF



Figure 3. Map of Publicly Available Charging Stations in East Oakland (AB 617 Community)

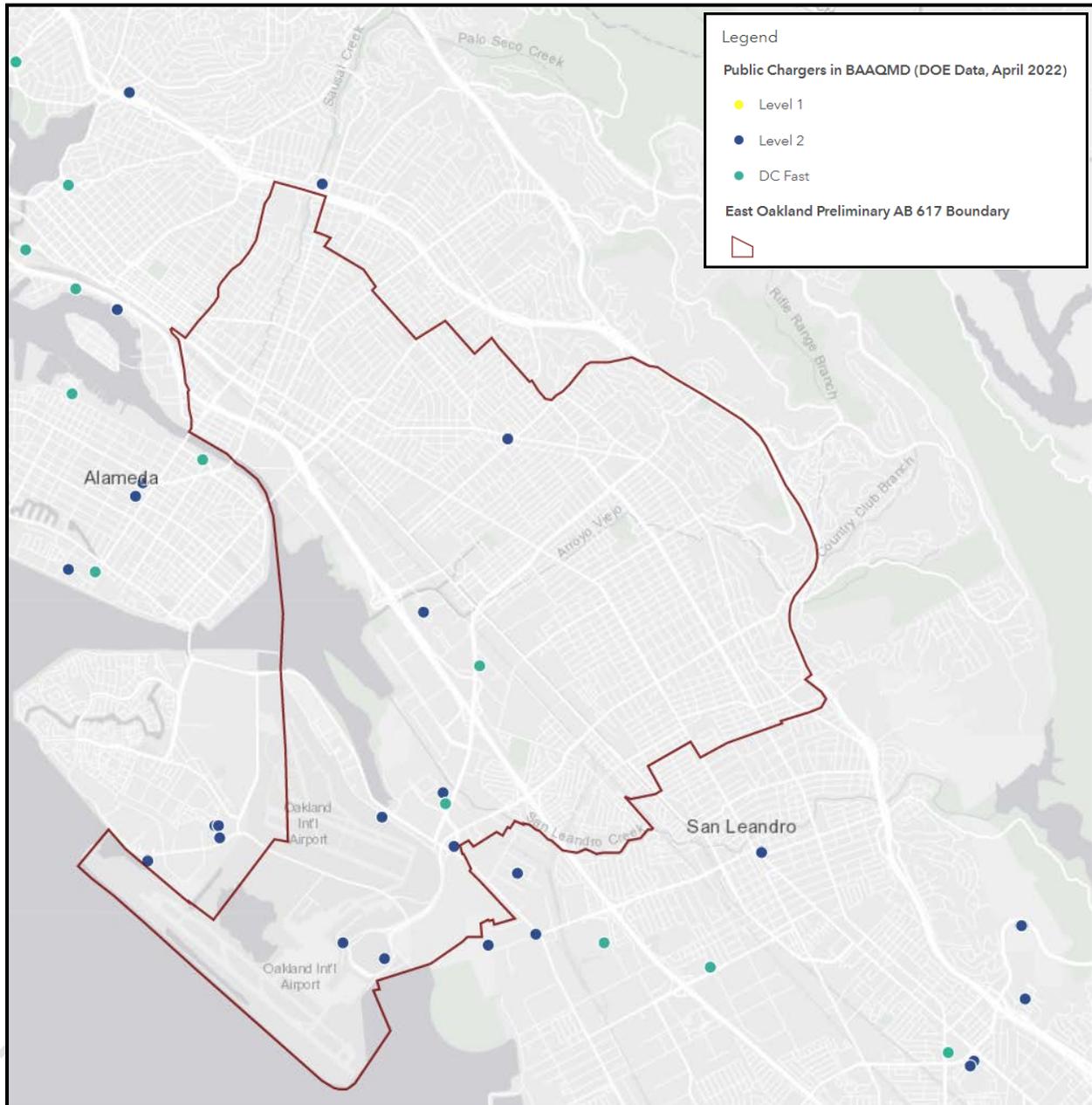
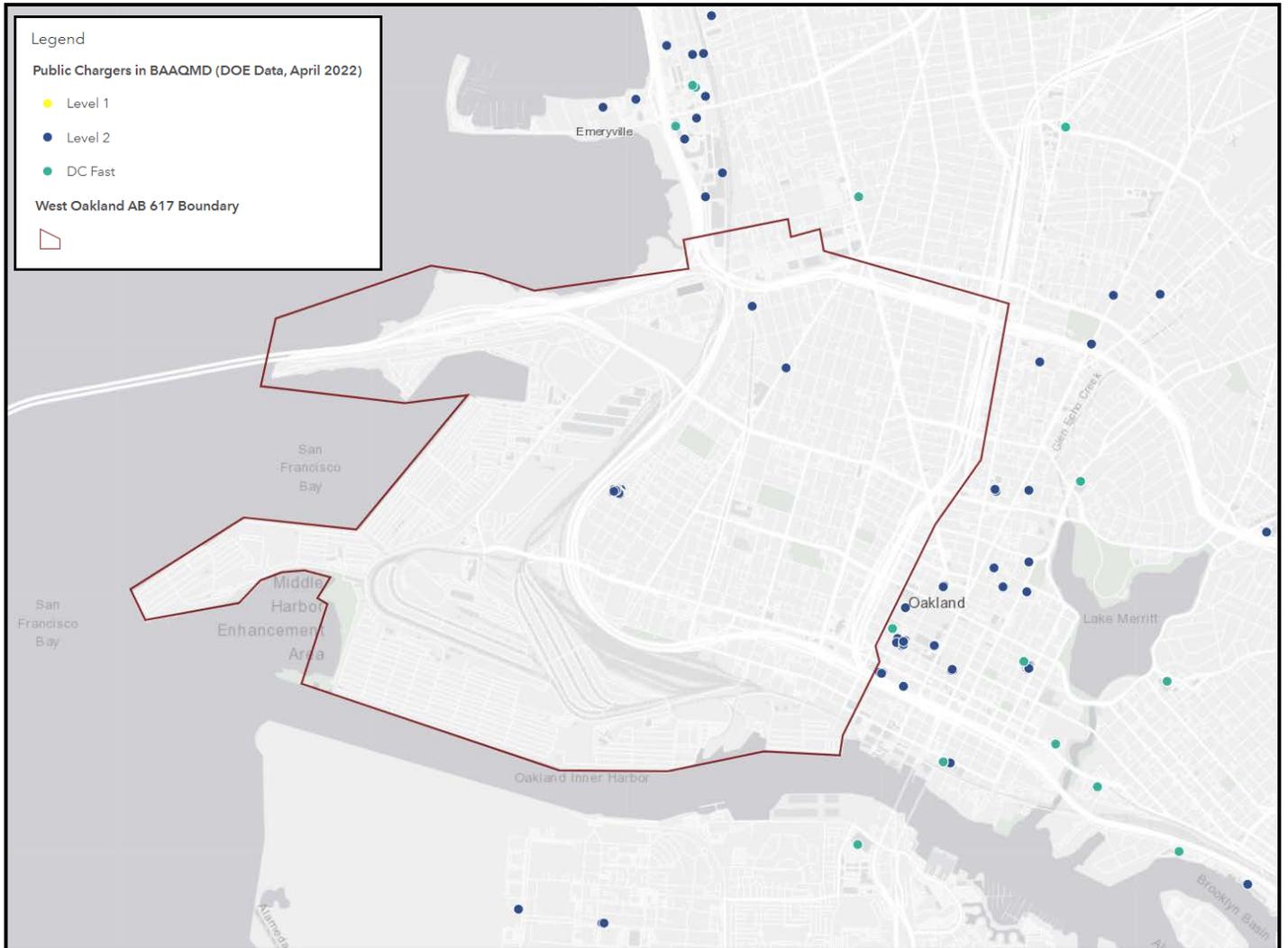


Figure 4. Map of Publicly Available Charging Stations in West Oakland (AB 617 Community)



TECHNICAL  
OFFICE  
MEETING

Figure 5. Map of Publicly Available Charging Stations in Richmond/San Pablo (AB 617 Community)

