



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS

MEETING

June 21, 2023

**MEETING LOCATION(S) FOR IN-PERSON ATTENDANCE BY
BOARD MEMBERS AND MEMBERS OF THE PUBLIC**

**Bay Area Metro Center
1st Floor Board Room
375 Beale Street
San Francisco, CA 94105**

**Office of Contra Costa County
Supervisor John Gioia
Conference Room
11780 San Pablo Ave., Suite D
El Cerrito, CA 94530**

**City of Palo Alto City Hall
250 Hamilton Ave., 7th Floor
Palo Alto, CA 94301**

**Office of Alameda County Supervisor
David Haubert
4501 Pleasanton Avenue
Pleasanton, CA 94566**

**Santa Rosa Junior College Campus
Doyle Library, Room 148
1501 Mendocino Ave.
Santa Rosa, CA, 95401**

**San Ramon City Hall
7000 Bollinger Canyon Road
San Ramon CA 94583**

**Office of Santa Clara County
Supervisor Otto Lee
70 W Hedding St
East Wing, 10th Floor
San Jose, CA 95110**

THE FOLLOWING STREAMING OPTIONS WILL ALSO BE PROVIDED

These streaming options are provided for convenience only. In the event that streaming connections malfunction for any reason, the Board of Directors reserves the right to conduct the meeting without remote webcast and/or Zoom access.

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.

**Members of the public may participate remotely via Zoom at THE FOLLOWING
STREAMING OPTIONS WILL ALSO BE PROVIDED**

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Members of the public may participate remotely via Zoom at <https://bayareametro.zoom.us/j/84324449339>, or may join Zoom by phone by dialing (669) 900-6833 or (408) 638-0968. The Webinar ID for this meeting is: 843 2444 9339

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 a matter on the agenda will have two minutes each to address the Board on that agenda item, unless a different time limit is established by the Chair. No speaker who has already spoken on an item will be entitled to speak to that item again.

BOARD OF DIRECTORS MEETING AGENDA

WEDNESDAY, JUNE 21, 2023

9:00 AM

Chairperson, John J. Bauters

1. **Call to Order - Roll Call**

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

2. **Pledge of Allegiance**

3. **Special Orders of the Day**

CONSENT CALENDAR (Items 4 - 17)

4. Approval of the Draft Minutes of the Board of Directors Regular Meeting of June 7, 2023

The Board of Directors will consider approving the draft minutes of the Board of Directors regular meeting of June 7, 2023.

5. Board Communications Received from June 7, 2023 through June 20, 2023

A copy of communications directed to the Board of Directors received by the Air District from June 7, 2023 through June 20, 2023, if any, will be distributed to the Board Members by way of email.

6. Personnel Out-of-State Business Travel Report for May 2023

In accordance with Division III, Section 5.4(b) of the Air District Administrative Code, the Board is hereby notified that the attached memorandum lists Air District personnel who have traveled on out-of-state business in the preceding months.

7. Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of April 2023

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 2023.

8. Authorization to Execute Contract Amendment for BioWatch Maintenance and Operations

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract with Trinity Consultants to operate the BioWatch Program for an amount not to exceed \$1,434,665.

9. Authorization to Amend Partnership Agreement with the Metropolitan Transportation Commission (MTC) and Supplement Funding

The Board of Directors will consider authorizing the Executive Officer/APCO to amend the Partnership Agreement with the Metropolitan Transportation Commission (MTC) to increase the funding by \$100,000, with the maximum cost of the agreement from \$550,000 to \$650,000, for additional training and database development.

10. Authorization to Approve an Amendment to Extend Contract and Increase Funding for Required Renovations to Air District Monitoring Field Stations

The Board of Directors will consider authorizing the Executive Officer/APCO to amend the existing contract with Commercial Interior Builders (CIB) to extend the term of the contract for one year, with an end date of June 30, 2024, and to increase the maximum contract amount by \$65,548 for a total amended contract of \$290,548.

11. Authorization to Execute Contract Amendment with Metropolitan Group, LLC

The Board of Directors will consider authorizing the Executive Officer/APCO to execute a contract amendment with Metropolitan Group, LLC to extend the term from July 1, 2023 to March 31, 2024 and increase the contract in an amount not to exceed \$299,109. The Air District entered into a contract with Metropolitan Group in an amount not to exceed \$90,000 on October 8, 2021 and extended the contract on September 30, 2022 at no cost to June 30, 2023 to assist in developing an environmental justice policy and action plan and to support the Community Advisory Council in advising the agency with respect to this work. The scope of work and contract has been revised and expanded to extend throughout the agency's strategic planning efforts and to center the strategic plan on environmental justice and equity. This will include structured coaching and advice to staff and CAC members and providing support to the strategic planning consultant once secured.

12. Authorization to Execute Gas Purchases for Meteorology and Measurement Division Operations

The Board of Directors will consider authorizing the Executive Officer/APCO to procure gases that are required for routine operations in the Meteorology and Measurement Division in an amount not to exceed \$320,000.

13. Authorization to Accept Grant Program Revenues from the U.S. Environmental Protection Agency for Community Monitoring

The Board of Directors will consider authorizing the Executive Officer/APCO to accept, obligate, and expend funding from the United States Environmental Protection Agency (EPA) for community monitoring and to authorize the Executive Officer/APCO to enter into all agreements to accept, obligate, and expend this funding for amounts up to \$100,000.

14. Report of the Legislative Committee Meeting of June 7, 2023

The Board of Directors will receive a report of the Legislative Committee meeting of June 7, 2023, and will consider the following action recommended by the Committee.

- A. State Legislative Update and Consideration of New Bills:

Action Item: The Board of Directors will consider taking positions in support of the following bills:

1. Support Assembly Bill 50 (Wood) – Public utilities: timely service: customer energization.
2. Support Senate Bill 410 (Becker) – Powering Up Californians Act.

15. Report of the Finance and Administration Committee Meeting of June 7, 2023

The Board of Directors will receive a report of the Finance and Administration Committee meeting of June 7, 2023, and will consider the following action recommended by the Committee.

- A. Consider Appointment of Alternate Member of the Air District's Hearing Board:

Action Item: The Board of Directors will consider appointing Dr. Fung Lam, as an Alternate Member of the Hearing Board in the Public category.

16. Report of the Advisory Council Meeting of June 12, 2023

The Board of Directors will receive a report of the Advisory Council meeting of June 12, 2023.

17. Report of the Mobile Source and Climate Impacts Committee Meeting of June 14, 2023

The Board of Directors will receive a report of the Mobile Source and Climate Impacts Committee meeting of June 14, 2023, and will consider the following actions recommended by the Committee.

A. Solicitation for Electric Charging Infrastructure for Medium- and Heavy-duty Vehicles and Equipment.

Action item: The Board will consider approving the process and selection criteria for a new competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

B. Projects and Contracts with Proposed Grant Awards Over \$500,000

Action item: The Board of Directors will consider approving the award of incentive funding to projects with proposed grant awards in excess of \$500,000 and authorize the Executive Officer/APCO to execute grant agreements for the recommended project.

PUBLIC HEARING(S)

18. Public Hearing to Consider the Submission of the Current Versions of Regulation 9: Inorganic Gaseous Pollutants, Rule 4: Nitrogen Oxides from Natural Gas-Fired Furnaces (Rule 9-4) and Regulation 9: Inorganic Gaseous Pollutants, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters (Rule 9-6) to the United States Environmental Protection Agency and the California Air Resources Board for Inclusion in the State Implementation Plan (SIP)

The Board of Directors will consider adopting a Resolution authorizing the submission of Rule 9-4 and Rule 9-6 to the Environmental Protection Agency and the California Air Resources Board for inclusion in the SIP. This item will be presented by Mark Tang, Principal Environmental Planner, and Jennifer Lam, Senior Air Quality Engineer.

ACTION ITEM(S)

19. Approval of an Amendment to the Employment Agreement for District Counsel

This is an action item for the Board of Directors consider approving an amendment to the employment agreement to the Employment Agreement for District Counsel. This item will be presented by John J. Bauters, Board Chairperson.

OTHER BUSINESS

20. 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 will be given an opportunity to address the Board of Directors. Members of the public will have two minutes each to address the Board, unless a different time limit is established by the Chair.

21. 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)

22. Report of the Executive Officer/APCO

23. Chairperson's Report

24. Time and Place of Next Meeting

Wednesday, July 5, 2023, at 9:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Board of Directors members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION

25. Conference with Labor Negotiators Pursuant to Government Code Section 54957.6

*Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6
Agency Designated Representatives:
Laura A. Izon , Atkinson, Andelson, Loya, Ruud & Romo
John Chiladakis, Acting Chief Administrative Officer
Employee organization: BAAQMD Employees' Association*

OPEN SESSION

26. Adjournment

The Board meeting shall be adjourned by the Board Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
yjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov

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

Accessibility and Non-Discrimination Policy

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

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

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

If you believe discrimination has occurred with respect to an Air District program or activity, you may contact the Non-Discrimination Coordinator identified below or visit our website at www.baaqmd.gov/accessibility to learn how and where to file a complaint of discrimination.

Questions regarding this Policy should be directed to the Air District's Non-Discrimination Coordinator, Suma Peesapati, at (415) 749-4967 or by email at spesapati@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 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	21	9:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	21	11:00 a.m.	1 st Floor, Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	21	1:00 p.m.	1 st Floor Board Room

JULY 2023

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Meeting	Wednesday	5	9:00 a.m.	1 st Floor Board Room
Board of Directors Finance & Administration Committee	Wednesday	5	1:00 p.m.	1 st Floor Board Room
Board of Directors Stationary Source and Climate Impacts Committee	Wednesday	12	10:00 a.m.	1 st Floor, Yerba Buena Room

Board of Directors Mobile Source and Climate Impacts Committee - Cancelled	Wednesday	12	1:00 p.m.	1 st Floor, Yerba Buena Room
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Board of Directors Meeting	Monday	19	9:00 a.m.	1 st Floor Board Room
Board of Directors Community Equity, Health and Justice Committee	Wednesday	19	1:00 p.m.	1 st Floor Board Room
Board of Directors Community Advisory Council	Thursday	20	6:00 p.m.	1 st Floor Board Room

MB 6/15/23 5:07 p.m.

G/Board/Executive Office/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Approval of the Draft Minutes of the Board of Directors Regular Meeting of June 7,
2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Approve the attached draft minutes of the Board of Directors regular meeting of June 7, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Draft Minutes of the Board of Directors Meeting of June 7, 2023

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

Board of Directors Regular Meeting
Wednesday, June 7, 2023

DRAFT MINUTES

This meeting was webcast, and a video recording is available on the website of the Bay Area Air Quality Management District at www.baaqmd.gov/bodagendas

CALL TO ORDER

1. **Opening Comments:** Board of Directors (Board) Chairperson, John J. Bauters, called the meeting to order at 9:02 a.m.

Roll Call:

Present, In-Person (Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105): Chairperson John J. Bauters; Vice Chairperson Davina Hurt; and Directors Margaret Abe-Koga, Ken Carlson, Noelia Corzo, Juan Gonzalez, Tyrone Jue, Sergio Lopez, Myrna Melgar, Ray Mueller, and Shamann Walton.

Present, In-Person Satellite Location: (Office of Contra Costa County Supervisor John Gioia, Conference Room, 11780 San Pablo Avenue, Suite D, El Cerrito, California, 94530): Directors Erin Hannigan, John Gioia, Nate Miley, Mark Ross, and Steve Young.

Present, In-Person Satellite Location: (City of Palo Alto City Hall, 250 Hamilton Avenue, 7th Floor, Palo Alto, California, 94301): Director Vicki Veenker.

Present, In-Person Satellite Location: (County of Sonoma County Administrator's Office 575 Administration Drive Sunroom, Suite #110A Santa Rosa, CA 95403): Secretary Lynda Hopkins.

Present, In-Person Satellite Location: (Office of Santa Clara County Supervisor Otto Lee 70 W Hedding St East Wing, 10th Floor San Jose, CA 95110): Director Otto Lee.

Present, In-Person Satellite Location; Office of Alameda County Supervisor David Haubert 4501 Pleasanton Avenue Pleasanton, CA 94566): Director David Haubert.

Absent: Directors Brian Barnacle, Joelle Gallagher, David Hudson, and Katie Rice.

2. **PLEDGE OF ALLEGIANCE**

3. **SPECIAL ORDERS OF THE DAY**

Chair Bauters introduced Diana Perez-Domencich, who was recently hired as an Environmental Planner II in the Air District's Planning & Climate Protection Division.

CLOSED SESSION (9:07 a.m.)

4. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2))**

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board met in Closed Session with Legal Counsel to discuss a significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs.

REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

OPEN SESSION (9:42 a.m.)

CONSENT CALENDAR (ITEMS 5 – 17)

5. Approval of the Draft Budget Hearing Minutes of May 17, 2023
6. Approval of the Draft Minutes of the Board of Directors Regular Meeting of May 17, 2023
7. Board Communications Received from May 17, 2023, through June 6, 2023
8. Authorization to Execute a Contract Amendment with Renne Public Law Group
9. Authorization to Execute Purchases for Meteorology and Measurement Division Operations
10. Authorization to Purchase Equipment from Tricorntech Corporation
11. Authorization to Amend Contract with Breathe California of the Bay Area, Golden Gate, and Central Coast
12. Authorization to Amend Contract with Resource Development Associates (RDA Consulting)
13. Authorization to Establish a New Classification of Senior Payroll Analyst
14. Authorization for Collection of Salary Overpayments
15. Report of the Stationary Source and Climate Impacts Committee Meeting of May 10, 2023
16. Report of the Community Equity, Health, and Justice Committee Meeting of May 17, 2023
17. Report of the Community Advisory Council meeting of May 18, 2023

Public Comments

No requests received.

Board Comments

None.

Board Action

Vice Chair Hurt made a motion, seconded by Director Walton, to **approve** Consent Calendar Items 5 – 17, inclusive; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Carlson, Gioia, Gonzalez, Hannigan, Haubert, Hopkins, Hurt, Jue, Lee, Lopez, Melgar, Miley, Mueller, Ross, Veenker, Walton, Young.
NOES: None.
ABSTAIN: None.
ABSENT: Corzo, Barnacle, Gallagher, Hudson, Rice.

PUBLIC HEARINGS

18. FINAL PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO AIR DISTRICT REGULATION 3: FEES

The Board of Directors held the second of two public hearings to receive testimony on proposed amendments to the Air District's fee regulation, Regulation 3, that would apply beginning July 1, 2023. Chair Bauters waived the staff presentation *Amendments to Regulation 3, Fees*.

Chair Bauters opened the Public Hearing.

Public Comments

Public comments were given by Christine Wolfe, California Council for Environmental Economic Balance; and Bob Brown, Western States Petroleum Association.

Board Comments

None.

Chair Bauters closed the Public Hearing.

Board Action

Director Gonzalez made a motion, seconded by Vice Chair Hurt, to **adopt** a resolution amending Air District Regulation 3: Fees, effective on July 1, 2023, and **determine** that the amendments are statutorily exempt from California Environmental Quality Act; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Carlson, Corzo, Gioia, Gonzalez, Hannigan, Haubert, Hopkins, Hurt, Jue, Lee, Lopez, Melgar, Miley, Mueller, Ross, Veenker, Walton, Young.
NOES: None.
ABSTAIN: None.
ABSENT: Barnacle, Gallagher, Hudson, Rice.

19. FINAL PUBLIC HEARING TO CONSIDER ADOPTION OF THE FISCAL YEAR 2023-2024 PROPOSED AIR DISTRICT'S BUDGET

The Board of Directors held the second of two public hearings to receive testimony on the proposed Air District Budget for public review and comment. Chair Bauters waived the staff presentation

Conduct Second Public Hearing to Consider Adoption of the Proposed Budget for Fiscal Year 2023-2024.

John Chiladakis, Acting Deputy Executive Officer of Finance and Administration announced that there had been four typos in the proposed salary schedule that was presented to the Board on May 17. The annual, monthly, bi-weekly, and hourly rates for the position of Executive Officer/Air Pollution Control Officer were all incorrect (higher than the correct proposed adjustment) and have been lowered to reflect the correct proposed adjustments.

Chair Bauters opened the Public Hearing.

Public Comments

No requests received.

Board Comments

None.

Chair Bauters closed the Public Hearing.

Board Action

Director Gonzalez made a motion, seconded by Director Abe-Koga, to **adopt** a resolution approving the Fiscal Year Ending 2023-2023 Air District Proposed Budget and various budget related actions; and the motion **carried** by the following vote of the Board:

AYES:	Abe-Koga, Bauters, Carlson, Corzo, Gioia, Gonzalez, Hannigan, Haubert, Hopkins, Hurt, Jue, Lee, Lopez, Melgar, Miley, Mueller, Ross, Veenker, Walton, Young.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Barnacle, Gallagher, Hudson, Rice.

ACTION ITEM

20. **RESOLUTION URGING RESPONSIBLE LEADERSHIP AND CLIMATE JUSTICE AT COP28**

Chair Bauters explained that Sultan Al Jaber was selected as president of the 2023 United Nations Climate Change Conference of the Parties (COP28) climate summit. Air District staff recommends the adoption of the Resolution Urging Responsible Leadership and Climate Justice at COP28. This resolution formally recognizes the Air District's deep concerns on the selection of Sultan Al Jaber as president of the COP28 climate summit. Staff seeks authority to submit the Resolution Urging Responsible Leadership and Climate Justice at COP28 to the United Nations COP committee and express the Board's decision to explore alternative climate forums if the necessary changes in COP28 leadership are not implemented.

Public Comments

No requests received.

Board Comments

None.

Board Action

Chair Bauters made a motion, seconded by Vice Chair Hurt, to adopt a Resolution Urging Responsible Leadership and Climate Justice at COP28 at the 2023 United Nations Climate Change Conference of the Parties climate summit, due to concerns on the selection of Sultan Al Jaber as president of the COP28 climate summit; and the motion **carried** by the following vote of the Board:

AYES: Abe-Koga, Bauters, Corzo, Gioia, Hannigan, Hopkins, Hurt, Jue, Lee, Lopez, Melgar, Mueller, Ross, Veenker, Walton, Young.
NOES: None.
ABSTAIN: Carlson, Haubert, Gonzalez, Miley.
ABSENT: Barnacle, Gallagher, Hudson, Rice.

INFORMATIONAL ITEM

21. STATE IMPLEMENTATION PLAN (SIP): RULES AND REGULATIONS

Greg Nudd, Deputy Executive Officer of Science and Policy, introduced Mark Tang, Principal Environmental Planner, who gave the staff presentation *State Implementation Plan: Rules and Regulations*, including: outcome; outline; requested action; Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS); proposed revised PM NAAQS (primary); what happens after the US Environmental Protection Agency (EPA) revises a NAAQS; elements of a SIP; rule submittal into the SIP; backsliding; and feedback requested.

Public Comments

No requests received.

Board Comments

The Board and staff discussed the way in which states that lack regional air districts set attainment levels; whether rules submitted to the SIP must be compliant with federal law, to be federally enforceable; whether PM from freeways is within the Air District's regulatory authority; the source of freeway emissions (tire and brake wear); and how frequently the Board will receive status updates on this item and how much time it will require of the Board members.

Board Action

None; receive and file.

OTHER BUSINESS

22. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Tony Fisher, Coalition for Clean Air.

23. BOARD MEMBER COMMENTS

None.

24. REPORT OF THE EXECUTIVE OFFICER/APCO

Dr. Philip M. Fine, Executive Officer/Air Pollution Control Officer, announced that the EPA's Inflation Reduction Act is offering a new Climate Pollution Reduction Grants program, which will provide grants to states, local governments, tribes, and territories to develop and implement plans for reducing greenhouse gas emissions and other harmful air pollution. Section 60114 of the Inflation Reduction Act provides an investment of \$4.6 billion to support efforts by states, municipalities, air pollution control agencies, tribes, and groups thereof to develop and implement strong, local greenhouse gas reduction strategies. The Bay Area metro region was awarded two such grants, and the Air District is to be the lead agency overseeing the activities resulting from one of those awards. Implementation grants will be awarded through a competitive process to implement measures contained in plans developed with planning grants. Entities included in, or covered by, such plans will be eligible to apply for implementation funding.

25. CHAIRPERSON'S REPORT

Chair Bauters announced the following:

- The Legislative Committee will meet on June 7, 2023, following the Board meeting, at 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105.
- The Finance and Administration Committee will meet on June 7, 2023, following the Legislative Committee meeting, at 375 Beale Street, Yerba Buena Room, San Francisco, California, 94105.
- Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month is celebrated each year in the month of June in the United States, honoring the 1969 Stonewall Uprising in Manhattan, LGBTQ rights, and LGBTQ culture. Chair Bauters spoke about personal experiences and sentiments.
- **Juneteenth** is a federal holiday in the United States commemorating the emancipation of enslaved African Americans. Deriving its name from combining "June" and "nineteenth", it is celebrated on the anniversary of the order, issued by Major General Gordon Granger on June 19, 1865, proclaiming freedom for slaves in Texas. Chair Bauters gave the history of this holiday and expressed his views regarding how Americans are impacted today.

26. TIME AND PLACE OF NEXT MEETING

Wednesday, June 21, 2023, at 9:00 a.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the board members and members of the public will be able to either join in-person or via webcast.

CLOSED SESSION (10:25 a.m.)

27. **CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6**

*Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6
Agency Designated Representatives:
Laura A. Izon , Atkinson, Andelson, Loya, Ruud & Romo
John Chiladakis, Acting Chief Administrative Officer
Employee organization: BAAQMD Employees' Association*

REPORTABLE ACTION: REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

28. **CONFERENCE WITH LEGAL COUNSEL RE ANTICIPATED LITIGATION (GOVERNMENT CODE SECTIONS 54956.9(a) AND (d)(2))**

Pursuant to Government Code sections 54956.9(a) and (d)(2), the Board met in Closed Session with Legal Counsel to discuss significant exposure to litigation, based on facts and circumstances not known to a potential plaintiff or plaintiffs: One case.

REPORTABLE ACTION: REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

29. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO GOVERNMENT CODE SECTION 54957(b)(1)**

Title: District Counsel

REPORTABLE ACTION: REPORTABLE ACTION: Chair Bauters stated that there was nothing to report.

OPEN SESSION (11:51 a.m.)

30. **ADJOURNMENT**

The meeting was adjourned at 11:51 a.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Board Communications Received from June 7, 2023 through June 20, 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

Copies of communications directed to the Board of Directors received by the Air District from June 7, 2023 through June 20, 2023, if any, will be distributed to the Board Members by way of email.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marjorie Villanueva
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Personnel Out-of-State Business Travel Report for May 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

In accordance with Division III, Section 5.4(b) of the District's Administrative Code, the Board is hereby notified of District personnel who have traveled on out-of-state business. The report covers out-of-state business travel for the month of May 2023. The monthly out-of-state business travel report is presented in the month following travel completion.

DISCUSSION

The following out-of-state business travel activities occurred in the month of May 2023:

National Association of Clean Air Agencies Spring Membership Meeting, Denver, CO, May 8-10, 2023 attendee:

- Philip M. Fine, Ph.D., Executive Officer/APCO

Government Finance Officers Association Annual Conference, Portland, OR, May 21-24, 2023 attendees:

- Stephanie Osaze, Director of Finance
- Jun Pan, Finance Manager

BUDGET CONSIDERATION/FINANCIAL IMPACT

All associated business travel-related costs are covered by the respective division's FYE 2023 Budget.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Michelle Hutson
Reviewed by: Stephanie Osaze

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Notices of Violations Issued and Settlements in Excess of \$10,000 in the Month of
April 2023

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 months prior to this report.

BUDGET CONSIDERATION/FINANCIAL IMPACT

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

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alexander G. Crockett

ATTACHMENTS:

1. Notices of Violations for the Month of April 2023

NOTICES OF VIOLATIONS ISSUED

The following Notice(s) of Violation(s) were issued in April 2023:

Alameda						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
ERI	FB756	Hayward	A60142A	4/3/2023	11-2-401.3	Asbestos Violation.
NG Grewal Inc.	FB824	Pleasanton	A62252A	4/10/2023	8-7-301.6	Gasoline Dispensing Facility Violation.
NG Grewal Inc.	FB824	Pleasanton	A62252B	4/10/2023	8-7-302.3	Gasoline Dispensing Facility Violation.
Salkhi Petroleum Inc.	FB808	San Leandro	A62258A	4/21/2023	8-7-301.5	Gasoline Dispensing Facility Violation.
Schnitzer Steel Products Company	A0208	Oakland	A61146A	4/10/2023	2-1-307	Permit Requirement/Condition Violation.
Tesla, Inc.	E2881	Fremont	A61772A	4/10/2023	2-1-307	Permit Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61769A	4/3/2023	2-6-307	Title V Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61770A	4/3/2023	2-6-307	Title V Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61771A	4/3/2023	2-6-307	Title V Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61774A	4/26/2023	2-6-307	Title V Requirement/Condition Violation.
Tesla, Inc.	A1438	Fremont	A61775A	4/26/2023	2-6-307	Title V Requirement/Condition Violation.
University of California, Berkeley	A0059	Berkeley	A62728A	4/18/2023	2-6-307	Title V Requirement/Condition Violation.
Western Digital Technologies	A8391	Fremont	A61773A	4/14/2023	2-1-307	Permit Requirement/Condition Violation.

Contra Costa						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
California Department of Water Resources	A8930	Byron	A60862A	4/20/2023	2-1-302	No Permit to Operate.
California Department of Water Resources	A8930	Byron	A60865A	4/20/2023	2-1-307	Permit Requirement/Condition Violation.
City of Richmond	FB654	Richmond	A62730A	4/27/2023	1-301	Public Nuisance Violation.
City of Richmond Wastewater Treatment Plant	A2482	Richmond	A62729A	4/27/2023	1-301	Public Nuisance Violation.
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60869A	4/10/2023	2-6-307	Title V Permit Requirement/Condition Violation.
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60870A	4/10/2023	2-6-307	Title V Permit Requirement/Condition Violation.
Corteva Agriscience - Pittsburg Operations	A0031	Pittsburg	A60871A	4/10/2023	2-6-307	Title V Permit Requirement/Condition Violation.
Gawfco Enterprises Inc.	Z9400	Lafayette	A62337A	4/10/2023	8-7-301.5	Gas Dispensing Facility Violation.
Mariposa Energy, LLC	B9730	Byron	A60892A	4/20/2023	2-6-307	Title Requirement/Condition Violation.
Martinez Refining Company LLC	A0011	Martinez	A56449A	4/25/2023	10	Code of Federal Regulation Violation.
Mohammed Ahmadi	FB794	Lafayette	A60679A	4/18/2023	8-7-301.5	Gas Dispensing Facility Violation.
Phillips 66 Company - San	A0016	Rodeo	A61528A	4/18/2023	CCR	CA Code of Regulation Violation.

Francisco Refinery						
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61529A	4/18/2023	CCR	CA Code of Regulation Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61531A	4/13/2023	1-301	Public Nuisance Violation.
Phillips 66 Company - San Francisco Refinery	A0016	Rodeo	A61532A	4/13/2023	6-1-301	Visible Emissions Violation.
Recycling Center and Transfer Station	A9902	Pittsburg	A60868A	4/6/2023	9-8-530	Internal Combustion Engine Violation.
Tesoro Refining & Marketing Company, LLC	B2758	Martinez	A60680A	4/24/2023	8-7-301.1	Gas Dispensing Facility Violation.
West Contra Costa County Landfill	A1840	Richmond	A62068A	4/24/2023	2-6-307	Title V Requirement/Condition Violation.

San Francisco						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
PRIII/Wood Potrero Hill, LLC	E4640	San Francisco	A58098A	4/18/2023	2-1-307	Permit Requirement/Condition Violation.
UNOCAL #1063	Z4868	San Francisco	A62257A	4/21/2023	8-7-301.5	Gas Dispensing Facility Violation.
San Mateo						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Ritz Carlton Resort	B9183	Half Moon Bay	A60347A	4/12/2023	2-1-301	No Authority to Construct and No Permit to Operate.
Ritz Carlton Resort	B9183	Half Moon Bay	A60347B	4/12/2023	2-1-302	No Authority to Construct and No Permit to Operate.

Ritz Carlton Resort	B9183	Half Moon Bay	A60348A	4/12/2023	9-7-506	Boiler Emissions Violation.
Ritz Carlton Resort	B9183	Half Moon Bay	A60349A	4/12/2023	9-7-506	Boiler Emissions Violation.
Wedemeyer Bakery	A1945	South San Francisco	A60346A	4/6/2023	9-7-307.2	Boiler Emissions Violation.

Santa Clara						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Auto Pride Car Wash	FB826	San Jose	A62289A	4/11/2023	8-7-302.3	Gas Dispensing Facility Violation.
Auto Pride Car Wash	FB826	San Jose	A62289B	4/11/2023	8-7-301.6	Gas Dispensing Facility Violation.
Greif Packaging LLC	A8765	Morgan Hill	A59792A	4/26/2023	2-1-301	No Authority to Construct and No Permit to Operate.
Greif Packaging LLC	A8765	Morgan Hill	A59792B	4/26/2023	2-1-302	No Authority to Construct and No Permit to Operate.
Measurement Specialties, Inc.	A5962	Milpitas	A61879A	4/18/2023	8-30-304.2	Semiconductor Wafer Fabrication Violation.
Measurement Specialties, Inc.	A5962	Milpitas	A61879B	4/18/2023	8-30-304.5	Semiconductor Wafer Fabrication Violation.
Moffett Valero	FB828	Mountain View	A62338A	4/11/2023	2-1-307	Permit Requirement/Condition Violation.
Moffett Valero	FB828	Mountain View	A62338B	4/11/2023	8-7-302.3	Gas Dispensing Facility Violation.

Solano						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Valero Benicia Asphalt Plant	A0901	Benicia	A62185A	4/20/2023	8-18-301	Equipment Leak Violation.
Valero Benicia Asphalt Plant	A0901	Benicia	A62186A	4/20/2023	8-18-309.3	Equipment Leak Violation.

Valero Benicia Asphalt Plant	A0901	Benicia	A62187A	4/28/2023	8-18-309.3	Equipment Leak Violation.
Valero Refining Company - California	B2626	Benicia	A62181A	4/5/2023	8-18-301	Equipment Leak Violation.
Valero Refining Company - California	B2626	Benicia	A62182A	4/6/2023	8-18-301	Equipment Leak Violation.
Valero Refining Company - California	B2626	Benicia	A62183A	4/17/2023	8-5-322.5	Storage Tank Violation.
Valero Refining Company - California	B2626	Benicia	A62184A	4/17/2023	2-6-307	Title V Requirement/Condition Violation.

Sonoma						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
Curran Environmental Services Inc.	Z9380	Petaluma	A62604A	4/18/2023	11-2-401.3	Asbestos Violation.
CVE NB Contracting Group Inc.	Z5329	Rohnert Park	A62603A	4/14/2023	11-2-303.6	Asbestos Violation.
Santa Rosa Water - Laguna Treatment Plant	A1403	Santa Rosa	A59226A	4/17/2023	2-6-307	Title V Requirement/Condition Violation.

Company Address Outside of Bay Area						
Site Name	Site #	City	NOV #	Issuance Date	Regulation	Comment
EnviroPac, LLC	FB778	Roseville	A58097A	4/13/2023	2-1-301	No Authority to Construct and No Permit to Operate.
EnviroPac, LLC	FB778	Roseville	A58097B	4/13/2023	2-1-302	No Authority to Construct and No Permit to Operate.

SETTLEMENTS FOR \$10,000 OR MORE REACHED

There was 1 settlement(s) for \$10,000 or more completed in April 2023.

1) On April 5, 2023, the District reached settlement with Northrop Grumman Systems Corporation for \$32,000, regarding the allegations contained in the following 1 Notice of Violation:

NOV #	Issuance Date	Occurrence Date	Regulation	Comments from Enforcement
A58402A	11/9/2022	8/20/2021	2-1-307	Permit Requirement/Condition Violation.
A58402B	11/9/2022	8/20/2021	1-522.4	Continuous Emissions Monitor Violation.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Authorization to Execute Contract Amendment for BioWatch Maintenance and
Operations

RECOMMENDED ACTION

Authorize the Executive Officer/APCO to execute a contract with Trinity Consultants for an amount not to exceed \$1,434,665 for July 1, 2023 through June 30, 2024.

BACKGROUND

The Air District operates a Bay Area monitoring network pursuant to the Department of Homeland Security (DHS) BioWatch Program. BioWatch monitors the air for biological agents likely to be used in a bioterrorism attack. If a detection occurs, public health and other local and state officials use the information to coordinate emergency response, including prompt medical care and other actions to protect public health and safety.

DISCUSSION

The Air District sought a qualified contractor to maintain and operate all aspects of the network of air sampling sites and to develop additional sites, as required. A Request for Qualification (RFQ) was open from May 10, 2023, through May 26, 2023 and was posted on the Air District website and shared with our bidders list (120 vendors). Two Air District staff members evaluated the single submission based on the following criteria: comprehension of and ability to provide services to the Air District; experience of firm; quality and diversity of work product; demonstrated knowledge of Air District activities; number, complexity, and nature of similar services provided by firm; and proposed fee structure. Based on this review, Air District staff deemed the current contractor, Trinity Consultants, to be highly qualified to continue operating the BioWatch network. T&B Systems (now a business unit under Trinity Consultants) has been operating the BAAQMD BioWatch network since its inception in 2002 and has the experience and staff needed to operate the current network of 32 sites throughout the Bay Area.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Funding for the vendor contract recommendation is provided by a grant from the Department of Homeland Security that is included in 809 program budget for FYE 2023 and 2024.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Charley Knoderer
Reviewed by: Ranyee Chiang

ATTACHMENTS:

1. Draft contract with Trinity Consultants

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PROFESSIONAL SERVICES CONTRACT

CONTRACT NO. 2023.122

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 **Trinity Consultants, Inc.** (“CONTRACTOR”) whose address is 12700 Park Central Drive, Suite 600, Dallas, Texas 75251.

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 July 1, 2023 to June 30, 2024, 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 \$1,434,665.
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 \$1,434,665. 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. 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: Charles Knoderer

CONTRACTOR: Trinity Consultants
12700 Park Central Drive, Suite 600
Dallas, Texas 75251
Attn: David H. Bush

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 leave, 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 sections 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.
28. SUPERSEDING FEDERAL FUNDING REQUIREMENTS
- A. This Contract is subject to the Department of Homeland Security (DHS) Terms and Conditions for the applicable fiscal year for which this contract is in effect and is incorporated herein by reference. DHS Terms and Conditions are linked here: <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>. In the event of any inconsistency between the Contract and the DHS Terms and Conditions, the DHS Terms and Conditions for the applicable year shall govern. All references to “recipients” or “sub-recipients” in the DHS Terms and Conditions shall be deemed refer to as “CONTRACTOR.”
 - B. Clean Air Act and the Federal Water Pollution Control Act. CONTRACTOR and subcontractor agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). CONTRACTOR and subcontractor agree to report violations of applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387) to the DISTRICT, the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). CONTRACTOR and subcontractor agree and understand that DISTRICT may report violations of applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387) by CONTRACTOR or subcontractor to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
 - C. Debarment and Suspension Certification
 - i) CONTRACTOR's signature affixed herein shall constitute a certification under penalty of perjury under the laws of the State of California, that CONTRACTOR or any person associated therewith in the capacity of owner, partner, director, officer or manager:
 - a. Is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;
 - b. Has not been suspended, debarred, voluntarily excluded, or determined ineligible by any federal agency within the past three (3) years;
 - c. Does not have a proposed debarment pending; and

- d. Has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past three (3) years.
 - ii) Any exceptions to this certification must be disclosed to DISTRICT. Exceptions will not necessarily result in denial of recommendation for award or termination of Contract, but will be considered in determining responsibility. Disclosures must indicate the party to whom the exceptions apply, the initiating agency, and the dates of agency action.
- D. Byrd Anti-Lobbying Certification
 - i) CONTRACTOR's signature affixed herein shall constitute a certification under penalty of perjury under the laws of the State of California, that CONTRACTOR certifies, to the best of its knowledge and belief, that:
 - a. No State, Federal, or Customer appropriated funds have been paid or will be paid, by or on behalf of CONTRACTOR, to any person for influencing or attempting to influence an officer or employee of any local, State, or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding or making of this Contract, or with the extension, continuation, renewal, amendment, or modification of this Contract.
 - b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Contract, CONTRACTOR shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 - ii) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars (\$10,000) and not more than one hundred thousand dollars (\$100,000) for each such failure.
 - iii) CONTRACTOR also agrees that by signing this Contract it shall require that the language of this certification be included in all lower tier subcontracts, which exceed one hundred thousand dollars (\$100,000), and that all such subrecipients shall certify and disclose accordingly.

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

TRINITY CONSULTANTS, INC.

By: _____
Philip M. Fine
Executive Officer/APCO

By: _____
David H. Bush
Program Manager

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

DRAFT

ATTACHMENT A

SCOPE OF WORK

CONTRACTOR shall maintain and operate all aspects of a San Francisco Bay Area network of air sampling sites, and develop additional sites, as required, to meet the needs of DISTRICK. The air monitoring network is operated pursuant to the Department of Homeland Security's (DHS) BioWatch Program and in accordance with the latest Standard Operational Procedures (SOP) for BioWatch Field Operations. There are currently 32 sites in the air sampling network which operates 24 hours a day, 365 days a year.

CONTRACTOR shall be responsible for the tasks described below for the air sampling network. The actual order of the tasks will depend upon the pace of each individual task. DISTRICK will review and, if necessary, revise the work plan and schedule to ensure work progresses in accordance with DISTRICK priorities and DHS requirements.

Task 1: Operate and maintain all aspects of the current air sampling network

1. Daily delivery of all filters to the designated laboratory by the deadline assigned by the laboratory (currently 9:00 am);
2. Expeditiously maintain and repair all equipment associated with the BioWatch Program;
3. Perform all required quality assurance/quality control (QA/QC) and data processing as outlined in the latest SOP; and
4. Provide a summary of activities, progress, and explanation of charges with every invoice, and upon request by the DISTRICK, to keep the DISTRICK informed of all developments within the air sampling network.

Task 2: Develop additional sites throughout the Bay Area to meet the requirements of the DISTRICK

1. Provide sites and contacts responsible for securing leases or licenses for sites as defined by DISTRICK supplied maps and siting information; and
2. Collaborate and coordinate with DISTRICK to ensure that new sites are developed, leases or licenses are signed, and instrumentation deployed as required by the DISTRICK.

Task 3: Incorporate new sites into the air sampling network as they become operational

1. Incorporate all new sites into the existing air sampling network; and
2. Maintain compliance with Task 1, above, for all new sites.

DISTRICK Responsibilities:

1. Maintain and sign all leases and licenses for all sites;
2. Provide all documentation and information to allow the contractor to properly perform required tasks;
3. Act as an intermediary between involved governmental agencies, landlords, and the contractor;
4. Provide project and budgetary oversight;
5. Provide periodic updates on funding;
6. Provide all DHS and other applicable SOPs necessary to maintain the air sampling network in accordance with all requirements, or provide appropriate contacts at DHS to ensure compliance with requirements;

7. Provide DHS maps and information necessary to properly establish additional sampling locations; and
8. Pay all rents and meet all requirements needed to obtain and retain sites, as appropriate.

DRAFT

ATTACHMENT B

COST SCHEDULE

Billing Rate:

DISTRICT will pay CONTRACTOR for services provided under this Contract at the hourly rates listed in the table below.

Staff	Position	Hourly Rate
David Bush	Program Manager	\$235
Nicole Mazar	Field Manager	\$121
Amanda Lucero	Filter Specialist	\$71
Technician (more than 5 years of experience)	Technician II	\$63
Technician (less than 5 years of experience)	Technician I	\$47
Administrative Manager	Administrative Manager	\$75

Direct Costs and Expenses:

DISTRICT will also reimburse CONTRACTOR for reasonable and necessary expenses incurred in conjunction with the work performed under this Contract (e.g., hardware parts and supplies), including reasonable travel expenses in accordance with the DISTRICT's travel reimbursement policy attached hereto as Attachment C, and any administrative costs and expenses (e.g., rent and utility costs for office space). Reimbursable expenses such as project specific supplies and materials will be charged at cost. CONTRACTOR's invoices shall include a line item reflecting all direct costs and expenses.

Payments will be made in accordance with Section 8, Payment, of this Contract.

Total Cost of Contract Not to Exceed: \$1,434,665

ATTACHMENT C



*Committed to Achieving Clean Air to Protect
the Public's Health and the Environment*

Contractor Travel Policy

Contractors who are under agreement with the District and who plan to bill the District for travel expenses per the terms of their Contract must adhere to this Contractor Travel Policy.

GUIDELINES

Making Travel Arrangements

When making travel arrangements, Contractor should take reasonable measures to secure the lowest fares and prices for transportation, lodging, and food. Documentation of this research will be required to receive reimbursement. **Please note that booking travel and hotel arrangements at the same time can result in significant savings to the District and therefore is encouraged.**

1. The Bay Area Air Quality Management District shall reimburse travel-related expenses to cover lodging, meals, other incidental expenses and costs of transportation subject to the following limitations:
 - **Air Transportation** - Coach class rate for all flights. If coach is not available, business class rate is permissible only with prior written client approval.
 - **Car Rental** – A compact car rental. Mid-size cars rentals are permissible if the rental is shared by three or more individuals.
 - **Lodging** – Holiday Inn will be used up to the [federal GSA FTR rates](#) for San Francisco, California. If Holiday Inn is not used then reimbursement will be at the [current rate for a standard room at Holiday Inn](#).
 - **Meals** – Up to the [federal GSA FTR rates](#) for San Francisco, California.
 - **Incidentals** – Up to the [federal GSA FTR rates](#) for San Francisco, California.
 - **Mileage** – Reimbursement will be provided at the [current reimbursement rate](#) for each mile, or the equivalent of the IRS Mileage rate, whichever is greater.
 - **Parking** - Travelers will be reimbursed for airport parking or nearby lots for overnight or day trips. For trips ranging from 2-7 days, outlying or long-term lots are recommended. For trips of longer duration, the cost of shuttle service in lieu of parking charges shall be considered. Travelers will be reimbursed for parking near the BAAQMD office for meetings.
 - **Ground Transportation** – The least expensive means of transportation shall be used within the Bay Area, considering time and other constraints. Travelers not affiliated with the San Francisco or Oakland office will be reimbursed for public transportation and taxis, provided they do not have a rental car.

2. Supporting documentation shall be provided for travel-related expenses in accordance with the following requirements:

- **Airfare, Car Rentals, Lodging** – Bills for actual expenses incurred.
- **Meals** – Meals billed in excess of \$25.00 each day require receipts or other supporting documentation for the total amount of the bill to be approved by the DISTRICT.
- **Other Travel Related Expenses** – Receipts are required for all individual items in excess of twenty five dollars (\$25.00).

3. Travel Time Charging

- Contractor employees (and subcontractors) are to record hours actually worked (those in which a benefit to the DISTRICT was provided during travel) when traveling on business for the firm. This normally will not include all hours during travel, except when all travel is within the normal business day (8:00 AM – 5:00 PM). If travel is on a normal business day, then travel will be arranged for morning or evening so as to minimize travel during working hours (8:00 AM – 5:00 PM) and maximize on-site time on the day of travel. Time that is incurred because of personal preference or combining personal travel with business is not to be charged.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Authorization to Amend Partnership Agreement with the Metropolitan
Transportation Commission (MTC) and Supplement Funding

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Executive Officer/APCO to supplement the Partnership Agreement with the Metropolitan Transportation Commission (MTC) in an amount not to exceed \$650,000.

BACKGROUND

On August 31, 2020, the Bay Area Air Quality Management District (District) and the Metropolitan Transportation Commission (MTC) entered into a funded Partnership Agreement with the goal of fostering effective agency collaboration and adopting consistent and coordinated methods for database development, documentation, and online publishing. In June 2021, the Partnership Agreement was amended, and additional funding was added to the contract.

Under the amended Partnership Agreement, the District has leveraged MTC datasets expertise to support increasingly complex database and project assignments, including support for:

- Community health protection objectives, including regional and community-specific planning and emission reduction efforts related to Assembly Bill (AB) 617, and
- Climate projection objectives, including support to local jurisdictions for estimating greenhouse gas (GHG) emissions for local Climate Action Plans.

Funding for these projects was approved by the District Board of Directors on June 3, 2020, for an amount not to exceed three hundred thousand dollars (\$300,000) to support an MTC associate. MTC supplemented the work with in-kind support from the Data & Visualization team. In June 2021, the Board authorized extending the Partnership Agreement with additional tasks and adding funding not to exceed two hundred and fifty thousand dollars (\$250,000) to continue progress toward realizing a goal of coordinated databases and methods. District staff anticipate that, if the District and MTC can share methods and database software tools, this may result in cost savings for both agencies.

DISCUSSION

District staff are proposing to add one hundred thousand dollars (\$100,000) of additional funding to the Partnership Agreement to MTC in FYE 2023 for MTC to continue to assist with knowledge transfer and additional database development to support AB 617. Through the partnership, the District and MTC would continue to explore cross-agency projects and cost savings from consolidating separate licensing of spatial-visualization and database software into enterprise-wide licensing. Additional tasks funded include the following:

- Continue to collect, develop, document, and integrate additional datasets to support planned AB 617 work,
- Continue implementation of a Database Protocol developed in prior work through the Partnership Agreement,
- Continue to plan efficient configurations for joint agency subscription services,
- Continue on-call mapping and visualization project support,
- Develop District public data catalog web application that meets accessibility and hosting standards, and
- Ad hoc database tools support, services, and training

BUDGET CONSIDERATION/FINANCIAL IMPACT

The following table presents the budgets by fiscal year under the Partnership Agreement with MTC. The proposed Phase 3 funds, not to exceed one hundred thousand dollars (\$100,000), would supplement the existing Partnership Agreement and be used to support additional associate staff time for additional tasks. The proposed funds have been allocated in the District’s existing program 601 budget for FYE 2023.

Fiscal Year Ending	Contract Phase	Budget
2021	1	\$300,000
2022	2	\$250,000
2024	3	\$100,000

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Song Bai and Phil Martien
Reviewed by: Greg Nudd

ATTACHMENTS:

1. BAAQMD-MTC Executed Contract 2020.154
2. BAAQMD-MTC - Amendment No.1 - Contract 2020.154
3. BAAQMD-MTC - Amendment No.2 - Contract 2020.154
4. MTC 2020.154 Amendment 3_060623_lgl approved draft

PARTNERSHIP AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
and BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Regarding FY 2020-21 Funding
to Support Collaborative Development of
Community Health and Climate Protection Databases

This Partnership Agreement is entered as of August 31, 2020 by and between the METROPOLITAN TRANSPORTATION COMMISSION (hereinafter “MTC”) and the BAY AREA AIR QUALITY MANAGEMENT DISTRICT (hereafter “BAAQMD”) collectively referred to herein as “the Parties”.

RECITALS

WHEREAS, MTC and the BAAQMD, both members of the Bay Area Regional Collaborative (BARC), are committed to moving the Parties toward increased collaboration; and

WHEREAS, MTC has developed in-house knowledge and expertise developing, documenting, versioning, and online publishing regional datasets; and

WHEREAS, sharing regional datasets and developing consistent approaches for generating and online publishing regional datasets can support collaboration; and

WHEREAS, sharing methods and database and analysis software tools may result in agency cost savings for the Parties; and

WHEREAS, BAAQMD staff could assimilate and leverage MTC datasets expertise to support increasingly complex database and project assignments, including support for:

- Community health protection objectives, including regional and community-specific planning and emission reduction efforts, related to Assembly Bill (AB) 617;
- BARC member agency’s efforts to better coordinate capacity-building, community participation, and outreach efforts in the Bay Area’s most vulnerable and disadvantaged communities;
- Climate projection objectives, including support to local jurisdictions for estimating greenhouse gas (GHG) emissions for local Climate Action and Climate Emergency Plans;
- BARC member agency’s efforts to develop and implement of collaborative projects supporting local jurisdictions in meeting carbon free energy goals and campaigns to eliminate use of diesel fuels; and

WHEREAS, from 2015 through 2020, MTC supported via contract BAAQMD in developing and maintaining an online portal to report vehicle miles travelled (VMT) to support local jurisdictions for use in developing GHG emissions inventories;

NOW, THEREFORE, MTC and BAAQMD hereto agree as follows:

1. BAAQMD will fund MTC in FY 2021 to initiate the Partnership Agreement with three hundred thousand dollars (\$300,000) within 30 days of the effective date of this Agreement, as outlined in Attachment B, Cost Schedule. Attachment A, Scope of Work that accompanies this Agreement outlines the purpose of the funding and the work to be completed through it:

- a. Fund a full-time staff person to assist with database development and knowledge transfer and
 - b. Fund updates to and continued maintenance of the online VMT data portal.
2. Through the Partnership Agreement, BAAQMD and MTC agree to non-binding exploration of the following:
- a. Continued funding for the Partnership in future years from either or both BAAQMD or MTC to cover additional associate time to facilitate cross-agency projects, and
 - b. Cost savings by consolidating separate licensing of geographical information system, database software, and cloud computing into Partnership-wide licensing.
3. Payment shall be made to MTC as the address listed below:

Metropolitan Transportation Commission
Accounting Department
375 Beale Street, Suite 800
San Francisco, CA 94105

In the event that there is, for any reason, a lower cost to implement the Scope of Work included as part of this Partnership Agreement, MTC will reimburse the BAAQMD accordingly.

Refunds to the BAAQMD shall be made payable to the BAAQMD at the address listed below:

Bay Area Air Quality Management District
Accounting Department
375 Beale Street, Suite 600
San Francisco, CA 94105

- 4. The parties agree to work cooperatively to provide guidance to the associate during contract period.
- 5. All notices or other communications to either party by the other shall be given when made in writing and delivered or mailed to such party at their respective addresses:

To MTC: Attention: Alix Bockelman
Deputy Executive Director, Policy
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

To BAAQMD: Attention: Gregory Nudd
Deputy Air Pollution Control Officer, Policy
Bay Area Air Quality Management District
375 Beale Street, Suite 800
San Francisco, CA 94105

6. This Agreement may only be amended in writing executed by both parties.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

METROPOLITAN TRANSPORTATION
COMMISSION

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

DocuSigned by:
Therese W. McMillan
9FD56424D5A54BA...

Therese W. McMillan, Executive Director

Jack P. Broadbent
Jack Broadbent, Executive Officer/APCO

Attachment A
SCOPE OF WORK

**AB 617 Technical Support and Assistance for
 Database Tools and Methods Training and Collaboration**

Background and Project Understanding

The DISTRICT’s Community Health Protection Program is working with Bay Area communities to plan and implement Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017). This collaborative initiative is employing proven and innovative strategies to improve community health by reducing exposure to air pollutants in the most overburdened communities and impacted neighborhoods across the region.

The DISTRICT’s AB 617 efforts require deep collaboration, both within the DISTRICT across the various engaged Sections and Divisions, and externally with local, regional and state key partners and community members. Based on experience during the community selection process and in working with the DISTRICT’s two year-one AB 617 communities—West Oakland and Richmond-San Pablo—staff have identified the need for technical support and assistance with developing and implementing improved methods for generating, modifying, versioning, and sharing—both internally and externally—regional and local datasets. This support and assistance will build on DISTRICT’s planned efforts to improve internal collaboration among those using and creating geospatial data.

Staff from the Air Quality Planning Section (Planning) and Assessment, Inventory and Modeling (AIM) Division are working together and in consultation with other Sections and Divisions to identify data needs, including lists, tables, and geospatial datasets needed for AB 617. To increase productivity, reliability, and transparency, staff are seeking improved methods to acquire data, and build and maintain well-documented project datasets that can support ongoing cross-Divisional collaboration. Staff are also seeking to learn more about existing spatial datasets and about geospatial information system (GIS) tools and methods for efficiently analyzing and visualizing datasets.

The Air District also works with Bay Area local governments to develop and implement local community-wide climate action plans. A key element of these plans is the community-wide greenhouse gas (GHG) inventory and forecast. Estimating GHG emissions from the transportation sector for the inventory and forecast requires developing an estimate of vehicle miles traveled (VMT) for the community. Air District staff has seen numerous approaches to estimating VMT across different climate action plans. Local government staff has expressed a desire for a standardized and streamlined method for estimating VMT that results in “apples to apples” comparisons across jurisdictions, and more credible GHG inventories and forecasts. In response, the Air District partnered with MTC in 2015 to develop a VMT Data Portal to provide VMT data directly to local government staff based on MTC’s regional travel model. The VMT Data Portal delivers standardized VMT data in an automated and user-friendly manner. Staff is seeking to increase the effectiveness of the data provided by the VMT Data Portal by updating and expanding the information provided by the Portal to local government staff.

DISTRICT staff propose forming a contractual partnership with Metropolitan Transportation Commission (MTC) Data & Visualization team (CONTRACTOR) on this effort. The objective of this partnership is to leverage CONTRACTOR staff knowledge and experience, increase collaboration across the agencies, and build internal DISTRICT capacity to develop and manage increasingly complex database and geospatial project assignments. Through the SOW, the CONTRACTOR and the DISTRICT will develop a

collaborative partnership to acquire data and build preliminary regional datasets followed by specific dataset development and analyses for the Richmond-San Pablo area. Assuming this initial phase is successful and based on what is learned in working together, the DISTRICT and CONTRACTOR will be well positioned to develop future phases of work on AB 617.

This partnership would also advance the DISTRICT’s climate protection work by facilitating the development and updating of local community GHG inventories and forecasts by local government staff. The updated and expanded VMT Data Portal will also provide DISTRICT staff with valuable information that will contribute to development of stronger GHG mitigation strategies and collaborations with regional agency and other partners.

Key Goals

The purpose of this Scope of Work (SOW) is to engage CONTRACTOR staff in training and knowledge transfer for DISTRICT staff to support the following five key goals:

Goal 1. Develop standards and best practices for creating, maintaining, and internally publishing well-documented databases that support collaboration:

- a. Across DISTRICT Sections and Divisions,
- b. Between CONTRACTOR and the DISTRICT, and
- c. Across multi-use applications, including modeling and mapping, to support a variety of users and use cases.

Goal 1 is generally to leverage the knowledge and experience of CONTRACTOR’s Modeling & GIS staff to build DISTRICT capacity and maturity in developing and managing shared datasets. Specifically, Goal 1 is to move away from an environment of scattered text documents and spreadsheets with limited documentation and to move toward an online data platform with metadata and shared data narratives and with a functioning application program interface (API) for improved data access. Like other public agencies, including the City/County of San Francisco (datasf.org/opendata), CONTRACTOR has begun using the Socrata Open Data Platform (tylertech.com/products/socrata) to share and document datasets within the agency. Through this project, the DISTRICT seeks to partner with CONTRACTOR to mirror their practices and leverage their experience with data service contracting and tools.

Goal 2. Adopt and implement standards and best practices for versioning datasets and documents:

- a. Establish standards for when and how best to use versioning tools to maintain file versions and track changes.
- b. Establish methods and practices whereby dataset provenance can be traced and whereby authoritative versions can be accessed. Documentation should not depend on who, or which group, provides the dataset.
- c. Adopt standards to establish clear history to promote reproducibility so that important analyses can be reproduced by competent individuals with access to the data.

Goal 2 is generally to learn from the experience of CONTRACTOR’s Modeling & GIS staff to build DISTRICT capacity in versioning datasets and documents that are critical to the DISTRICT’S AB 617 and GHG reduction efforts. Goal 2 specifically is to develop practices around the application of version control software such as Git and to use an online platform like GitHub (github.com) to store and document versioned files and datasets online.

Goal 3. Standards and best practices for creating, maintaining, and externally publishing well-documented databases with version control:

- a. Establish and adhere to standards and best practices to promote transparency, reproducibility, and an open public process:
 - i. For community and academic partners,
 - ii. For regulated facilities, and
 - iii. For other interested members of the public.

Goal 3 is about applying platforms and versioning tools developed for sharing data internally to sharing externally. Specifically, Goal 3 is to apply developed standard practices for using Socrata and GitHub to share datasets externally with other agencies, community partners, and with the public.

Goal 4. Learn about CONTRACTOR’s cataloged regional datasets (data.bayareametro.gov) and how to access and use them. Some datasets of interest include:

- a. Parcel data,
- b. Demographic data,
- c. Business subscription services, and
- d. Regional vehicle trip and VMT data

Goal 4 is about DISTRICT staff working with CONTRACTOR staff to jointly identify existing regional datasets developed and cataloged by CONTRACTOR that may help support DISTRICT projects. Once useful datasets are identified, DISTRICT staff will work with CONTRACTOR staff to learn to efficiently access these data, using formats and APIs available on the Socrata platform, for subsequent analyses and project support.

Goal 5. Learn from CONTRACTOR about advanced geospatial analysis and mapping methods, including:

- a. Support with data visualization, and
- b. Digital and print quality map creation.

Goal 5 is about DISTRICT staff working with CONTRACTOR staff to learn advanced data visualization methods and mapping techniques. Specifically, CONTRACTOR’s Modeling & GIS staff has developed advanced skills using ESRI (esri.com/en-us/home) and other data visualization products that would be useful for DISTRICT staff to learn through targeted training.

Tasks

While the specific roles and responsibilities of DISTRICT and CONTRACTOR staff will likely evolve over the course of this partnership, this section outlines initial tasks to implement the project goals. Staff propose to begin Tasks 1 and 2 below, on the work related to Richmond/San Pablo datasets, as soon as possible, with the intent to complete all of Task 1 and much of Task 2 within one quarter after the contract is executed. Task 3, with work related to West Oakland datasets, should be completed within one year of contract execution.

Task 1. Develop a protocol for development of datasets to support an AB 617 Community Emissions Reduction Plan in Richmond-San Pablo Area (see link:

https://mtcdrive.app.box.com/s_xs87u02v5tqsfpk4jdhgj36l7otc00mk)

- a. Training

- i. Developing metadata and using the Socrata Connected Government Cloud Platform, best practices
- ii. Using Git and GitHub, best practices for documentation
- iii. Cataloged CONTRACTOR regional datasets
- iv. Advanced GIS and Data Analysis methods
- b. Discussion of licensing configurations
 - i. Socrata licensing
 - ii. GitHub private licensing
- c. Database development and deployment planning
- d. Draft datasets protocol, with an outline of versioning, data access, and data analysis methods
- e. Final datasets protocol, with specifications on versioning, data access, and data analysis methods

Task 1 Deliverables: Draft and final datasets protocols

Task 1 Schedule: Complete within one quarter after contract execution

Task 2. Develop initial datasets to support an AB 617 Community Emissions Reduction Plan in the Richmond-San Pablo Area

- a. CONTRACTOR provides review and oversight to DISTRICT in developing initial datasets, the result is an alpha release of datasets. The minimal datasets include the following:
 - i. Geographic boundaries (jurisdictional, Richmond-San Pablo monitoring area, census tracts, block groups, etc.)
 - ii. Planning emissions inventory for Richmond-San Pablo
 - iii. Permitted stationary source facilities and stack locations in the Richmond-San Pablo area
 - iv. CONTRACTOR parcel data (to define land uses, such as residential, commercial, industrial, open space, etc.)
 - v. Business types (non-permitted air pollution sources, starting with one or two types, such as restaurants)
 - vi. Sensitive receptor locations (starting with a small number, including schools, parks/recreation areas/playgrounds, and hospitals).
- b. CONTRACTOR provides training and support for metadata curation and documentation, and potential provides these functions for the first year of the contract
- c. CONTRACTOR provides review and oversight as DISTRICT makes modifications and updates to the datasets; the result is a beta release of datasets
- d. CONTRACTOR provides review and oversight as DISTRICT produces three (3) key mapping-based analyses that support planning activities on beta release of datasets:
 - i. Map of major land-use types within the Richmond-San Pablo area using CONTRACTOR's parcel data
 - ii. Map of non-permitted air pollution sources using CONTRACTOR's business data subscription for certain initial business types
 - iii. Map of sensitive receptors, including schools, parks/recreation areas/playgrounds, and hospitals.

Task 2 Deliverables: alpha and beta releases of datasets and maps using beta datasets

Task 2 Schedule: alpha release of datasets within one quarter; beta release and map analyses within two quarters of contract execution

Task 3. Document existing datasets to support the AB 617 Community Emissions Reduction Plan Implementation in West Oakland

- a. With CONTRACTOR review, produce metadata and versioning on GitHub for shared dataset currently on the DISTRICT website
- b. With CONTRACTOR review, add West Oakland datasets to a Socrata Connected Government Cloud (SCGC) Data Platform\

Task 3 Deliverable: beta release of West Oakland datasets

Task 3 Schedule: beta release of datasets within one calendar year of the contract execution

Task 4. VMT Data Portal: Migrate existing VMT Data API tool onto CONTRACTOR’s Socrata Connected Government Cloud Data as a Service (DaaS) Platform

- a. Migrate current VMT data transformation process from Structured Query Language (SQL) to Open Source Python APIs.
- a. Generate VMT summaries for each of the 101 cities and 9 counties in the Bay Area for simulation years 2010, 2020, 2030, 2040 and 2050
- b. Update existing documentation outlining procedures used to generate VMT data and update existing FAQ’s, Website tutorials and guidelines for application usage

Task 4 Deliverable(s): VMT Data Summary by Transportation Analysis Zone and Jurisdiction Boundaries hosted on the CONTRACTOR’s SCGC Data Platform and delivered via Application Programmable Interface (API) to the VMT Data Portal web application. The data will be configured to allow downloads by multiple geographies (CONTRACTOR’S TAZs, jurisdiction, county and region), and file types (csv, ESRI Shape, GeoJSON and Microsoft Excel).

Task 4 Schedule: 8 weeks from contract execution

Task 5. VMT Data Portal: Update VMT Data Portal User Interface (UI) to CONTRACTOR’s current development and hosting standards

- a. Update existing VMT Data Portal UI components to current CONTRACTOR’s standards
- b. Integrate updated VMT Data API with re-engineered website
- c. Provide website training for DISTRICT staff to discuss the VMT Data Portal’s features. Feedback will be collected from DISTRICT staff on the usability and functionality of the updated website.

Task 5 Deliverable(s):

- a. Re-engineered BETA release version of the VMT Data Portal using the updated VMT Data API
- b. One meeting with DISTRICT staff to provide training on the updated tool and receive feedback

Task 5 Schedule: 16 weeks from contract execution

Task 6. VMT Data Portal: Incorporate feedback from trainings with DISTRICT in Task 5. CONTRACTOR will make any necessary modifications to the tool, documentation, and guidance. Release a final first version of the tool for public use.

Task 6 Deliverable(s): A public, version 2.0 web site, with complete methodological documentation and help-section guidance

Task 6 Schedule: 24 weeks from contract execution

Task 7 VMT Data Portal: Provide routine maintenance for the tool for a period of five years. The project will be hosted under CONTRACTOR's domain (vmtdataportal.mtcanalytics.org) using CONTRACTOR's cloud computing environment hosted by Amazon Web Services. The fee for this deliverable will cover the cost of hosting this application for a period of five years.

Task 7 Deliverable(s): An operational web application through June, 2025

Attachment B
Cost Schedule

The CONTRACTOR’s Data & Visualization staff will provide the DISTRICT support and assistance for 25 - 30 hours per week on average for the duration of this contract.

Invoices shall be submitted monthly to the DISTRICT for work completed on a *time and materials basis*. Work will be invoiced at an estimated hourly rate of \$143 with total cost of Contract not to exceed \$300,000.

Tasks	Cost	Jul 20	A	S	O	N	D	Jan 21	F	M	A	M	Jun 25
Task 1 Develop protocol for data development	\$42,900												
Task 2 Develop initial datasets	\$143,000												
Task 3 Document initial datasets	\$57,200												
Task 4 VMT Data Portal: Migrate existing VMT Data API	\$11,440												
Task 5 VMT Data Portal: Update VMT Data Portal User Interface (UI)	\$25,740												
Task 6 VMT Data Portal: Incorporate DISTRICT feedback	\$5,720												
Task 7 Maintain Tool Over Time	\$14,000												
<i>Total Budget</i>	<i>\$300,000</i>												

**AMENDMENT 1 to the PARTNERSHIP AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
and BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Regarding Funding to Support Collaborative Development of
Community Health and Climate Protection Databases**

AMENDMENT 1 to the Partnership Agreement (hereafter “AGREEMENT”) is executed as of July 1, 2021, with the approval of the METROPOLITAN TRANSPORTATION COMMISSION (hereinafter “MTC”) and the BAY AREA AIR QUALITY MANAGEMENT DISTRICT (hereafter “BAAQMD”) collectively referred to herein as “the Parties”.