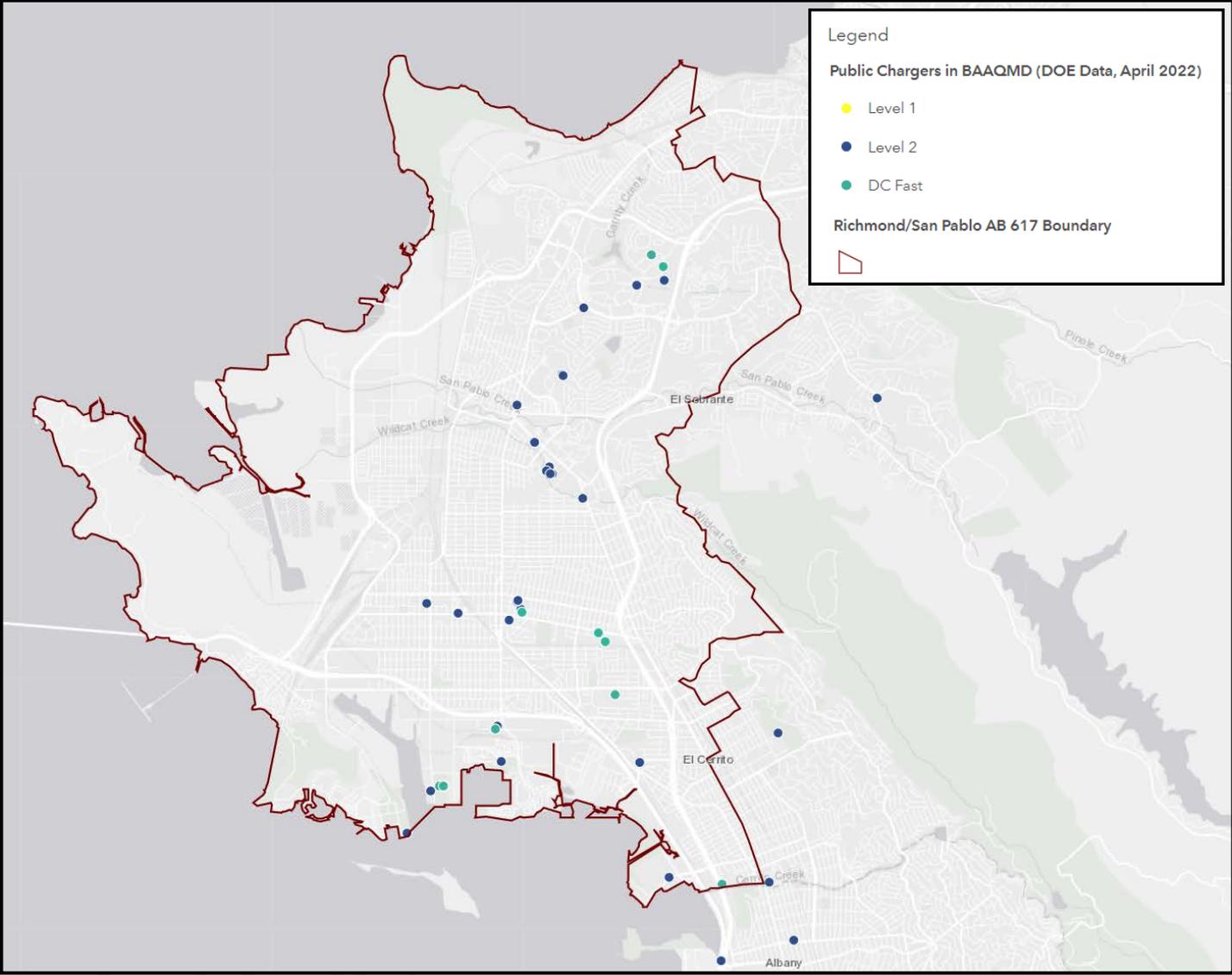
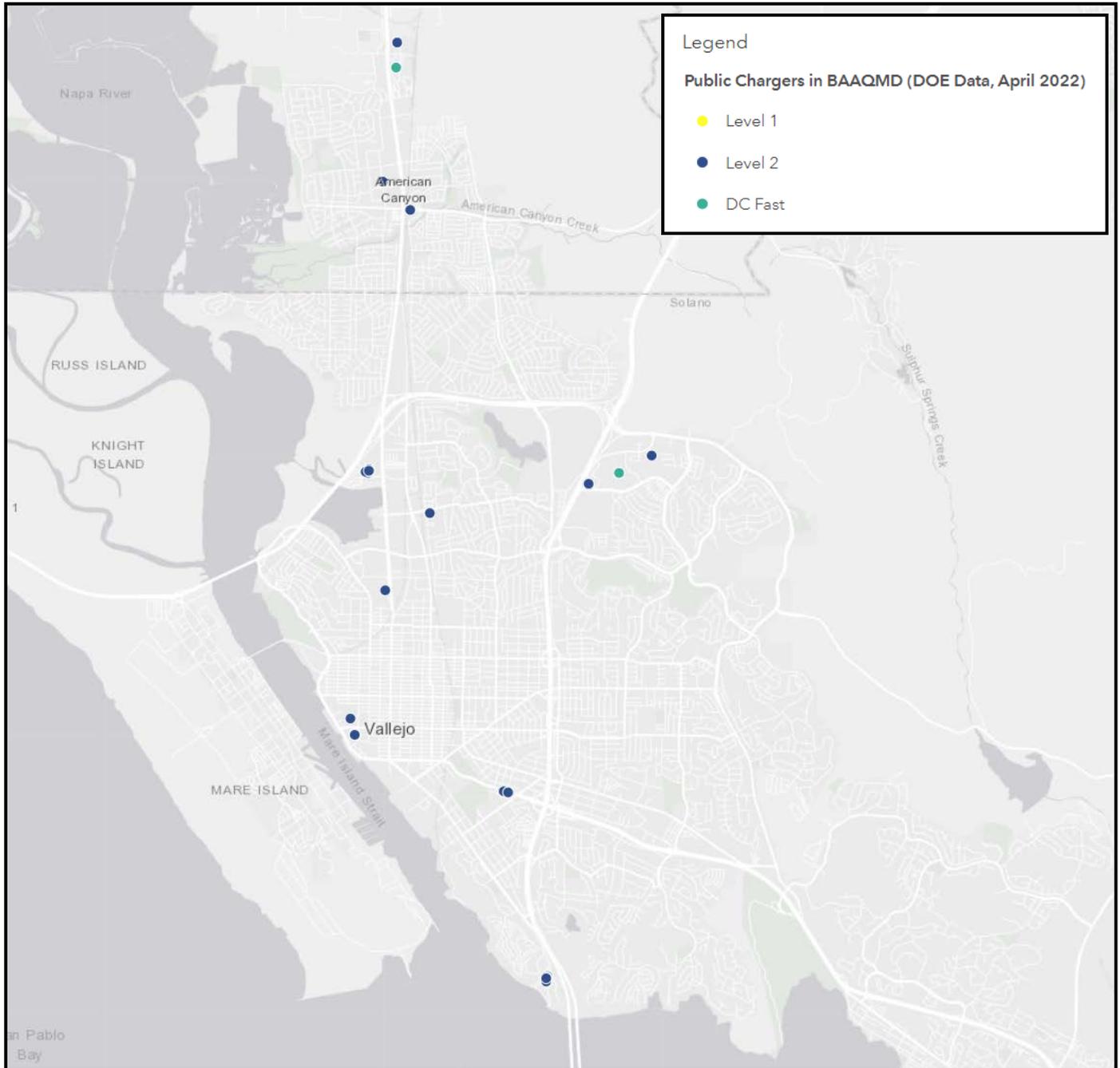


Figure 6. Map of Publicly Available Charging Stations in Vallejo (Future Community for AB 617 Consideration)



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Karen Mitchoff and Members  
of the Technology Implementation Office Steering Committee

From: Alexander Crockett  
Interim Acting Executive Officer/APCO

Date: May 13, 2022

Re: Climate Tech Finance Statewide Expansion

**RECOMMENDED ACTION**

None; receive and file.

**BACKGROUND**

Climate Tech Finance is the Air District's first loan program, with the aim of reducing greenhouse gases by accelerating the adoption of climate technologies. The program offers two financing vehicles: loan guarantees to improve access to credit for climate technology developers, and direct loans to improve local government access to capital when buying greenhouse gas-lowering technologies. These financial products are offered through a partnership with the California Infrastructure and Economic Development Bank (IBank).

The Air District launched the Climate Tech Finance program in 2019 and executed outreach and engagement with over 1,000 Bay Area organizations to identify potential loan projects. From that outreach, the program has funded seven loan guarantee projects, approved twelve more projects for funding, and established a roster of over a dozen climate-oriented banks and a growing pipeline of climate projects in need of near-term financing. The program has also seen increasing inbound interest from borrowers and lenders, fueled by imminent regulatory changes and banks' goalsetting around climate investments.

The American Rescue Plan Act of 2021 allocated \$10 billion to the State Small Business Credit Initiative (SSBCI), of which California is slated to receive \$895 million—roughly seven times larger than the previous SSBCI program in 2010. IBank is a primary beneficiary of these funds, which will directly benefit the Climate Tech Finance partnership.

**DISCUSSION**

Climate Tech Finance has supported companies working in energy, mobility, circular economy, and climate advocacy sectors. Through loan guarantees, the program has facilitated \$15 million in funded loans and generated a pipeline of companies seeking financing totaling more than \$150

million in demand. The companies Climate Tech Finance has supported are projected to reduce over 2.5 megatonnes of CO<sub>2</sub>-equivalent emissions by 2026.

The new SSBCI funds represent a significant opportunity to expand the Climate Tech Finance partnership by scaling up the program statewide. Staff have engaged in discussions with IBank on what this expansion could look like, focusing on the following key areas for growth:

- **Scale up technology and impact evaluations.** Administrative funding from SSBCI could facilitate the expansion of Climate Tech Finance technical services statewide. IBank and the Air District are currently discussing potential fee sharing structures that could support deals outside the Bay Area.
- **Expand the network of climate entrepreneurs.** Use existing Climate Tech Finance networks and regional Financial Development Corporations in California to scale up outreach to climate startups statewide.
- **Expand the network of climate lenders.** Increase the inventory of registered climate- and mission-oriented lenders providing loans throughout California.

The program is well positioned to expand its effort statewide as nearly half of the existing pipeline has existing or planned projects outside the Bay Area. The Air District has launched a new Climate Tech Finance website and is in the process of establishing a Customer Relationship Management software to streamline the growing demand for Climate Tech Finance loan guarantees.

Staff are seeking feedback from the Steering Committee on this opportunity to expand the Climate Tech Finance program statewide.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Alexander Crockett  
Interim Executive Officer/APCO

Prepared by: Tamara Kohne  
Reviewed by: Derrick Tang, Anthony Fournier

ATTACHMENTS:

None

TECHNOLOGY IMPLEMENTATION  
OFFICE STEERING COMMITTEE  
MEETING OF 05/13/2022

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Report of the Richmond Area Community Emissions Reduction Plan Steering  
Committee Meeting of May 16, 2022.

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Richmond Area Community Emissions Reduction Plan Steering Committee met on Monday, May 16, 2022, and approved the Minutes of April 25, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then received status updates on the activities of the Committee's Community Description Ad Hoc Committee and Technical Assessment Ad Hoc Committee.

The Committee members then shared updates from the environmental justice community.

The Committee then received and discussed the staff presentation *Technical Assessment Insights: Part II*, which shared additional insights from analyses of air quality modeling and air quality monitoring data that were first discussed in March 2022. Topics for air quality modeling included how exposure information supplements emissions inventory data, and how modeled impacts of sources vary across different categories of community concerns.

The next meeting of the Richmond Area Community Emissions Reduction Plan Steering Committee will be held on Monday, June 27, 2022, at 5:30 p.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021). This concludes the Chair Report of the Richmond Area Community Emissions Reduction Plan

Steering Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

- 1. Path to Clean Air Steering Committee May 16, 2022 Meeting Memorandums

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

To: Members of the Path to Clean Air Steering Committee

From: Veronica Eady  
Senior Deputy Executive Officer of Policy & Equity

Date: May 16, 2022

Re: Technical Assessment Insights: Part II

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The technical assessment, in combination with other types of information, is intended to help link community air quality concerns to strategies and mitigation efforts, and also to set targets and track progress. Staff in the Air District's Assessment, Inventory, and Modeling (AIM) and Meteorology and Measurement (M&M) divisions have been preparing analyses of technical information such as data from emissions inventories, air quality modeling, and air quality monitoring, insights from which are intended to assist the Community Steering Committee with selecting and prioritizing strategies to reduce pollution emissions and exposure.

DISCUSSION

Continuing from the previous technical assessment insights presentation in March 2022, Air District staff will share additional insights from analyses of air quality modeling and air quality monitoring data. Topics for air quality modeling include how exposure information supplements emissions inventory data and how modeled impacts of sources vary across different categories of community concerns. For air monitoring data, staff will share analyses of pollution levels near roadways, spatial variability in pollution levels, and examples of short-term and recurring air quality events. The presentation will conclude with examples of connecting community air quality concerns to strategies to reduce pollution emissions and exposure.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Veronica Eady  
Senior Deputy Executive Officer of Policy & Equity

Prepared by: Karissa White  
Reviewed by: Veronica Eady

ATTACHMENTS:

None

PATH TO CLEAN AIR STEERING  
COMMITTEE MEETING OF 05/16/2022

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Report of the Mobile Source & Climate Impacts Committee Meeting of May 26,  
2022

RECOMMENDED ACTION

- A. The Committee Recommends the Board: Approve the Charge! Program rank list and recommended projects with proposed grant awards; and authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects; and
- B. The Committee Recommends the Board: Approve recommended projects with proposed grant awards over \$500,000; and authorize the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects; and
- C. The Committee Recommends the Board: Approve the allocation of up to an additional \$5.8 million in incentive revenue from Mobile Source Incentive Fund and/or Transportation Fund for Clean Air monies to cover the cost of increased program participation; and authorize the Interim Executive Officer/Air Pollution Control Officer to execute amendments that increase the contract amounts in Fiscal Year Ending 2023 and 2024:
  - a. With vehicle dismantlers Environmental Engineering Services and Pick-n-Pull by an additional \$5 million annually; and
  - b. With Direct Mail Services by an additional \$800,000 annually.

BACKGROUND

None.