AMENDMENT 1 will modify the original AGREEMENT as follows:

1. “Attachment A: Scope of Work” will be replaced in whole by “Attachment A.1: Scope of Work”. Attachment A.1 includes all the tasks from Phase 1 (Tasks 1-7) and adds four new tasks for Phase 2 (Tasks 8-11).
2. “Attachment B: Cost Schedule” will be replaced in whole by “Attachment B.1: Cost Schedule”. Attachment B.1 includes cost estimates for Phase 1 tasks as well as the new Phase 2 tasks.
3. The BAAQMD will supplement the existing budget of \$300,000 with an additional \$250,000 in funding for a new total of \$550,000 to support four new tasks (Tasks 8 to 11) as laid out in Attachments A.1 and B.1.
4. All other provisions of the AGREEMENT will remain on execution of Amendment #1.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

METROPOLITAN TRANSPORTATION
COMMISSION

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

DocuSigned by:

Therese W. McMillan

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Therese W. McMillan, Executive Director

DocuSigned by:

Jack Broadbent

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Jack Broadbent, Executive Officer/APCO

9/13/2021

Appendix A.1 SCOPE OF WORK

A. Background and Project Understanding

BAAQMD's Community Health Protection Program is working with Bay Area communities to plan and implement Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017). This collaborative initiative is employing proven and innovative strategies to improve community health by reducing exposure to air pollutants in the most overburdened communities and impacted neighborhoods across the region.

BAAQMD's AB 617 efforts require deep collaboration, both within BAAQMD across the various engaged Sections and Divisions, and externally with local, regional and state key partners and community members. Based on experience during the community selection process and in working with the BAAQMD's two year-one AB 617 communities—West Oakland and Richmond-San Pablo—BAAQMD staff have identified the need for technical support and assistance with developing and implementing improved methods for generating, modifying, versioning, and sharing—both internally and externally—regional and local datasets. This support and assistance will build on BAAQMD's planned efforts to improve internal collaboration among those using and creating geospatial data.

BAAQMD staff from the Air Quality Planning Section (Planning) and Assessment, Inventory and Modeling (AIM) Division are working together and in consultation with other BAAQMD Sections and Divisions to identify data needs, including lists, tables, and geospatial datasets needed for AB 617. To increase productivity, reliability, and transparency, BAAQMD staff seeks improved methods to acquire data, and build and maintain well-documented project datasets that can support ongoing cross-Divisional collaboration. BAAQMD staff also seeks to learn more about existing spatial datasets and about geospatial information system (GIS) tools and methods for efficiently analyzing and visualizing datasets.

BAAQMD also works with Bay Area local governments to develop and implement local community-wide climate action plans. A key element of these plans is the community-wide greenhouse gas (GHG) inventory and forecast. Estimating GHG emissions from the transportation sector for the inventory and forecast requires developing an estimate of vehicle miles traveled (VMT) for the community. BAAQMD staff has seen numerous approaches to estimating VMT across different climate action plans. Local government staff has expressed a desire for a standardized and streamlined method for estimating VMT that results in "apples to apples" comparisons across jurisdictions, and more credible GHG inventories and forecasts. In response, BAAQMD partnered with MTC in 2015 to develop a VMT Data Portal to provide VMT data directly to local government staff based on MTC's regional travel model. The VMT Data Portal delivers standardized VMT data in an automated and user-friendly manner. BAAQMD staff seeks to increase the effectiveness of the data provided by the VMT Data Portal by updating and expanding the information provided by the VMT Data Portal to local government staff.

BAAQMD will partner with MTC's Data & Visualization team on this effort to leverage MTC staff knowledge and experience, increase collaboration across the agencies, and build internal BAAQMD staff

capacity to develop and manage increasingly complex database and geospatial project assignments. Through this Scope of Work, MTC and BAAQMD will develop a collaborative partnership to acquire data and build preliminary regional datasets followed by specific dataset development and analyses for the Richmond-San Pablo area. Assuming this initial phase is successful and based on what is learned in working together, BAAQMD and MTC will be well positioned to develop future phases of work on AB 617.

This partnership will also advance BAAQMD's climate protection work by facilitating the development and updating of local community GHG inventories and forecasts by local government staff. The updated and expanded VMT Data Portal will also provide BAAQMD staff with valuable information that will contribute to the development of stronger GHG mitigation strategies and collaborations with regional agencies and other partners.

B. Key Goals

The purpose of this Scope of Work is to engage MTC staff in training for and knowledge transfer to BAAQMD staff to support the following five key goals:

Goal 1. Develop standards and best practices for creating, maintaining, and internally publishing well-documented databases that support collaboration:

- a. Across BAAQMD Sections and Divisions,
- b. Between MTC and the BAAQMD, and
- c. Across multi-use applications, including modeling and mapping, to support a variety of users and use cases.

Goal 1 is generally to leverage the knowledge and experience of MTC's Modeling & GIS staff to build BAAQMD staff capacity and maturity in developing and managing shared datasets. Specifically, Goal 1 is to move away from an environment of scattered text documents and spreadsheets with limited documentation and to move toward an online data platform with metadata and shared data narratives and with a functioning application program interface (API) for improved data access. BAAQMD and MTC staff shall ensure that all data made public via online platforms will conform to both agency's document retention, confidential information, public records, and trade secret protection policies and practices. Like other public agencies, including the City and County of San Francisco (datasf.org/opendata), MTC has begun using the Socrata Open Data Platform (tylertech.com/products/socrata) to share and document datasets within the agency. Through this project, BAAQMD seeks to partner with MTC to mirror MTC's practices and leverage MTC's experience with data service contracting and tools.

Goal 2. Adopt and implement standards and best practices for versioning datasets and documents:

- a. Establish standards for when and how best to use versioning tools to maintain file versions and track changes.

- b. Establish methods and practices whereby dataset provenance can be traced and whereby authoritative versions can be accessed. Documentation should not depend on who, or which group, provides the dataset.
- c. Adopt standards to establish clear history to promote reproducibility so that important analyses can be reproduced by competent individuals with access to the data.

Goal 2 is generally to learn from the experience of MTC's Modeling & GIS staff to build BAAQMD staff capacity in versioning datasets and documents that are critical to BAAQMD's AB 617 and GHG reduction efforts. Goal 2 specifically is to develop practices around the application of version control software such as Git and to use an online platform like GitHub (github.com) to store and document versioned files and datasets online. BAAQMD and MTC shall individually have the discretion to make GitHub files publicly-available, but in exercising such discretion, shall comply with their own respective document retention, privacy, and public records policies and practices.

Goal 3. Standards and best practices for creating, maintaining, and externally publishing well-documented databases with version control:

- a. Establish and adhere to standards and best practices to promote transparency, reproducibility, and an open public process:
 - i. For community and academic partners,
 - ii. For regulated facilities, and
 - iii. For other interested members of the public.

Goal 3 is about applying platforms and versioning tools developed for sharing data internally to sharing externally. Specifically, Goal 3 is to apply developed standard practices for using Socrata and GitHub to share datasets externally with other agencies, community partners, and with the public.

Goal 4. Learn about MTC's cataloged regional datasets (data.bayareametro.gov) and how to access and use them. Some datasets of interest include:

- a. Parcel data,
- b. Demographic data,
- c. Business subscription services, and
- d. Regional vehicle trip and VMT data.

Goal 4 is about BAAQMD staff working with MTC staff to jointly identify existing regional datasets developed and cataloged by MTC that may help support BAAQMD projects. Once useful datasets are identified, BAAQMD staff will work with MTC staff to learn to efficiently access these data, using formats and APIs available on the Socrata platform, for subsequent analyses and project support.

Goal 5. Learn from MTC about advanced geospatial analysis and mapping methods, including:

- a. Support with data visualization, and
- b. Digital and print quality map creation.

Goal 5 is about BAAQMD staff working with MTC staff to learn advanced data visualization methods and mapping techniques. Specifically, MTC's Modeling & GIS staff has developed advanced skills using

ESRI (esri.com/en-us/home) and other data visualization products that would be useful for BAAQMD staff to learn through targeted training.

C. Tasks

While the specific roles and responsibilities of BAAQMD and MTC staff will likely evolve over the course of the partnership, this section outlines the tasks to implement the project goals.

Task 1. Develop a protocol for development of datasets to support an AB 617 Community Emissions Reduction Plan in Richmond-San Pablo Area ([See Link](#))

- a. MTC will train BAAQMD on the following:
 - i. Developing metadata and using the Socrata Connected Government Cloud (SCGC) Platform, best practices
 - ii. Using Git and GitHub, best practices for documentation
 - iii. Cataloged CONTRACTOR regional datasets
 - iv. Advanced GIS and Data Analysis methods
- b. MTC and BAAQMD will discuss licensing configurations
 - i. Socrata licensing
 - ii. GitHub private licensing
- c. MTC will assist with BAAQMD with database development and deployment planning
- d. MTC and BAAQMD will jointly draft a datasets protocol, with an outline of versioning, data access, and data analysis methods
- e. MTC and BAAQMD will jointly create and adopt a final datasets protocol, with specifications on versioning, data access, and data analysis methods

Task 1 Deliverables: Draft and final datasets protocols

Task 1 Schedule: Complete within one quarter after the Agreement is executed.

Task 2. Develop initial datasets to support an AB 617 Community Emissions Reduction Plan in the Richmond-San Pablo Area

- a. MTC will provide review and oversight to BAAQMD in developing initial datasets, the result is an alpha release of datasets. The minimal datasets will include the following:
 - i. Geographic boundaries (jurisdictional, Richmond-San Pablo monitoring area, census tracts, block groups, etc.)
 - ii. Planning emissions inventory for Richmond-San Pablo
 - iii. Permitted stationary source facilities and stack locations in the Richmond-San Pablo area
 - iv. MTC parcel data (to define land uses, such as residential, commercial, industrial, open space, etc.)
 - v. Business types (non-permitted air pollution sources, starting with one or two types, such as restaurants)
 - vi. Sensitive receptor locations (starting with a small number, including schools, parks/recreation areas/playgrounds, and hospitals)
- b. MTC will provide training and support to BAAQMD for metadata curation and documentation, and will provide these functions for the first year of the Agreement.
- c. MTC will provide review and oversight as BAAQMD makes modifications and updates to the datasets; the result is a beta release of datasets

- d. MTC will provide review and oversight as BAAQMD produces three (3) key mapping-based analyses that support planning activities on beta release of datasets:
 - i. Map of major land-use types within the Richmond-San Pablo area using MTC's parcel data
 - ii. Map of non-permitted air pollution sources using MTC's business data subscription for certain initial business types
 - iii. Map of sensitive receptors, including schools, parks/recreation areas/playgrounds, and hospitals.

Task 2 Deliverables: Alpha and beta releases of datasets and maps using beta datasets

Task 2 Schedule: Alpha release of datasets within one quarter; beta release and map analyses within two quarters after the Agreement is executed.

Task 3. Document existing datasets to support the AB 617 Community Emissions Reduction Plan Implementation in West Oakland

- a. With MTC review, BAAQMD will produce metadata and versioning on GitHub for shared dataset currently on the DISTRICT website
- b. With MTC review, BAAQMD will add West Oakland datasets to a SCGC Data Platform

Task 3 Deliverable: Beta release of West Oakland datasets

Task 3 Schedule: Beta release of datasets within one calendar year of the Agreement execution

Task 4. VMT Data Portal: Migrate existing VMT Data API tool onto MTC's SCGC Data as a Service (DaaS) Platform

- a. MTC will migrate current VMT data transformation process from Structured Query Language (SQL) to Open Source Python APIs.
- a. MTC will generate VMT summaries for each of the 101 cities and 9 counties in the Bay Area for simulation years 2010, 2020, 2030, 2040 and 2050
- b. MTC will update existing documentation outlining procedures used to generate VMT data and update existing Frequently Asked Questions, Website tutorials and guidelines for application usage

Task 4 Deliverables: VMT Data Summary by Transportation Analysis Zone (TAZ) and Jurisdiction Boundaries hosted on the MTC's SCGC Data Platform and delivered via API to the VMT Data Portal web application. The data will be configured to allow downloads by multiple geographies (MTC's TAZs, jurisdiction, county and region), and file types (csv, ESRI Shape, GeoJSON and Microsoft Excel).

Task 4 Schedule: 8 weeks from contract execution

Task 5. VMT Data Portal: Update VMT Data Portal User Interface (UI) to MTC's current development and hosting standards

- a. MTC will update existing VMT Data Portal UI components to current MTC's standards
- b. MTC will integrate updated VMT Data API with re-engineered website
- c. MTC will provide website training to BAAQMD staff to discuss the VMT Data Portal's features. MTC will collect feedback from BAAQMD staff on the usability and functionality of the updated website.

Task 5 Deliverables:

- a. Re-engineered BETA release version of the VMT Data Portal using the updated VMT Data API
- b. One meeting with BAAQMD staff to provide training on the updated tool and receive feedback

Task 5 Schedule: 16 weeks from Agreement execution

Task 6. VMT Data Portal: Incorporate feedback from trainings with BAAQMD in Task 5.

MTC will make any necessary modifications to the tool, documentation, and guidance. MTC will release a final first version of the tool for public use.

Task 6 Deliverables: A public, version 2.0 web site, with complete methodological documentation and help-section guidance

Task 6 Schedule: 24 weeks from Agreement execution

Task 7. VMT Data Portal: Routine Maintenance

MTC will provide routine maintenance for the tool for a period of five (5) years. The project will be hosted under MTC's domain (vmtdataportal.mtcanalytics.org) for five (5) years using MTC's cloud computing environment hosted by Amazon Web Services.

Task 7 Deliverable: An operational web application through June 2025

Phase 2 Tasks: FY 2021 to 2025**Task 8. Continue implementation of the Database Protocol developed in Tasks 1-3:**

- a. Maintain and further develop Database Protocol practices; this includes potential refinements and adjustments to the Database Protocol to facilitate adoption within AB 617 product work flows;
- b. Update and improve master data sets and associated documentation developed under Tasks 1-3; and
- c. Continue staff training in database tools and methods.

Task 9. Develop a datasets to support an additional AB 617 Community Emissions Reduction Plan:

- a. Database development and deployment planning and
- b. Final datasets protocol, with specifications on versioning, data access, and data analysis methods.

Task 10. Plan efficient configurations for joint agency subscription services:

- a. Socrata licensing,
- b. ESRI licensing & support,
- c. Azure and/or AWS cloud licensing, and
- d. GitHub private licensing.

Task 11. Ad hoc database tools support and services:

- a. As needed, support additional development of data sets to support AB 617 and
- b. As needed, support possible updates to master database elements and data documentation.

Appendix B.1 Cost Schedule

MTC's Data & Visualization staff will provide BAAQMD support and assistance for the duration of this Agreement. Invoices shall be submitted monthly to the DISTRICT for work completed on a ***time and materials basis***. Work will be invoiced at an estimated hourly rate of \$143 with total cost of Contract not to exceed \$550,000 (for both Phase 1 and 2). MTC shall provide BAAQMD with monthly progress reports detailing the time spent performing work under the Agreement.

Phase 1

Tasks	Cost	Oct 20	N	D	Jan 21	F	M	A	M	J	J	A	Jun 25
Task 1 Develop protocol for data development	\$42,900												
Task 2 Develop initial datasets	\$143,000												
Task 3 Document initial datasets	\$57,200												
Task 4 VMT Data Portal: Migrate existing VMT Data API	\$11,440												
Task 5 VMT Data Portal: Update VMT Data Portal User Interface	\$25,740												
Task 6 VMT Data Portal: Incorporate DISTRICT feedback	\$5,720												
Task 7 Maintain Tool Over Time	\$14,000												
<i>Sub-Total</i>	<i>\$300,000</i>												

Phase 2

Tasks	Cost	Sep 21	O	N	D	Jan 22	F	M	A	M	J
Task 8. Continue implementation of the Database Protocol	\$75,000										
Task 9. Develop a datasets to support an additional AB 617 Community Emissions Reduction Plan	\$80,000										
Task 10. Plan efficient configurations for joint agency subscription services	\$17,500										
Task 11. Ad hoc database tools support and services	\$77,500										
<i>Sub-Total</i>	<i>\$250,000</i>										

**AMENDMENT 2 to the PARTNERSHIP AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
and BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Regarding Funding to Support Collaborative Development of
Community Health and Climate Protection Databases**

AMENDMENT 2 to the Partnership Agreement (hereafter “AGREEMENT”) is executed as of May 31, 2022, with the approval of the METROPOLITAN TRANSPORTATION COMMISSION (hereinafter “MTC”) and the BAY AREA AIR QUALITY MANAGEMENT DISTRICT (hereafter “BAAQMD”) collectively referred to herein as “the Parties”.

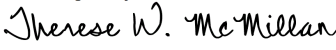
AMENDMENT 2 will modify the original AGREEMENT as follows:

1. “Attachment B.1: Cost Schedule” will be replaced in whole by “Attachment B.2: Cost Schedule”. Attachment B.2 includes costs for Phase 1 and Phase 2 tasks. This amendment is a no-cost amendment that will allow MTC to invoice the BAAQMD for the entire Phase 2 amount in advance. MTC will still provide the BAAQMD with monthly status updates and estimates of costs incurred each month. The cost schedule also extends the timeframe for completing Phase 2 tasks, from June 2022 to December 2022.

2. All other provisions of the AGREEMENT will remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

METROPOLITAN TRANSPORTATION
COMMISSION

DocuSigned by:

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Therese W. McMillan, Executive Director

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

DocuSigned by:

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Alexander Crockett, Interim Executive
Officer/APCO

Attachment B.2 Cost Schedule

MTC's Data & Visualization staff will provide BAAQMD support and assistance for the duration of this Agreement. Invoices may be submitted by MTC to the BAAQMD monthly or for the entirety of Phase 2 in advance. If MTC invoices the BAAQMD in advance, MTC will continue to provide monthly status updates to the BAAQMD, including work completed and costs incurred on a time and materials basis. In the event that MTC completes all deliverables identified in Phase 2 without expending the full Phase 2 budget of \$250,000, MTC shall reimburse BAAQMD the excess payment within thirty (30) days of project completion. Monthly invoices will assume an estimated hourly rate of \$143 with total cost of Contract not to exceed \$550,000 (for both Phase 1 and 2).

Phase 1

Tasks	Cost	Oct 20	N	D	Jan 21	F	M	A	M	J	J	A	Jun 25
Task 1 Develop protocol for data development	\$42,900												
Task 2 Develop initial datasets	\$143,000												
Task 3 Document initial datasets	\$57,200												
Task 4 VMT Data Portal: Migrate existing VMT Data API	\$11,440												
Task 5 VMT Data Portal: Update VMT Data Portal User Interface	\$25,740												
Task 6 VMT Data Portal: Incorporate DISTRICT feedback	\$5,720												
Task 7 Maintain Tool Over Time	\$14,000												
<i>Sub-Total</i>	<i>\$300,000</i>												

Phase 2

Tasks	Cost	Sep 21	O	N	D	Jan 22	Feb-Apr	May-Jun	Jul-Dec
Task 8. Continue implementation of the Database Protocol	\$75,000								
Task 9. Develop datasets to support an additional AB 617 Community Emissions Reduction Plan	\$80,000								
Task 10. Plan efficient configurations for joint agency subscription services	\$17,500								
Task 11. Ad hoc database tools support and services	\$77,500								
<i>Sub-Total</i>	<i>\$250,000</i>								

AMENDMENT 3 to the PARTNERSHIP AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
and BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Regarding Funding to Support Collaborative Development of
Community Health and Climate Protection Databases

AMENDMENT 3 to the Partnership Agreement (hereafter “AGREEMENT”) is executed as of _____, 2023, with the approval of the METROPOLITAN TRANSPORTATION COMMISSION (hereinafter “MTC”) and the BAY AREA AIR QUALITY MANAGEMENT DISTRICT (hereafter “BAAQMD”) collectively referred to herein as “the Parties”.

AMENDMENT 3 will modify the original AGREEMENT as follows:

1. “Attachment A.1: Scope of Work” will be replaced in whole by “Attachment A.2: Scope of Work”. Attachment A.2 includes all the tasks from Phase 1 and Phase 2 and adds new tasks for Phase 3.
2. “Attachment B.2: Cost Schedule” will be replaced in whole by “Attachment B.3: Cost Schedule”. Appendix B.3 includes costs for Phase 1, Phase 2, and Phase 3 tasks. This amendment includes a one hundred-thousand-dollar (\$100,000) addition to the Agreement. MTC will still provide the BAAQMD with monthly status updates and estimates of costs incurred each month. The cost schedule also extends the timeframe for completing the tasks, from August 2023 to June 2024.
3. The BAAQMD will supplement the existing budget of \$550,000 with an additional \$100,000 in funding for a new total of \$650,000 to support new tasks as laid out in Attachments A.2 and B.3.
4. All other provisions of the AGREEMENT will remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

METROPOLITAN TRANSPORTATION
COMMISSION

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

Andrew B. Fremier, Executive Director

Philip M. Fine, Executive Officer/APCO

Attachment A.2

SCOPE OF WORK

A. Background and Project Understanding

BAAQMD’s Community Health Protection Program is working with Bay Area communities to plan and implement Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017). This collaborative initiative is employing proven and innovative strategies to improve community health by reducing exposure to air pollutants in the most overburdened communities and impacted neighborhoods across the region.

BAAQMD’s AB 617 efforts require deep collaboration, both within BAAQMD across the various engaged Sections and Divisions, and externally with local, regional and state key partners and community members. Based on experience during the community selection process and in working with the BAAQMD’s two year-one AB 617 communities—West Oakland and Richmond-San Pablo—BAAQMD staff have identified the need for technical support and assistance with developing and implementing improved methods for generating, modifying, versioning, and sharing—both internally and externally— regional and local datasets. This support and assistance will build on BAAQMD’s planned efforts to improve internal collaboration among those using and creating geospatial data.

BAAQMD staff from the Air Quality Planning Section (Planning) and Assessment, Inventory and Modeling (AIM) Division are working together and in consultation with other BAAQMD Sections and Divisions to identify data needs, including lists, tables, and geospatial datasets needed for AB 617. To increase productivity, reliability, and transparency, BAAQMD staff seeks improved methods to acquire data, and build and maintain well-documented project datasets that can support ongoing cross-Divisional collaboration. BAAQMD staff also seeks to learn more about existing spatial datasets and about geospatial information system (GIS) tools and methods for efficiently analyzing and visualizing datasets.

BAAQMD also works with Bay Area local governments to develop and implement local community-wide climate action plans. A key element of these plans is the community-wide greenhouse gas (GHG) inventory and forecast. Estimating GHG emissions from the transportation sector for the inventory and forecast requires developing an estimate of vehicle miles traveled (VMT) for the community. BAAQMD staff has seen numerous approaches to estimating VMT across different climate action plans. Local government staff has expressed a desire for a standardized and streamlined method for estimating VMT that results in “apples to apples” comparisons across jurisdictions, and more credible GHG inventories and forecasts. In response, BAAQMD partnered with MTC in 2015 to develop a VMT Data Portal to provide VMT data directly to local government staff based on MTC’s regional travel model. The VMT Data Portal delivers standardized VMT data in an automated and user-friendly manner. BAAQMD staff seeks to increase the effectiveness of the data provided by the VMT Data Portal

by updating and expanding the information provided by the VMT Data Portal to local government staff.

BAAQMD will partner with MTC's Data & Visualization team on this effort to leverage MTC staff knowledge and experience, increase collaboration across the agencies, and build internal BAAQMD staff capacity to develop and manage increasingly complex database and geospatial project assignments. Through this Scope of Work, MTC and BAAQMD will develop a collaborative partnership to acquire data and build preliminary regional datasets followed by specific dataset development and analyses for the Richmond-San Pablo area. Assuming this initial phase is successful and based on what is learned in working together, BAAQMD and MTC will be well positioned to develop future phases of work on AB 617.

This partnership will also advance BAAQMD's climate protection work by facilitating the development and updating of local community GHG inventories and forecasts by local government staff. The updated and expanded VMT Data Portal will also provide BAAQMD staff with valuable information that will contribute to the development of stronger GHG mitigation strategies and collaborations with regional agencies and other partners.

B. Key Goals

The purpose of this Scope of Work is to engage MTC staff in training for and knowledge transfer to BAAQMD staff to support the following five key goals:

Goal 1. Develop standards and best practices for creating, maintaining, and internally publishing well-documented databases that support collaboration:

- a. Across BAAQMD Sections and Divisions,
- b. Between MTC and the BAAQMD, and
- c. Across multi-use applications, including modeling and mapping, to support a variety of users and use cases.

Goal 1 is generally to leverage the knowledge and experience of MTC's Modeling & GIS staff to build BAAQMD staff capacity and maturity in developing and managing shared datasets. Specifically, Goal 1 is to move away from an environment of scattered text documents and spreadsheets with limited documentation and to move toward an online data platform with metadata and shared data narratives and with a functioning application program interface (API) for improved data access. BAAQMD and MTC staff shall ensure that all data made public via online platforms will conform to both agency's document retention, confidential information, public records, and trade secret protection policies and practices. Like other public agencies, including the City and County of San Francisco (datasf.org/opendata), MTC has begun using the Socrata Open Data Platform (tylertech.com/products/socrata) to share and document datasets within the agency. Through this project, BAAQMD seeks to partner with MTC to mirror MTC's practices and leverage MTC's experience with data service contracting and tools.

Goal 2. Adopt and implement standards and best practices for versioning datasets and documents:

- a. Establish standards for when and how best to use versioning tools to maintain file versions and track changes.
- b. Establish methods and practices whereby dataset provenance can be traced and whereby authoritative versions can be accessed. Documentation should not depend on who, or which group, provides the dataset.
- c. Adopt standards to establish clear history to promote reproducibility so that important analyses can be reproduced by competent individuals with access to the data.

Goal 2 is generally to learn from the experience of MTC’s Modeling & GIS staff to build BAAQMD staff capacity in versioning datasets and documents that are critical to BAAQMD’s AB 617 and GHG reduction efforts. Goal 2 specifically is to develop practices around the application of version control software such as Git and to use an online platform like GitHub (github.com) to store and document versioned files and datasets online. BAAQMD and MTC shall individually have the discretion to make GitHub files publicly- available, but in exercising such discretion, shall comply with their own respective document retention, privacy, and public records policies and practices.

Goal 3. Standards and best practices for creating, maintaining, and externally publishing well-documented databases with version control:

- a. Establish and adhere to standards and best practices to promote transparency, reproducibility, and an open public process:
 - i. For community and academic partners,
 - ii. For regulated facilities, and
 - iii. For other interested members of the public.

Goal 3 is about applying platforms and versioning tools developed for sharing data internally to sharing externally. Specifically, Goal 3 is to apply developed standard practices for using Socrata and GitHub to share datasets externally with other agencies, community partners, and with the public.

Goal 4. Learn about MTC’s cataloged regional datasets (data.bayareametro.gov) and how to access and use them. Some datasets of interest include:

- a. Parcel data,
- b. Demographic data,
- c. Business subscription services, and
- d. Regional vehicle trip and VMT data.

Goal 4 is about BAAQMD staff working with MTC staff to jointly identify existing regional datasets developed and cataloged by MTC that may help support BAAQMD projects. Once

useful datasets are identified, BAAQMD staff will work with MTC staff to learn to efficiently access these data, using formats and APIs available on the Socrata platform, for subsequent analyses and project support.

Goal 5. Learn from MTC about advanced geospatial analysis and mapping methods, including:

- a. Support with data visualization, and
- b. Digital and print quality map creation.

Goal 5 is about BAAQMD staff working with MTC staff to learn advanced data visualization methods and mapping techniques. Specifically, MTC's Modeling & GIS staff has developed advanced skills using

ESRI (esri.com/en-us/home) and other data visualization products that would be useful for BAAQMD staff to learn through targeted training.

C. Tasks

Phase 1 Tasks: FY 2020 to 2021

While the specific roles and responsibilities of BAAQMD and MTC staff will likely evolve over the course of the partnership, this section outlines the tasks to implement the project goals.

Task 1. Develop a protocol for development of datasets to support an AB 617

Community Emissions Reduction Plan in Richmond-San Pablo Area ([See Link](#))

- a. MTC will train BAAQMD on the following:
 - i. Developing metadata and using the Socrata Connected Government Cloud (SCGC) Platform, best practices
 - ii. Using Git and GitHub, best practices for documentation
 - iii. Cataloged CONTRACTOR regional datasets
 - iv. Advanced GIS and Data Analysis methods
- b. MTC and BAAQMD will discuss licensing configurations
 - i. Socrata licensing
 - ii. GitHub private licensing
- c. MTC will assist with BAAQMD with database development and deployment planning
- d. MTC and BAAQMD will jointly draft a datasets protocol, with an outline of versioning, data access, and data analysis methods
- e. MTC and BAAQMD will jointly create and adopt a final datasets protocol, with specifications on versioning, data access, and data analysis methods

Task 1 Deliverables: Draft and final datasets protocols

Task 1 Schedule: Complete within one quarter after the Agreement is executed.

Task 2. Develop initial datasets to support an AB 617 Community Emissions Reduction Plan in the Richmond-San Pablo Area

- a. MTC will provide review and oversight to BAAQMD in developing initial datasets, the result is an alpha release of datasets. The minimal datasets will include the following:
 - i. Geographic boundaries (jurisdictional, Richmond-San Pablo monitoring area, census tracts, block groups, etc.)
 - ii. Planning emissions inventory for Richmond-San Pablo
 - iii. Permitted stationary source facilities and stack locations in the Richmond-San Pablo area
 - iv. MTC parcel data (to define land uses, such as residential, commercial, industrial, open space, etc.)
 - v. Business types (non-permitted air pollution sources, starting with one or two types, such as restaurants)
 - vi. Sensitive receptor locations (starting with a small number, including schools, parks/recreation areas/playgrounds, and hospitals)
- b. MTC will provide training and support to BAAQMD for metadata curation and documentation, and will provide these functions for the first year of the Agreement.
- c. MTC will provide review and oversight as BAAQMD makes modifications and updates to the datasets; the result is a beta release of datasets
- d. MTC will provide review and oversight as BAAQMD produces three (3) key mapping- based analyses that support planning activities on beta release of datasets:
 - i. Map of major land-use types within the Richmond-San Pablo area using MTC's parcel data
 - ii. Map of non-permitted air pollution sources using MTC's business data subscription for certain initial business types
 - iii. Map of sensitive receptors, including schools, parks/recreation areas/playgrounds, and hospitals.

Task 2 Deliverables: Alpha and beta releases of datasets and maps using beta datasets

Task 2 Schedule: Alpha release of datasets within one quarter; beta release and map analyses within two quarters after the Agreement is executed.

Task 3. Document existing datasets to support the AB 617 Community Emissions Reduction Plan Implementation in West Oakland

- a. With MTC review, BAAQMD will produce metadata and versioning on GitHub for shared dataset currently on the DISTRICT website
- b. With MTC review, BAAQMD will add West Oakland datasets to a SCGC Data Platform

Task 3 Deliverable: Beta release of West Oakland datasets

Task 3 Schedule: Beta release of datasets within one calendar year of the Agreement execution

Task 4. VMT Data Portal: Migrate existing VMT Data API tool onto MTC's SCGC Data as a Service (DaaS) Platform

- a. MTC will migrate current VMT data transformation process from Structured Query Language (SQL) to Open Source Python APIs.
- b. MTC will generate VMT summaries for each of the 101 cities and 9 counties in the Bay Area for simulation years 2010, 2020, 2030, 2040 and 2050
- c. MTC will update existing documentation outlining procedures used to generate VMT data and update existing Frequently Asked Questions, Website tutorials and guidelines for application usage

Task 4 Deliverables: VMT Data Summary by Transportation Analysis Zone (TAZ) and Jurisdiction Boundaries hosted on the MTC's SCGC Data Platform and delivered via API to the VMT Data Portal web application. The data will be configured to allow downloads by multiple geographies (MTC's TAZs, jurisdiction, county and region), and file types (csv, ESRI Shape, GeoJSON and Microsoft Excel).

Task 4 Schedule: 8 weeks from contract execution

Task 5. VMT Data Portal: Update VMT Data Portal User Interface (UI) to MTC's current development and hosting standards

- a. MTC will update existing VMT Data Portal UI components to current MTC's standards
- b. MTC will integrate updated VMT Data API with re-engineered website
- c. MTC will provide website training to BAAQMD staff to discuss the VMT Data Portal's features. MTC will collect feedback from BAAQMD staff on the usability and functionality of the updated website.

Task 5 Deliverables:

- a. Re-engineered BETA release version of the VMT Data Portal using the updated VMT Data API
- b. One meeting with BAAQMD staff to provide training on the updated tool and receive feedback

Task 5 Schedule: 16 weeks from Agreement execution

Task 6. VMT Data Portal: Incorporate feedback from trainings with BAAQMD in Task 5.

MTC will make any necessary modifications to the tool, documentation, and guidance. MTC will release a final first version of the tool for public use.

Task 6 Deliverables: A public, version 2.0 web site, with complete methodological documentation and help-section guidance

Task 6 Schedule: 24 weeks from Agreement execution

Task 7. VMT Data Portal: Routine Maintenance

MTC will provide routine maintenance for the tool for a period of five (5) years. The project will be hosted under MTC's domain (vmtdataportal.mtcanalytics.org) for five (5) years using MTC's cloud computing environment hosted by Amazon Web Services.

Task 7 Deliverable: An operational web application through June 2025

Phase 2 Tasks: FY 2021 to 2023

Task 1. Continue implementation of the Database Protocol developed in Phase 1 :

- a. Maintain and further develop Database Protocol practices; this includes potential refinements and adjustments to the Database Protocol to facilitate adoption within AB 617 product work flows;
- b. Update and improve master data sets and associated documentation developed under Tasks 1-3; and
- c. Continue staff training in database tools and methods.

Task 2. Collect, Document, Develop and Integrate additional datasets to support other planned AB 617 Community Emissions Reduction Plan:

- a. Database development and deployment planning and
- b. Final datasets protocol, with specifications on versioning, data access, and data analysis methods.

Task 3. Plan efficient configurations for joint agency subscription services:

- a. Socrata licensing,
- b. ESRI licensing & support,
- c. Azure and/or AWS cloud licensing, and
- d. GitHub private licensing.

Task 4. Ad hoc database tools support and services:

- a. As needed, support additional development of data sets to support AB 617 and
- b. As needed, support possible updates to master database elements and data documentation.

Phase 3 Tasks: FY 2023 to 2024

Task 1. AB 617: Collect, develop, document, and integrate additional datasets to support planned AB 617 Community Emissions Reduction Plans onto Socrata's DaaS platform: West Oakland, East Oakland, and Bayview-Hunter's Point.

- a. MTC will support BAAQMD staff with versioning and quality control of new and existing datasets
- b. MTC will oversee the ingestion of AB 617 datasets into Socrata's Data-as-a-Service (DaaS) platform.
- c. MTC will ensure new datasets ingested by Socrata follow an appropriate elevation and approval workflow from private to public visibility.
- d. MTC will support BAAQMD staff with implementing metadata and documentation best practices via GitHub.

Task 1 Deliverables: Beta release of West Oakland community boundary and modeling source domain and documentation; Beta release of East Oakland datasets and documentation; Beta release of Bayview-Hunter's Point datasets and documentation

Task 1 Schedule: Beta release of datasets within one calendar year of the contract execution

Task 2: Maintain, develop, and support ongoing efforts related to:

- a. BAAQMD internal staff trainings
 - i. MTC will curate training modules and resource materials relevant to all internal staff members related to the Socrata DaaS platform, master data management and governance strategies.
 - ii. MTC will support BAAQMD to provide high-level training to project's technical team to share and train other internal staff members who may become Socrata power-users.
- b. Datasets Protocol and GitHub playbooks
 - i. MTC will develop documentation of protocols for development of datasets that support AB 617 Community Emissions Reduction Plans in various communities.
 - ii. MTC will support the implementation of BAAQMD's Master Data Management (MDM) systems, including the maintenance and use of the Master Data Inventory.
- c. Migration of GitHub BAAQMD-Documentation-Library repository and its contents onto BAAQMD's GitHub platform
 - i. MTC will ensure curated metadata and supplemental documentation of public datasets to be publicly accessible.
 - ii. MTC will ensure playbooks and training materials maintain limited visibility for BAAQMD internal staff.

Task 2 Deliverables: Completed draft of Datasets Protocol; Completed drafts of playbook series; Complete migration and public release of BAAQMD's documentation library; Technical training sessions, as needed.

Task 2 Schedule: One calendar year of the contract execution

Task 3: Planning and implementation of efficient configurations for joint agency subscription services:

MTC will develop plan and support BAAQMD's subscription for:

1. Socrata licensing
2. ESRI licensing and support
3. GitHub private licensing

Task 3 Deliverable(s): Memorandum with recommendation for joint agency software subscriptions for Socrata, ESRI and GitHub.

Task 3 Schedule: One calendar year of the contract execution

Task 4: Provide on-call mapping and visualization project support for BAAQMD’s super-users

- a. MTC will perform ad-hoc ArcGIS Online and desktop GIS support and training, as needed.
- b. MTC will support ongoing development of the BAAQMD’s mobile source screening tool web application, an AGOL interactive web mapping application.
 - i. Develop phase II and III of web applications beta release.
 - ii. Gather and implement feedback and application enhancements from internal and external beta testers.

Task 4 Deliverables: Beta release of phases I through III of mobile source screening tool web application

Task 4 Schedule: Six months after contract execution

Task 5: Develop BAAQMD’s Public Data Catalog web application

- a. MTC will support the ongoing development and deployment of phase I (beta v0.1.0) of the web application.
- b. MTC will gather feedback from beta testers, conduct reviews, and integrate application enhancements.
- c. MTC will develop phase II (beta v0.2.0) of the web application based on discussions with BAAQMD.

Task 5 Deliverables: Beta release of BAAQMD’s public data catalog

Task 5 Schedule: Six months after contract execution

Task 6: Collaborate with BAAQMD’s Web and IT teams to satisfy web development requirements, accessibility, and hosting standards for new and existing web applications

- a. MTC will finalize existing VMT Data Portal and Public Data Catalog UI components to meet current BAAQMD standards.
 - i. MTC will integrate updated VMT Data and Data Catalog API with re-engineered website(s) onto BAAQMD’s Content Management System (CMS).
 - ii. MTC will provide website training for BAAQMD staff to discuss the Public Data Catalog and updated VMT Data Portal’s features. Feedback will be collected from BAAQMD staff on the usability and functionality of the new and updated websites.

Task 6 Deliverables: Beta and alpha release of BAAQMD Public Data Catalog; beta and alpha release of CAPVMT 2.0; webinar for BAAQMD staff on functionality and usability of both applications

Task 6 Schedule: 16 weeks from contract execution

Appendix B.2 Cost Schedule

MTC’s Data & Visualization staff will provide BAAQMD support and assistance for the duration of this Agreement. Invoices will be submitted by MTC to the BAAQMD for the entirety of Phase 3 in advance. MTC will continue to provide monthly status updates to the BAAQMD, including work completed and costs incurred on a time and materials basis. Any Phase 2 budget remaining once all Phase 2 tasks are completed shall be carried over into Phase 3. Since costs are incurred on a time and materials basis, in cases where Phase 2 tasks are completed for less cost than estimated, remaining funds will be carried over into Phase 3. Funds carried over would allow for expanding scope on Phase 3 tasks and to support on-call mapping and visualization project support (Task 4). Monthly invoices will be billed at a rate of \$143 per hour with total cost of Contract not to exceed \$650,000 (for Phases 1, 2, and 3).

Phase 1 20/21

Tasks	Cost	Oct 20	N	D	Jan 21	F	M	A	M	J	J	A	Jun 25
Task 1 Develop protocol for data development	\$42,900												
Task 2 Develop initial datasets	\$143,000												
Task 3 Document initial datasets	\$57,200												
Task 4 VMT Data Portal: Migrate existing VMT Data API	\$11,440												
Task 5 VMT Data Portal: Update VMT Data Portal User Interface	\$25,740												
Task 6 VMT Data Portal: Incorporate DISTRICT feedback	\$5,720												
Task 7 Maintain Tool Over Time	\$14,000												
<i>Sub-Total</i>	<i>\$300,000</i>												

Phase 2 FY 21/22

Tasks	Cost	Sep 21	O	N	D	Jan 22	Feb-Apr	May-Jun	Jul-Dec
Task 1. Continue implementation of the Database Protocol	\$75,000								
Task 2. Develop datasets to support an additional AB 617 Community Emissions Reduction Plan	\$80,000								
Task 3. Plan efficient configurations for joint agency subscription services	\$17,500								
Task 4. Ad hoc database tools support and services	\$77,500								
<i>Sub-Total</i>	<i>\$250,000</i>								
<i>Total Carryover Unused for Phase 3</i>	<i>\$115,000</i>								

Phase 3. FY 23/24

<i>Tasks</i>	<i>Cost</i>	<i>Jul 23</i>	<i>A</i>	<i>S</i>	<i>O</i>	<i>N</i>	<i>D</i>	<i>J 24</i>	<i>F</i>	<i>M</i>	<i>A</i>	<i>M</i>	<i>J 24</i>
Task 1. Continue to collect, develop, document, and integrate additional datasets to support planned AB 617 Community Emissions Reduction Plans onto Socrata’s DaaS platform: West Oakland, East Oakland, and Bayview-Hunter’s Point.	\$52,500												
Task 2. Maintain, develop, and support ongoing Data protocol efforts.	\$60,000												
Task 3. Planning and implementation of efficient configurations for joint agency subscription services	\$17,500												
Task 4. Continue on-call mapping and visualization project support for BAAQMD’s super-users	\$70,000												
Task 5. Finalize the development of the BAAQMD’s Public Data Catalog web application	\$7,500												
Task 6. Continue collaboration with the BAAQMD’s Web and IT teams to satisfy web development requirements, accessibility, and hosting standards for new and existing web applications	\$7,500												
<i>Carryover Budget from Phase 2 Work</i>	<i>\$115,000</i>												
<i>Additional Budget for Phase 3</i>	<i>\$100,000</i>												
<i>Total Phase 3 Budget</i>	<i>\$215,000</i>												

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Authorization to Approve an Amendment to Extend Contract and Increase Funding
for Required Renovations to Air District Monitoring Field Stations

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Executive Officer/APCO to amend the existing contract with Commercial Interior Builders (CIB) to extend the term of the contract for one year, with an end date of June 30, 2024, and to increase the maximum contract amount by \$65,548 for a total amended contract of \$290,548.

BACKGROUND

The Meteorology and Measurement Division operates two air monitoring stations, Livermore-Portola Photochemical Assessment Monitoring Station (PAMS) at 2451 Portola Avenue and Napa at 1732 Jefferson Street, that need renovations to meet operational requirements mandated by the Environmental Protection Agency (EPA) Federal regulation.

The Napa project is to develop a new State and Local Air Monitoring Site (SLAMS) to meet regulatory needs, replacing the previous monitoring station at Napa Valley College that was discontinued when the property owners ended the Air District's lease.

In May 2022, the Air District initiated the external ladder installation planning process with CIB and the property manager. After consulting and obtaining approval from the property manager, the Air District applied for a permit from the City of Napa which determined that architectural drawings would be required to install the external ladder. In September 2022, the Air District contracted with Brereton Architects to draft and submit drawings to the City of Napa. In February 2023, Brereton submitted the final drawings to the Air District for review and approval to submit to the City of Napa.

The EPA recently updated PAMS requirements, which will require the Air District to expand the operational footprint of the Livermore-Portola station and add a meteorological tower in an adjacent yard. This will allow the Air District to conduct additional meteorological measurements and data collection to meet EPA's PAMS monitoring objective as part of a national meteorological network. The adjacent grounds require an electrical retrofit, the removal of an existing shade structure and new ground cover.

In November 2022, the Air District initiated electrical and site preparation planning activities in Livermore-Portola. The Air District is ready to proceed with the work order, but funds under this contract have been expended.

DISCUSSION

To meet our monitoring obligations, the project requires construction completion at both stations by August 1, 2023, to conduct equipment testing and ensure data capture for the entire 2024 calendar year. Furthermore, the Air District is ready to execute the required work orders as architectural drawings and subcontractor identification are complete with the current general contractor on file. Additional delays in waiting for an RFP/RFQ process to take place will result in the Air District's failure to meet grant obligations held between EPA and the Air District. There are already data gaps for air monitoring for both Napa and Livermore-Portola air monitoring stations, and if this work is delayed, there will be additional gaps for the 2023 to 2024 calendar years.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The amended contract cost is included in the Fiscal Year Ending (FYE) 2023 budget - 802 Program.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Ila Perkins
Reviewed by: John Chiladakis

ATTACHMENTS:

1. CIB Livermore-Portola Estimate
2. CIB Napa Estimate
3. Draft Amendment 6 Contract No. 2018.108 - Commercial Interior Builders



June 5, 2023

Mr. Raymond Wang
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Re: Livermore Yard
2451 Portola
Livermore, CA

Dear Raymond,

In response to your request to provide a price for removing a section of the rubber mat, removing the shade structure and the post bases, patching two sections of asphalt where the shade posts were removed, patching one area of rubber with rubber that was removed where a post was and installing landscaping fabric under the new gravel in the section where the rubber was removed in accordance with our job walk on December 22, 2022, we submit our Proposal in the amount of \$24,781.

Alternate:

- Drought tolerant fescue and peatmoss covering in lieu of gravel Add \$1,976

I have attached a copy of our breakdown for your review.

This Proposal is based on the following:

Clarifications:

1. The existing distribution systems are assumed to be adequate and in working order for the proposed new work.
2. Electrical and Plumbing work.
3. We assume there is dirt under the rubber mat that is to be removed.
4. We have not included irrigation in the Alternate cost. You will need to water it periodically.

Exclusions:

1. Overtime.
2. Accessibility work.
3. Plancheck and Permit fees.
4. Hidden conditions.
5. Engineered drawings
6. Architectural fees.
7. Fencing work.
8. Expedited/Compressed schedule.



Estimate

DATE	ESTIMATE NO.
1/6/2023	23-001-0

101 The Embarcadero, Suite 205
San Francisco, CA 94105

(415) 896-1102 Phone
(415) 896-1103 Fax

www.ComIntBldrs.com

BAAQMD
375 Beale Street, 6th Floor
San Francisco, CA 94105

DESCRIPTION	QTY	UNIT	COST	TOTAL
Supervision	2	Wks	1,850.00	3,700.00
Project Management	2	Wks	925.00	1,850.00
TOTAL COST OF GENERAL CONDITIONS			0.00	5,550.00
Progressive Cleanup and Protection	2	Wks	925.00	1,850.00
Protection Material	1	LS	250.00	250.00
TOTAL COST OF PROTECTION & CLEANUP			0.00	2,100.00
Debris Box for Demo	1	Ea.	900.00	900.00
Demo Rubber Mat	24	Hrs.	140.00	3,360.00
Demo Shade Cover and Footings	24	Hrs.	140.00	3,360.00
TOTAL COST OF DEMOLITION			0.00	7,620.00
Patch Asphalt	8	Hrs.	140.00	1,120.00
Material	1	LS	150.00	150.00
Spread Gravel	16	Hrs.	140.00	2,240.00
Gravel and Fabric	1	LS	950.00	950.00
TOTAL COST OF CONCRETE			0.00	4,460.00
Patch Hole at removed post with reused rubber	6	Hrs.	140.00	840.00
Misc. Material	1	LS	75.00	75.00
Border for new Gravel	1	LS	1,550.00	1,550.00
TOTAL COST OF CARPENTRY			0.00	2,465.00
Subtotal				22,195.00
Insurance	1	LS	333.00	333.00
Overhead & Fee	1	LS	2,253.00	2,253.00

TOTAL	\$24,781.00
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Livermore Yard Proposal
Page 2
January 6, 2023

Exclusions continued:

9. A contingency.
10. Full Time Supervision.
11. ACM/Hazardous materials costs.
12. Landlord or Building services costs, including (but not limited to) assistance from building maintenance personnel, elevator usage, security, access to the building, overtime charges for any operations staff, utilities and other similar costs.

Upon your review and acceptance of this Proposal, please issue a Purchase Order in the appropriate amount.

Should you have any questions, please do not hesitate to call.

Sincerely,
Commercial Interior Builders, Inc.

Jim Bruntz

JBruntz@ComIntBldrs.com



June 5, 2023

Mr. Raymond Wang
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105

Re: Napa Exterior Ladder
1732 Jefferson Street
Napa, CA

Dear Raymond,

In response to your request to provide a price for the work in accordance with Brereton's Architectural Plans, sheets A0.0, A0.2, A2.1, A3.1 and A5.1 all dated February 7, 2023, we submit our Proposal in the amount of \$40,803.

I have attached a copy of our breakdown for your review.

This Proposal is based on the following:

Clarifications:

1. The existing distribution systems are assumed to be adequate and in working order for the proposed new work.
2. \$2,500 allowance for plancheck and permit fees.
3. We have used Royalite's price in this Proposal. It is \$142 higher than the lowest but the permit plans from Brereton do not need to be changed to show a new ladder manufacturer.

Exclusions:

1. Overtime.
2. Roofing work.
3. Engineered drawings.
4. Architectural fees.
5. A contingency.
6. Full Time Supervision.
7. ACM/Hazardous materials costs.
8. Landlord or Building services costs, including (but not limited to) assistance from building maintenance personnel, elevator usage, security, access to the building, overtime charges for any operations staff, utilities and other similar costs.

Upon your review and acceptance of this Proposal, please issue a Purchase Order in the amount of \$40,803.

Should you have any questions, please do not hesitate to call.

Sincerely,
Commercial Interior Builders, Inc.

Jim Bruntz
JBruntz@ComIntBldrs.com



Estimate

DATE	ESTIMATE NO.
3/27/2023	22-058-0

101 The Embarcadero, Suite 205
San Francisco, CA 94105

(415) 896-1102 Phone
(415) 896-1103 Fax

www.ComIntBldrs.com

BAAQMD
375 Beale Street, 6th Floor
San Francisco, CA 94105

DESCRIPTION	QTY	UNIT	COST	TOTAL
Plancheck & Permit Fees	1	LS	2,500.00	2,500.00
TOTAL COST OF PERMIT FEES			0.00	2,500.00
PreConstruction	10	Hrs.	140.00	1,400.00
Supervision	2	Wks	1,850.00	3,700.00
Project Management	2	Wks	925.00	1,850.00
TOTAL COST OF GENERAL CONDITIONS			0.00	6,950.00
Cleanup	2	Wks	1,225.00	2,450.00
TOTAL COST OF PROTECTION & CLEANUP			0.00	2,450.00
Debris Box for Demo	1	LS	150.00	150.00
Break Plaster for Supports	4	Ea.	490.00	1,960.00
TOTAL COST OF DEMOLITION			0.00	2,110.00
Concrete Pad	1	LS	3,000.00	3,000.00
TOTAL COST OF CONCRETE			0.00	3,000.00
Aluminum Ladder - Material	1	LS	5,566.00	5,566.00
Measure for Ladder	8	Hrs.	145.00	1,160.00
Anchors	1	LS	750.00	750.00
Install Ladder	24	Hrs.	140.00	3,360.00
Field Conditions/Design Revisions Allowance	1	LS	600.00	600.00
TOTAL COST OF METALS/STEEL			0.00	11,436.00
Backing in Wall for Supports	1	LS	2,820.00	2,820.00
TOTAL COST OF CARPENTRY			0.00	2,820.00
Plaster Patching Work	1	LS	2,922.00	2,922.00
TOTAL COST OF PLASTER			0.00	2,922.00
Painting work	1	LS	3,382.00	3,382.00
TOTAL COST OF PAINTING & WALLCOVERING			0.00	3,382.00
Subtotal				37,570.00
Insurance	1	LS	564.00	564.00
Overhead & Fee	1	LS	2,669.00	2,669.00

TOTAL

\$40,803.00

AMENDMENT NO. 6

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

CONTRACT NO. 2018.108

This amendment to the above-entitled contract ("Contract Amendment") is dated, for reference purposes only, May 26, 2023, and consists of 2 pages.

RECITALS:

1. The Bay Area Air Quality Management District ("DISTRICT") and **Commercial Interior Builders** ("CONTRACTOR") (hereinafter referred to as the "PARTIES") entered into the above-entitled contract for general contracting and construction services (the "Contract"), which Contract was executed on behalf of CONTRACTOR on April 19, 2018, and on behalf of DISTRICT on April 23, 2018.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated August 24, 2018, for reference purposes only, to amend the total maximum cost in both Paragraph C of Section 3, "Agreement to Provide Services," and Attachment A, "General Description of Services," of the Contract.
3. The PARTIES entered into Amendment No. 2 to the Contract, dated April 7, 2020, for reference purposes only, to amend the term and total maximum cost in both Paragraph C of Section 3, "Agreement to Provide Services," and Attachment A, "General Description of Services," of the Contract.
4. The PARTIES entered into Amendment No. 3 to the Contract, dated March 1, 2021, for reference purposes only, to amend the term of the Contract, to replace section 10, "Indemnification," with a new section 10, "Indemnification" in the Contract, and to add new sections 37, "Bond Requirements," and 38, "State Statutory Requirements" to the Contract.
5. The PARTIES entered into Amendment No. 4 to the Contract, dated April 30, 2021, for reference purposes only, to replace Project Order No. 5 executed under the Contract with Project Order No. 5-A.
6. The PARTIES entered into Amendment No. 5 to the Contract, dated January 20, 2022, for reference purposes only, to amend the term and the total maximum cost in Paragraph C of Section 3, "Agreement to Provide Services," of the Contract.
7. The PARTIES seek to further amend the term and the total maximum cost Contract because DISTRICT seeks to have CONTRACTOR continue to provide the services

prescribed in the Contract, and CONTRACTOR desires to provide those services, up to the new term end date and total maximum cost.

- 8. In accordance with Section 35 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 6, "Term." The term of the Contract shall be extended so that the termination date of the Contract is now June 30, 2024.
- 2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph C of Section 3, "Agreement to Provide Services," of the Contract to replace "\$225,000" with "\$290,548."
- 3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Attachment A, "General Description of Services," of the Contract to replace "100,000" with "290,548."
- 4. 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

COMMERCIAL INTERIOR BUILDERS

By: _____
Philip M. Fine
Executive Officer/APCO

By: _____
Jim Bruntz
President

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander Crockett
District Counsel

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Authorization to Execute Contract Amendment with Metropolitan Group, LLC

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Executive Officer/APCO to execute an amendment to an existing professional services contract with Metropolitan Group, LLC to support an agency-wide Environmental Justice Action Plan and to align it with the District's strategic planning process and further recommend the Board authorize the Executive Officer/APCO to extend the term from July 1, 2023 to March 31, 2024 and increase the contract total in an amount not to exceed \$299,109.

BACKGROUND

The Community Engagement Division supports the programmatic divisions with resources to better incorporate public participation into their work. Headed by the Environmental Justice and Community Engagement Officer, the Division also has primary responsibility for the implementation of AB 617 and supports the work of the Community Advisory Council (CAC). A key priority of the Agency as well as the CAC is the development of an agency-wide EJ Policy that centers Environmental Justice in all Agency work. To that end, nearly two years ago, the Agency entered into a sole source contract with Metropolitan Group, a consulting firm with extensive experience advising government environmental agencies and pivoting them towards justice and equity. Over the last year, Metropolitan Group's Executive Vice President, Vernice Miller-Travis, has worked with staff and CAC developing and strengthening relationships and building trust, which is essential for Environmental Justice work. The Executive Office and Community Engagement seeks to continue work with Vernice Miller-Travis and the Metropolitan Group to align the ongoing EJ Policy support with the strategic planning process that will be soon underway. More specifically, Miller-Travis will work with the Board of Directors, Executive Management, the Community Advisory Council, and Directors/Managers in conducting evaluations and assessments, workshop development, and in planning.

DISCUSSION

Staff originally pursued this sole source contract to solicit Miller-Travis's unparalleled expertise in Environmental Justice. Ms. Miller-Travis is considered one of the titans of the national EJ movement, having founded one of the first EJ advocacy groups in the country, WE ACT for Environmental Justice in Harlem. She served for many years on USEPA's National Environmental Justice Advisory Council, including its first seating in 1994. She specializes in local, state, and national environmental policy development, sustainable economic development strategies and community revitalization, brownfields revitalization, and land-use planning. Vernice Miller-Travis has been working as an Environmental Justice consultant for various nationally-renowned legal organizations for decades. Advising the Lawyer's Committee for Civil Rights, she co-wrote (with Deputy Executive Officer Veronica Eady) a report on the status of EJ for the Obama Transition Team entitled, "Now is the Time," which assessed the federal government's role in advancing Environmental Justice and identifying opportunities for the Obama Administration to make Environmental Justice a reality for thousands of communities across the country.

Ms. Miller-Travis' rich body of work has allowed her over the years to build relationships with Bay Area community advocates, including Ms. Margaret Gordon, one of the CAC co-chairs and the District's AB 617 partner in West Oakland. Given that the District is on the cusp of undertaking its first strategic planning effort in decades, it is serendipitous that Ms. Miller-Travis and the Metropolitan Group has been able to get to know the District and build trust relationships with community members. Although this is a sole source contract, the nature of the work is such that trust is imperative. The District would be unable to hire another consultant with these qualifications or that could otherwise undertake the work necessary to build trust in time to align the work with the strategic planning process.

When competitive bidding is not possible, Division II, Section 4.6(c)(4) of the Air District's Administrative Code allows the APCO to enter a sole source contract for consultants when circumstances exist which require such waiver in the satisfactory interests of the District. Staff believe that in this case, such circumstances exist because of the need to align with the strategic planning process and the unique qualifications of this consultant as described above. This is an amendment to this existing contract which modifies the term, scope of work, cost schedule and adds travel policy provisions. The overall contract budget will increase from \$90,000 to \$299,109. With additional funding, Metropolitan Group, LLC will provide the following support: expanding to conduct a situation assessment of interviews of key District decision makers and technical experts; capacity building and advising of EJ Ad Hoc members, District level executive leadership and Board of Directors (specifically CEHJ leadership); aligning the Environmental Justice Action plan with the District's Strategic Planning process.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The total amount of the requested Amendment is an amount not to exceed \$299,109, of which \$209,109 is being added to the contract. Funding for the amended contract is included in the FYE 2023 budget for the Community Engagement Office.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Diana Ruiz
Reviewed by: Veronica Eady

ATTACHMENTS:

1. Metropolitan Group 2021.073_exe
2. Metropolitan Group 2021.073 Amendment 3_060823_clean_June8

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

PROFESSIONAL SERVICES CONTRACT

CONTRACT NO. 2021.073

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 **Metropolitan Group, LLC** (“CONTRACTOR”) whose address is 733 SW Oak Street, Suite 100, Portland, OR 97205.

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 September 30, 2022, unless further extended by amendment of this Contract in writing, or terminated earlier. CONTRACTOR shall not submit any invoice for services performed under this Contract until the Contract is fully executed.

5. TERMINATION

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

6. INSURANCE

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

automobile liability insurance in the required coverage amount from the rental agency.

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

7. INDEMNIFICATION

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

8. PAYMENT

- A. DISTRICT shall pay CONTRACTOR for services in accordance with the terms set forth in the Cost Schedule, which is attached hereto as Attachment B and incorporated herein by this reference.
- 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 \$90,000.
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 \$90,000. 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: Veronica Eady

CONTRACTOR: Metropolitan Group, LLC
733 SW Oak St., Suite 100
Portland, OR 97205
Attn: Sarah Dotlich

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.

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.

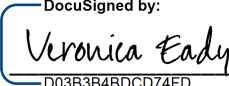
26. ENTIRE CONTRACT AND MODIFICATION – This Contract represents the final, complete, and exclusive statement of the agreement between the parties related to CONTRACTOR providing services to DISTRICT and supersedes all prior and contemporaneous understandings and agreements of the parties. No party has 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.

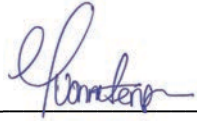
IN WITNESS WHEREOF, the parties to this Contract have caused this Contract to be duly executed on their behalf by their authorized representatives.

BAY AREA AIR QUALITY
MANAGEMENT DISTRICT

METROPOLITAN GROUP

By: 

D03B3B4BDCCD74FD...
Jack P. Broadbent
Executive Officer/APCO


By: 

Yvonne Tengwall
Chief Operating Officer

Date: 10/27/2021

Date: 10/08/2021

Approved as to form:
District Counsel

By: 

150A910F987E4D3...
~~Brian C. Bunger~~ Adan Schwartz
~~District Counsel~~ Acting District Counsel

ATTACHMENT A

SCOPE OF WORK

CONTRACTOR shall support the development of an Environmental Justice (EJ) Strategy, provide strategic counsel and relationship building activities, and develop an EJ training curriculum for DISTRICT. The work will be led by CONTRACTOR's EJ team.

Task 1: Initial Kickoff and Project Work Planning

1. CONTRACTOR shall conduct a Board of Director's presentation to provide an explanation and an overview of the plan to develop the EJ strategy and framework. CONTRACTOR assumes a 1-hour presentation.
2. CONTRACTOR shall conduct a meeting and presentation with the DISTRICT's management, Environmental Justice Officer, Diversity, Equity, and Inclusion Office (henceforth known as DE&I) to provide an explanation and overview of the plan to develop the EJ strategy and framework. CONTRACTOR assumes a 1-hour meeting and presentation.
3. CONTRACTOR shall conduct an initial conference with the Community Advisory Council to provide an explanation and overview of the plan to develop the EJ strategy and framework. CONTRACTOR assumes a 90-minute conference presentation.

Deliverables:

- Presentation for Board of Directors and District management, Environmental Justice Officer, DE&I Office.
- Conference presentation to the Community Advisory Council.

Task 2: Develop Framework for EJ Strategy

1. CONTRACTOR shall conduct an EJ assessment of DISTRICT, with specific focus on the Community Engagement department as an entry point to conducting a broader EJ and equity assessment of the DISTRICT. CONTRACTOR will:
 - a. Review existing relevant materials from DISTRICT including existing documents related to diversity, equity, and inclusion, EJ and public engagement. CONTRACTOR assumes materials will be provided by DISTRICT and has budgeted for a total of eight hours for review time.
 - b. Conduct a half day work session with DISTRICT's Board of Director's Equity Committee to help inform the strategic direction.
 - c. Attend two (2) board meetings to listen and hear about the perceptions of the issues at play within the DISTRICT, and opportunities and challenges regarding implementation of an effective EJ strategy.
 - d. Conduct deep listening through interviews with other critical stakeholders—internal as well as key external partners, community members and environmental justice advocates to inform the EJ strategy and identify ways to strengthen the public engagement process with EJ stakeholders. This task includes up to 20 interviews with identified staff and external stakeholders. CONTRACTOR assumes DISTRICT will identify staff and stakeholders.
2. CONTRACTOR shall develop a framework for the EJ strategy and will share and discuss with DISTRICT leadership and board members to further refine and finalize the EJ strategy. The

framework will be up to 15 pages and include two rounds of edits and review from DISTRICT.

Deliverables:

- Framework for EJ strategy.
- Development of presentations and communication with the public and Assembly Bill 617 stakeholders.

Task 3: Design and Conduct EJ Training for DISTRICT Staff

1. CONTRACTOR shall create and facilitate EJ curriculum and training for internal DISTRICT staff, with initial focus on the Community Engagement department and DISTRICT's Board of Directors. CONTRACTOR will:
 - a. Develop an internal EJ curriculum for a half day training to build deep organizational understanding of EJ and the nuanced differences between equity and EJ.
 - b. Conduct training with DISTRICT's Community Engagement team.
 - c. Conduct training with DISTRICT's Board of Directors.
 - d. Identify needs for community training.

Deliverables:

- EJ 101 training module and facilitated training for 2 internal groups (Community Engagement and the Equity Resource Team).

Task 4: Relationship Building, Strategic Counsel and Coaching

1. CONTRACTOR shall provide strategic counsel and coaching to DISTRICT leadership on how to navigate the internal and external landscape as DISTRICT builds a dedicated and co-created EJ strategy. CONTRACTOR will:
 - a. Provide up to 30 hours over six months to work with DISTRICT leadership where needed to provide coaching on how to enhance and build better relationships with EJ communities, providing strategic counsel and conflict resolution expertise.
 - b. Attend two (2) external community meetings to conduct deep listening and hear perceptions of the issues at play according to community members. For one of these meetings, CONTRACTOR will focus on the needs of immigrants and linguistically isolated communities specifically.
 - c. Develop a vision statement (1 to 2 pages) for an EJ strategy and community engagement process based on the thinking of DISTRICT's Senior Deputy Executive Officer, Veronica Eady. This document will be used for both internal and external engagement and will serve as a framework and strategy to support enhanced public trust building to distinguish and advance her new thinking and approaches.

Deliverables:

- Vision statement from Senior Deputy Executive Officer that outlines a new era of relationship building and public engagement for DISTRICT and the communities it serves.

Task 5: Project Management and DISTRICT Collaboration

1. CONTRACTOR shall convene bi-weekly meetings with DISTRICT staff to assess overall progress on the contract, troubleshoot issues and make course corrections as needed.
2. CONTRACTOR shall schedule meetings, develop meeting agendas, take meeting notes or provide summaries in coordination with DISTRICT staff.

3. CONTRACTOR shall produce two summary reports: one report for DISTRICT leadership about internal and external collaboration; and one report for DISTRICT and community groups, summarizing the assessment of problems in the historical relationships and recommendations/solutions for collaboration on advancing the EJ framework and vision statement.

Deliverables:

- Meeting agendas and notes/summaries
- Two summary reports as outlined above.