## DISCUSSION

The Mobile Source & Climate Impacts Committee met on Thursday, May 26, 2022, and approved the minutes of April 28, 2022. This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

The Committee then reviewed and discussed the staff presentation *Charge! Program*. The Committee recommends the Board:

1. **Approve** the *Charge!* Program rank list and recommended projects with proposed grant awards; and
2. **Authorize** the Interim Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

The Committee then reviewed and discussed the staff presentation *Projects and Contracts with Proposed Awards Over \$500,000*. The Committee recommends the Board:

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

Finally, the Committee reviewed and discussed the staff presentation *Updates to the Updates to the Vehicle Buy Back Program*. The Committee recommends the Board:

1. **Approve** the allocation of up to an additional \$5.8 million in incentive revenue from Mobile Source Incentive Fund and/or Transportation Fund for Clean Air monies to cover the cost of increased program participation; and
2. **Authorize** the Interim Executive Officer/Air Pollution Control Officer to execute amendments that increase the contract amounts in Fiscal Year Ending 2023 and 2024:
  1. With vehicle dismantlers Environmental Engineering Services and Pick-n-Pull by an additional \$5 million annually; and
  2. With Direct Mail Services by an additional \$800,000 annually.

The next meeting of the Mobile Source & Climate Impacts Committee will be on Thursday, July 28, 2022, at 9:30 a.m., via webcast, teleconference, or Zoom, pursuant to procedures in accordance with Assembly Bill 361 (Rivas 2021.) This concludes the Chair Report of the Mobile Source & Climate Impacts Committee.

## BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Mobile Source and Climate Impacts Committee May 26, 2022 Meeting Memorandums

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Teresa Barrett and Members  
of the Mobile Source and Climate Impacts Committee

From: Alexander G. Crockett  
Interim Executive Officer/APCO

Date: May 26, 2022

Re: Fiscal Year Ending (FYE) 2022 Charge! Program Project Recommendations

**RECOMMENDED ACTION**

Committee to consider recommending the Board of Directors:

1. Approve the *Charge!* Program rank list and recommended projects with proposed grant awards as shown in Attachment 1; and
2. Authorize the Interim Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

**BACKGROUND**

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 250,000 EV chargers and 1.5 million EVs sold by 2025, five million EVs sold by 2030, and to phase out sales of most conventional vehicles by 2035. The Bay Area has set a target of 1.5 million zero-emissions vehicles (ZEVs) by 2030 and 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. At the end of 2021, there were a total of 266,890 EVs registered and operating on Bay Area roads, representing 5% of the region's light-duty fleet, according to data from the California Energy Commission (CEC). Of those ZEV registrations in the Bay Area, 67% were battery electric vehicles (BEVs), 32% were plug-in hybrid vehicles (PHEVs), and 1% were fuel cell electric vehicles (FCEVs).

To support the increase of EVs needed to achieve Bay Area and California goals, significant investments in EV infrastructure are needed. The National Renewable Energy Laboratory (NREL) [EV Infrastructure Projection Tool](#) estimates that the Bay Area needs over 30,000 charging ports in 2022. According to the U.S. Department of Energy's [Alternative Fuels Data Center](#), there are approximately 11,917 (17 Level 1, 9,967 Level 2 and 1,933 DC Fast) publicly available charging ports across the Bay Area as of April 15, 2022. Attachment 2, Figure 1 shows

a breakdown of these publicly available chargers by county in the Bay Area. The Bay Area has less than half of the chargers it needs to support targets by NREL.

Additional charging stations will be needed to accommodate future growth in the EV market to achieve the ambitious Bay Area goals and to support a broader range of Bay Area residents. Attachment 2, Figure 2 shows a map of publicly available charging stations in the Bay Area. The chargers are generally located in urban areas and around transportation corridors. An individual or household's charging needs are related to their type of residence, with drivers in single-family homes being much more likely to have home charging compared to those living in apartments or multi-family buildings. Those that live in single-family homes are more likely to purchase EVs due to higher income levels and the ability to charge the vehicle at home. In the Bay Area, over one-third (36%) of housing units are in multi-family buildings. To extend the EV market beyond those living in single-family homes, the Bay Area must expand public charging infrastructure and charging at multi-family buildings.

The Air District's *Charge!* Program, other grant programs supporting EV infrastructure, and regional policies play a critical role in increasing the number of charging stations to support the Bay Area's growing EV fleet. As part of this presentation, the Committee will receive updates about the latest *Charge!* Program solicitation and additional efforts taken to support EV charging infrastructure in the region.

## DISCUSSION

For the FYE2022 [Charge! Program](#), there was \$7M available for projects. The *Charge!* Program provides grant funding to offset the cost of purchasing and installing new publicly accessible chargers for light-duty EVs, at workplaces, destinations, transit parking locations, along transportation corridors, and at multi-family buildings. The Air District has administered the *Charge!* Program since 2016 and has awarded over \$17M to support more than 3,321 Level 2 charging ports and 445 DC Fast chargers throughout the Bay Area.

The FYE2022 *Charge!* Program was a competitive solicitation that launched on December 7, 2021, and closed on March 1, 2022. A total of \$7M in grant funding was available for organizations, including governments, businesses, and nonprofits. The FYE2022 *Charge!* Program prioritizes projects located at affordable and below market-rate housing, environmental justice communities, multi-family buildings, and in regions with lower EV charger density.

A scoring panel, comprised of two staff from the Air District's Technology Implementation Office, evaluated the applications as well as scored and ranked the projects. The application evaluation criteria and scoring metrics are listed in Attachment 2, Table 1. Each panelist scored projects individually before meeting to discuss and reconcile scores. Final scores were averaged and then projects were ranked by their score. A list of ranked projects and proposed grant awards can be found in Attachment 1. For the FYE2022 *Charge!* Program solicitation, there are 11 projects eligible for *Charge!* Program funding, totaling to nearly \$3.3M. Since the FYE2022 *Charge!* Program is undersubscribed, the scoring panel considered three additional projects that were eligible for funding under the FYE2021 *Charge!* Program solicitation but were not contracted at the time due to limited funding availability. In total, there are 14 applications

requesting approximately \$7.8M in funding to install 1,292 charging ports (1,084 Level 2 ports and 208 DC Fast ports) at 77 facilities (7 destinations, 21 multi-family buildings, 33 transportation corridors, and 16 workplaces) across the Bay Area. Two FYE2022 *Charge!* Program applications are not being considered for funding because they do not meet program eligibility requirements.

Staff requests that the Committee recommend to the Board of Directors to approve the *Charge!* Program rank list and recommended projects with proposed grant awards in Attachment 1. Funding will be awarded to projects in order based on funding eligibility and availability. If additional funding becomes available from other sources or through project fallout, projects will continue to be awarded in rank list order until funds are depleted. Projects that meet all eligibility requirements may be funded with either Mobile Source Incentive Funds (MSIF), Transportation Fund for Clean Air (TFCA), Community Air Protection Program (CAPP), Carl Moyer Program (CMP), or other funding sources.

While Air District grant programs have funded charging infrastructure throughout the Bay Area, more funding is needed in order to meet Bay Area and California goals and develop a strong regional charging network. Additional information on incentive programs that support EV infrastructure in the region can be found on Attachment 2, Table 2. In addition, the Air District has recently applied for grant funding from the CEC to support EV charger installations at multi-family buildings.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The Air District distributes the MSIF, TFCA, CAPP, CMP, and other funding sources to project sponsors on a reimbursement basis. Funding for administrative costs is provided by each funding source.

Respectfully submitted,

Alexander G. Crockett  
Interim Executive Officer/APCO

Prepared by: Ada Truong, Danny Fung, and Tin Le  
Reviewed by: Anthony Fournier

ATTACHMENTS:

- 1. Attachment 1 - FYE2022 Charge! Program Rank List and Recommended Projects
- 2. Attachment 2 - FYE2022 Charge! Program Memo Figures and Tables

**ATTACHMENT 1**  
**Table 1 – FYE2022 Charge! Program Rank List**  
**Eligible Projects (Evaluated between 3/1/2022 and 4/28/2022)**

Rank	Score	Project #	Applicant	Project Category	Project Description	Eligible Grant Award	Total Project Cost	Emissions Reductions (Lifetime)			Board/APCO Approval Date	CARE Area	AB1550/SB535 Area	County
								NOx	ROG	PM				
1	92.00	2202-27788	The Shores at Marina Bay Community Association	Light Duty (LD) Infrastructure	Install and operate 2 single-port Level 2 (high) and 4 dual-port Level 2 (high) chargers at 1 multi-unit dwelling (MUD) facility.	\$ 48,000	\$ 134,408.00	0.0144	0.0086	0.0068	-	Yes	Yes	Contra Costa
2	87.00	2202-27777	45th Street Artists Cooperative	LD Infrastructure	Install and operate 4 single-port Level 2 (high) charging stations at 1 MUD facility.	\$ 28,000	\$ 36,997.00	0.0284	0.0169	0.0134	-	Yes	Yes	Alameda
3	86.50	2112-26426	EV Charging Solutions, Inc	LD Infrastructure	Install and operate 10 single-port Level 2 (high) and 10 dual-port direct-current fast charger (DCFC) at 1 MUD facility.	\$ 320,000	\$ 1,140,000.00	0.4211	0.2507	0.1995	-	No	No	Solano
4	85.75	2203-28067	Casa Del Valle Condominiums	LD Infrastructure	Install and operate 2 dual-port Level 2 (high) chargers at 1 MUD facility.	\$ 16,000	\$ 33,139.00	0.0159	0.0095	0.0075	-	No	Yes	Contra Costa
5	82.75	2203-28080	Clocktower Lofts Homeowners Association	LD Infrastructure	Install and operate 2 dual-port DCFC at 1 MUD facility.	\$ 60,000	\$ 181,200.00	0.0245	0.0146	0.0116	-	Yes	No	San Francisco
6	82.63	2202-28039	EVgo Services LLC	LD Infrastructure	Install and operate 10 dual-port DCFC and 30 single-port DCFC at 4 transportation corridor facilities.	\$ 1,040,000	\$ 4,497,181.00	1.0856	0.6462	0.5143	-	Yes	Yes	Regional
7	82.25	2201-26844	City of Calistoga	LD Infrastructure	Install and operate 1 single-port Level 2 (high) and 2 dual-port Level 2 (high) at 2 destination facilities.	\$ 11,000	\$ 52,550.00	0.0175	0.0104	0.0083	-	No	Yes	Napa
8	80.25	2202-27778	ChargePoint	LD Infrastructure	Install and operate 60 single-port DCFC, 12 dual-port Level 2 (high) and 4 single-port Level 2 (high) charging stations at 19 transportation corridor and 1 workplace facility.	\$ 1,498,000	\$ 7,550,820.57	1.6599	0.9880	0.7864	-	Yes	Yes	Regional
9	78.00	2202-27794	Union Sanitary District	LD Infrastructure	Install and operate 2 DCFC, 1 single port Level 2 (high), and 15 dual-port Level 2 (high) charging stations with solar at 1 workplace facility.	\$ 103,000	\$ 1,760,000.00	0.1544	0.0919	0.0731	-	No	No	Alameda
10	77.75	2202-27617	City of Belmont	LD Infrastructure	Install and operate 6 dual-port Level 2 (high) chargers at 2 destination facilities.	\$ 24,000	\$ 271,050.00	0.0368	0.0219	0.0174	-	No	No	San Mateo
11	77.50	2202-27968	Blink Network LLC	LD Infrastructure	Install and operate 16 dual-port Level 2 (high) chargers at 2 MUD, 1 workplace, and 1 destination facilities.	\$ 112,000	\$ 107,829.60	0.1201	0.0715	0.0569	-	Yes	Yes	Santa Clara
12	86.01	2101-15735	EVgo Services LLC*	LD Infrastructure	Install and operate 28 single-port DCFC and 22 dual-port DCFC at 10 transportation corridor facilities.	\$ 1,470,000.00	\$ 7,581,898.00	1.5058	0.8963	0.7134	-	Yes	Yes	Regional
13	85.84	2103-17553	PowerFlex Systems, Inc.*	LD Infrastructure	Install and operate 1,008 single-port Level 2 (high) chargers at 2 destination, 14 MUD, and 13 workplace facilities.	\$ 3,000,000.00	\$ 6,000,140.00	6.2620	3.7274	2.9668	-	Yes	Yes	Regional
14	81.51	2103-17587	University Terrace Berkeley Homeowners Association*	LD Infrastructure	Install and operate 10 Level 2 (high) single port chargers at 1 MUD facility.	\$ 53,086.00	\$ 58,985.00	0.0291	0.0172	0.0140	-	Yes	No	Alameda