ATTACHMENT B**COST SCHEDULE**

DISTRICT will pay CONTRACTOR for the work outlined in Attachment A, Scope of Work, according to the payment table below, up to a maximum amount of \$90,000. Payment for tasks 1-4 will be made upon completion of each task as shown in the table below and in accordance with Section 8 ("Payment") of this Contract. Payment for task 5 will be made in seven (7) installments of \$2,643.57 each. Each installment will be made along with the payment made upon completion of each of the tasks and subtasks itemized in the table below. Payments will be made in accordance with Section 8 ("Payment") of the Contract.

Activity	Payment
Task 1: Initial Kickoff and Project Work Planning	\$7,485
Task 2: Develop Framework for EJ Strategy	
1. Conduct an EJ assessment of DISTRICT	\$21,955
2. Draft framework for EJ Strategy	\$6,705
Task 3: Design and Conduct EJ Training for DISTRICT Staff	
1. Design and conduct EJ 101 training for DISTRICT's Community Engagement team and Board of Directors	\$14,600
Task 4: Relationship Building, Strategic Counsel and Coaching	
1. Provide strategic counsel on relationship building efforts	\$11,550
2. Attend two (2) external community meetings to conduct deep listening and hear perceptions of the issues at play according to community members.	\$5,700
3. Develop Senior Deputy Executive Officer's EJ vision statement	\$3,500
Task 5: Project Management and DISTRICT Collaboration	\$18,505
Total	\$90,000

Total cost of Contract not to exceed \$90,000.

AMENDMENT NO. 3 TO
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
CONTRACT NO. 2021.073

This amendment to the above-entitled contract (“Contract Amendment”) is dated, for reference purposes only, May 24, 2023.

RECITALS:

1. The Bay Area Air Quality Management District (“DISTRICT”) and **Metropolitan Group, LLC** (“CONTRACTOR”) (hereinafter referred to as the “PARTIES”) entered into the above-entitled contract for the development of an Environmental Justice (EJ) Strategy, provide strategic counsel and relationship building activities (the “Contract”), which Contract was executed on behalf of CONTRACTOR on October 8, 2021, and on behalf of DISTRICT on October 27, 2021.
2. The PARTIES entered into Amendment No. 1 to the Contract, dated August 25, 2022, for reference purposes only, to amend the term, Scope of Work, and Cost Schedule of the Contract.
3. The PARTIES entered into Amendment No. 2 to the Contract, dated January 11, 2023, for reference purposes only, to extend the term of the Contract.
4. The PARTIES mutually seek to amend the term, total cost, Scope of Work, and Cost Schedule to the Contract because the DISTRICT seeks additional services from CONTRACTOR prescribed in the Contract and CONTRACTOR desires to provide those additional services.
5. The PARTIES mutually seek to incorporate DISTRICT’s Contractor Travel policy into the Contract.
6. 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 June 30, 2024.

2. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph D of Section 8, "Payment," of the Contract to replace "\$90,000" with "\$299,109."
3. By this Contract Amendment, DISTRICT and CONTRACTOR amend Paragraph F of Section 9, "Dispute Resolution," of the Contract to replace "\$90,000" with "\$299,109."
4. By this Contract Amendment, DISTRICT and CONTRACTOR replace Attachment A-1, Scope of Work, with the attached "Attachment A-2, Scope of Work" and agree that all references in the Contract to Attachment A shall be deemed to refer to Attachment A-2, Scope of Work.
5. By this Contract Amendment, DISTRICT and CONTRACTOR replace Attachment B-1, Cost Schedule, with the attached "Attachment B-2, Cost Schedule" and agree that all references in the Contract to Attachment B shall be deemed to refer to Attachment B-2, Cost Schedule.
6. By this Contract Amendment, DISTRICT and CONTRACTOR attach hereto Attachment C, Contractor Travel Policy, and agree that all references in the Contract to Attachment C shall be deemed to refer to Attachment C, Contractor Travel Policy.
7. 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

METROPOLITAN GROUP

By: _____
Philip M. Fine
Executive Officer/APCO

By: _____
Yvonne Tengwall
Chief Operating Officer

Date: _____

Date: _____

Approved as to form:
District Counsel

By: _____
Alexander G. Crockett
District Counsel

ATTACHMENT A-2

SCOPE OF WORK

CONTRACTOR shall support the development of an Environmental Justice (EJ) Strategy, provide strategic counsel and relationship building activities, and develop an EJ training curriculum for DISTRICT. CONTRACTOR's work will be led by Metropolitan Group's (Met Group's) Executive Vice President for Environmental and Social Justice, Vernice Miller-Travis, and Of Counsel - EJ Subject Matter Expert, Jacqui Patterson.

Task 1: Initial Kickoff, Project Work Planning and Oversight

1. CONTRACTOR shall conduct a Board of Directors presentation on December 1, 2021 to provide an overview of the scope of work and to conduct a dialogue between Vernice Miller-Travis and DISTRICT's Senior Deputy Executive Officer, Veronica Eady, about the challenges the DISTRICT is facing regarding Power Sharing and Partnerships, and how they can be addressed.
2. CONTRACTOR shall conduct between one (1) and three (3) meetings with the DISTRICT's project team leads ("Core Team") to review the scope of work and budget and make adjustments to align the project tasking and level of effort with current agency needs. (Project activities pre-6/30/22.)
3. CONTRACTOR shall conduct a meeting and presentation with the DISTRICT's management, including: Environmental Justice Officer and Deputy Executive Officer of Policy and Equity to provide an overview of scope of work, including the plan to conduct an EJ Assessment. CONTRACTOR assumes this will be a 1-hour meeting and presentation.
4. CONTRACTOR shall conduct an initial conference call with the Community Advisory Council (CAC) Co-Chairs and shall join a subsequent CAC meeting to provide an overview of the scope of work, including the plan to conduct an EJ Assessment and any support/engagement planned directly with the CAC. CONTRACTOR assumes a 60-minute conference call with the CAC Co-Chairs and 30-minute presentation to the CAC, as a whole.
5. CONTRACTOR shall conduct one (1) project update conversation with the DISTRICT's Board of Directors in or around December 2022. CONTRACTOR assumes up to a 30-minute slot during a regularly scheduled Board meeting.

Deliverables¹:

- One (1) Presentation for Board of Directors (December 2021) [COMPLETED and billed to Cost Schedule B-1]
- One (1) to three (3) meetings with the DISTRICT project team to review scope of work and budget; including internal prep and setup activities to support initial project launch (activities pre-6/30/22) [COMPLETED and billed to Cost Schedule B-1]
- One (1) Presentation for DISTRICT management, Environmental Justice Officer, and Deputy Executive Officer for Policy and Equity. [COMPLETED and billed to Cost Schedule B-1 IN APRIL 2023 - DISCUSSION WITH PHILIP FINE]
- One (1) Presentation to the CAC. [COMPLETED and billed to Cost Schedule B-1]
- One (1) project update conversation with the Board of Directors to be scheduled in July over Zoom. [TO BE COMPLETED PRIOR TO THE JULY 2023 BOARD MEETING, INVOICE FROM THIS TASK TO BE PAID FROM ORIGINAL \$90,000 COST SCHEDULE B-1]

¹ These meetings may be conducted via Zoom or another virtual platform. The scope assumes no travel expenses.

Task 2: Shared Learning (e.g., Phase 1), Landscape Analysis, and Support For Familiarization Of The EJ Action Plan With The EJ Ad Hoc Committee, Division Leadership, and Executive Leadership.

CONTRACTOR shall collaborate with the DISTRICT and with a sub-committee of the CAC to conduct an EJ assessment of DISTRICT, with specific focus on the Community Engagement department's draft EJ Policy Outline as an entry point to conducting a broader EJ and community engagement assessment of the DISTRICT.

To this end, the CONTRACTOR shall:

Provide one (1) informational session to help orient CAC members to the EJ Assessment process and answer questions and to assess interest in joining a special sub-committee prior to the formation of the committee. Then, CONTRACTOR shall attend a Fall 2022 CAC meeting to present the scope of work to the full CAC (Task 1.4). [COMPLETED and billed to Cost Schedule B-1]

Task 2a

CONTRACTOR shall conduct a series of facilitated conversations with 1) key DISTRICT leadership (Executive Officer (EO/APCO), Deputy Executive Officers (DEOs) and Division Directors) and 2) DISTRICT staff (technical and DEI advisor) to assess priorities, capacity building needs around EJ and proposed draft EJ Action plan.

Task 2b

CONTRACTOR shall advise EJ Ad Hoc members on how to approach conversations with DISTRICT Division Directors about their concerns and priorities. CONTRACTOR shall provide talking points, agendas and/or other conversation aids.

Task 2c

CONTRACTOR shall facilitate conversation with EJ Ad Hoc and DISTRICT Division Directors (Compliance & Enforcement, Engineering, Rules, and Legal) to discuss community concerns and priorities.

Task 2d

CONTRACTOR shall undertake a series of activities designed to refine the updated EJ Action Plan and familiarize the CAC, Community Equity, Health, and Justice Committee (CEHJ), and DISTRICT Board of Directors with the draft plan. CONTRACTOR will support and advise DISTRICT staff how best to align and revise EJ Action Plan to incorporate EJ in the strategic planning process. CONTRACTOR shall make recommendations about how to proceed strategically inside the DISTRICT to build the capacity around EJ and create policy goals (tied to the proposed draft EJ Action Plan) to inform the DISTRICT's strategic planning process.

Task 2e

CONTRACTOR shall present recommendations to EJ Ad Hoc members. Recommendations will inform how best to incorporate EJ into the DISTRICT's strategic planning process.

To this end, the CONTRACTOR shall conduct a range of internal activities, EJ Ad Hoc Support activities, and consultant research and recommendations activities:

Internal Activities:

1. Develop supporting materials (e.g., a process diagram, messaging points and facilitation questions) to support internal engagement and familiarizing the DISTRICT with the EJ Action Plan

development process and identify how the EJ Action Plan can inform what is incorporated into the Strategic Plan from an EJ perspective.

2. Facilitate three to five (3 to 5) conversations with key DISTRICT decision-makers (e.g., Philip Fine and Alexander “Sandy” Crocket).
3. Provide one (1) update to the DISTRICT Board of Directors.
4. Facilitate four (4) conversations with the DISTRICT DEOs and Division Directors to familiarize them with the draft EJ Action Plan, get their input on the draft EJ Action Plan and prepare the Division Directors for engagement with EJ Ad Hoc Committee workgroups.
5. Facilitate a range from six to eight (6 to 8) conversations with key DISTRICT technical staff that include DEI advisor and Human Resources.

EJ Ad Hoc Support Activities:

6. Provide counsel to prepare EJ Ad Hoc Committee workgroups to effectively engage with DISTRICT leadership. Inform design and approach facilitated conversations for the EJ Ad Hoc Committee workgroups to meet directly with DISTRICT Division leaders, staff, and Executive Leadership (e.g., Philip Fine and Veronica Eady) to examine three focus areas, build relationships, identify allies and champions, and jointly identify considerations that could inform development of the EJ Action Plan.
7. Conduct up to three (3) coaching sessions with EJ Ad Hoc, as part of the EJ Ad Hoc meetings, on strategic planning and desired goals, and communications coaching on engaging decision makers
8. Advise DISTRICT staff on the creation of up to two (2) EJ Ad Hoc Committee agendas per month.
9. Attend/co-facilitate approximately one (1) EJ Ad Hoc Committee meeting per month.
10. Review meeting notes for up to two (2) EJ Ad Hoc Committee meetings per month and provide feedback as requested by DISTRICT.

Consultant Research and Recommendations Activities:

11. Meet one (1) to three (3) times with the CAC sub-committee over the course of about 6 months to: [COMPLETED and billed to Cost Schedule B-1]
 - o Gather their insights and recommendations on process for the EJ Assessment,
 - o Report on initial findings, collaborate on analysis, interpretation, and recommendations development (as relevant).
 - o Facilitate discussions on the implications of the EJ Assessment findings for the sub-committee’s comment, and to receive the sub-committee’s recommendations on the EJ Policy and to discuss the sub-committee’s role in informing implementation of the EJ Policy (e.g., identifying internal and external aspects of the EJ Policy and the role of the CAC in implementation of the external aspects).
12. Conduct an initial review of key existing relevant materials from DISTRICT including existing documents related to diversity, equity, and inclusion, EJ, and community engagement. Materials will be provided by DISTRICT and CONTRACTOR has budgeted for a total of eight (8) hours for review time. [COMPLETED and billed to Cost Schedule B-1]
13. Develop a draft framework to guide the EJ Assessment (aligned with the framework of the EJ Policy Outline where possible) as well as a proposed schedule and process ahead of the first meeting of the CAC’s sub-committee. CONTRACTOR shall workshop these documents with the sub-committee during the first meeting to get the sub-committee’s input and guidance on how

to tailor and align the assessment appropriately. [COMPLETED and billed to Cost Schedule B-1]

14. Conduct initial discovery in service of a subsequent EJ Assessment Report based on the assessment framework and process informed by the CAC sub-committee's input. That initial discovery could include:
 - Conduct additional materials review, as relevant.
 - Conduct deep listening through interviews with other critical stakeholders—including internal as well as key external partners, community members and environmental justice advocates to inform the EJ strategy and identify ways to strengthen the public engagement process with EJ stakeholders. This task shall include one (1) to ten (10) half-hour interviews with identified staff, Board members and external stakeholders. CONTRACTOR assumes DISTRICT will identify key interviewees that can offer a range of perspectives. [CONDUCTED FACILITATED CONVERSATIONS WITH AIR DISTRICT CORE TEAM INCLUDING DEPUTY EXECUTIVE OFFICERS AND EXECUTIVE OFFICER, TO BE COMPLETED JUNE 30, 2023. TO BE PAID FROM ORIGINAL \$90,000 COST SCHEDULE B-1.]
 - Conduct one (1) to two (2) focus groups on topics of specific interest in the assessment. [COMPLETED and billed to Cost Schedule B-1]
 - Attend one (1) to two (2) DISTRICT Board of Directors meetings or CAC meetings to listen and hear about the perceptions of the EJ, equity, and DEI issues at play within the DISTRICT, as well as opportunities and challenges regarding implementation of an effective EJ strategy. [COVERS ONE EJ AD HOC MEETING FOR JUNE 2023 and will be billed to Cost Schedule B-1]

Deliverables:

- Attend regular one (1) to three (3) meetings with the CAC sub-committee. [COMPLETED and billed to Cost Schedule B-1]
- Conduct initial review of background materials; deliver draft framework to CAC sub-committee. [COMPLETED and billed to Cost Schedule B-1]
- Conduct stakeholder interviews (1 to 10) [ONE DISCUSSION REMAINS TO BE COMPLETED IN JUNE 2023, BOARD VICE CHAIR DAVINA HURT DISCUSSION. TO BE BILLED FROM ORIGINAL \$90,000 COST SCHEDULE B-1.]
- Conduct one (1) to two (2) focus groups [COMPLETED and billed to Cost Schedule B-1]
- Attend one (1) to two (2) DISTRICT Board of Directors meetings or CAC meetings [TO BE COMPLETED IN JUNE 2023 AND PAID FROM ORIGINAL \$90,000 COST SCHEDULE B-1 - COVERS ONE EJ AD HOC MEETING]
- Provide draft and final supporting materials for internal activities.
- Conduct three to five initial facilitated conversations with key DISTRICT decision-makers from Senior Leadership at the Executive Office level to include five hour one hour conversations.
- Provide one update to the DISTRICT Board of Directors regarding the progress of the EJ Action Plan.
- Conduct at least four (4) facilitated conversations with DEOs and Division Directors to include District Counsel (1), Director of Engineering and Director of Compliance & Enforcement (combined-1), Deputy Executive Officer of Policy (1) oversees Rules & Strategic Policy, Assessment Inventory and Modeling (AIM), and Meteorology and Measurement (M&M), Division Director of

AIM, Division M&M and Division Rules (Deputy Executive Officer of Policy required) (Combined-1).

- Conduct from six to eight (6 to 8) facilitated conversations with staff that represent technical, DEI, and Human Resources divisions.
- Conduct three (3) facilitated conversations of EJ Ad Hoc Committee with Division Directors and division staff (1 to 2 representatives) from Compliance & Enforcement, Engineering, Rules, and Legal divisions.
- Conduct sixteen (16) facilitated bi-monthly meetings of the EJ Ad Hoc Committee that goes through the end of Quarter 1 2024 [Five have already been delivered as of April 2023].
- Advise on agenda development, activities and communications of eleven (11) meetings of the EJ Ad Hoc Committee.
- Provide draft and final Phase 1 Summary Memo to cover findings and observations of the series of interviews

DISTRICT will cover travel expenses for up to one in-person meeting associated with Task 2e with total travel expenses not to exceed \$6,000.

Task 3: Develop and Refine EJ Action Plan Draft (e.g., Phase 2) to Reflect Specific Needs of the EJ Ad Hoc and of the DISTRICT

CONTRACTOR shall support the EJ Ad Hoc and DISTRICT in integrating the EJ Action Plan draft goals into DISTRICTS's Strategic Planning process.

CONTRACTOR shall undertake a series of activities during the Strategic Planning process to support the integration of the EJ Action Plan draft goals into the Strategic Plan, including strategic advising and capacity building activities.

CONTRACTOR shall provide the following Strategic Advising and Coaching Activities:

- Provide between 10-20 advising and/or coaching sessions (of up to 1-hour each) for persons working at the intersection of the EJ Action Planning process and the DISTRICT's Strategic Planning process, with the goal of ensuring integration of EJ throughout the Strategic Plan. Recipients of the advising services may include but are not limited to: DISTRICT executive level champions (DEO – Veronica Eady and EO/APCO – Philip Fine), DISTRICT Board leadership, identified staff champions from Task 2e (District technical staff that include DEI Advisor and Human Resources), and members of the EJ Ad Hoc.
- Provide 3-5 advising, update, and/or coaching sessions (of up to 1-hour each) for groups working at the intersection of the EJ Action Planning process and the DISTRICT's Strategic Planning process, with the goal of ensuring integration of EJ throughout the Strategic Plan. Recipients of the advising services may include, but are not limited to: EJ Ad Hoc, CAC, CEHJ Committee, DISTRICT's Board of Directors, and members of the Strategic Planning consultant team.

CONTRACTOR shall provide the following Capacity Building Activities:

- Provide one (1) in-person capacity building training (e.g., for the CAC to support alignment between the EJ Action Plan and Strategic Planning Process). DISTRICT will reimburse CONTRACTOR for two days of travel with total travel expenses not to exceed \$6,000.

- Provide one (1) virtual capacity building training (e.g., for the DISTRICT to support alignment between the EJ Action Plan and Strategic Planning Process).

CONTRACTOR Recommendations:

CONTRACTOR shall provide the DISTRICT with a Strategic Planning Process Alignment & Next Steps Summary memo that includes:

- A summary of services provided in Task 3.
- Recommendations and guidance for updating the draft EJ Action Plan based on the outcomes of the Strategic Planning process and the CONTRACTOR’s observations from the advising and capacity building services provided during Task 3.

Deliverables:

- Ten to twenty (10-20) advising and/or coaching sessions for individuals
- Three to five (3-5) advising, update, and/or coaching sessions for groups
- One in-person capacity building training
- One virtual capacity building training
- Draft and final Strategic Planning Process Alignment & Next Steps Summary Memo.
- Travel expenses for one to two (1-2) in person meetings (with total travel expenses not to exceed \$6,000).

Task 4: Support for an Internal Title VI Investigatory Process

CONTRACTOR shall support the Title VI Investigatory Process. CONTRACTOR’s tasks will include the following:

1. Assist with level-setting about Title VI obligations and compliance responsibilities via a presentation to appropriate staff and decision-makers at the DISTRICT. The presentation and subsequent facilitated discussion could address:
 - DISTRICT’s independent federal statutory civil rights compliance obligations and non-discrimination mandates [COMPLETED and billed to Cost Schedule B-1]
 - Broader presentation on how Title VI relates to the DISTRICT’s mission COMPLETED and billed to Cost Schedule B-1]
 - Walk through stages of a Title VI investigation and identify staff capacities or lack thereof [COMPLETED and billed to Cost Schedule B-1]
 - Provide contextual understanding of what are the Title VI issues related to specific facility permit applications [COMPLETED and billed to Cost Schedule B-1]
 - Facilitated discussion for participants to identify key issues, knowledge gaps, or sticking points that the DISTRICT needs to address to be in compliance with Title VI going forward.
2. Upon DISTRICT request and in accordance with DISTRICT’s contracting requirements, identify a recommended Subject Matter Expert who has experience conducting independent Title VI investigations. DISTRICT staff will be responsible for evaluating and determining whether to contract with the recommended Subject Matter Expert. [COMPLETED and billed to Cost Schedule B-1. Subject Matter Expert identified, considered by the DISTRICT, Met G presented CV and Bio of candidate]

Tasks an independent Subject Matter Expert and subcontractor could assist with include:

- Meeting with the DISTRICT EJ and Civil Rights Officers to understand the scope of the staff survey needed and to develop a Title VI and civil rights training plan.
- Develop and conduct a review to assess findings on the allegation of discrimination.
- Develop findings and present to the DISTRICT.

Deliverables:

- *Minutes and outline of* presentation and facilitated discussion on Title VI obligations and compliance responsibilities. [COMPLETED and billed to Cost Schedule B-1]
- Provide a recommendation regarding a Subject Matter Expert for Title VI investigations. [COMPLETED and billed to Cost Schedule B-1]

Task 5: Project Oversight and Collaboration with the DISTRICT Core Team

1. CONTRACTOR shall convene bi-weekly meetings with the Core Team to assess overall progress on the Contract, troubleshoot issues and make course corrections as needed. CONTRACTOR shall schedule meetings, develop meeting agendas, take meeting notes or provide summaries in coordination with DISTRICT staff.

Deliverables:

- Meeting agendas (primarily delivered via email) to be provided no later than two business days prior to the meeting)
- Meeting notes (immediate next steps) provided via email

Task 6: Project Management

1. CONTRACTOR shall provide ongoing project management including but not limited to internal and external scheduling, management of budget and work plan.
2. CONTRACTOR shall manage billing and invoicing according to the terms of the Contract.

Deliverables:

- Ongoing Project Management, to be invoiced monthly per contract terms
- Provide written updates to DISTRICT on the project work plan that include milestones and modifications

ATTACHMENT B-2

COST SCHEDULE

Following execution of Amendment 3 the DISTRICT will pay CONTRACTOR for the work outlined in Attachment A-2, Scope of Work, in accordance with the payment tables below, up to a maximum amount of \$209,109.

Labor Budget Cost Table 1

Name	Labor Category	Hourly Rate	Estimated Hours Task 2	Estimated Hours Task 3	Task 4* (COMPLETED)	Estimated Hours Tasks 5+ 6	Total Estimated Hours	Estimated Cost
Vernice Miller-Travis	Executive Vice President	\$400	128	68	0	39	235	\$94,000
Dr. Shadiin Garcia	Executive Vice President	\$400	2	17	0	0	19	\$7,600
Sarah Malpass	Senior Director	\$260	197	56	0	39	292	\$75,920
Thomas Price Lang	Project Manager	\$195	0	0	0	105	127	\$24,765
TBD	Proofer	\$103	2	6	0	0	8	\$824
Estimated Travel Cost**			\$2,000	\$4,000	0			\$6,000
TOTALS			329	147	0	159	681	\$209,109

*All Tasks and deliverables associated with Task 4 have been completed and paid out under the original \$90,000 cost budget.

**DISTRICT shall pay CONTRACTOR for reasonable transportation, hotel, and incidental costs in accordance with Attachment C, Contractor Travel Policy.

Task Budget Table 2

Task	Description	Not to Exceed Amount
2	Shared learning (e.g., Phase 1), landscape analysis, and support for	\$105,426

	familiarization of the EJ Action Plan with the EJ Ad Hoc Committee, division leadership, and executive leadership.	
3	Develop and refine EJ Action Plan draft (e.g., Phase 2) to reflect specific needs of the EJ Ad Hoc and of the Agency. CONTRACTOR to refine draft EJ Action Plan based on unique needs of the EJ Ad Hoc and the Agency.	\$53,178
5+ 6	Project Oversight and Collaboration with the DISTRICT Core Team + Project Management	\$50,505



*Committed to Achieving Clean Air to Protect
the Public's Health and the Environment*

ATTACHMENT C

Contractor Travel Policy

Contractors who are under agreement with the District and who plan to bill the District for travel expenses per the terms of their Contract must adhere to this Contractor Travel Policy.

GUIDELINES

Making Travel Arrangements

When making travel arrangements, Contractor should take reasonable measures to secure the lowest fares and prices for transportation, lodging, and food. Documentation of this research will be required to receive reimbursement. **Please note that booking travel and hotel arrangements at the same time can result in significant savings to the District and therefore is encouraged.**

1. The Bay Area Air Quality Management District shall reimburse travel-related expenses to cover lodging, meals, other incidental expenses and costs of transportation subject to the following limitations:
 - **Air Transportation** - Coach class rate for all flights. If coach is not available, business class rate is permissible only with prior written client approval.
 - **Car Rental** – A compact car rental. Mid-size cars rentals are permissible if the rental is shared by three or more individuals.
 - **Lodging** – Holiday Inn will be used up to the [federal GSA FTR rates](#) for San Francisco, California. If Holiday Inn is not used then reimbursement will be at the [current rate for a standard room at Holiday Inn](#).
 - **Meals** – Up to the [federal GSA FTR rates](#) for San Francisco, California.
 - **Incidentals** – Up to the [federal GSA FTR rates](#) for San Francisco, California.
 - **Mileage** – Reimbursement will be provided at the [current reimbursement rate](#) for each mile, or the equivalent of the IRS Mileage rate, whichever is greater.
 - **Parking** - Travelers will be reimbursed for airport parking or nearby lots for overnight or day trips. For trips ranging from 2-7 days, outlying or long-term lots are recommended. For trips of longer duration, the cost of shuttle service in lieu of parking charges shall be considered. Travelers will be reimbursed for parking near the BAAQMD office for meetings.
 - **Ground Transportation** – The least expensive means of transportation shall be used within the Bay Area, considering time and other constraints. Travelers not affiliated with the San Francisco or Oakland office will be reimbursed for public transportation and taxis, provided they do not have a rental car

2. Supporting documentation shall be provided for travel-related expenses in accordance with the following requirements:
 - **Airfare, Car Rentals, Lodging** – Bills for actual expenses incurred.
 - **Meals** – Meals billed in excess of \$25.00 each day require receipts or other supporting documentation for the total amount of the bill to be approved by the DISTRICT.
 - **Other Travel Related Expenses** – Receipts are required for all individual items in excess of twenty five dollars (\$25.00).
3. Travel Time Charging
 - Contractor employees (and subcontractors) are to record hours actually worked (those in which a benefit to the DISTRICT was provided during travel) when traveling on business for the firm. This normally will not include all hours during travel, except when all travel is within the normal business day (8:00 AM – 5:00 PM). If travel is on a normal business day, then travel will be arranged for morning or evening so as to minimize travel during working hours (8:00 AM – 5:00 PM) and maximize on-site time on the day of travel. Time that is incurred because of personal preference or combining personal travel with business is not to be charged.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Authorization to Execute Gas Purchases for Meteorology and Measurement
Division Operations

RECOMMENDED ACTION

Recommend the Board of Directors authorize the Executive Officer/APCO for purchases in a total amount not to exceed \$160,000 from AirGas and \$160,000 from Linde for routine supplies needed for Meteorology and Measurement Division operations from June 21, 2023 through June 31, 2024.

BACKGROUND

The Meteorology and Measurement (M&M) Division provides emissions, air quality, and meteorological data; chemical analysis; forecasting; and data analysis. The data is used to determine if the Air District is in attainment with state and federal standards, determine if facilities are in compliance with Air District regulations, provide a scientific basis for Air District programmatic decisions, and to communicate about air quality with the public. The data and analyses from the Meteorology and Measurement Division also support the activities of the Compliance & Enforcement, Engineering, Planning, Legal, Rules, Assessment, Inventory & Modeling, Communications, and Community Engagement Divisions. To comply with regulations and to have comparable data over time and from year-to-year, many of the activities of the Meteorology and Measurement Division are routine and repeated. To accomplish many of these activities, instruments, warranty services and supplies of a very specific and technical nature are regularly required. To accomplish many of these activities, instruments, warranty services and supplies of a very specific and technical nature are regularly required.

The Meteorology and Measurement Division routinely purchases gases for the laboratory and field operations from two vendors, AirGas and Linde. These are the only two vendors available in the Bay Area that have the range of gases that are routinely required for Air District operations and can deliver gases routinely (weekly). Over the past several years, the cumulative expenditure has exceeded \$100,000 for both vendors. For gases that are available from both vendors, staff evaluate the prices, availability, lead times, delivery logistics, and response times from each of the vendors prior to making purchases. In some cases, only one of these vendors offers specialized services or gases that are required for our operations.

DISCUSSION

Staff are recommending the Board of Directors authorize the Executive Officer / APCO to purchase gas from the two gas vendors, up to \$160,000 with AirGas and up to \$160,000 with Linde, to cover supplies from June 21, 2023 through June 30, 2024. The total amount for these proposed procurements is \$320,000.

Staff believes that these purchases are recurring, routine, and necessary and likely fall under the second sentence of the Administrative Code Division II Section 4.3:

“For efficiency, recurring payments for routine business needs such as utilities, licenses, office supplies and the like, more than, or accumulating to more than one hundred thousand dollars (\$100,000) shall be presented in the quarterly Financial Report.”

Therefore, when payments to a vendor have accumulated to more than \$100,000 in a fiscal year, staff will present these payments in quarterly financial report provided to the Board of Directors.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The recommended amount of \$320,000 for these expenditures is included in the Meteorology and Measurement Division's approved FYE 2023 budget and FYE 2024 proposed budget (Program Codes 802, 803, 804, 807, and 810).

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Mairi Beacon, Jerry Bovee, Jon Bower, Charity Garland, Charles Knoderer, and Ila Perkins

Reviewed by: Ranyee Chiang and Greg Nudd

ATTACHMENTS:

None

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Authorization to Accept Grant Program Revenues from the U.S. Environmental
Protection Agency for Community Monitoring

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Adopt a resolution (Attachment 1) authorizing the Executive Officer/APCO to accept, obligate, and expend up to \$298,114 from the United States Environmental Protection Agency (US EPA) for Enhanced Air Quality Monitoring for Communities; and
2. Authorize the Executive Officer/APCO to enter into all agreements to accept, obligate, and expend this funding for amounts up to \$100,000.

BACKGROUND

Pursuant to the American Rescue Plan Act of 2021, on December 13, 2021 the US EPA announced the availability of funds and solicited applications from eligible entities to conduct ambient air monitoring of pollutants in communities with environmental and health outcome disparities.

East Oakland is a majority Black and Brown community that contains large tracts of industrially zoned land with a mix of large and small stationary industrial sources that directly emit pollutants to the atmosphere and generate many daily truck trips. These sources are often directly upwind of residences and schools. East Oakland also is a major transportation corridor with goods moving via ship, rail, congested freeways, and truck routes in close proximity to people's homes. This area includes Interstate 880, Oakland International Airport, and industrial and logistics businesses associated with the Port of Oakland.

East Oakland community members and organizations have long advocated for health equity, cleaner air, and investments to promote a green and regenerative economy. As a stated purpose of the EPA solicitation was to "promote air quality monitoring partnerships between communities and tribal, state, and local governments," the Air District developed a grant proposal at the request of Communities for a Better Environment (CBE) to fund their contributions to additional air monitoring to address the community's air quality concerns. The

proposal was developed in collaboration with CBE and University of California, Berkeley, who was brought in as a project partner by CBE. The Air District submitted the proposal to EPA on March 25, 2022 (Attachment 2, as amended). This work responds to decades of racist and discriminatory practices such as redlining and land use zoning, which have excluded East Oakland and other communities of color from wealth-building opportunities while locating polluting industry in Black and Brown neighborhoods.

DISCUSSION

The proposed project will aid in:

1. Evaluating VOC and PM levels around specific facilities identified and prioritized by community members,
2. Identifying community hotspots where VOC and PM levels are unusually high compared to surrounding areas,
3. Informing efforts to reduce emissions and exposure, future regulatory development and enforcement, or other activities,
4. Providing community members with consumer-grade PM sensors to increase the accessibility to real-time PM data throughout an area that has fewer sensors than other parts of the Bay Area, and
5. Providing community members with air filters to mitigate and reduce infiltrated wildfire PM pollution inside residences and buildings.

As part of the application, the Air District has proposed a commitment of up to \$1,385,474 in matching contributions (primarily staff time) that would be used for project and administrative costs. As outlined in our project proposal, the Air District will award a majority of the EPA funds to CBE and UCB through subaward grant agreements that will be established between the Air District and each of those organizations. These subaward agreements will be submitted for Board approval at a later date.

On October 31, 2022, EPA notified the Air District that our proposal was accepted for potential funding. On June 5, 2023, EPA provided the Air District with a Grant Agreement (Attachment 3), which requires the Air District to demonstrate its commitment to carry out the award by either: 1) drawing down funds within 21 days after the award mailing date, or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the award mailing date. If the Board approves the acceptance, obligation, and expenditure of the EPA grant funds, staff will:

- Refrain from filing a notice of disagreement with EPA to decline the award, and
- Develop subaward grant agreements with CBE and UCB for subsequent Board approval.

Please note that EPA is currently processing an amendment to the Grant Agreement because the version initially provided to the Air District (included as Attachment 3) contains an error. Specifically, the Budget Summary on page 3 will be amended to reduce the budget for Supplies from \$12,000 to \$9,750 (a reduction of \$2,250), and increase the budget for the Other category

from \$286,114 to \$288,364 (an increase of \$2,250). The total amount of the grant will not change, nor will the terms and conditions. Staff are seeking approval from the Board for a grant agreement that is the same as Attachment 3, except the budget for the Supplies category will be corrected to be \$9,750 and the Other category will be \$288,364.

BUDGET CONSIDERATION/FINANCIAL IMPACT

Of the \$298,114 in EPA grant funding, \$288,364 are “pass-through” funds for CBE and UCB and the remaining \$9,750 supports supplies for the project. The Air District’s commitment of in-kind contributions has been included in the approved FYE 2024 budget and will be included in the FYE 2025 and FYE 2026 proposed budgets.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Joe Lapka
Reviewed by: Kate Hoag and Ranyee Chiang

ATTACHMENTS:

1. Attachment 1 - Draft Board Resolution
2. Attachment 2: Project Proposal for Local-scale Community-led Monitoring in East Oakland
3. Attachment 3: US Environmental Protection Agency Grant Agreement

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION NO. 2023-_____

**A Resolution Accepting Enhanced Air Quality Monitoring for Communities
Grant Funds from the United States Environmental Protection Agency**

WHEREAS, the purpose of this Resolution is to authorize the Bay Area Air Quality Management District (Air District) to accept, obligate, and expend a grant up to \$298,114 in additional funding from the United States Environmental Protection Agency (US EPA) to implement a community air monitoring project in East Oakland (hereinafter referred to as the “Grant”) and to authorize the Executive Officer/Air Pollution Control Officer to execute all necessary agreements, required documents, and amendments required to expend this funding;

WHEREAS, on December 13, 2021, the US EPA announced the availability of funds and solicited applications from eligible entities pursuant to the American Rescue Plan Act of 2021 to conduct Enhanced Air Quality Monitoring for Communities in areas with environmental and health outcome disparities;

WHEREAS, on June 5, 2023, the US EPA electronically mailed a Grant Agreement to the Air District authorizing the Grant in the amount of \$298,114 for implementation of the Air District’s proposed project in East Oakland during Fiscal Years (FY) 2023-2024 through 2025-2026;

WHEREAS, it was subsequently discovered that the Grant Agreement electronically mailed on June 5, 2023, contained an error in that the Budget Summary on page 3 erroneously included \$2,250 in the budget for Supplies that should actually have been included in the budget for the Other category;

WHEREAS, US EPA has agreed to correct the error by sending a revised Grant Agreement with the budget for Supplies reduced by \$2,250 and the budget for the Other category increased by \$2,250, with no change in the total amount of the grant or to any of the terms and conditions in the Grant Agreement;

WHEREAS, the Air District must demonstrate its commitment to carry out the award by either: 1) drawing down funds within 21 days after the US EPA award mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the US EPA award date;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby approves the Air District’s acceptance of the Grant and the associated funds, and commits the Air District to comply with the terms of the US EPA Grant Agreement as electronically mailed on June 5, 2023, with the correction that that \$2,250 of the funds from the Supplies Object Class Category as shown in that Agreement will be reallocated to the Other Object Class Category.

BE IT FURTHER RESOLVED that the Board of Directors hereby authorizes the Executive Officer/Air Pollution Control Officer to accept, obligate, and execute all agreements, required documents, and any amendments thereto to implement and carry out the purposes of this resolution.

The foregoing resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2023 by the following vote of the Board:

AYES:

NOES:

ABSTAIN:

ABSENT:

John J. Bauters
Chair of the Board of Directors

ATTEST:

Lynda Hopkins
Secretary of the Board of Directors

Local-scale Community-led Monitoring in East Oakland

Applicant Information

Applicant:	Bay Area Air Quality Management District		
DUNS Number:	078781416		
Address:	375 Beale St. San Francisco, CA 94105	Primary Contact:	Katherine Hoag (415) 749-4619 khoag@baaqmd.gov
Description of Applicant Organization:	The California Legislature created the Air District in 1955 as the first regional air pollution control agency in the country. The agency is tasked with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. The Air District does this using a broad set of approaches including rulemaking, permitting, enforcement, ambient air monitoring, grant and incentive programs, and community partnerships, among others.		

Set-Aside: No set-aside

Project Partners

Organization:	Communities for a Better Environment	University of California, Berkeley
Contact:	Esther Goolsby esther@cbeval.org	Chelsea Preble cvpreble@berkeley.edu

Project Summary

Location:	The project will be implemented in East Oakland, which is a region of Oakland, CA. Specifically, the project will focus on the ZIP codes 94621 and 94603.
Air Pollutant Scope:	Particulate matter, VOCs (including many air toxics)
Description:	The proposed project will involve three air monitoring components, each designed in collaboration with the Air District's community partners for the project and with members of the community at large. First, we will use an air monitoring van to perform exploratory measurements of volatile organic compounds (VOCs) – including many air toxics - and particulate matter (PM) characteristics around sources or receptors of interest to the community. This will be followed by studies using short- or medium-duration stationary measurements to investigate questions raised by the results of the screening measurements. The third component will involve deployment of a network of outdoor and indoor commercial PM sensors and DIY air filtration units to community members and schools, who will be trained to interpret data and respond to air quality emergencies, such as wildfire smoke events.
Project Period:	July 1, 2023 through June 30, 2026

Budget Summary

EPA Funding Requested	Total Project Cost (including in-kind contributions)
\$298,114	\$1,683,588

Section 1 – Project Summary and Approach

A. Overall Project

The proposed air monitoring project will use a multifaceted approach for characterizing local-scale air quality impacts in East Oakland. Specifically, it will involve three components, each designed in collaboration with the Air District's partners for the project – Communities for a Better Environment (CBE) and University of California, Berkeley (UCB) – and with members of the community at large:

1. Component 1 (C1) - use of an air monitoring van to perform exploratory measurements of volatile organic compounds (VOCs) – including many air toxics - and particulate matter (PM) characteristics around sources or receptors of interest to the community,
2. Component 2 (C2) - follow-up studies using short- or medium-duration stationary measurements to investigate questions raised by the results of the screening measurements (as needed based on final monitoring objectives and an assessment of the data collected with the monitoring van), and
3. Component 3 (C3) - deployment of a network of outdoor and indoor commercial PM sensors and DIY air filtration units to community members and schools, who will be trained to interpret data and respond to air quality emergencies, such as wildfire smoke events.

The project will begin with technical assessments and community engagement to determine the areas for mobile monitoring. East Oakland is an expansive area that includes diverse and complex emissions sources, and we cannot realistically characterize the impacts from all of them. Therefore, as preliminary steps, the Air District will compile data from sources like emissions inventories, complaints, and existing air monitoring efforts. These data will be used to develop an initial picture of known or potential sources of VOCs and PM, and areas where concerns about air pollution exposure are not well characterized. CBE and the Air District will then engage with community members to hear about sources and receptors of interest or concern to define specific areas in East Oakland for the C1 exploratory measurements.

Exploratory measurements will be performed using the Air District's own state-of-the-art air monitoring van. Equipped with a proton-transfer reaction mass spectrometer (PTR-MS), the air monitoring van can measure low-level concentrations of hundreds of VOCs at 1-second intervals. Across the study area, this approach can locate plumes or provide information about the general spatial variations of targeted gas-phase air toxics like benzene, toluene, ethylbenzene, and xylene (collectively known as BTEX), which are emitted by a wide range of mobile and stationary sources. A project-specific target compound list beyond BTEX will be developed to include other compounds that are specific to sources of concern identified through community engagement efforts.

The air monitoring van is also equipped with a fast mobility particle sizer and an optical particle sizer, which together are capable of measuring both particle concentration and size distribution of particles between 0.0056 and 10 micrometers at 1-second frequencies. Additional measurements include methane, carbon monoxide, carbon dioxide, nitrogen oxides, and black carbon. Lastly, it includes instrumentation for collecting meteorological measurements, including temperature and pressure, as well as wind speed and direction when the van is stationary. Location data are integrated with these measurements by use of a global positioning system.

Measurements from the air monitoring van will provide snapshots in time of pollutant concentrations. While some results may indicate what sources are contributing to elevated pollutant concentrations, others may leave questions unanswered or raise new questions. In the second component of the project (C2), the Air District will deploy portable monitors to provide temporal information at certain locations. Sources, pollutants, and monitoring locations will be selected after examining the initial round of results and re-engaging with community members to understand their questions and concerns based on the insights from the first phase of monitoring. Locations of interest may include areas where the first phase of monitoring detected enhanced air toxics or PM signals but where temporally resolved emissions profiles were not achievable with the van. Depending on the source and pollutant, the portable monitors may be deployed from one to several weeks.

Lastly, in parallel with Components 1 and 2, a third component (C3) will involve deployment of approximately 70 PurpleAir PA-II-SD PM sensors for one year, and distribution of 30 air filtration systems throughout East Oakland. This component will be led by CBE and UCB. A subset of approximately five monitors will be paired with battery units and Wi-Fi hotspots, to allow the hosting of PurpleAir monitors by unsheltered community members who may not have reliable power or internet access, and yet are often the most exposed to ambient air pollution. At least five monitors will also be reserved for elementary and high schools. Community members will be able to opt in to receive both an indoor and outdoor air monitor, an indoor air filtration unit, and a \$325 incentive for their contribution to the project as monitor hosts. The incentive will be provided to participants at installation of the PM sensor, and will be given in the form of cash or a bank-issued cash card (e.g., Visa or Mastercard gift card).¹ UCB researchers and students will support this work, including installing the units, training community members on interpreting PM data, and evaluating the indoor air quality impact of the indoor filtration units during wildfire events.

Together, it is expected that all three components of the project will aid in:

1. evaluating VOC and PM levels around specific facilities identified and prioritized by community members;
2. identifying community hotspots where VOC and PM levels are unusually high compared to surrounding areas;
3. informing efforts to reduce emissions and exposure, future regulatory development and enforcement, or other activities;
4. providing community members with consumer-grade PM sensors to increase the accessibility to real-time PM data throughout an area that has fewer sensors than other parts of the Bay Area; and
5. providing community members with air filters to mitigate and reduce infiltrated wildfire PM pollution inside residences and buildings.

B. Project Significance

East Oakland community members and organizations have long advocated for health equity, cleaner air, and investments to promote a green and regenerative economy. This work responds to decades of racist and discriminatory practices such as redlining and land use zoning, which have excluded East Oakland and other communities of color from wealth-building opportunities while simultaneously and disproportionately locating polluting industry in Black and Brown neighborhoods. The results of these racist policies have been long-lasting, as freeways and industrial facilities have been built through the heart of the community, causing irreversible harm to East Oakland residents.

Today, East Oakland is a majority Black and Brown community that contains large tracts of industrially zoned land with a mix of large and small stationary industrial sources that directly emit pollutants to the atmosphere and that generate many daily truck trips. These sources are often directly upwind of residences and schools. East Oakland also is a major transportation corridor with goods moving via ship, rail, congested freeways, and truck routes in close proximity to people's homes. This area includes Interstate 880, Oakland International Airport, and industrial and logistics businesses associated with the Port of Oakland.

In general, communities located near industrial and mobile sources experience higher levels of air pollution compared to other urban areas. These disparate impacts are not always captured by long-term ambient air monitoring stations or modeling efforts, as long-term monitoring stations are not designed to capture neighborhood-scale variability in ambient pollution, and modeling may not reflect all of the local emissions contributing to total exposure. However, air quality studies specifically designed to collect spatially resolved air quality data using mobile platforms, sensor networks, or other short-duration stationary monitoring deployments can help to 1) reveal areas with persistently elevated pollutant concentrations, 2) improve our understanding of gradients in ambient pollution levels near sources, 3) quantify relative contributions from known emissions sources, and 4) identify of new sources.

Overall, this approach of combining Air District equipment for high-resolution characterization of a range of air contaminants with low-cost, community-hosted PM monitors, addresses multiple needs in East Oakland. Local-scale impacts from a range of industrial facilities are currently poorly characterized, and data from high-grade monitoring equipment is vital to identify potential health impacts and to focus future regulatory efforts. Meanwhile, despite

¹ Gift cards for specific merchants or retail outlets will not be provided as incentives.

experiencing some of the worst air quality in the East Bay, East Oakland has very few PurpleAir monitors and is an air quality “data desert.” PurpleAir monitors are an essential community resource to produce the real-time data needed to understand day-to-day air quality concerns, especially during acute, high PM pollution events like wildfires that are increasingly common in California. Participating community members will receive PurpleAir monitors, air filtration resources, and training to build ownership in monitoring and responding to air quality emergencies.

As a result, this project will provide essential information for the development of effective strategies for reducing air pollution exposure and emissions. This is particularly timely in the case of East Oakland, as this project will provide community members with information that will support an ongoing, community-led emissions reduction program already underway. On February 11, 2022, the California Air Resources Board (CARB) approved the Air District’s recommendation to select East Oakland for development of a Community Emissions Reduction Program (CERP) under the State’s Community Air Protection Program (AB 617) and in partnership with CBE. The data from this project will inform AB 617 efforts in East Oakland, including development of the CERP by a community-led steering committee as well as relevant rulemaking, enforcement, and incentive funding activities.

In addition to the technical and policy-making impacts of this project, this monitoring project also represents an opportunity to further develop relationships between the Air District and East Oakland community groups. CBE has been working with the Air District for several years to develop community partnerships and build trust, given that Air District and other air quality management policies and practices have historically not served communities like East Oakland. By leveraging Air District monitoring resources in a community-directed project that will tangibly advance existing priorities for air quality, this project will build on and sustain that trust and relationship as we continue to work together through the AB 617 process.

Section 2 – Community Involvement

A. Community Partnerships

The Air District is partnering with CBE and UCB on this project from development of this proposal to delivery of the final results.

Founded in 1978, CBE is a well-established environmental justice organization with a legacy of building frontline capacity to combat environmental and climate injustices. CBE’s mission is to build people’s power to achieve environmental health and justice in low-income communities and communities of color throughout California by preventing and reducing pollution and building green, healthy and sustainable communities and environments. CBE’s pentad model consisting of organizing, story-telling, civic engagement, research, and legal, empowers and inspires Black, Indigenous, People of Color (BIPOC) frontline communities to take on leadership positions in the fight to prevent and reduce pollution in some of California’s most impacted communities, while simultaneously building towards a Just Transition to a clean regenerative economy and economy energy system.

For project components C1 and C2, CBE’s strengths in community organizing and engagement, and the Air District’s technical resources and expertise, offer a unique opportunity to collaborate and learn from one another while working for environmental health and justice in East Oakland. All work will be performed collaboratively and in coordination with community members. The Air District will have a lead role for the preliminary data analysis, operation of the air monitoring van, and selection and operation of the monitoring equipment, while CBE will have a lead role in designing and executing the community organizing and engagement portions of the project to design the monitoring plan. Analysis and dissemination of the resulting data will be collaborative and iterative and will be done in partnership between the Air District, CBE, and community members.

For project component C3, CBE will collaborate with researchers and students from UCB, including Chelsea Preble (Research Engineer), Thomas Kirchstetter (Division Director and Adjunct Professor), and James Butler (PhD Student). The Berkeley team has extensive experience characterizing on-road emissions from heavy-duty diesel trucks operating around freight-handling facilities and along truck routes in Oakland. They have also successfully deployed community-based networks of low-cost black carbon sensors in collaboration with local environmental justice organizations in West

Oakland, Richmond, and Modesto, California. Similar to the monitoring components, this partnership will leverage CBE’s community expertise and the UCB team’s experience with community training, sensor network design, and data analysis.

B. Community Engagement

All aspects of this project have been designed in close collaboration with CBE East Oakland organizers and will continue to be designed with members of the CBE Environmental Justice (EJ) workgroup, a group of engaged East Oakland residents that meet biweekly on local EJ issues. As such, the project structure has been designed to meet key community needs to fill existing resource and air quality data gaps. Throughout the project CBE will actively engage community members with in-depth knowledge of air quality concerns and toxic facilities to design monitoring plans and outreach strategies.

Our community engagement efforts will begin with a presentation by the Air District to the EJ workgroup to explain in detail what monitoring options are available. Then in coordination with CBE and the EJ workgroup, we will develop a preliminary list of priority sources (e.g., industrial facilities, warehouses, etc.) and priority receptor areas (e.g., schools, parks, and other areas where people spend time) to monitor. With CBE and the EJ workgroup, we will also develop a vision for a community event to learn about EJ, to let the community see and learn about the air monitoring van, learn about air quality sensors, and provide input on priority areas for screening measurements with the van and where to deploy the PM sensors. We will then work with stakeholders to finalize the areas to target for mobile monitoring, perform the monitoring, deploy the sensors, and report back to the EJ workgroup to decide where to perform follow-up short-term stationary monitoring.

In addition to promoting component C3 at the community events developed for the first two components, we also intend to generate targeted outreach materials such as mailers, flyers, and social media tools, leveraged through ally organizations and AB 617 CERP events, to connect with East Oakland residents and sites willing and able to host a PurpleAir monitor. In collaboration with UCB, CBE will also host an “Intro to EJ / CBE” community gathering of interested residents and site hosts to learn about the connection between EJ and PurpleAir monitoring. A series of training sessions will also be provided to learn more about what PurpleAir monitors are, what they measure, how they work, and how to develop and set up a “phone tree” system to notify neighbors when air quality is poor and what to do during such an event. Finally, UCB and CBE will review data and hold quarterly sessions with site hosts to answer questions and show data results. This will also include a youth component, through which several indoor and outdoor sensors will be reserved for local elementary and high schools in East Oakland. In collaboration with CBE’s Youth EJ program, the UCB team will provide training sessions to students to interpret and analyze the data collected at their schools.

As a goal of this project is to support community action, our engagement strategy will be designed to build community capacity throughout. This includes development of technical skills through Air District training sessions, capacity building for PurpleAir monitor site hosts to interpret and respond to air quality emergencies, and hosting neighborhood events like the one mentioned above to allow people to see the air monitoring van or other equipment up close, learn about the project, and learn about other opportunities to get involved. Another key component of this will be a project website to provide community members with access to information about the project design, the monitoring data, analytical results, and other resources that may aid their advocacy efforts. Development of the website will be an early step in the project so it will serve as a resource over the project’s lifetime. The Air District or its project partners may elect to use EPA’s logo or seal on the project website or other community engagement or outreach materials. Prior to reproducing the EPA logo or seal for these purposes, the Air District will request permission from EPA’s Office of Public Affairs (OPA) and will adhere to all conditions of use posted on EPA’s website (<https://www.epa.gov/aboutepa/using-epa-seal-and-logo>) or otherwise communicated to the Air District by the appropriate EPA representatives. All of these activities will be coordinated with the extensive community engagement efforts that will take place for development of the CERP under AB 617. Data resulting from these activities will also be made readily accessible for the CERP community steering committee to best identify and adopt emission reduction strategies.

Section 3 – Environmental Justice and Underserved Communities

Located in north-western Alameda County near the East Bay waterfront, East Oakland is a predominantly Black, Latinx, and people of color community of approximately 162,600 people. Nearly half of the population in East Oakland is Latinx, and another 30% of the residents are Black Americans.

As noted above, East Oakland is a major transportation corridor with numerous freeways and railways used for diesel-powered freight movement as well as non-commercial travel, and it borders industrially zoned land, which has businesses that directly emit pollutants to the atmosphere and produce and attract high numbers of daily truck trips. In addition, East Oakland is densely populated, exceeding 3,000 persons per square mile across a majority of the community and 5,880 persons per square mile in some areas. Consequently, the predominantly Black and Brown residents live in close proximity to industrial sources and experience significant cumulative impacts associated with high levels of air, water, and soil pollution.

Data from the State of California shows the degree to which the East Oakland community is overburdened. CalEnviroScreen identifies communities (by census tract) that are disproportionately burdened by and vulnerable to multiple sources of pollution by using twenty-one statewide indicators. Individual indicator scores are provided along with composite scores based on a specified formula. Scores are provided as percentiles, with higher percentiles representing a greater burden on the community. The population characteristics used by CalEnviroScreen include emergency department visits associated with asthma among others.

Compared to all census tracts in the state, thirty-one of the thirty-five census tracts in East Oakland have composite scores above the 50th percentile, twelve are above the 80th percentile, and six are above the 90th percentile. In addition, East Oakland has one of the highest asthma hospitalization rates in the country, with children under five especially hard hit. Thirty-three out of the thirty-five census tracts are in the 90th percentile for asthma hospitalization, and nineteen are above the 99th percentile.

The cumulative impacts on the people of East Oakland can only be described as environmental injustice, and they were made worse by the COVID-19 pandemic. Of all the ZIP codes in Alameda County, 94603 had a COVID infection rate eight times that of the ZIP code with the lowest infection rate, 94618, which covers an affluent area of Oakland at the other end of the city 10 miles away. Yet, East Oaklanders are organized, and they are actively engaged in grassroots efforts to improve conditions in their community. Through the extensive community engagement plan described above, this project will continue to be designed in collaboration with the residents of East Oakland and the resulting data will support their pursuit for a green, regenerative community.

Section 4 – Environmental Results – Outcomes, Outputs and Performance Measures

A. Expected Project Outputs and Outcomes

Expected outputs from this project include the following:

- A community-specific assessment of existing ambient air quality and emissions data to facilitate community-partnered design of the monitoring plans
- Identification and quantification of air pollutants associated with sources in East Oakland through a screening phase of measurements using an air monitoring van followed by a second round of more targeted short- to medium-duration measurements
- Community engagement and capacity building through neighborhood events, community training sessions, and hosting of PurpleAir sensors
- A project website that provides the community with informational resources and air quality monitoring data

Expected outcomes include:

- A better understanding of air pollution concentrations within East Oakland, including spatial and temporal variations on a local scale
- Increased access to data and information that will support existing grassroots efforts to remedy environmental injustices experienced by East Oakland residents

- Reduction of ambient concentrations of pollutants and human exposure stemming from development and implementation of a Community Emission Reduction Plan under AB 617, which will be directly informed by the results of this project

B. Performance Measures and Plan

To ensure successful completion of the project, the Air District will implement a robust plan for collecting, analyzing, and reporting on indicators that show how well we are performing. Based on criteria established by the International City/County Management Association for excellence in local government performance reporting, our plan includes the following primary components:

- Coordination – we will designate a primary staff person to oversee performance management for the duration of the project, including coordination across teams within the Air District and coordination among the Air District and its community partners
- Data collection – we will ensure systems and processes are in place to capture the data needed to track the selected performance metrics
- Public reporting with context – we will report our performance both to EPA in our quarterly progress reports and to the public on the website for the project; reporting will include narrative text to explain the meaning or significance of the metrics and data
- Verification – we will take efforts to verify, correct, or explain any data that may be in question
- Networking and documentation of lessons learned – we will reflect on lessons learned over the course of the project and share our experiences with other teams in the Air District, with our community partners, and with EPA in our final report for the project.

Specific performance measures tracked will focus on both the *quantity* and *quality* of our work.

Quantity measures:

- Total staff hours spent on project implementation
- Number of routine coordination meetings for project planning and implementation
- Number of sites (sources or receptors) monitored (C1 & C2)
- Number of PurpleAir sensor site hosts and PurpleAir sensors deployed (C3)
- Total miles driven in the air monitoring van (C1)
- Total hours of monitoring data collected (C1 & C2)
- Number of community engagement events and number of community members present (C1, C2, & C3)

Quality measures:

- Spatial and temporal representativeness of the monitoring data, including the number of passes made with the air monitoring van around the same monitoring location (C1 & C2)
- Distribution of measurements from 9 am to 4 pm Monday through Friday (C1 & C2)
- Participant satisfaction with engagement events (C1, C2, & C3)
- Degree to which data gaps are filled and/or usefulness of data to the community (C1, C2, & C3)
- Visitor engagement metrics for the project website (e.g., page views, average time on page, average session duration, pages per session, new visitor sessions, repeat and new visitors) (C1, C2, & C3)

C. Timeline and Milestones

	2023		2024				2025				2026	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Establish grant agreements												
Launch project website												
Draft monitoring plan and QAPP for component C1												
Draft monitoring plan and QAPP for component C3												

	2023		2024				2025				2026	
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
Engage with community to inform project design and implementation of components C1 and C3		■	■									
Finalize monitoring plan and QAPP for C1; update website			■									
Finalize monitoring plan and QAPP for C3; update website			■									
Open application for community members to participate in PurpleAir component (C3)			■									
Screening monitoring for gaseous air toxics and PM using Air District van (C1)			■	■	■							
Analyze data and communicate results with context; update website				■	■							
Orient site hosts to PurpleAir component, distribute & install sensors and filters (C3)				■	■							
Primary C3 monitoring period				■	■	■	■					
Assess needs for portable or short-term monitoring; engage with community to gather input on objectives and monitoring plan (C2)						■	■					
Finalize and execute plan for portable or short-term monitoring (C2)								■	■	■		
Analyze data and communicate results with context; engage w/ community & update website (C2 & C3)									■	■	■	
Prepare final project report											■	■
Close out project												■
Notes: (1) Time frames represent calendar quarters; (2) Timeline assumes submittal of quarterly progress reports throughout the life of the project; (3) C1, C2, and C3 refer to the three components of the project (C1 = mobile van monitoring, C2 = follow-up stationary monitoring, C3 = PurpleAir and air filtration program). If unlabeled, task applies to all three components.												

Section 5 – Quality Assurance Statement

As directed in Appendix B of the RFA, the Quality Assurance Statement has been submitted separately using the Other Attachments form.

Section 6 – Programmatic Capability and Past Performance

A. Past Performance

Since 1991, the Air District has successfully administered more than \$1.2 billion in revenue for grant programs that achieve surplus emissions reductions through air quality improvement projects with sub-grantees. This includes multiple grants under the ARRA and DERA National Clean Diesel programs and a more recent grant for the Residential Woodburning Devices and Lawn and Garden Replacement Program. As a local air pollution control agency in the state of California, the Air District is also a recipient of grant funding from EPA under Sections 105 and 103 of the Clean Air Act. Both these grants include requirements for ambient air monitoring that the Air District has met or exceeded for over two decades.

B. Reporting Requirements

In all cases noted above the Air District has fulfilled its reporting requirements. The EPA STAG grants from 103 and 105 come with requirements for reporting data to both AirNow and EPA’s Air Quality System. Our collected ambient data far

exceeds data completeness requirements, meets data quality objectives, and is shared in near-real-time and in AQS in a timely fashion. The Air District consistently reports on these and other grant conditions during and at the end of each grant cycle.

C. Staff Expertise

Collectively, the staff who will work on this project have many decades of experience developing and implementing air quality programs. Below is a brief summary of key project staff and their relevant experience; note that this list is not exhaustive of all staff who will work on the project.

Air District

Katherine Hoag (Assistant Manager, Ambient Air Quality Analysis) – Kate Hoag has been measuring and analyzing air quality or pollutant exposure data since 1995. She currently leads a group of Air District staff who work on ambient air monitoring study design and data analysis, both for the agency’s regulatory monitoring network and for community monitoring projects, including the development of the AB 617 CAMP for the Richmond-North Richmond-San Pablo area. She also served as the agency’s Quality Assurance Officer for over three years. Prior to joining the Air District in 2015, she worked at Region 9 EPA in the Air Quality Analysis and Permits Offices and at the School of Public Health at UNC-Chapel Hill in an exposure assessment laboratory. Kate earned a MS in Atmospheric Science from Colorado State University and a Ph.D. in Earth and Planetary Science from UC Berkeley.

Joe Lapka (Sr. Air Quality Specialist, Ambient Air Quality Analysis) – Joe has an undergraduate degree in civil and environmental engineering, a master’s degree in public administration, more than a decade of experience implementing air quality programs at the US EPA, and more than seven years of experience as an analyst and project manager for the City of San Francisco. At EPA, Joe implemented federal permitting and enforcement programs under the Clean Air Act, and at the City of San Francisco he provided internal management consulting services to City departments on projects typically involving data analysis, organizational performance management, and stakeholder facilitation.

Jon Bower (Manager, Air Monitoring Projects and Technology) – Jon has undergraduate degrees in mathematics and environmental science and a doctorate in atmospheric science. He has over 10 years of experience in research and leading teams on environmental monitoring projects. Jon has worked in air monitoring at BAAQMD since 2013 and has been a lead on the air monitoring special projects team (within AMPT) since its inception in 2015. Most recently, this team has developed and deployed a state-of-the-art air monitoring van to measure air toxics and particulate matter within communities.

Charity Garland (Assistant Manager, Air Monitoring Projects and Technology) – Charity Garland has a B.S. in environmental chemistry from UC Santa Cruz and a M.S. in atmospheric chemistry from UC Berkeley. She has participated in air quality-related field studies since 2009 and has led air quality field projects internationally and domestically since 2013. Charity joined BAAQMD in the Meteorology and Measurements division in 2017 and has been supervising the air monitoring special projects team (within AMPT) since 2018. Currently the special projects team is collecting ambient air quality data in the Richmond/North Richmond/San Pablo community operating a state-of-the-art mobile air monitoring lab used to measure air toxics and particulate matter.

CBE

Esther Goolsby (NorCal Program Co-Director) – Esther Goolsby is an Oakland native, a parent of three, a grandmother of two, and a health and justice advocate who says it’s time for positive change in her county of Alameda! Esther was born in Alameda County, raised in East Oakland, and has been volunteering with local organizations in her neighborhood since 2011. After taking a toxic tour with Communities for a Better Environment, Esther became more focused and learned to educate and organize her community about environmental racism and poor and/or non-existing land-use policy. Esther is currently, President of the RPF Board (Revolutionizing our Economy for All Local People). RPF was founded and democratically governed by six East Bay community organizing groups offering equitable access to finance for small businesses in the historically disinvested community. After being a member and

then an organizer with CBE she left the position in 2020. Esther is a former 2020 candidate for District 4 of Alameda County Board of Supervisors that received 33.3% of the vote.

Adele Watts (East Oakland Community Organizer) - Adele Watts was born and raised in Oakland, California. Adele joined Communities for a Better Environment (CBE) in September of 2020 as the East Oakland Solar on Multifamily Affordable Housing (SOMAH) Outreach Associate. While carrying out the implementation of the SOMAH program, she enjoyed educating the community on the benefits of the SOMAH program, sharing energy conservation and efficiency tips with community members and highlighting the importance of accessible solar energy and energy democracy for frontline environmental justice communities. Prior to joining CBE, Adele gained experience in local government, working with both the City of Oakland and Alameda County. Adele's shift to environmental justice work has allowed her to combine her passion for social and environmental justice and education while working in her community. In her current role as an East Oakland Community Organizer, Adele seeks to uplift and center Black voices and to center the Just Transition Framework. While at CBE Adele has been actively engaged in advancing CBE's Anti-Blackness and Equity work, spearheaded the East Oakland Toxic Tour Video project and supports with the distribution of CBE's Wildfire resilience kits. Adele is a proud alum of Arizona State University, where she received a Bachelor of Science in Urban Planning. Outside of work, she loves visiting museums, reading, practicing yoga and mothering her imaginative and resourceful 7-year-old daughter.

Angela Scott (East Oakland Community Organizer) - Angela is a Bay Area and frontline community native. Before joining CBE, Angela was a community correspondent with Oakland Voices, a community journalism project with The Oakland Tribune where she wrote about issues in East Oakland from the perspective of a community member. Angela first became active within the Black Lives Matter movement in 2014, where she began to realize the power of people who are united for a purpose. She has since transitioned to environmental justice because she feels it not only encompasses the fight for black communities and black equity but it advocates for other oppressed people and our collective home.

Tessa Wardle (Staff Researcher) - Tessa Wardle started as a Staff Researcher with CBE in the fall of 2022, where she provides technical support to the Richmond team on a range of air pollution, energy, and just transition campaigns. Prior to CBE, Tessa has worked with NGOs and research groups focused on reducing farmworker communities' pesticide exposure in California, opposing neighborhood oil drilling in Los Angeles, understanding potential local implications of novel plastic recycling technologies, and studying the health impacts of drinking water contamination. Tessa has a B.A. in Urban and Environmental Policy from Occidental College and a M.S. in Environmental Health Sciences from UC Berkeley.