\*Eligible FYE2021 Charge! Program projects

MOBILE SOURCE IMPACTS CO. OF 05/26/2022

## Attachment 2

### FYE2022 Charge! Program Memo Attachments: Figures, Maps, and Tables

Figure 1. Publicly Available Level 1, Level 2, and DC Fast Charging Ports by County in the Bay Area

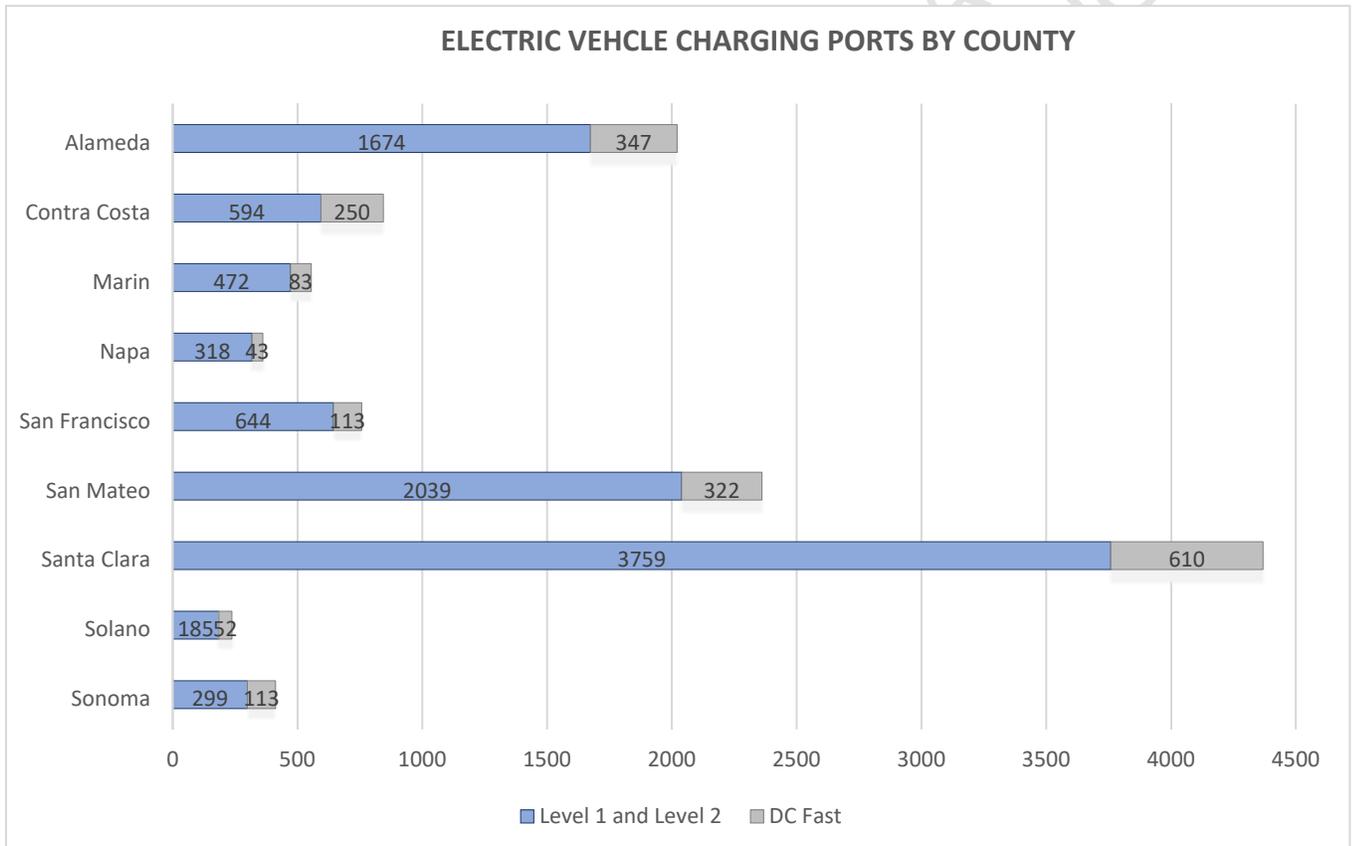


Figure 2. Map of Publicly Available Charging Stations in the Bay Area

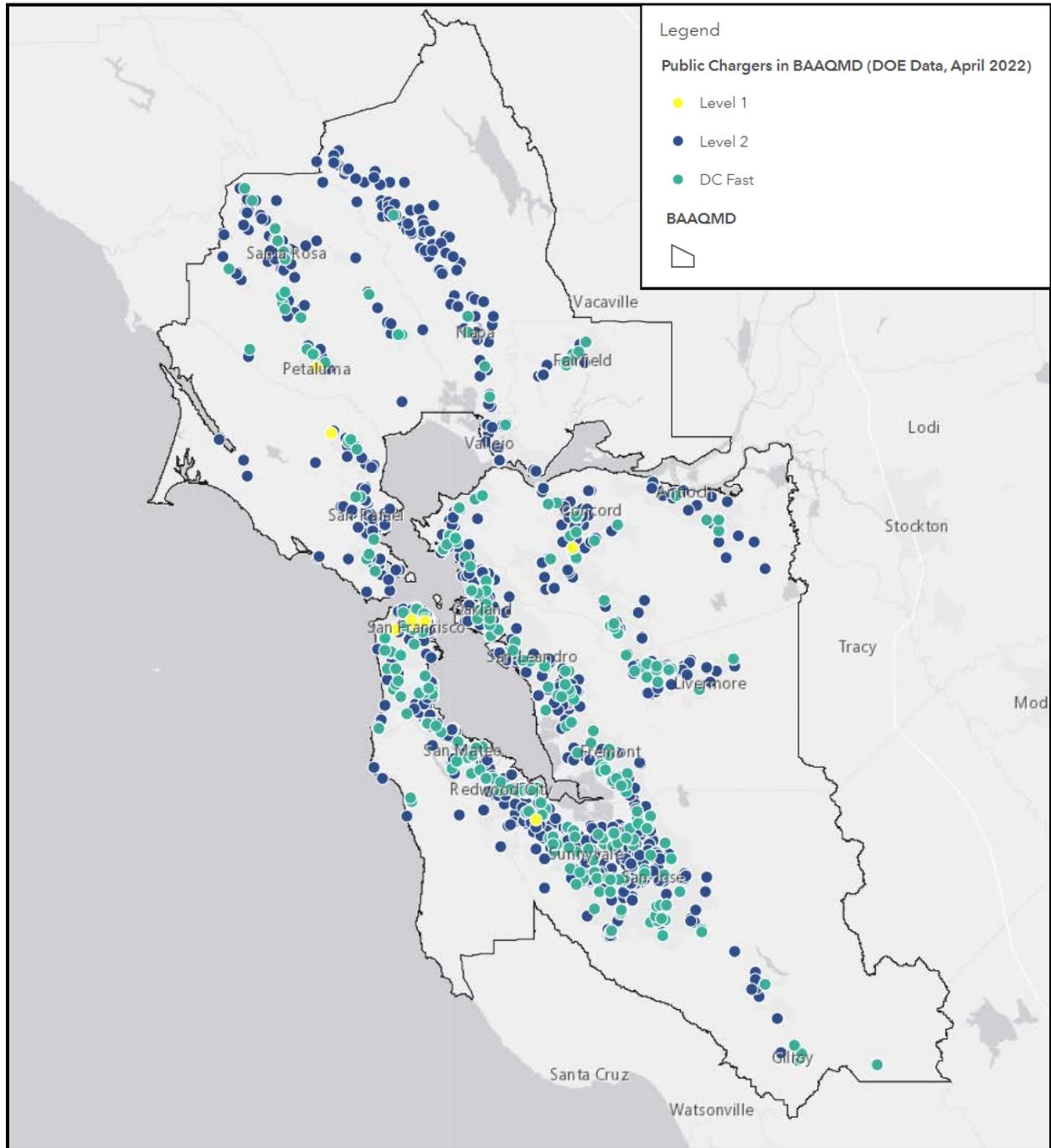


Table 1: Application Evaluation Criteria and Scoring

Evaluation criteria	Possible points
<p><b>Project details &amp; implementation plan</b></p> <ul style="list-style-type: none"> <li>• Project scope/details</li> <li>• Partners/community support</li> <li>• Location/facility type</li> <li>• Public accessibility</li> <li>• Technology type</li> </ul>	<b>25</b>
<p><b>Project benefits</b></p> <ul style="list-style-type: none"> <li>• # of units to be implemented</li> <li>• # of units per county and facility type</li> <li>• Estimated emissions reductions</li> <li>• Cost-effectiveness</li> <li>• Community support</li> </ul>	<b>25</b>
<p><b>Priorities</b></p> <ul style="list-style-type: none"> <li>• Project location: Environmental Justice community, AB 617 community, Disadvantaged/Low-income community</li> </ul>	<b>10</b>
<p><b>Readiness</b></p> <ul style="list-style-type: none"> <li>• Resources available</li> <li>• Readiness for implementation</li> <li>• Project timeline</li> </ul>	<b>15</b>
<p><b>Qualifications</b></p> <ul style="list-style-type: none"> <li>• Applicant experience/history</li> <li>• Partners' roles and experience</li> <li>• Local/Green business</li> <li>• Minority Business Enterprises (MBE)</li> <li>• Women's Business Enterprises (WBE)</li> </ul>	<b>10</b>
<p><b>Budget</b></p> <ul style="list-style-type: none"> <li>• Itemized equipment and infrastructure cost</li> <li>• Co-funding/match</li> <li>• Cost per port installed</li> <li>• Total funds requested</li> </ul>	<b>10</b>
<p><b>Application completeness</b></p>	<b>5</b>
<p><b>Total Points Possible</b></p>	<b>100</b>