Kim Ryan (Staff Researcher) - Kim is an environmental scientist and joined CBE as a staff researcher in 2022; she provides technical support for development of the AB617 Community Emissions Reduction Plan for East Oakland. She brings over 10 years of academic and professional experience in water and air quality monitoring and modeling, including the use of near real-time particulate monitoring and statistical data analysis for contaminated properties around the Bay Area. Kim holds a B.S. in Biological Sciences from the State University of New York at Oswego and an M.S. in Environmental Studies from the Graduate School at the College of Charleston.

UCB

Chelsea Preble (Research Engineer) – Chelsea Preble earned her MS and PhD in Environmental Engineering from UC Berkeley. She has 13 years of experience conducting air pollution research and is an expert on characterizing air pollutant sources, controls, and impacts. In her work, she uses novel sensing technologies to characterize emission sources and air pollution trends that affect underserved communities. Her research includes: measuring in-use emissions from heavy-duty diesel trucks and commercial harbor craft; developing community-based air quality sensor networks while working in close partnership with local environmental justice organizations; and quantifying emissions from alternative energy technologies like anaerobic digesters and composting windrows.

Section 7 – Budget

A. Budget Detail

Line Item & Itemized Cost	Source (In-kind or EPA)	Cost
Personnel		
(1) Sr. air quality specialist (AAQA) @ \$59/hr x 32 hrs/month x 36 months	In-kind	\$67,968
(1) Assistant manager (AAQA) @ \$88/hr x 12 hrs/month x 36 months	In-kind	\$38,016
(2) Air quality specialist (AMPT) @ \$59/hr x 170 hrs/month x 20 months	In-kind	\$401,200
(1) Sr. air quality specialist (AMPT) @ \$69/hr x 80 hrs/month x 20 months	In-kind	\$110,400
(1) Principal air quality specialist (AMPT) @ \$76/hr x 80 hrs/month x 20 months	In-kind	\$121,600
(1) Assistant manager (AMPT) @ \$88/hr x 25 hrs/month x 36 months	In-kind	\$79,200
(1) Manager (AMPT) @ \$91/hr x 8 hrs/month x 36 months	In-kind	\$26,208
(1) Director @ \$103/hr x 1 hrs/month X 36 months	In-kind	\$3,708
TOTAL PERSONNEL (EPA FUNDED PORTION ONLY)		\$0
TOTAL PERSONNEL (EPA FUNDED + IN-KIND)		\$848,300
Fringe Benefits		
62.68% of direct chargeable salaries & wages	In-kind	\$531,714
TOTAL FRINGE BENEFITS (EPA FUNDED PORTION ONLY)		\$0
TOTAL FRINGE BENEFITS (EPA FUNDED + IN-KIND)		\$531,714
Travel		
Milage for mobile monitoring: 125 mi/wk @ \$0.56/mi x 78 wks	In-kind	\$5,460
TOTAL TRAVEL (EPA FUNDED PORTION ONLY)		\$0
TOTAL TRAVEL (EPA FUNDED + IN-KIND)		\$5,460
Equipment		
NA	NA	NA
TOTAL EQUIPMENT (EPA FUNDED PORTION ONLY)		NA
TOTAL EQUIPMENT (EPA FUNDED + IN-KIND)		NA
Supplies		
Custom blend gas cylinders (carrier gases and calibration gases)	EPA funded	\$7,750
Consumables (e.g., inlet filters, sample filters, filter tape)	EPA funded	\$2,000
TOTAL SUPPLIES (EPA FUNDED PORTION ONLY)		\$9,750
TOTAL SUPPLIES (EPA FUNDED + IN-KIND)		\$9,750
Contractual		
NA	NA	NA
TOTAL CONTRACTUAL (EPA FUNDED PORTION ONLY)		NA
TOTAL CONTRACTUAL (EPA FUNDED + IN-KIND)		NA
Other		
Subaward to CBE (see description in Section 7.B below)	EPA funded	\$128,081
Subaward to UCB (see description in Section 7.B below)	EPA funded	\$150,533
30 community member incentives @ \$325/incentive	EPA funded	\$9,750
TOTAL OTHER (EPA FUNDED PORTION ONLY)		\$288,364
TOTAL OTHER (EPA FUNDED + IN-KIND)		\$288,364
Indirect Charges		
NA	NA	NA
TOTAL INDIRECT (EPA FUNDED PORTION ONLY)		\$0
TOTAL INDIRECT (EPA FUNDED + IN-KIND)		\$0
TOTAL EPA FUNDING REQUESTED		\$298,114

B. Reasonableness of Costs

The total estimated cost for the project is \$1,683,588. The Air District will cover \$1,385,474 of the total costs (82%) through in-kind contributions, leaving \$298,114 in requested funding from EPA. The majority of the project expenses are for personnel and fringe benefit costs, which is reasonable since the project involves numerous labor-intensive activities such as community engagement, development of monitoring plans, driving the air monitoring van, deploying short-term stationary monitoring equipment, performing QA/QC activities, performing data analysis, project management, and reporting. Except for a small amount of funding needed for supplies for the van and community member incentives, the funding from EPA will be used to cover the expenses of our project partners for components C1 and C2, and all of the expenses for component C3. Like the Air District, most of the costs for both community partners are for personnel. Other expenses included in the subaward for CBE include printing costs for engagement materials, web hosting services, graphic design services, interpretation & translation services, fees for community event space, travel expenses to a conference for capacity building, and food for community events. Expenses other than personnel included in the subaward to UCB include the seventy PurpleAir sensors; five solar-powered battery systems; five Wi-Fi hotspots; five 12-month cellular data plans; ninety air filters; thirty box fans; consumables for sensor and filter installation; computer equipment; and travel expenses for community engagement activities, equipment installation, and a conference.

Although detailed plans for community engagement have not yet been developed, it is likely that some community engagement events would be held in the evening so they are accessible to members of the public whose work schedules, child care responsibilities, or other circumstances do not permit attendance during regular work hours. Given the timing of such meetings, it is also likely that light meals or refreshments would be provided as an additional accessibility measure. The Air District is aware that EPA policy requires approval for certain expenditures such as meals and light refreshments at conferences on a case-by-case basis considering the reasonableness and necessity under specified standards.² Those standards include eligibility for funding, the purpose of the conference, the length or timing of the event, the reasonableness of costs on a per event basis, and unallowable costs such as events where alcohol is served.

Because our community engagement plan will be developed in collaboration with our project partners after the grant has been funded and the project is underway, we are unable to specify how many community events may include light meals or refreshments and we are unable to provide a budget (including the cost of food) for the events. However, with regard to costs covered by the policy referenced above, the guidance document states that, “[a]pproval may be provided at the time of award when a recipient’s work plan and budget narrative explicitly states that the recipient will incur costs for items described in this guidance or after award in response to a written request by the recipient for AEO approval” (p. 1). Consistent with EPA policy and guidance, neither the Air District nor its project partners will use EPA funds to pay for meals, refreshments, or other food items without seeking prior approval from EPA in writing.

Funding for the in-kind contributions has been included in the Air District’s proposed budget for the next fiscal year (July 1, 2022 to June 30, 2023) and, if adopted by the Air District Board of Directors, will be provided through a combination revenue sources such as property taxes, fees, and state funding for AB 617 implementation. If this project is awarded, funding would be proposed to the Board of Directors in future fiscal years as well.

C. Expenditure of Awarded Funds

As a local air pollution control agency in the state of California, the Air District both receives grants (such as those under CAA Section 105) and awards grants to a variety of recipients. The Air District’s extensive experience administering grant

² See *Office of Grants and Debarment (OGD) Guidance on Selected Items of Cost for Recipients* at https://www.epa.gov/sites/default/files/2018-05/documents/recipient_guidance_selected_items_of_cost_final.pdf. The guidance clarifies that the term “conference” includes “community meetings.”

programs will ensure the awarded funds are expended in a timely and efficient manner. Specifically, the approach, procedures, and controls used by the Air District will include the following:

- Confirm requirements – we will familiarize ourselves with all of the performance, documentation, reporting, and other requirements of the grant agreement and establish a detailed work breakdown structure to plan out and schedule our activities
- Establish a project calendar – this will be used to track all project deadlines and milestones
- Budget setup – Upon receipt of the grant award (or in advance of the award to the extent possible) we will set up our budgeting, accounting, and time tracking systems to appropriately manage funds and expenditures per the terms of the grant agreement
- Fiscal monitoring – A principal focus will be placed on fiscal monitoring throughout the life of the project
- Performance management – As described in Section 4.B (Performance Measures and Plan), the Air District will ensure successful completion of the project by implementing a robust plan for collecting, analyzing, and reporting on indicators that show how well we are performing.
- Subaward oversight – As a portion of the grant funds will be passed through to our community partners, we will monitor the performance of the subaward recipients.

	U.S. ENVIRONMENTAL PROTECTION AGENCY Grant Agreement		GRANT NUMBER (FAIN): 98T56701 MODIFICATION NUMBER: 0 PROGRAM CODE: 0X	DATE OF AWARD 05/31/2023
			TYPE OF ACTION New	MAILING DATE 06/05/2023
			PAYMENT METHOD: ASAP	ACH# 90049
			RECIPIENT TYPE: Special District	
RECIPIENT: Bay Area AQMD 375 Beale St., Suite 600 San Francisco, CA 94105 EIN: 94-1622746		PAYEE: Bay Area AQMD 375 Beale St., Suite 600 San Francisco, CA 94105		
PROJECT MANAGER Katherine Hoag 375 Beale St., Suite 600 San Francisco, CA 94105 Email: khoag@baaqmd.gov Phone: 415-749-4619		EPA PROJECT OFFICER Angela Latigue 75 Hawthorne Street, AIR-1-1 San Francisco, CA 94105 Email: latigue.angela@epa.gov Phone: 415-947-4170		EPA GRANT SPECIALIST Veronica Adams Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105 Email: adams.veronica@epa.gov Phone: 415-972-3677
PROJECT TITLE AND DESCRIPTION American Rescue Plan - CAA Special Purpose Activities See Attachment 1 for project description.				
BUDGET PERIOD 07/01/2023 - 06/30/2026	PROJECT PERIOD 07/01/2023 - 06/30/2026	TOTAL BUDGET PERIOD COST \$298,114.00	TOTAL PROJECT PERIOD COST \$298,114.00	
NOTICE OF AWARD				
Based on your Application dated 03/25/2022 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$298,114.00. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$298,114.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 9 , U.S. EPA, Region 9 Grants Branch, MSD-6 75 Hawthorne Street San Francisco, CA 94105			ORGANIZATION / ADDRESS U.S. EPA, Region 9, Air and Radiation Division R9 - Region 9 75 Hawthorne Street San Francisco, CA 94105	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official				DATE 05/31/2023

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$298,114	\$298,114
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$0	\$0
State Contribution	\$0	\$0	\$0
Local Contribution	\$0	\$0	\$0
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$298,114	\$298,114

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.034 - Surveys-Studies-Investigations-Demonstrations and Special Purpose Activities relating to the Clean Air Act	Clean Air Act: Sec. 103	2 CFR 200, 2 CFR 1500 and 40 CFR 33

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2309M7S028	22	E1S7	09M2	000A04	4183	-	-	\$298,114
									\$298,114

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$0
2. Fringe Benefits	\$0
3. Travel	\$0
4. Equipment	\$0
5. Supplies	\$12,000
6. Contractual	\$0
7. Construction	\$0
8. Other	\$286,114
9. Total Direct Charges	\$298,114
10. Indirect Costs: 0.00 % Base	\$0
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$298,114
12. Total Approved Assistance Amount	\$298,114
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$298,114
15. Total EPA Amount Awarded To Date	\$298,114

Attachment 1 - Project Description

The purpose of this competitively selected grant is to conduct ambient air monitoring of pollutants of greatest concern in communities with environmental and health outcome disparities stemming from pollution and the COVID-19 pandemic.

This assistance agreement provides Federal funding in the amount of \$298,114. These funds will be used to support community and local efforts to monitor their own air quality and to promote air quality monitoring partnerships between communities and tribal, state, and local governments that leverage existing air quality expertise, expand use of community monitoring groups and other approaches that give the community a voice in the monitoring of the air quality, and build a foundation of trusting relationships and enhanced understanding from which sustainable solutions to community air pollution problems can be found. Specifically, the recipient will use a multifaceted approach for characterizing local-scale air quality impacts in East Oakland, California, and provide essential information for the development of effective strategies for reducing air pollution exposure and emissions. Expected deliverables include purchasing and deploying air sensors to increase the accessibility to real-time PM data throughout an area that has fewer sensors than other parts of the Bay Area. Expected Outcomes: Increased awareness of VOC and PM levels around specific facilities identified and prioritized by community members for future regulatory development and enforcement. Operation of PM_{2.5} or other NAAQS pollutants air monitoring in accordance with all EPA requirements leading to collection of quality assured ambient air quality data to help ensure that more Americans are living and working in areas that meet high air quality standards. Intended Beneficiaries: Direct beneficiaries of these activities are community residents who will have decreased risk of adverse health effects, including cancer and neurological effects. Subrecipients will receive funding for personnel, outreach materials, and various services required for successful completion of project activities.

Administrative Conditions

Administrative Terms and Conditions below apply. Also, please reference the paragraph below for General Terms and Conditions.

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Federal Financial Reporting (FFR)

For awards with cumulative project and budget periods greater than 12 months, the recipient will submit an annual FFR (SF 425) covering the period from "project/budget period start date" to **June 30** of each calendar year to the EPA Finance Center in Research Triangle Park, NC. The annual FFR will be submitted electronically to rtpfc-grants@epa.gov no later than **September 30** of the same calendar year. Find additional information at <https://www.epa.gov/financial/grants>. (NOTE: The grantee must submit the Final FFR to rtpfc-grants@epa.gov within 120 days after the end of the project period.)

B. Procurement

The recipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with 2 CFR Part 200.319. In accordance with 2 CFR Part 200.324, the grantee and subgrantee(s) must perform a cost or price analysis in connection with applicable procurement actions, including contract modifications.

State recipients must follow procurement procedures as outlined in 2 CFR Part 200.317.

C. Indirect Costs

The Cost Principles under 2 CFR Part 200, Subpart E apply to this award. Since there are no indirect costs included in the assistance budget, they are not allowable under this Assistance Agreement.

Programmatic Conditions

Programmatic Conditions below apply.

a.PERFORMANCE REPORTING AND FINAL PERFORMANCE REPORT

Performance Reports – Content

In accordance with 2 CFR 200.329, the recipient agrees to submit performance reports that include brief information on each of the following areas: 1) A comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period; 2) The reasons why established outputs/outcomes were not met; and 3) Additional pertinent information, including, when appropriate, analysis and explanation of cost overruns or high-unit costs.

Additionally, the recipient agrees to inform EPA as soon as problems, delays, or adverse conditions which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan are known.

Performance Reports - Frequency

The recipient agrees to submit **quarterly** performance reports electronically to the EPA Project Officer within 30 days after the quarterly reporting period ends.

Quarterly reports are due according to the following schedule:

- July 1 to Sep. 30; Reporting Period: report due October 31;
- Oct. 1 to Dec. 31; Reporting Period: report due January 31;
- Jan. 1 to March 31; Reporting Period: report due April 30; and
- April 1 to June 30; Reporting Period: report due July 31.

If a project start-date falls within a defined Reporting Period, the recipient must report for that period by the given due date. If a due date falls on a weekend or holiday, the report will be due on the next business day. This quarterly reporting schedule shall be repeated for the duration of the award agreement.

The recipient must submit the **final** performance report no later than 120 calendar days after the end date of the period of performance.

Subaward Performance Reporting:

Note: Project Officers may customize this reporting requirement based on programmatic information needs provided they do not create a form for the collection of identical data from 10 or more pass-through entities. Doing so may trigger the Office of Management and Budget's Information Collection Request (ICR) regulations. POs should consult with OGC or ORC as appropriate if there are questions regarding whether an ICR is required.

The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d). Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.
4. Summaries of audit findings and related pass-through entity management decisions.
5. Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.332(e), 2 CFR 200.208 and the 2 CFR Part 200.339 Remedies for Noncompliance.

Note: EPA Project Officers may customize this reporting requirement based on programmatic information needs.

b. Establishing and Managing Subawards

If the recipient chooses to pass funds from this assistance agreement to other entities, the recipient must comply with applicable provisions of 2 CFR Part 200 and the EPA Subaward Policy, which may be found at: <https://www.epa.gov/grants/grants-policy-issuance-gpi-16-01-epa-subaward-policy-epa-assistance-agreement-recipients>.

As a pass-through entity, the recipient agrees to:

1. Be responsible for selecting subrecipients and as appropriate conducting subaward competitions using a system for properly differentiating between subrecipients and procurement contractors under the standards at 2 CFR 200.331 and EPA's supplemental guidance in [Appendix A](#) of the [EPA Subaward Policy](#).
 - (a) For-profit organizations and individual consultants, in almost all cases, are not eligible subrecipients under EPA financial assistance programs and the pass-through entity must obtain prior written approval from EPA's Award Official for subawards to these entities unless the EPA-approved budget and work plan for this agreement contain a precise description of such subawards.
 - (b) Stipends and travel assistance for trainees (including interns) and similar individuals who are not employees of the pass-through entity must be classified as participant support costs rather than subawards as provided in [2 CFR 200.1 Participant support costs](#), [2 CFR 200.1 Subaward](#), and EPA's [Guidance on Participant Support Costs](#).
 - (c) Subsidies, rebates and similar payments to participants in EPA funded programs to encourage environmental stewardship are also classified as *Participant support costs* as provided in 2 CFR 1500.1 and EPA's [Guidance on Participant Support Costs](#).
2. Establish and follow a system that ensures all **subaward agreements are in writing and contain all of the elements required by 2 CFR 200.332(a)**. EPA has developed a template for subaward agreements that is available in [Appendix D](#) of the [EPA Subaward Policy](#).
3. Prior to making subawards, ensure that each subrecipient has a "Unique Entity Identifier (UEI)." The UEI is required by [2 CFR Part 25](#) and [2 CFR 200.332\(a\)\(1\)](#). Subrecipients are not required to complete full System for Award Management (SAM) registration to obtain a UEI. Information regarding obtaining a UEI is available at the SAM Internet site: <https://www.sam.gov/SAM/> and in EPA's General Term and Condition "**System for Award Management and Universal Identifier Requirements**" of the pass-through entity's agreement with the EPA.
4. Ensure that subrecipients are aware that they are subject to the same requirements as those that apply to the pass-through entity's EPA award as required by 2 CFR 200.332(a)(2). These requirements include, among others:
 - (a) Title VI of the Civil Rights Act and other Federal statutes and regulations prohibiting discrimination in Federal financial assistance programs, as applicable.
 - (b) Reporting Subawards and Executive Compensation under Federal Funding Accountability and Transparency Act (FFATA) set forth in the General Condition pass-through entity's agreement with EPA entitled "**Reporting Subawards and Executive Compensation.**"
 - (c) Limitations on individual consultant fees as set forth in 2 CFR 1500.10 and the General Condition of the pass-through entity's agreement with EPA entitled "**Consultant Fee Cap.**"
 - (d) EPA's prohibition on paying management fees as set forth in General Condition of the pass-through entity's agreement with EPA

entitled "**Management Fees.**"

(e) The Procurement Standards in [2 CFR Part 200](#) including those requiring competition when the subrecipient acquires goods and services from contractors (including consultants).

EPA provides general information on other statutes, regulations and Executive Orders on the [Grants internet site](#) at www.epa.gov/grants. Many Federal requirements are agreement or program specific and EPA encourages pass-through entities to review the terms of their assistance agreement carefully and consult with their EPA Project Officer for advice if necessary.

5. Ensure, for states and other public recipients, that subawards are not conditioned in a manner that would disadvantage applicants for subawards based on their religious character.

6. Establish and follow a system for evaluating subrecipient risks of noncompliance with Federal statutes, regulations and the terms and conditions of the subaward as required by 2 CFR 200.332(b) and document the evaluation. Risk factors may include:

Prior experience with same or similar subawards;

(a) Results of previous audits;

(b) Whether new or substantially changed personnel or systems, and;

(c) Extent and results of Federal awarding agency or the pass-through entity's monitoring.

7. Establish and follow a process for deciding whether to impose additional requirements on subrecipients based on risk factors as required by 2 CFR 200.332(c). Examples of additional requirements authorized by 2 CFR 200.208 include:

(a) Requiring payments as reimbursements rather than advance payments;

(b) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;

(c) Requiring additional, more detailed financial reports;

(d) Requiring additional project monitoring;

(e) Requiring the non-Federal entity to obtain technical or management assistance, and

(f) Establishing additional prior approvals.

8. Establish and follow a system for monitoring subrecipient performance that includes the elements required by 2 CFR 200.332(d) and report the results of the monitoring in performance reports as provided in the reporting terms and conditions of this agreement.

9. Establish and maintain an accounting system which ensures compliance with the \$25,000 limitation at 2 CFR 200.1, *Modified Total Direct Costs*, if applicable, on including subaward costs in *Modified Total Direct Costs* for the purposes of distributing indirect costs. Recipients with Federally approved indirect cost rates that use a different basis for distributing indirect costs to subawards must comply with their Indirect Cost Rate Agreement.

10. Work with EPA's Project Officer to obtain the written consent of EPA's Office of International and Tribal Affairs (OITA), prior to awarding a subaward to a foreign or international organization, or a subaward to be performed in a foreign country even if that subaward is described in a proposed scope of work.

11. Obtain written approval from EPA's Award Official for any subawards that are not described in the approved work plan in

accordance with [2 CFR 200.308](#).

12. Obtain the written approval of EPA's Award Official prior to awarding a subaward to an individual if the EPA-approved scope of work does not include a description of subawards to individuals.

13. Establish and follow written procedures under [2 CFR 200.302\(b\)\(7\)](#) for determining that subaward costs are allowable in accordance with [2 CFR Part 200, Subpart E](#) and the terms and conditions of this award. These procedures may provide for allowability determinations on a pre-award basis, through ongoing monitoring of costs that subrecipients incur, or a combination of both approaches provided the pass-through entity documents its determinations.

14. Establish and maintain a system under [2 CFR 200.332\(d\)\(3\)](#) and [2 CFR 200.521](#) for issuing management decisions for audits of subrecipients that relate to Federal awards. However, the recipient remains accountable to EPA for ensuring that unallowable subaward costs initially paid by EPA are reimbursed or mitigated through offset with allowable costs whether the recipient recovers those costs from the subrecipient or not.

15. As provided in 2 CFR 200.333, pass-through entities must obtain EPA approval to make fixed amount subawards. EPA is restricting the use of fixed amount subawards to a limited number of situations that are authorized in official EPA pilot projects. Recipients should consult with their EPA Project Officer regarding the status of these pilot projects.

By accepting this award, the recipient is certifying that it either has systems in place to comply with the requirements described in Items 1 through 14 above or will refrain from making subawards until the systems are designed and implemented.

c. Data Reporting

Data and/or related observations must be shared publicly and in a practicable amount of time throughout the lifetime of the project and not only after the project is at or near completion.

d. Cybersecurity Condition

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency

using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

e. Competency Policy

Competency of Organizations Generating Environmental Measurement Data

In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements,

Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> for a copy may also be requested by contacting the EPA Project Officer for this award.

f. Public or Media Events

The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to this project as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days' notice.

g. Quality Assurance

The recipient shall ensure that subawards involving environmental information issued under this agreement include appropriate quality requirements for the work. The recipient shall ensure sub-award recipients develop and implement [a/the] Quality Assurance (QA) planning document[s] in accordance with this term and condition; and/or ensure sub-award recipients implement all applicable approved QA planning documents.

Provide EPA a copy of the recipient-approved QAPP if the recipient has an EPA-approved Quality Management Plan and a current EPA delegation to review and approve QAPPs.

- [Quality Management Plan \(QMP\) Standard](#) and [EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans](#); contain quality specifications for EPA and non-EPA organizations and definitions applicable to these terms and conditions.
- [EPA QA/G-5: Guidance for Quality Assurance Project Plans](#). Appendix C provides a QAPP Checklist.
- (QAM and/or PO may insert QA references that inform or assist the recipient here).
- [EPA's Quality Program](#) website has a [list of QA managers](#), and [Non-EPA Organizations Quality Specifications](#).

- The Office of Grants and Debarment [Implementation of Quality Assurance Requirements for Organizations Receiving EPA Financial Assistance](#).

h. Use of Logos

If the EPA logo is appearing along with logos from other participating entities on websites, outreach materials, or reports, it must not be prominently displayed to imply that any of the recipient or subrecipient's activities are being conducted by the EPA. Instead, the EPA logo should be accompanied with a statement indicating that the Bay Area Air Quality Management District received financial support from the EPA under an Assistance Agreement. More information is available at: <https://www.epa.gov/stylebook/using-epa-seal-and-logo#policy>

i. DURC/iDURC

The recipient agrees to not initiate any life sciences research involving agents and toxins identified in Section 6.2.1 of the [United States Government Policy for Institutional Oversight of Life Sciences Dual Use Research of Concern](#) (iDURCPolicy) until appropriate review and clearance by the recipient institution's Institutional Review Entity (IRE). The recipient also agrees to temporarily suspend life sciences research in the event that, during the course of the research project, the IRE determines that the life sciences research meets the definition of DURC in the iDURCPolicy, and the recipient agrees to notify the EPA Institutional Contact for Dual Use Research (iCDUR) (DURC@epa.gov) of the institution's determination.

**** END OF ASSISTANCE AGREEMENT ****

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Report of the Legislative Committee Meeting of June 7, 2023

RECOMMENDED ACTION

Take a position in support of the following bills:

1. **Support** Assembly Bill 50 (Wood) – Public utilities: timely service: customer energization.
2. **Support** Senate Bill 410 (Becker) – Powering Up Californians Act.

BACKGROUND

None.

DISCUSSION

The Legislative Committee met on Wednesday, June 7, 2023, and approved the Minutes of April 5, 2023.

The Committee then received the staff presentation *State Legislative Update and Consideration of New Bills*. **The Committee recommends the Board:**

1. **Support** Assembly Bill 50 (Wood) – Public utilities: timely service: customer energization.
2. **Support** Senate Bill 410 (Becker) – Powering Up Californians Act.

The Committee then received the staff presentation *State Legislative Budget Update, containing an overview of the statewide funding amounts for the 2023-24 Proposed State Budget vs. Previous Year*.

The Committee then received the staff presentation *Air District-Sponsored Bills*, which included:

- Assembly Bill 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation.

- Assembly Bill 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.
- Assembly Bill 1465 (Wicks) – Nonvehicular air pollution: civil penalties.
- Assembly Bill 1609 (Garcia) – Air pollution: motor vehicle registration: pollution reduction.

Finally, the Committee received the staff presentation *Federal Legislative Update*, including:

- Debt Ceiling
- Cleaner Air Spaces Act of 2023
- Recap of Federal Advocacy Trip in February 2023

The next meeting of the Legislative Committee will be held at the Call of the Chair. This concludes the Chair Report of the Legislative Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Legislative Committee Meeting Memorandums of June 7, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 7, 2023

Re: State Legislative Update and Consideration of New Bills

RECOMMENDED ACTION

Recommend to the Board of Directors that the Air District take a position in SUPPORT of the following bills:

- Assembly Bill (AB) 50 (Wood) – Public Utilities: Timely Service: Customer Energization
- Senate Bill (SB) 410 (Becker) – Powering Up Californians Act

BACKGROUND

The last day for each house to pass bills introduced in that house was June 2, 2023. While many of the bills that the Air District has been tracking this Legislative Session continue to move through the legislative process, a number of bills did not make it out of their house of origin for various reasons.

Below are bills the Air District has taken positions on during the 2023 Legislative Session:

- AB 698 (Essayli) – Energy: Gas Stoves – Oppose
- AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body – Support
- AB 849 (Garcia) – Community Emissions Reduction Programs – Support
- SB 415 (Durazo) – Air Quality: Rules and Regulations: Socioeconomic Impacts Assessment – Oppose Unless Amended
- SB 527 (Min) – Neighborhood Decarbonization Program – Support
- SB 537 (Becker) – Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences – Support
- SB 563 (Archuleta) – Air Pollution Control Districts and Air Quality Management Districts: Dependent and Independent Special Districts: Funding – Support

- SB 674 (Gonzalez) – Air Pollution: Refineries: Community Air Monitoring Systems: Fence-Line Monitoring Systems – Support
- SB 768 (Caballero) – California Environmental Quality Act: Vehicle Miles Traveled: Statement of Overriding Consideration – Work with Author

DISCUSSION

Staff will provide the Legislative Committee (Committee) with a brief summary and status of bills listed on the attached list. Specifically, staff will discuss the following bills:

AB 50 (Wood) – Public Utilities: Timely Service: Customer Energization

CapitolTrack: Current law authorizes the Public Utilities Commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Current law requires a public utility to furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public. Current law requires the commission to enforce rules governing the extension of service by electrical corporations. This bill would additionally require a public utility to furnish and maintain timely service, instrumentalities, equipment, and facilities. The bill would require the commission, on or before January 1, 2025, to determine the criteria for timely service for electric customers, including, among other things, reasonable average energization time periods for categories of timely service, as specified. Until the commission determines the criteria, the bill would require each large electrical corporation, among other things, to take all practical measures to deliver electric service within 90 days of issuing a written commitment to serve for customers seeking a new connection, and within 30 days of issuing a written commitment to serve for customers seeking upgrades to an existing connection. (Based on 05/18/2023 text)

Current Status: This bill was referred to the Assembly Utilities and Energy Committee and then to Appropriations and passed each committee with a favorable vote. The bill was heard on the Assembly Floor on May 25, 2023, and passed with a vote of 67-0. Ordered to the Senate – this bill is currently pending referral.

Position: Propose Support

AB 99 (Connolly) – Department of Transportation: state roads and highways: integrated pest management.

CapitolTrack Summary: Would require the Department of Transportation to adopt, on or before January 1, 2025, a statewide policy to use integrated pest management, as defined, on state roads and highways, as specified, and to implement the statewide policy in cities or counties that have adopted integrated pest management approaches to road-side vegetation management. The bill would require the Department of Transportation, in developing the statewide policy, to consult with the Department of Pesticide Regulation and the University of California Statewide Integrated Pest Management Program. The bill would require the Department of Transportation, when operating in a city or a county that has a more restrictive approach than the statewide policy, to the extent feasible, to operate in a manner consistent with the approach mandated by the city or the county. The bill would require the Department of Transportation, on or before

December 31, 2025, and annually thereafter, to make publicly available on its internet website the amount, location, and type of pesticides, and the pesticide formulation, by city and county, it uses, and, at least 24 hours before applying a pesticide, would require the Department of Transportation to provide on its internet website and mobile application, and through any other means of communication deemed appropriate by the applicable state transportation district, information on when and where it plans to apply the pesticide. (Based on 04/17/2023 text)

Current Status: This bill was referred to Assembly Committees on Environmental Safety and Toxic Materials, Transportation, and then to Appropriations and passed each committee with a favorable vote. The bill was heard on the Assembly Floor on May 22, 2023, and passed with a vote of 55-16. Ordered to the Senate – this bill is currently pending referral.

Position: None at this time.

AB 593 (Haney) – Carbon Emission Reduction Strategy: Building Sector

CapitolTrack: Current law requires the State Energy Resources Conservation and Development Commission to establish the Equitable Building Decarbonization Program that includes a direct install program and a statewide incentive program for low-carbon building technologies. Current law establishes the policy of the state to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to ensure that, by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the statewide greenhouse gas emissions in 1990. This bill would require the commission, on or before June 1, 2024, to identify an emission reduction strategy, with milestones, for the building sector to support achieving those carbon emissions reduction goals, as provided. The bill would require the commission, on or before July 1, 2025, to implement the emission reduction strategy as a part of the Equitable Building Decarbonization Program and to take certain actions for purposes of implementing the strategy. (Based on 04/12/2023 text)

Current Status: This bill was referred to the Assembly Natural Resources Committee and then to Appropriations and passed each committee with a favorable vote. As of this writing, the bill is pending a hearing on the Assembly Floor.

Position: None at this time.

AB 698 (Essayli) – Energy: Gas Stoves

CapitolTrack Summary: Current law prohibits new residential-type gas appliances that are equipped with a pilot light from being sold in the state 24 months after an intermittent ignition device has been demonstrated and certified by the State Energy Resources Conservation and Development Commission. This bill would prohibit state agencies and local governments from adopting or enforcing a rule, regulation, resolution, or ordinance that directly or indirectly results in prohibiting the use of gas stoves in residential and nonresidential buildings. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. (Based on 03/09/2023 text)

Current Status: Double-referred to the Assembly Committees on Utilities and Energy and Natural Resources. This bill's first hearing was postponed by the Utilities and Energy Committee and was deemed a 2-year bill. May be acted upon in January 2024.