Table 2: Other Incentive Programs for Light-duty EV Charging

<p><b>California VW Mitigation Trust</b></p> <p>The California Air Resources Board (CARB) is the lead agency in implementing California's share of <a href="#">Volkswagen (VW) Environmental Mitigation Trust</a> funds, totaling approximately \$423M. On May 25, 2018, CARB approved the Beneficiary Mitigation Plan for California, which establishes five eligible program categories: Zero-Emission Transit, School, and Shuttle Buses (\$130M), Zero-Emission Class 8 Freight and Port Drayage Trucks (\$90M), Zero-Emission Freight and Marine (\$70M), Combustion Freight and Marine (\$60M), Light-Duty Zero-Emission Vehicle Infrastructure (\$10M). The Air District is the administrator for the VW Trust funds for the Light-Duty Zero-Emission Vehicle Infrastructure category, including up to \$5M for electric vehicle charging station projects and \$5M for hydrogen fueling station projects.</p>
<p><b>CALeVIP</b></p> <p>The <a href="#">California Electric Vehicle Infrastructure Project</a> (CALeVIP) addresses regional needs for EV charging infrastructure throughout California, while supporting state goals to improve air quality, combat climate change and reduce petroleum use. Funded by the California Energy Commission (CEC) and implemented by the Center for Sustainable Energy, CALeVIP provides incentives for EV charger installations and works with local partners to develop and implement projects that meet current and future regional EV needs for Level 2 and DC Fast charging. CALeVIP is currently funded for \$164M through CEC funds, with potential of up to \$200M.</p>
<p><b>Electrify America</b></p> <p><a href="#">Electrify America</a> is a wholly owned subsidiary of Volkswagen Group of America, Inc. Electrify America will allocate \$2B, over a 10-year period, to ZEV infrastructure and awareness. The investment will enable millions of Americans to discover the benefits of electric driving and support the build-out of a nationwide network of workplace, community and highway chargers that are convenient and reliable.</p>
<p><b>MCE</b></p> <p>Marin Clean Energy's (MCE) <a href="#">MCEv</a> offers a \$3,000 charging rebate for workplace or multi-family buildings to MCE customers in their service. MCEv has funded and installed over 600 EV charging ports in their service area.</p>
<p><b>PG&amp;E</b></p> <p>Pacific Gas &amp; Electric Company's (PG&amp;E) <a href="#">EV Fast Charge Program</a> has \$22.4M in funding to install publicly accessible DC Fast EV charging infrastructure. The program pays for and manages construction of electrical infrastructure from the utility pole to the parking space at a limited number of competitively selected sites. Disadvantaged community sites can also receive up to \$25,000 per charger. The program began in early 2020 and is continuing through 2025.</p>
<p><b>Silicon Valley Power</b></p> <p>Silicon Valley Power's <a href="#">Electric Vehicle Charging Station Rebate Program</a> provides up to \$1,000 for residents to install a Level 2 charger. MUDs can receive up to \$3,000 and schools and non-profits can receive up to \$5,000 to install a Level 2 charger.</p>
<p><b>Sonoma Clean Power</b></p> <p><a href="#">GridSavvy</a> is a program offered by Sonoma Clean Power where residents can earn rewards for installing smart devices like smart thermostats, EV charging stations, and heat pump water heaters. Residents can receive a free smart electric vehicle charger for their home by paying up front for 50% of the charge cost, sales tax, and shipping and receiving a reimbursement. Installation costs are not covered by GridSavvy.</p>

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Teresa Barrett and Members  
of the Mobile Source and Climate Impacts Committee

From: Alexander G. Crockett  
Interim Executive Officer/APCO

Date: May 26, 2022

Re: Projects and Contracts With Proposed Grant Awards Over \$500,000

**RECOMMENDED ACTION**

Committee to consider recommending the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Interim Executive Officer/APCO to enter into all necessary agreements with applicants for the recommended projects.

**BACKGROUND**

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road industrial, construction, and agricultural equipment, marine vessels, locomotives, and stationary agricultural pump engines. In 2018, the CMP guidelines were updated to allow funding to be awarded to offset a portion of the cost of installing new refueling or recharging infrastructure that supports the deployment of new zero-emissions vehicles and equipment.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor vehicle registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District's Mobile Source Incentive Fund (MSIF).

On January 20, 2021, the Board of Directors (Board) authorized the Air District's participation in Year 23 of the CMP, including an allocation of MSIF revenue as match funds. Per AB 1390, at

least 50% of CMP funds must be allocated to projects that benefit communities with the most significant exposure to air contaminants or localized air contaminants.

In 2017, AB 617 directed the CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection Program (CAPP). CAPP funds may be used to fund projects eligible under the CMP and on-road truck replacements under the Proposition 1B Goods Movement Emission Reduction Program. Following additional approvals from CARB, CAPP funds may also potentially be used to fund stationary source and mobile source projects that have been identified and prioritized by communities with a Community Emissions Reduction Program, pursuant to HSC Section 44391.2. In May 2020, the Governor's revised budget authorized up to \$200 million for a third cycle of CAPP incentive funding. On June 17, 2020, the Board authorized the Air District to accept, obligate, and expend up to \$40 million in CAPP funds. At least 80% of CAPP funds must be allocated to projects that benefit disadvantaged communities (Senate Bill (SB)535), and low-income communities (AB 1550).

In February 2018, CARB developed the Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program Guidelines that outline requirements for eligible equipment, i.e., agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations. On October 21, 2019, CARB's Executive Officer approved an update to the FARMER Program Guidelines to include eligibility criteria for demonstration projects. The 2020 California State Budget appropriated \$65 million in Fiscal Year 2019-20 GGRF funds to the CARB for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector through the FARMER Program. On November 20, 2019, the Board authorized the Air District's participation in the third cycle of the FARMER program.

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. The remaining forty percent of the funds are passed through to the designated Bay Area County Program Manager who in turn award TFCA funds to eligible projects within their county. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. On April 7, 2021,

the Board authorized funding allocations for use of the sixty percent of the TFCA revenue in FYE 2022, and cost-effectiveness limits for Air District-sponsored FYE 2022 programs. On June 16, 2021, the Board adopted policies and evaluation criteria for the FYE 2022 Regional Fund program.

Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board. At least quarterly, staff provides updates to the Mobile Source and Climate Impacts Committee on the status of incentive funding for the current fiscal year, including total funding awarded, incentive fund balance available for award, funds allocated by county and by equipment category type, and percentage of funding benefitting low-income residents and impacted communities, including Air District-identified Community Air Risk Evaluation (CARE) areas, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The reported award allocations and emissions reduction benefits to counties and impacted communities, which are based on information provided by each applicant, also does not include “regional” projects, where all communities receive benefits, or projects where the location of the benefit has not yet been determined.

On April 6, 2022, the Board authorized the Air Pollution Control Office (APCO)/Executive Officer to approve projects with awards up to \$500,000. For all projects with proposed awards greater than \$500,000, staff brings recommendations of these projects to the Board for approval.

## DISCUSSION

### **Carl Moyer Program and Community Air Protection Program:**

For the FYE 2022, the Air District had approximately \$46.3 million available in CMP, MSIF, CAPP, and FARMER funds for eligible projects, including prior year funds. This total may change as additional revenues are awarded to the Air District. The Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

Between March 30, 2022, and April 26, 2022, staff evaluated one eligible project with a proposed award of over \$500,000. This project replaces 10 Tier 0 off-road agricultural tractors and is estimated to reduce over 3.8 tons of NOx, ROG, and PM emissions per year. Staff recommends approval of the allocation of up to \$1,050,300 for this project from CMP/MSIF, CAPP, and FARMER revenues. Attachment 1 provides additional information on the project.

Attachment 2, updated at least quarterly, lists all eligible projects that have been awarded by the Air District between July 1, 2021, and March 30, 2022, including information about project equipment, award amounts, estimated emissions reductions, community benefits, and project locations. Approximately 85% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

## **Transportation Fund for Clean Air Program:**

For the FYE 2022, the Air District had approximately \$29.4 million in TFCA monies available for eligible projects and programs consisting of new and prior-year revenues. The Air District accepts project applications for certain project categories on a rolling basis and evaluates them on a first-come, first-served basis. No projects are being recommended for TFCA funding.

Attachment 3, Table 1, updated at least quarterly, lists all eligible TFCA projects that have been evaluated and awarded between July 1, 2021, and March 30, 2022, including information about project equipment, award amount, estimated emissions reduction, community benefits, and project locations. Approximately 87% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

### BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The Air District distributes the CMP, MSIF, CAPP, FARMER, and TFCA funding to project sponsors on a reimbursement basis. Funding for administrative costs is provided by each funding source.

Respectfully submitted,

Alexander G. Crockett  
Interim Executive Officer/APCO

Prepared by: Jessica DePrimo, Linda Hui, and Alona Davis

Reviewed by: Minda Berbeco and Karen Schkolnick

### ATTACHMENTS:

1. Projects with Grant Awards Greater than \$500,000 (evaluated 3/30/22 to 4/26/22)
2. CMP/MSIF, FARMER and CAPP Projects (awarded and allocated 7/1/21 to 3/30/22)
3. TFCA Projects (awarded and allocated between 7/1/21 and 3/30/22)
4. Summary of Funding (awarded and allocated between 7/1/21 and 3/30/22)

### ATTACHMENT 1

Table 1 - Carl Moyer Program, Mobile Source Incentive Fund, FARMER, Community Air Protection Program, and Transportation Fund for Clean Air projects with grant awards greater than \$500k (Evaluated between 3/30/22 and 4/26/22)

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	
22MOY309	San Felipe Farms LP	Off-Road/Ag	Replace ten diesel Tier-0 engine ag tractors with ten diesel Tier-4 engine ag tractors	\$ 1,050,300	\$ 1,313,615	3.215	0.373	0.218	Santa Clara
<b>1 Project</b>				<b>\$ 1,050,300</b>	<b>\$ 1,313,615</b>	<b>3.215</b>	<b>0.373</b>	<b>0.218</b>	

MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF 05/26/2022

## ATTACHMENT 2

Data in this table are updated quarterly. Funds awarded or allocated after the date range below will be reflected in the next quarterly update.

### CMP/MSIF, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/21 and 3/30/22)

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22SBP71***	School Bus	Equipment replacement + Infrastructure	12	\$ 3,775,186	Petaluma City Schools	0.932	0.071	0.005	7/7/2021	No	Yes	Sonoma
22MOY138	Ag/ off-road	Equipment replacement	3	\$ 525,300	Dave Soiland	2.035	0.165	0.097	7/7/2021	No	No	Sonoma
22SBP84***	School Bus	Equipment replacement + Infrastructure	4	\$ 803,786	Rincon Valley Union School District	0.228	0.015	0.003	7/7/2021	No	Yes	Sonoma
22MOY149	Ag/ off-road	Equipment replacement	1	\$ 170,500	Renati Dairy	0.522	0.068	0.048	7/7/2021	No	No	Sonoma
22MOY127	Ag/ off-road	Equipment replacement	2	\$ 107,100	Napa Select Vineyard Services, Inc.	0.187	0.012	0.011	7/7/2021	No	No	Napa
22MOY142	Ag/ off-road	Equipment replacement	2	\$ 51,750	Cobb Creek Holdings, LLC DBA CCH Ag Services	0.205	0.034	0.021	7/7/2021	No	No	Napa
22MOY135	Marine	Engine replacement	1	\$ 154,000	William E. Smith	1.831	0.018	0.069	7/7/2021	No	No	San Mateo
22SBP105	School Bus	Equipment replacement + Infrastructure	4	\$ 1,731,969	Fremont Unified School District	0.414	0.036	0.018	7/7/2021	No	Yes	Alameda
22MOY169	Ag/ off-road	Equipment replacement	2	\$ 132,260	Kenzo Estate, Inc.	0.223	0.020	0.015	7/7/2021	No	No	Napa
22SBP40***	School Bus	Equipment replacement + Infrastructure	5	\$ 889,832	Franklin-McKinley School District	0.250	0.015	0.003	7/7/2021	Yes	Yes	Santa Clara
22MOY158	Marine	Engine replacement	1	\$ 174,000	Laurence J Collins	0.790	0.018	0.028	7/7/2021	No	No	San Francisco
2102-16395	LD Infrastructure	Charge!	--	\$ 21,000	The Millennium Tower Association	0.007	0.004	0.000	7/7/2021	Yes	No	San Francisco
2103-17230	LD Infrastructure	Charge!	--	\$ 64,000	REEF Energy CA Operations LLC	0.098	0.058	0.002	7/7/2021	Yes	Yes	San Francisco
2103-17359	LD Infrastructure	Charge!	--	\$ 48,000	The Shores at Marina Bay Community Association	0.005	0.003	0.000	7/7/2021	Yes	Yes	Contra Costa
2103-17527	LD Infrastructure	Charge!	--	\$ 24,000	EVmatch, Inc.	0.003	0.002	0.000	7/7/2021	Yes	Yes	Alameda
2103-17603	LD Infrastructure	Charge!	--	\$ 32,000	Bollinger Crest Apartment Investors, LP	0.011	0.006	0.000	7/7/2021	No	No	Alameda
2103-17638	LD Infrastructure	Charge!	--	\$ 48,000	Intertie, Incorporated	0.017	0.010	0.000	7/7/2021	Yes	Yes	San Francisco
22MOY130	On-road	Equipment replacement	1	\$ 25,000	Min Jian Huang (jianhuang)	0.841	0.070	0.000	APCO	Yes	Yes	Alameda
22MOY151	Ag/ off-road	Equipment replacement	2	\$ 86,000	Hardin Vineyard Management LLC	0.257	0.055	0.023	APCO	No	No	Napa
22MOY124	On-road	Equipment replacement	1	\$ 25,000	Kulwant Khera (kskhera)	0.773	0.065	0.000	APCO	Yes	Yes	Alameda
22MOY78	Ag/ off-road	Equipment replacement	1	\$ 31,642	Cortina Vineyard Management	0.047	0.011	0.008	APCO	Yes	Yes	Napa
22MOY131	On-road	Equipment replacement	1	\$ 25,000	Karanbir Singh (karanbirsg)	0.820	0.690	0.000	APCO	No	No	Contra Costa
22MOY166	Ag/ off-road	Equipment replacement	2	\$ 96,400	Stone Bridge Cellars Inc.	0.166	0.009	0.009	APCO	No	No	Napa
22MOY174	On-road	Equipment replacement	1	\$ 25,000	Can Yuan Chen (canchen)	1.008	0.085	0.000	APCO	Yes	Yes	Alameda

## ATTACHMENT 2

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### CMP/MSIF, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/21 and 3/30/22)

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY92	Ag/ off-road	Equipment replacement	1	\$ 29,550	Paul P. Bianchi, Inc	0.025	0.023	0.007	APCO	No	No	Sonoma
22SBP52	School Bus	Equipment replacement	3	\$ 435,306	Pittsburg Unified School District	0.290	0.022	0.000	10/6/2021	Yes	Yes	Contra Costa
22MOY185	Ag/ off-road	Equipment replacement	1	\$ 67,100	Domenico J. Carinalli, Jr.	0.156	0.010	0.009	APCO	No	No	Sonoma
22MOY99	Ag/ off-road	Equipment replacement	1	\$ 41,100	Daylight Vineyard Management, Inc.	0.062	0.005	0.007	APCO	No	No	Sonoma
22MOY179	Marine	Engine replacement	1	\$ 72,000	Kyle Dryer dba Diamond Sportfishing	0.705	0.009	0.028	APCO	Yes	No	Alameda/Contra Costa/San Francisco
22MOY22	Ag/ off-road	Equipment replacement	2	\$ 57,100	Joseph Pinheiro	0.047	0.018	0.010	APCO	No	No	Sonoma
22MOY160	Marine	Engine replacement	4	\$ 3,529,000	Baydelta Navigation LTD	30.665	2.726	1.021	10/6/2021	Yes	Yes	San Francisco, Alameda, Contra Costa, Marin, Solano
21SBP98*	School Bus	Equipment replacement + Infrastructure	--	\$ 242,828	Palo Alto Unified School District	--	--	--	10/6/2021	Yes	Yes	Santa Clara
22SBP14**	School Bus	Equipment replacement + Infrastructure	--	\$ 95,327	Milpitas Unified School District	--	--	--	10/6/2021	Yes	Yes	Santa Clara
22MOY128	On-road	Equipment replacement	1	\$ 15,000	Aman Khan	0.420	0.035	0.000	APCO	Yes	Yes	Alameda
22MOY187	Ag/ off-road	Equipment replacement	1	\$ 30,100	Dierke's Enterprises	0.017	0.015	0.004	APCO	No	No	Sonoma
22MOY190	Ag/ off-road	Equipment replacement	2	\$ 91,170	Anderson's Conn Valley Winery, Inc.	0.108	0.034	0.015	APCO	No	No	Napa
22MOY170	Off-road	Equipment replacement	1	\$ 106,000	Argent Materials INC	0.814	0.041	0.021	11/17/2021	Yes	Yes	Alameda
22MOY209	Ag/ off-road	Equipment replacement	1	\$ 192,600	Global Mushrooms LLC.	0.362	0.049	0.030	11/17/2021	No	Yes	Santa Clara
22MOY167	Ag/ off-road	Equipment replacement	2	\$ 285,700	Ielmorini Moody Dairy	0.871	0.107	0.052	11/17/2021	No	Yes	Sonoma
22MOY196	Marine	Engine replacement	2	\$ 256,000	A.C. Fishing Charters Inc., dba Tigerfish Sportfishing	0.576	0.000	0.031	11/17/2021	Yes	No	Alameda/Contra Costa/Marin/San Francisco
TBD	LD Infrastructure	Charge <sup>5</sup>	--	\$ 2,000,000	BAAQMD	TBD*	TBD*	TBD*	11/17/2021	TBD*	TBD*	Regional
22MOY211	Ag/ off-road	Equipment Replacement	1	\$ 88,900	Pomponio Farms LLC	0.412	0.054	0.031	APCO	No	Yes	San Mateo
22SBP216***	School Bus	Equipment replacement + Infrastructure	3	\$ 887,025	Campbell Union High School District	0.192	0.011	0.001	12/15/2021	Yes	Yes	Santa Clara County
22MOY217	Marine	Engine replacement	2	\$ 380,000	Happy Hooker Sportfishing, LLC	1.340	-0.036	0.056	12/15/2021	Yes	Yes	Alameda, San Francisco, Contra Costa
22MOY206	Ag/ off-road	Equipment Replacement	1	\$ 64,000	Wente Bros. dba. Wente Vineyards	0.214	0.035	0.026	APCO	Yes	No	Alameda
22MOY157	Ag/ off-road	Equipment replacement	3	\$ 133,400	Walsh Vineyards Management Inc.	0.657	0.105	0.067	1/19/2022	No	No	Napa
22MOY220	Ag/ off-road	Equipment replacement	3	\$ 160,300	Atlas Vineyard Management, Inc.	0.301	0.046	0.036	1/19/2022	No	No	Napa/Sonoma
22MOY208	Ag/ off-road	Equipment replacement	1	\$ 117,100	Jack Neal and Son Inc	0.210	0.028	0.019	1/19/2022	No	No	Napa

## ATTACHMENT 2

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### CMP/MSIF, FARMER and Community Air Protection Program projects (awarded and allocated between 7/1/21 and 3/30/22)

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY215	Marine	Engine Replacement	2	\$ 187,000	Reel Screamer Charters LLC	0.371	0.003	0.019	1/19/2022	No	No	San Mateo, San Francisco, Marin
22MOY241	Marine	Engine replacement	2	\$ 258,000	C-Gull II Sportfishing Inc.	0.934	0.000	0.050	1/19/2022	Yes	No	Alameda, San Francisco, Contra Costa, Marin
22MOY245	Marine	Engine replacement	2	\$ 301,400	C-Gull II Sportfishing Inc.	0.550	0.002	0.029	1/19/2022	Yes	No	Alameda, San Francisco, Contra Costa, Marin
22MOY224	Marine	Engine Replacement	2	\$ 133,000	Duane Winter	0.349	0.002	0.018	1/19/2022	No	No	San Mateo, San Francisco
22MOY195	Ag/ off-road	Equipment replacement	1	\$ 59,500	Ilsey Brothers Farming, LLC	0.099	0.006	0.006	APCO	No	No	Napa
22MOY180	Ag/ off-road	Equipment replacement	1	\$ 32,400	Frog's Leap Winery	0.041	0.003	0.004	APCO	No	No	Napa
22MOY235	Ag/ off-road	Equipment replacement	1	\$ 50,300	Cornerstone Certified Vineyard	0.074	0.007	0.008	APCO	No	No	Sonoma
22MOY228	Marine	Engine replacement	1	\$ 85,300	Wooden Boats for Veterans Foundation	0.216	0.009	0.009	APCO	Yes	No	Solano/Contra Costa/San Francisco/Marin
22MOY223	Ag/ off-road	Equipment replacement	1	\$ 24,700	Ingenious Solutions Incorporated	0.013	0.011	0.003	APCO	No	No	Napa
22MOY195	Ag/ off-road	Equipment replacement	1	\$ 54,000	Ilsey Brothers Farming, LLC	0.090	0.005	0.005	APCO	No	No	Napa
22MOY227	Ag/ off-road	Equipment replacement	2	\$ 104,400	M. German & Son Partnership	0.379	0.060	0.041	3/2/2022	No	No	Solano
22MOY258	Ag/ off-road	Equipment replacement	2	\$ 119,400	Foley Family Farms, LLC	0.376	0.049	0.033	3/2/2022	No	No	Sonoma
22MOY250	Ag/ off-road	Equipment replacement	3	\$ 447,500	George Bianchi Inc	1.361	0.139	0.080	3/2/2022	No	No	Sonoma
22MOY253	Ag/ off-road	Equipment replacement	1	\$ 60,800	Alan Willey	0.099	0.015	0.009	APCO	No	No	Solano
22MOY259	Ag/ off-road	Equipment replacement	1	\$ 70,200	Morrison Ranch	0.150	0.023	0.017	APCO	No	No	Solano
22MOY270	Ag/ off-road	Equipment replacement	2	\$ 90,400	Dirt Farmer & Company, A California Corporation	0.188	0.012	0.011	APCO	No	No	Sonoma
22SBP203***	School Bus	Equipment replacement	12	\$ 3,164,239	Oak Grove School District	1.000	0.120	0.010	3/2/2022	Yes	Yes	Santa Clara
22MOY261	Marine	Engine replacement	2	\$ 140,000	Bay Marine Services, LLC	0.594	0.003	0.022	3/2/2022	Yes	Yes	Solano, Contra Costa
22MOY277	Ag/ off-road	Engine replacement	4	\$ 192,400	Colinas Farming Company	0.374	0.061	0.046	4/6/2022	No	No	Napa
22MOY226	Ag/ off-road	Engine replacement	2	\$ 108,400	Sonoma-Cutrer Vineyards, Inc.	0.291	0.017	0.017	4/6/2022	No	No	Sonoma
22MOY251	Ag/ off-road	Engine replacement	6	\$ 290,900	New Pina Vineyard Management, LLC.	0.463	0.102	0.056	4/6/2022	No	No	Napa
22MOY283	Ag/ off-road	Engine replacement	2	\$ 83,000	John Edward White	0.095	0.029	0.013	APCO	No	No	Napa
22MOY287	Ag/ off-road	Engine replacement	1	\$ 71,400	A Cut Above Viticulture Service inc.	0.123	0.020	0.015	APCO	Yes	Yes	Napa
22MOY272	Marine	Engine replacement	3	\$ 99,000	Lil' Man In The Boat, Inc.	0.994	0.039	0.037	APCO	Yes	Yes	San Francisco, Alameda, Marin

## ATTACHMENT 2

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*CMP/MSIF, FARMER and Community Air Protection Program projects  
(awarded and allocated between 7/1/21 and 3/30/22)*

Project #	Project Category	Project Type	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			Board Approval Date	AB1390 Area	AB1550/SB535 Area	County
						NOx	ROG	PM				
22MOY276	Marine	Engine replacement	2	\$ 99,000	John Barnett dba Amigo Adventures	0.522	0.014	0.019	APCO	Yes	No	San Francisco, Marin, Alameda
22MOY293	Marine	Engine replacement	4	\$ 1,410,000	Golden Gate Ferry	10.169	1.411	0.150	TBD	Yes	Yes	San Francisco, Marin
22MOY299	Marine	Engine replacement	2	\$ 114,000	Chuck Louie dba Chuckys Pride Sportfishing	0.446	-0.001	0.024	APCO	Yes	Yes	San Francisco, Alameda, Marin
22MOY238	On-road	Infrastructure	-	\$ 4,535,255	AC Transit	-	-	-	TBD	Yes	Yes	Alameda
22SBP177	School Bus	Engine replacement	7	\$ 1,540,000	West County Transportation Agency	0.830	0.070	0.000	TBD	Yes	Yes	Sonoma
22MOY263	Ag/ off-road	Equipment replacement	2	\$ 129,900	Balletto Ranch, Inc.	0.224	0.023	0.018	APCO	No	No	Sonoma
22MOY285	Ag/ off-road	Equipment replacement	1	\$ 50,400	Drake's View Dairy	0.098	0.017	0.013	APCO	Yes	Yes	Marin
22MOY295	Ag/ off-road	Equipment replacement	1	\$ 169,000	A&S Landscape Materials, Inc.	0.590	0.041	0.030	APCO	Yes	Yes	Marin
22MOY204	Ag/ off-road	Equipment replacement + Infrastructure	2	\$ 219,674	San Mateo Lumber Company, Inc.	0.263	0.077	0.003	APCO	Yes	Yes	San Mateo
22MOY266	Ag/ off-road	Equipment replacement	1	\$ 90,600	Complete Equipment, Inc.	0.113	0.018	0.010	APCO	No	No	Sonoma
<b>82 Projects</b>			<b>162</b>	<b>\$ 33,028,799</b>		<b>72.6</b>	<b>7.3</b>	<b>2.7</b>				

\*This project award reflects an approved increase of \$242,828 in CMP/MSIF/CAPP funds to allow for DC fast-charging infrastructure to be included as part of this project. This project was previously awarded \$513,500.00 of TFCA funds and \$323,778.00 of CMP/MSIF/CAPP funds on 3/4/20.

\*\*The project award reflects an approved increase of \$95,327 in CMP/MSIF/CAPP funds to allow for DC fast-charging infrastructure to be included as part of this project. This project was previously awarded \$204,598.00 of TFCA funds and \$622,556.00 of CMP/MSIF/CAPP funds on 4/7/21.

\*\*\* This project is co-funded with TFCA funds as shown on Attachment 3.

§ Award Amount may come from either the Mobile Source Incentive Fund (MSIF) or the Transportation Fund for Clean Air (TFCA).

\* Funds have been allocated to these programs and project results will be determined at the end of project period.

MOBILE SOURCE IMPACTS COMMUNITY AIR PROTECTION PROGRAM OF 05/26/2022

### ATTACHMENT 3

Table 1 - TFCA projects awarded and allocated (between 7/1/21 and 3/30/22)

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (tons per year)			Board/APCO Approval Date	CARE Area	AB1550/SB535 Area	County
					NO <sub>x</sub>	ROG	PM				
2101-15735	LD Infrastructure	Install and operate 38 DC Fast chargers at 6 transportation corridor facilities in San Francisco, South San Francisco, Millbrae, Menlo Park, and San Jose.	\$ 950,000	EVgo Services LLC	0.350	0.207	0.008	7/7/21	Yes	No	Multi-County
2103-17065	LD Infrastructure	Install and operate 5 Level 2 (high) dual port chargers at 1 transit parking facility in Napa.	\$ 20,000	Napa Valley Transportation Authority	0.014	0.008	0.000	7/7/21	No	No	Napa
2103-17315	LD Infrastructure	Install and operate 135 Level 2 (high) single port chargers and 123 DC fast chargers at 40 destination, transportation corridor, and transit parking facilities in Vallejo, San Jose, Kenwood, Fairfield, Vacaville, Mountain View, and Santa Clara.	\$ 2,999,000	EV Charging Solutions, Inc.	1.446	0.853	0.035	7/7/21	Yes	Yes	Multi-County
2103-17345	LD Infrastructure	Install and operate 2 DC Fast and 2 dual port Level 2 (high) chargers at 2 destination facilities in San Ramon.	\$ 44,000	City of San Ramon	0.024	0.014	0.001	7/7/21	Yes	No	Alameda
2103-17497	LD Infrastructure	Install and operate 17 DC Fast chargers at 1 transportation corridor facility in Oakland.	\$ 425,000	East Bay Community Energy Authority	0.157	0.093	0.004	7/7/21	Yes	Yes	Alameda
2103-17499	LD Infrastructure	Install and operate 8 Level 2 (high) dual port chargers at 1 multi-unit dwelling facility in Alameda.	\$ 64,000	Alameda Multifamily Owner LLC	0.023	0.013	0.001	7/7/21	Yes	No	Alameda
2103-17520	LD Infrastructure	Install and operate 5 Level 2 (high) dual port and 2 Level 2 (high) single port chargers at 2 destination facilities in Dublin.	\$ 26,000	City of Dublin	0.019	0.011	0.000	7/7/21	No	No	Alameda
2103-17524	LD Infrastructure	Install and operate 110 Level 2 (high) single port chargers with solar and 24 Level 2 (high) single port chargers at 3 workplace and 1 destination facilities in Solano.	\$ 406,000	County of Solano	0.309	0.182	0.007	7/7/21	Yes	Yes	Solano
2103-17554	LD Infrastructure	Install and operate 2 Level 2 (high) dual port chargers with solar at 1 workplace facility in Richmond.	\$ 12,000	West County Wastewater District	0.006	0.003	0.000	7/7/21	Yes	Yes	Contra Costa
2103-17625	LD Infrastructure	Install and operate 11 Level 2 (high) dual port chargers at 1 multi-unit dwelling facility in Brentwood.	\$ 44,000	Silvergate Brentwood, LLC	0.037	0.022	0.001	7/7/21	No	No	Contra Costa
21R05	LD Infrastructure	FYE 21 Charge! Program	\$ 10,000	BAAQMD	TBD*	TBD*	TBD*	7/7/21	TBD*	TBD*	Regional
22R02	LD Vehicles	Vehicle Buy Back Program	\$ 200,000	BAAQMD	N/A**	N/A**	N/A**	6/16/21	N/A	N/A	Regional
21RSB03	School Bus	Match funding for Project #22SBP71 for the replacement of 12 diesel school buses with 12 electric school buses	\$ 1,153,346	BAAQMD	N/A**	N/A**	N/A**	7/7/21	No	Yes	Sonoma
21RSB04	School Bus	Match funding for Project #22SBP84 for the replacement of 3 diesel school buses & 1 CNG school bus with 4 electric school buses	\$ 892,045	BAAQMD	N/A**	N/A**	N/A**	7/7/21	No	Yes	Sonoma
21RSB05	School Bus	Match funding for Project #22SBP40 for the replacement of 5 diesel special needs school buses with 5 electric special needs school buses	\$ 1,232,175	BAAQMD	N/A**	N/A**	N/A**	7/7/21	Yes	Yes	Santa Clara
22SBP203	School Bus	Match funding for the replacement of 8 diesel school buses with 8 electric school buses	\$ 1,428,844	Oak Grove School District	N/A**	N/A**	N/A**	3/2/22	Yes	Yes	Sonoma
22SBP216	School Bus	Match funding for the replacement of 3 diesel school buses with 3 electric school buses	\$ 623,591	Campbell Union High School District	N/A**	N/A**	N/A**	12/15/21	Yes	Yes	Santa Clara

Project #	Project Category	Project Description	Award Amount	Applicant Name	Emission Reductions (tons per year)			Board/APCO Approval Date	CARE Area	AB1550/SB535 Area	County
					NO <sub>x</sub>	ROG	PM				
21R12	Trip Reduction	Pleasanton Connector Shuttles	\$ 80,000	San Joaquin Regional Rail Commission	N/A ‡	N/A ‡	N/A ‡	6/22/21	No	No	Alameda
22R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	\$ 150,000	BAAQMD	TBD*	TBD*	TBD*	6/16/21	N/A	N/A	Regional
22R03	Trip Reduction	Spare The Air/Intermittent Control/Flex Your Commute Programs	\$ 2,290,000	BAAQMD	TBD*	TBD*	TBD*	6/16/21	N/A	N/A	Regional
<b>Total</b>		<b>20 Projects</b>	<b>\$13,050,001</b>		<b>2.384</b>	<b>1.408</b>	<b>0.057</b>				

\* Funds have been allocated to these programs and projects and results will be determined at the end of project period.

\*\* Emission reductions are fully reported under the Carl Moyer Program to prevent double counting.

‡ Emission reductions will be reported as part of the Spare the Air program (Project #21R03).

MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF 05/26/2022

# ATTACHMENT 4

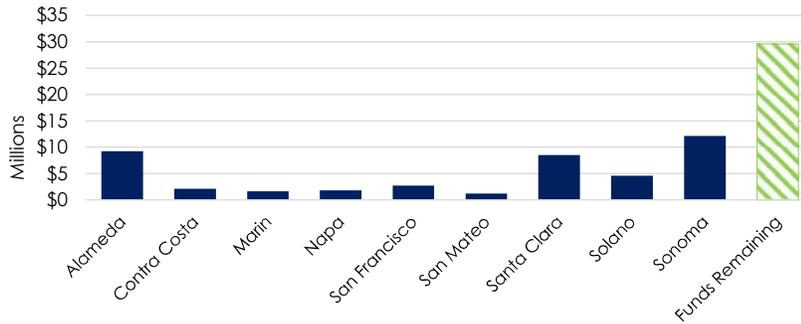
## Summary of funding awarded and allocated from the following revenue sources between 7/1/21 and 3/30/22

- Carl Moyer Program (CMP)
- Community Air Protection Program (CAPP)
- Mobile Source Incentive Fund (MSIF)
- Transportation Fund for Clean Air (TFCA)
- Funding Agricultural Replacement Measures for Emission Reductions (FARMER)

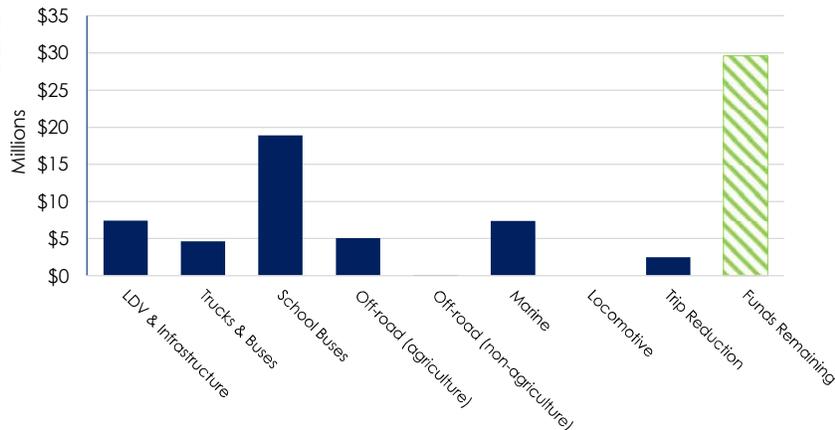
**Figure 1. Status of FYE 2022 funding by source**  
includes funds awarded, recommended for award, and available



**Figure 2. Funding awarded and allocated in FYE 2022 by county**  
includes funds awarded & recommended for award



**Figure 3. Funding awarded and allocated in FYE 2022 by project category**  
includes funds awarded & recommended for award



**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**

## Memorandum

To: Chairperson Teresa Barrett and Members  
of the Mobile Source and Climate Impacts Committee

From: Alexander G. Crockett  
Interim Executive Officer/APCO

Date: May 26, 2022

Re: Updates to the Vehicle Buy Back Program Update

**RECOMMENDED ACTION**

Committee to consider recommending the Board of Directors:

1. Approve the allocation of up to an additional \$5.8 million in incentive revenue from Mobile Source Incentive Fund and/or Transportation Fund for Clean Air monies to cover the cost of increased program participation; and
2. Authorize the Interim Executive Officer/APCO to execute amendments that increase the contract amounts in Fiscal Year Ending (FYE) 2023 and 2024:
  - a. With vehicle dismantlers Environmental Engineering Services and Pick-n-Pull by, an additional \$5 million annually; and
  - b. With Direct Mail Services by an additional \$800,000 annually.

**BACKGROUND**

Established in 1996, the Vehicle Buy Back (VBB) Program supports the Air District's mission to improve air quality by permanently removing old and highly polluting cars from the Bay Area's roads. Over the past 15 years, the VBB has successfully early-retired over 55,000 vehicles.

In its current iteration, the VBB offers Bay Area registered car owners \$1,200 for scrapping their 1997 and older cars. Promotion of this program is primarily done through direct mail using DMV data (refreshed annually) to contact potential participants in advance of their Smog Check. The authorized vehicle dismantlers also conduct some outreach to prospective participants. Eligible vehicles are accepted by authorized dismantlers who, under contract to the Air District, are paid up to \$100 to process each dismantled vehicle.

The VBB adheres to the Carl Moyer Program (CMP) Guidelines adopted by the California Air Resources Board (CARB), most recently updated in 2017. Because the program works to reduce air pollution, only the oldest dirtiest vehicles may be accepted into the program. The current CARB-adopted cost-effectiveness threshold of \$33,000 limits the amount that can be paid on a

per-vehicle-basis, that in turn limits the vehicle model year that can be accepted into the program. The guidelines also establish a maximum cost per vehicle, which is capped at \$1,500. This cap limits the amount of incentive paid to the owners and any other costs paid to dismantlers. The \$1,500 limit was established in 2017 and has not been updated since. The cost effectiveness limit is adjusted annually for inflation only.

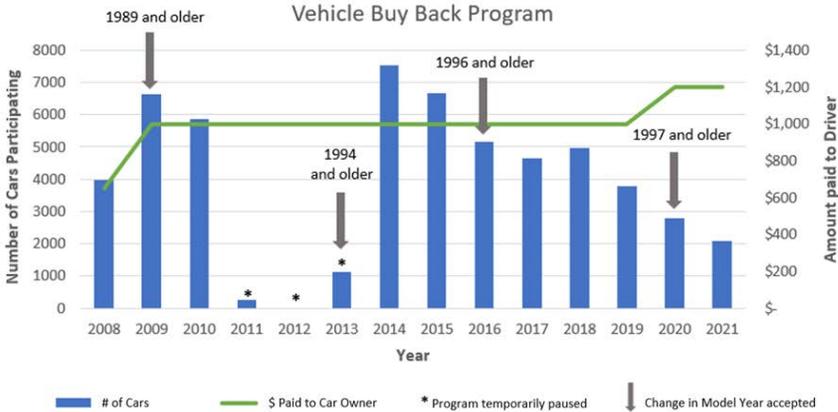
The Air District currently uses revenue from the CMP and Mobile Source Incentive Fund (MSIF) to pay for costs related to the purchase and dismantling of vehicles. These and other costs related to direct mail services and advertising have historically been paid for by the Air District’s Transportation Fund for Clean Air (TFCA) program and, more recently, with funds from the Bay Area Clean Air Foundation.

On May 6, 2020, the Air District’s Board of Directors (Board) authorized one-year term contracts with an option to renew for up to an additional three years with dismantling service vendors Pick-n-Pull and Environmental Engineering Services in a combined amount not to exceed \$7 million annually. These contracts were awarded following the completion of non-competitive Request for Proposal process. At this same meeting, the Board also approved the award of a one-year term contract with an option to renew for up to an additional three years with the highest ranked vendor proposer, Direct Mail Services, in an amount not to exceed \$300,000 annually.

**DISCUSSION**

A steady decline in participation rate is typical and to be expected over time as the VBB achieves its purpose and reduces the inventory of older vehicles registered to Bay Area owners. To maintain a steady participation rate, the Air District periodically makes updates to the program every few years, such as increasing the eligible model years and/or increasing the amount paid to program participants. In recent years, the program experienced its highest rate of participation in 2014 with over 7,500 vehicles early retired. More recently, the participation rate fell to a historic low of approximately 2,000 participants in 2021 (see Figure 1).

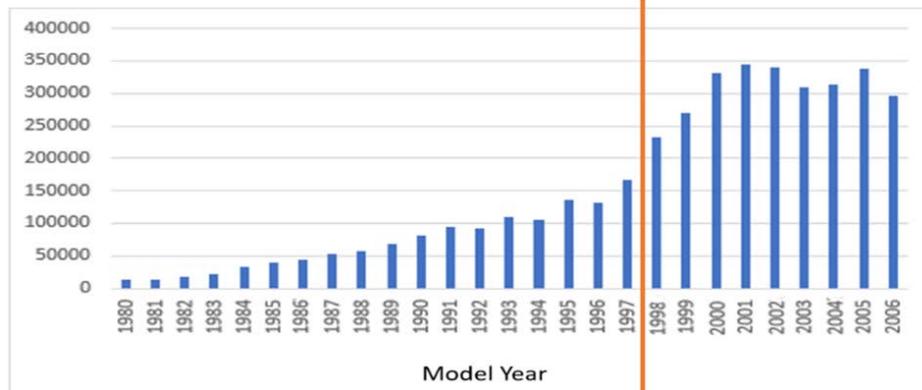
Figure 1. Number of cars early-retired through the VBB program 2008-2021 with amount paid to drivers and changes to accepted model years.



Although a declining participation rate is to be expected, staff attribute this recent and sharp decline to two key factors:

- a) a reduction of the availability of 1997 and older cars (Figure 2); and
- b) economic factors such as cost inflation for used and new vehicles, and owners retaining their cars for a longer duration during the pandemic.

Figure 2. Inventory of registered Bay Area cars by Model Year from CA DMV



To address the decline experienced in 2021, staff conducted a TV and radio media campaign that reached the public through both Spanish and English mediums. This action has had no identifiable impact and the participation rate continues to be lower than desired.

A challenge is that over time, the VBB’s eligibility criteria regarding model year and amount paid per vehicle have reached the limit of the cost-effectiveness allowed by the Moyer guidelines, such that the Air District could now either only slightly increase the amount paid per vehicle or increase the eligible model year by one year. However, given the cost-effectiveness limits set by CARB, we could not do both and have 1998 vehicles fully meet the revised cost-effectiveness limit for 2022. Staff has evaluated options and potential program cost-impacts and is proposing to increase the model year eligibility to include 1998 vehicles.

Adding 1998 model year vehicles would make approximately 220,000 new vehicles eligible based on California Department of Motor Vehicles (CA DMV) data. Even at a very low response rate of 2% (equivalent to over 2x our current participation rate), the addition of this model year alone would nearly double the number of cars currently participating in the program.

Beginning in FYE 2023, staff anticipates that the total cost of the program may increase by up to \$5.8 million annually. Because the mail out to prospective participants occurs monthly to only the owners whose smog check is due within 60 days, staff will be able to monitor any changes in the participation rate and cost program impacts monthly. If the Board approves, staff will work to amend existing contracts to implement the approved changes by Summer 2022.

Recognizing that the program is operating at its limits and that changes must be made to the program by CARB, staff will also be raising this situation to CARB’s attention and requesting necessary updates to the Chapter 8 of the Carl Moyer Guidelines to make the program more competitive in years to come.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. The proposed increase of \$5.8 million for FYE 2022 is funded by MSIF and/or TFCA and is included in the Air District's FYE 2022 budget. An additional \$5.8 million annually is recommended for FYE 2023 and FYE 2024. These monies would be drawn from MSIF and/or TFCA and approved by the Board in the ordinary course of the Air District's budget process. Staff administrative costs for VBB are also covered by a combination of revenues from CMP, MSIF, and TFCA funds.

Respectfully submitted,

Alexander G. Crockett  
Interim Executive Officer/APCO

Prepared by: Minda Berbeco and Ken Mak  
Reviewed by: Karen Schkolnick

ATTACHMENTS:

1. None.

MOBILE SOURCE AND CLIMATE  
IMPACTS COMMITTEE MEETING  
OF 05/26/2022

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
Memorandum

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

From: Sharon L. Landers  
Interim Executive Officer/APCO

Date: June 1, 2022

Re: Aclima Block-by-Block Air Quality Results

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On April 3, 2019, Air District Board of Directors authorized the Executive Officer/APCO to execute a master services agreement with Aclima, Inc. for an amount not to exceed \$5,980,000 over two years for hyperlocal, background air quality mapping of the entire Bay Area, a data repository, web portal, and community capacity building activities. Task orders were issued for \$3,640,000. The Air District Board of Directors received presentations on the progress of the Aclima project in December 2020 and February 2021.

DISCUSSION

To gather air quality data around the Bay Area, fleets of low-emission cars have been equipped with sensing devices and software. Every publicly accessible block was driven multiple times (20+) throughout 2020 and 2021. The data was combined and filtered using statistical methods to estimate the block-by-block average annual concentrations of critical air pollutants and greenhouse gases, including fine particulates, ozone, and nitrogen dioxide. Air District staff will present on the background and goals for this project, how the results may be used, and questions that are anticipated.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Sharon L. Landers  
Interim Executive Officer/APCO

Prepared by: Ranyee Chiang and Kristine Roselius  
Reviewed by: Greg Nudd

ATTACHMENTS:

None