Position: Oppose

AB 817 (Pacheco) – Open Meetings: Teleconferencing: Subsidiary Body

CapitolTrack Summary: Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter. (Based on 03/16/2023 text)

Current Status: This bill was referred to the Assembly Local Government Committee. This bill's first hearing was postponed by the Local Government Committee and was deemed a 2-year bill. May be acted upon in January 2024.

Position: Support

AB 849 (Garcia) – Community Emissions Reduction Programs

CapitolTrack Summary: Current law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Current law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Current law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Current law requires an air district encompassing any location selected by the state board to adopt, in consultation with the state board, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures, as specified. Current law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed. Current law requires the air district and the state board to implement and enforce the measures in the community emissions reduction program consistent with their respective authority. This bill would additionally require the air district, in adopting a community emissions reduction program, to consult with other relevant state agencies. By imposing additional duties on air districts, this bill would impose a state-mandated local program. (Based on 03/29/2023 text)

Current Status: This bill was referred to the Assembly Natural Resources Committee and then to Appropriations and passed each committee with a favorable vote. The bill was heard on the Assembly Floor on May 30, 2023, and passed with a vote of 60-18. Ordered to the Senate – this bill is currently pending referral.

Position: Support

SB 410 (Becker) - Powering Up Californians Act

CapitolTrack: Current law requires electrical corporations, as part of their distribution planning processes, to consider that produced fleet data, and other available data, to facilitate the readiness of their distribution systems to support the state’s anticipated level of electric vehicle charging, as specified. This bill, the Powering Up Californians Act, would require the Public Utilities Commission (PUC) to establish, on or before September 30, 2024, reasonable average and maximum target energization time periods, as defined, and certain reporting requirements so that electrical corporation performance can be tracked and improved, as provided. The bill would require the PUC to require the electrical corporation to take any remedial actions necessary to achieve the PUC’s targets and would require all reports to be publicly available, among other reporting requirements. (Based on 05/18/2023 text)

Current Status: This bill was referred to the Senate Energy, Utilities, and Communication Committee and then to Appropriations and passed each committee with a favorable vote. The bill was heard on the Senate Floor on May 24, 2023, and passed with a vote of 32-8. Ordered to the Assembly – this bill is currently pending referral.

Position: Propose Support

SB 415 (Durazo) – Air Quality: Rules and Regulations: Socioeconomic Impacts Assessment

CapitolTrack Summary: Would require a local air district, whenever it intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, to perform an assessment of the socioeconomic impacts of the proposed action on the rule or regulation on families living within the jurisdiction whose annual income is less than \$100,000. The bill would change the definition of “socioeconomic impacts” to, among other things, remove from consideration the types of industry and business, other than small business, that is affected, to remove from consideration the impact of the proposed change on the economy of the region affected, and to include the range of probable costs for families living within the jurisdiction with an annual income of less than \$100,000. By creating an income threshold and changing the parameters of a socioeconomic impacts assessment conducted by a local air district, this bill would increase the requirements on local officials, thereby imposing a state-mandated local program. (Based on 04/10/2023 text)

Current Status: This bill was referred to the Senate Environmental Quality Committee and passed out of the Committee favorably. The bill was then referred to the Senate Appropriations Committee where it was placed on the Suspense File and held under submission, ultimately killing the bill for the year.

Position: Oppose Unless Amended

SB 527 (Min) – Neighborhood Decarbonization Program

CapitolTrack Summary: Current law requires the State Energy Resources Conservation and Development Commission to establish the Equitable Building Decarbonization Program, which includes establishing the direct install program to fund certain projects and remediation and safety measures to facilitate the installation of new technologies, and a statewide incentive program for low-carbon building technologies, as specified. This bill would, until January 1, 2030, require the Public Utilities Commission, in consultation with gas corporations, to develop and supervise the administration of the Neighborhood Decarbonization Program to facilitate the cost-effective decarbonization of targeted natural gas zones with the intent to provide benefits that include, but are not limited to, reduced emissions of greenhouse gases and air pollution, the maintenance of reliable, safe, and resilient energy service, and the maintenance of rate affordability for California gas customers, and with the intent to decommission gas assets in zones with the highest community burdens and those that would result in the highest projected ratepayer cost savings. The bill would require the commission, in consultation with each gas corporation, to adopt guidelines and regulations for the program, as specified. (Based on 05/03/2023 text)

Current Status: This bill was referred to the Senate Energy, Utilities, and Communications Committee and passed out of the Committee favorably. The bill was then referred to the Senate Appropriations Committee where it was placed on the Suspense File and held under submission, ultimately killing the bill for the year.

Position: Support

SB 537 (Becker) – Open Meetings: Multijurisdictional, Cross-County Agencies: Teleconferences

CapitolTrack Summary: Current law, under the Ralph M. Brown Act, requires that, during a teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. (Based on 04/24/2023 text)

Current Status: This bill was referred to Senate Committees on Governance and Finance and Judiciary and passed each committee with a favorable vote. The bill was heard on the Senate Floor on May 30, 2023, and passed with a vote of 32-8. Ordered to the Assembly – this bill is currently pending referral.

Position: Support

SB 563 (Archuleta) – Air Pollution Control Districts and Air Quality Management Districts: Dependent and Independent Special Districts: Funding

CapitolTrack Summary: Current law provides for the establishment of air pollution control districts and air quality management districts. Current law declares a district a body corporate and politic and a public agency of the state, and prescribes the general powers and duties of a district. Current law authorizes a district to receive funding from specified sources, including, but not limited to, grants, permit fees, and penalties. Current law also defines dependent special districts and independent special districts for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill would designate a district as a special district for purposes of receiving state funds or funds disbursed by the state, including federal funds. (Based on 05/01/2023 text)

Current Status: This bill was referred to the Senate Governance and Finance Committee and passed out of the Committee favorably. The bill was then referred to the Senate Appropriations Committee where it was placed on the Suspense File and held under submission, ultimately killing the bill for the year.

Position: Support

SB 674 (Gonzalez) – Air Pollution: Refineries: Community Air Monitoring Systems: Fence-Line Monitoring Systems

CapitolTrack Summary: Current law requires a refinery-related community air monitoring system to be installed near each petroleum refinery that meets certain requirements. Current law requires the owner or operator of a petroleum refinery to develop, install, operate, and maintain a fence-line monitoring system in accordance with guidance developed by the appropriate air quality management district or air pollution control district. Current law requires the air districts and the owners or operators of refineries to collect real-time data from those monitoring systems, to maintain records of that data, and, to the extent feasible, provide to the public those data in a publicly accessible format. This bill would extend the above requirements to refineries engaging in other types of refining processes, including those using noncrude oil feedstock, and to auxiliary facilities. The bill would require the refinery-related community air monitoring system and the fence-line monitoring system to be installed on or before January 1, 2026, and after a 30-day public comment period and those systems to be updated, as specified. The bill would require the appropriate air district to establish pollutants for the monitoring systems to monitor and would include certain pollutants identified by the Office of Environmental Health Hazard Assessment. The bill would authorize the air district to exclude a pollutant for monitoring at those monitoring systems, as provided. The bill would require air districts, on a 5-year basis, to review the list of pollutants being measured and would authorize the air districts to revise the list, as provided. The bill would require the air districts and the owners and operators of refineries to

maintain records of the data collected from those systems for at least 5 years and would require the owners and operators to post online, and to notify the public of the availability of, quarterly reports containing certain information. The bill would require owners and operators of refineries to notify the air district and the public, as provided, as quickly as possible of any exceedances of the lowest available one-hour average reference exposure levels set by the office or the United States Environmental Protection Agency. (Based on 04/10/2023 text)

Current Status: This bill was referred to Senate Committees on Environmental Quality and Judiciary and passed each committee with a favorable vote. The bill was heard on the Senate Floor on May 22, 2023, and passed with a vote of 31-6. Ordered to the Assembly – this bill is currently pending referral.

Position: Support

SB 768 (Caballero) – California Environmental Quality Act: Vehicle Miles Traveled: Statement of Overriding Consideration

CapitolTrack Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project. (Based on 03/22/2023 text)

Current Status: Double-referred to the Senate Committees on Environmental Quality and Housing. This bill's first hearing in the Senate Environmental Quality Committee was canceled at the request of the author and was deemed a 2-year bill. May be acted upon in January 2024.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. Bills of Interest Matrix - As of May 31, 2023
2. Bill Text - AB 50 (Wood) - As Amended on May 18, 2023
3. Bill Text - AB 99 (Connolly) - As Amended on April 17, 2023
4. Bill Text - AB 593 (Haney) - As Amended on April 12, 2023
5. Bill Text - SB 410 (Becker) - As Amended on May 18, 2023

Bill #	Author	Subject	Last Amended	Last Status - As of 5/31/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 9	Muratsuchi	Greenhouse gases: market-based compliance mechanism.	4/17/2023	05/18/2023 - From committee: Do pass. (Ayes 11. Noes 4.) (May 18). Read second time. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Climate Change
AB 30	Ward	Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.		05/23/2023 - In Senate. Read first time. To Com. on RLS. for assignment.	05/23/2023 - Senate RLS.			Low	Climate Change
AB 43	Holden	Greenhouse gas emissions: building materials: embodied carbon trading system.	3/30/2023	05/26/2023 - In Senate. Read first time. To Com. on RLS. for assignment.	05/26/2023 - Senate RLS.			Low	Climate Change
AB 45	Boerner	Coastal resources: coastal development permits: blue carbon demonstration projects.	5/25/2023	05/25/2023 - Read third time and amended. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Climate Change
AB 397	Essayli	California Global Warming Solutions Act of 2006: scoping plan.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Climate Change
AB 593	Haney	Carbon emission reduction strategy: building sector.	4/12/2023	05/18/2023 - From committee: Do pass. (Ayes 11. Noes 3.) (May 18). Read second time. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Climate Change
AB 1265	Gallagher	Transportation fuels: gasoline specifications.	3/9/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Climate Change
AB 1305	Gabriel	Voluntary carbon offset disclosures.	4/18/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK			Low	Climate Change
AB 1689	Grayson	Greenhouse gases: built environment: decarbonization.		05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR	2-Year Bill		Low	Climate Change
SB 12	Stern	California Global Warming Solutions Act of 2006: emissions limit.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Climate Change
SB 253	Wiener	Climate Corporate Data Accountability Act.	5/18/2023	05/30/2023 - Read third time. Passed. (Ayes 24. Noes 9.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Climate Change
SB 306	Caballero	Climate change: Equitable Building Decarbonization Program: Extreme Heat Action Plan.	5/18/2023	05/30/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Climate Change
SB 308	Becker	Carbon Dioxide Removal Market Development Act.	5/18/2023	05/25/2023 - Read third time. Passed. (Ayes 24. Noes 9.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	05/25/2023 - Assembly DESK			Low	Climate Change
SB 390	Limón	Voluntary carbon offsets: business regulation.	4/10/2023	05/26/2023 - Referred to Coms. on NAT. RES. and JUD.	05/26/2023 - Assembly NAT. RES.			Low	Climate Change
SB 422	Portantino	California Environmental Quality Act: expedited environmental review: climate change regulations.	3/20/2023	05/25/2023 - In Assembly. Read first time. Held at Desk.	05/24/2023 - Assembly DESK			Medium	Climate Change
SB 511	Blakespear	Greenhouse gas emissions inventories.	4/24/2023	05/25/2023 - In Assembly. Read first time. Held at Desk.	05/24/2023 - Assembly DESK			Low	Climate Change
SB 527	Min	Neighborhood Decarbonization Program.	5/3/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill	Support	Medium	Climate Change
SB 682	Skinner	Low-carbon cement and low-carbon concrete.	4/27/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Climate Change
SJR 2	Gonzalez	Climate change: Fossil Fuel Non-Proliferation Treaty.	3/30/2023	05/26/2023 - Referred to Com. on NAT. RES.	05/26/2023 - Assembly NAT. RES.			Low	Climate Change
AB 50	Wood	Public utilities: timely service: customer energization.	5/18/2023	05/26/2023 - In Senate. Read first time. To Com. on RLS. for assignment.	05/26/2023 - Senate RLS.		Propose Support	Medium	Energy
AB 631	Hart	Oil and gas: enforcement: penalties.	4/26/2023	05/18/2023 - From committee: Do pass. (Ayes 11. Noes 4.) (May 18). Read second time. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Energy
AB 698	Essayli	Energy: gas stoves.	3/9/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was U. & E. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill	Oppose	Medium	Energy
AB 841	Berman	State Energy Resources Conservation and Development Commission: Industrial Heat Electrification Roadmap.	5/18/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK			Low	Energy
AB 944	Irwin	Fire stations: alternative power generation.	4/25/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Energy
AB 998	Connolly	Biomass energy facilities: State Energy Resources Conservation and Development Commission: report.	4/17/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK			Medium	Energy
AB 1550	Bennett	Green hydrogen.	5/22/2023	05/23/2023 - Read second time. Ordered to third reading.	05/23/2023 - Assembly THIRD READING			Low	Energy
AB 1561	Gallagher	Housing development: Camp Fire Housing Assistance Act of 2019.	3/9/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Energy
AB 1591	Wallis	Energy: petroleum pricing.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Energy
AB 1614	Gabriel	Gasoline fueling stations: phaseout: study.	4/26/2023	05/18/2023 - From committee: Do pass. (Ayes 11. Noes 4.) (May 18). Read second time. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Energy
AB 1687	Dahle, Megan	Greenhouse gas emissions: fixed-mount generators.	3/16/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/16/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Energy
ABX1.1	Ting	Oil refineries: maintenance.		12/06/2022 - From printer.	12/05/2022 - Assembly PRINT			Low	Energy

Bill #	Author	Subject	Last Amended	Last Status - As of 5/31/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
ABX1 2	Fong, Vince	Motor Vehicle Fuel Tax Law: suspension of tax.		12/06/2022 - From printer.	12/05/2022 - Assembly PRINT			Low	Energy
ABX1 3	Bains	Petroleum refineries: imports.		02/18/2023 - From printer.	02/17/2023 - Assembly PRINT			Low	Energy
SB 5	Nguyen	Motor Vehicle Fuel Tax Law: limitation on adjustment.		05/03/2023 - May 3 set for first hearing. Failed passage in committee. (Ayes 2. Noes 2.) Reconsideration granted.	01/18/2023 - Senate GOV. & F.			Low	Energy
SB 83	Wiener	Public utilities: electrical distribution grid: energization.	5/3/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Energy
SB 233	Skinner	Electric vehicles and electric vehicle supply equipment: bidirectional capability.	5/18/2023	05/30/2023 - Read third time. Passed. (Ayes 29. Noes 9.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Energy
SB 410	Becker	Powering Up Californians Act.	5/18/2023	05/25/2023 - In Assembly. Read first time. Held at Desk.	05/24/2023 - Assembly DESK		Propose Support	Medium	Energy
SB 438	Caballero	Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program: incidental and unintentional residual oil production.	3/30/2023	05/26/2023 - Referred to Com. on NAT. RES.	05/26/2023 - Assembly NAT. RES.			Low	Energy
SB 493	Min	Air pollution: alternative vehicles and electric and hydrogen infrastructure.	4/24/2023	05/26/2023 - Read third time. Passed. (Ayes 36. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	05/26/2023 - Assembly DESK			Low	Energy
SB 507	Gonzalez	Electric vehicle charging station infrastructure: assessments.	4/17/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Energy
SB 556	Gonzalez	Oil and gas wells: health protection zones: civil liability.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Energy
SB 746	Eggman	Energy conservation contracts: alternate energy equipment: hydrogen.	4/10/2023	05/26/2023 - Referred to Com. on U. & E.	05/26/2023 - Assembly U. & E.			Low	Energy
SB 755	Becker	Energy efficiency and building decarbonization programs.	5/2/2023	05/25/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	05/25/2023 - Assembly DESK			Low	Energy
SBX1 2	Skinner	Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin.	3/20/2023	03/28/2023 - Approved by the Governor. Chaptered by Secretary of State. Chapter 1, Statutes of 2023-24 First Extraordinary Session.	03/27/2023 - Senate CHAPTERED			Low	Energy
SBX1 3	Grove	Oil imports: air quality emissions data.		03/28/2023 - From committee without further action.	12/06/2022 - Senate RLS.			Low	Energy
AB 1195	Calderon	Climate Change Preparedness, Resiliency, and Jobs for Communities Program: climate-beneficial projects: grant funding.	3/29/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Environmental Justice
AB 1224	Bryan	Workforce development: green jobs survey.	3/16/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Environmental Justice
AB 1681	Bryan	Environmental justice.		05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR	2-Year Bill		Low	Environmental Justice
SB 720	Stern	Aviation: airports: report: emissions.	5/2/2023	05/30/2023 - Read third time. Passed. (Ayes 30. Noes 8.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Environmental Justice
AB 536	Wilson	Bay Area Air Quality Management Advisory Council: compensation.		05/03/2023 - Referred to Com. on E.Q.	05/03/2023 - Senate E.Q.		Air District-Sponsored	High	General-Air District
AB 650	Arambula	San Joaquin Valley Unified Air Pollution Control District: board.	4/17/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	General-Air District
AB 849	Garcia	Community emissions reduction programs.	3/29/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK		Support	Medium	General-Air District
AB 985	Arambula	San Joaquin Valley Unified Air Pollution Control District: emission reduction credit system.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Assembly THIRD READING			Low	General-Air District
AB 1609	Garcia	Air pollution: motor vehicle registration: pollution reduction.	4/17/2023	05/18/2023 - In committee: Held under submission.	05/10/2023 - Assembly APPR. SUSPENSE FILE		Air-District Co-Sponsor	Medium	General-Air District
AB 1713	Gipson	State and local agencies: federal funds: reports.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Assembly THIRD READING			Low	General-Air District
SB 415	Durazo	Air quality: rules and regulations: socioeconomic impacts assessment.	4/10/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill	Oppose unless amended	Medium	General-Air District
SB 563	Archuleta	Air pollution control districts and air quality management districts: dependent and independent special districts: funding.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill	Support	Medium	General-Air District
SB 674	Gonzalez	Air pollution: refineries: community air monitoring systems: fence-line monitoring systems.	4/10/2023	05/26/2023 - Referred to Coms. on NAT. RES. and JUD.	05/26/2023 - Assembly NAT. RES.		Support	Medium	General-Air District
AB 287	Garcia	California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund: competitive grant programs: funding objectives.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 321	Wilson	Sales and Use Tax: exemptions: zero-emission public transportation ferries.	4/13/2023	05/18/2023 - Joint Rule 62(a), file notice suspended. In committee: Held under submission.	05/17/2023 - Assembly APPR. SUSPENSE FILE			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 579	Ting	Schoolbuses: zero-emission vehicles.	3/13/2023	05/18/2023 - From committee: Do pass. (Ayes 11. Noes 3.) (May 18). Read second time. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Amended	Last Status - As of 5/31/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 627	Jackson	Heavy-duty trucks: grant program: operating requirements.	4/3/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/17/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 769	Bauer-Kahan	Personal Income Tax Law: Corporation Tax Law: credits: carbon reduction.		03/28/2023 - In committee: Set, first hearing. Hearing canceled at the request of author.	02/23/2023 - Assembly REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 858	Muratsuchi	California Climate Cashback Program.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/23/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 953	Connolly	Coastal resources: voluntary vessel speed reduction and sustainable shipping program.	5/18/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK		Air-District Co Sponsor	High	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1012	Quirk-Silva	State Air Resources Board: mobile source regulations: lifecycle analysis.	4/26/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1267	Ting	Zero-emission vehicle incentive programs: gasoline superusers.	3/16/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1349	Irwin	Electric vehicle charging station networks: data fields.	5/1/2023	05/17/2023 - Referred to Coms. on TRANS. and E., U. & C.	05/17/2023 - Senate TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1372	Alvarez	Vehicular air pollution: medium- and heavy-duty vehicles: land ports of entry.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1374	Alvarez	Greenhouse Gas Reduction Fund: investment plan.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1401	Garcia	Low Carbon Fuel Standard regulations: alternative diesel fuel regulations.	3/13/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1525	Bonta	Transportation projects: priority populations.	4/19/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1567	Garcia	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.	5/26/2023	05/26/2023 - Read third time and amended. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
ACA 2	Alanis	Public resources: Water and Wildfire Resiliency Act of 2023.		04/20/2023 - Referred to Coms. on W., P., & W. and NAT. RES.	04/20/2023 - Assembly W.P. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 32	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		04/19/2023 - April 19 set for first hearing. Failed passage in committee. (Ayes 2. Noes 3.) Reconsideration granted.	03/08/2023 - Senate E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 301	Portantino	Vehicular air pollution: Zero-Emission Aftermarket Conversion Project.	5/18/2023	05/30/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 425	Newman	Clean Vehicle Rebate Project: fuel cell electric pickup trucks.	5/2/2023	05/25/2023 - In Assembly. Read first time. Held at Desk.	05/24/2023 - Assembly DESK			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 638	Eggman	Climate Resiliency and Flood Protection Bond Act of 2024.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Senate THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 709	Allen	Low-Carbon Fuel Standard regulations: biogas derived from livestock manure.	3/30/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 867	Allen	Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Senate THIRD READING			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 6	Friedman	Transportation planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.	3/16/2023	05/11/2023 - Read second time. Ordered to third reading.	05/11/2023 - Assembly THIRD READING			Low	Other
AB 16	Dixon	Motor Vehicle Fuel Tax Law: adjustment suspension.		03/30/2023 - Referred to Com. on TRANS.	03/30/2023 - Assembly TRANS.			Low	Other
AB 53	Fong, Vince	Motor Vehicle Fuel Tax Law: suspension of tax.		03/30/2023 - Referred to Com. on TRANS.	03/30/2023 - Assembly TRANS.			Low	Other
AB 69	Waldron	Transportation: traffic signal synchronization: roadway improvement projects.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 99	Connolly	Department of Transportation: state roads and highways: integrated pest management.	4/17/2023	05/23/2023 - In Senate. Read first time. To Com. on RLS. for assignment.	05/23/2023 - Senate RLS.			Low	Other
AB 221	Ting	Budget Act of 2023.		01/26/2023 - Referred to Com. on BUDGET.	01/26/2023 - Assembly BUDGET			High	Other
AB 241	Reyes	Air quality programs: funding.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Assembly THIRD READING			Low	Other
AB 504	Reyes	State and local public employees: labor relations: disputes.	4/13/2023	05/18/2023 - Coauthors revised. From committee: Do pass. (Ayes 11. Noes 4.) (May 18). Read second time. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Other
AB 557	Hart	Open meetings: local agencies: teleconferences.		05/24/2023 - Referred to Coms. on GOV. & F. and JUD.	05/24/2023 - Senate GOV. & F.			Medium	Other
AB 586	Calderon	Medi-Cal: community supports: climate change or environmental remediation devices.	3/30/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 696	Lowenthal	State agency grants and contracts.	5/18/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 5/31/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 817	Pacheco	Open meetings: teleconferencing: subsidiary body.	3/16/2023	05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR	2-Year Bill	Support	Medium	Other
AB 1000	Reyes	Qualifying logistics use projects.	3/30/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 4/17/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1153	Alvarez	San Diego Unified Port District.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was J., E.D. & E. on 3/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1176	Zbur	General plans: Local Electrification Planning Act.	5/26/2023	05/26/2023 - Read third time and amended. Ordered to third reading.	05/18/2023 - Assembly THIRD READING			Low	Other
AB 1183	Holden	Streamlined housing projects: construction permits: notice.	3/14/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/2/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1216	Muratsuchi	Wastewater treatment plants: monitoring of air pollutants.	4/26/2023	05/18/2023 - Read third time. Passed. Ordered to the Senate. (Ayes 59. Noes 15.) In Senate. Read first time. To Com. on RLS. for assignment.	05/18/2023 - Senate RLS.			Low	Other
AB 1263	Committee on Business and Professions	Vehicles: Bureau of Automotive Repair: smog check program.	5/18/2023	05/30/2023 - Read third time. Passed. Ordered to the Senate.	05/30/2023 - Senate DESK			Low	Other
AB 1379	Papan	Open meetings: local agencies: teleconferences.	3/23/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1464	Connolly	Richmond-San Rafael Bridge.	3/23/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Medium	Other
AB 1465	Wicks	Nonvehicular air pollution: civil penalties.	3/16/2023	05/11/2023 - Read second time. Ordered to third reading.	05/11/2023 - Assembly THIRD READING		Air District-Sponsored	High	Other
AB 1504	McCarty	Planning and zoning: electric vehicle charging infrastructure: public right-of-way.	4/11/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1529	Gabriel	Electric vehicle charging stations.	4/17/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/12/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1534	Irwin	Methane emissions: municipal solid waste landfills: remote sensing data.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/26/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1535	Mathis	The Energy, Environment, and Economy Council.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1560	Flora	Crematories: change in ownership.	4/18/2023	05/18/2023 - Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on RLS. for assignment.	05/18/2023 - Senate RLS.			Low	Other
AB 1579	Garcia	Vehicles: batteries.	4/25/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1580	Carrillo, Juan	Air pollution: electric vehicle infrastructure.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1700	Hoover	California Environmental Quality Act: population growth and noise impacts: housing projects.		04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	04/28/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1702	Hart	Active Transportation Program.		05/05/2023 - Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	05/05/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1743	Bennett	Lower Emissions Transition Program.	4/27/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
AB 1748	Ramos	Logistics use projects: sensitive receptors.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/27/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Other
SB 15	Grove	Oil imports: air quality emissions data.	5/1/2023	05/25/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	05/25/2023 - Assembly DESK			Low	Other
SB 30	Umberg	Transportation: zero-emission vehicle signage.	2/27/2023	05/26/2023 - Referred to Com. on TRANS.	05/26/2023 - Assembly TRANS.			Low	Other
SB 48	Becker	Building Energy Savings Act.	5/18/2023	05/25/2023 - In Assembly. Read first time. Held at Desk.	05/24/2023 - Assembly DESK			Low	Other
SB 69	Cortese	California Environmental Quality Act: local agencies: filing of notices of determination or exemption.	5/18/2023	05/30/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Other
SB 72	Skinner	Budget Act of 2023.		01/11/2023 - From printer.	01/10/2023 - Senate BUDGET & F.R.			High	Other
SB 84	Gonzalez	Air quality programs: funding.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Senate THIRD READING			Low	Other
SB 258	Roth	General aviation airports: funding needs assessment.	3/15/2023	05/25/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	05/25/2023 - Assembly DESK			Low	Other

Bill #	Author	Subject	Last Amended	Last Status - As of 5/31/2023	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 291	Newman	Pupil rights: recess.	5/18/2023	05/22/2023 - Read second time. Ordered to third reading.	05/22/2023 - Senate THIRD READING			Low	Other
SB 312	Wiener	State highways: true warm mix asphalt.	3/14/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 2/15/2023)(May be acted upon Jan 2024)	04/28/2023 - Senate 2 YEAR	2-Year Bill		Medium	Other
SB 394	Gonzalez	Master Plan for Healthy, Sustainable, and Climate-Resilient Schools.	4/27/2023	05/23/2023 - In Assembly. Read first time. Held at Desk.	05/22/2023 - Assembly DESK			Low	Other
SB 397	Wahab	Safety roadside rests: electric vehicle service equipment.	3/22/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/29/2023)(May be acted upon Jan 2024)	04/28/2023 - Senate 2 YEAR	2-Year Bill		Medium	Other
SB 411	Portantino	Open meetings: teleconferences: neighborhood councils.	4/24/2023	05/26/2023 - Referred to Com. on L. GOV.	05/26/2023 - Assembly L. GOV.			Medium	Other
SB 529	Gonzalez	Electric vehicle sharing services: affordable housing facilities.	4/18/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Other
SB 537	Becker	Open meetings: multijurisdictional, cross-county agencies: teleconferences.	4/24/2023	05/30/2023 - Read third time. Urgency clause adopted. Passed. (Ayes 32. Noes 8.) Ordered to the Assembly.	05/30/2023 - Assembly DESK		Support	Medium	Other
SB 670	Allen	State Air Resources Board: vehicle miles traveled: maps.	4/27/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Other
SB 768	Caballero	California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.	3/22/2023	04/28/2023 - Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)	04/28/2023 - Senate 2 YEAR	2-Year Bill	Work with Author	Medium	Other
SB 781	Stern	Methane emissions: natural gas producing low methane emissions.	5/1/2023	05/30/2023 - Read third time. Passed. (Ayes 29. Noes 5.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Other
SB 823	Smallwood-Cuevas	Discounted electric vehicle charging payment card competitive grant program.	5/1/2023	05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)	05/19/2023 - Senate 2 YEAR	2-Year Bill		Low	Other
SB 849	Stern	Air pollution: emissions from ports.		03/01/2023 - Referred to Com. on RLS.	02/17/2023 - Senate RLS.			Medium	Other
SBX11	Jones	Motor vehicle fuel tax: greenhouse gas reduction programs: suspension.		03/28/2023 - From committee without further action.	12/05/2022 - Senate RLS.			Low	Other
AB 54	Aguiar-Curry	Department of Food and Agriculture: research funding: winegrapes: smoke exposure.		05/19/2023 - Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	05/19/2023 - Assembly 2 YEAR	2-Year Bill		Low	Wildfire/Smoke/PSPS
SB 310	Dodd	Prescribed fire: civil liability: cultural burns.	4/12/2023	05/30/2023 - Read third time. Passed. (Ayes 40. Noes 0.) Ordered to the Assembly.	05/30/2023 - Assembly DESK			Low	Wildfire/Smoke/PSPS
Total Active Bills	134							Low: 108 Medium: 21 High: 5	

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MAY 1, 2023

AMENDED IN ASSEMBLY APRIL 17, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 50

Introduced by Assembly Member Wood
(Coauthors: Assembly Members Aguiar-Curry, Berman, Connolly,
Jim Patterson, and Robert Rivas)
(Coauthors: Senators Dodd, McGuire, and Wiener)

December 5, 2022

An act to amend Section 451 of, and to add Section 783.4 to, the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 50, as amended, Wood. Public utilities: timely service: customer energization.

Existing law authorizes the Public Utilities Commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law requires a public utility to furnish and maintain such adequate, efficient, just, and reasonable service, instrumentalities, equipment, and facilities as are necessary to promote the safety, health, comfort, and convenience of its patrons, employees, and the public. Existing law requires the commission to enforce rules governing the extension of service by electrical corporations.

This bill would additionally require a public utility to furnish and maintain timely service, instrumentalities, equipment, and facilities. The bill would require the commission, on or before January 1, 2025, to determine the criteria for timely service for electric customers, including, among other things, reasonable average energization time periods for categories of timely service and consideration of whether a customer should be credited for financial damages suffered from a significant delay, service, as specified. Until the commission determines the criteria, the bill would require each large electrical corporation, among other things, to take all practical measures to deliver electric service within 90 days of issuing a written commitment to serve for customers seeking a new connection, and within 30 days of issuing a written commitment to serve for customers seeking upgrades to an existing connection. To facilitate the achievement of the goal of timely electric service, the bill would require each large electrical corporation to evaluate and update, as necessary, its existing distribution planning process, as specified. In order to evaluate the timely performance of each large electrical corporation in meeting the energization timelines in written commitments to serve, and to inform the commission’s determination of criteria for timely service, the bill would require the commission to annually collect certain information from each large electrical corporation until new reporting requirements are established.

Under the Public Utilities Act, a violation of an order, decision, rule, direction, demand, or requirements of the commission is a crime.

Because the above-described provisions would be a part of the act, a violation of which would be a crime, this bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 451 of the Public Utilities Code is
- 2 amended to read:

1 451. (a) All charges demanded or received by any public
2 utility, or by any two or more public utilities, for any product or
3 commodity furnished or to be furnished or any service rendered
4 or to be rendered shall be just and reasonable. Every unjust or
5 unreasonable charge demanded or received for a product or
6 commodity or service is unlawful.

7 (b) Every public utility shall furnish and maintain such adequate,
8 efficient, just, reasonable, and timely service, instrumentalities,
9 equipment, and facilities, including telephone facilities, as defined
10 in Section 54.1 of the Civil Code, as are necessary to promote the
11 safety, health, comfort, and convenience of its patrons, employees,
12 and the public.

13 (c) All rules made by a public utility affecting or pertaining to
14 its charges or service to the public shall be just and reasonable.

15 SEC. 2. Section 783.4 is added to the Public Utilities Code, to
16 read:

17 783.4. (a) On or before January 1, 2025, the commission shall
18 determine the criteria for timely service for electric customers, as
19 required pursuant Section 451. The criteria shall include, but are
20 not limited to, all of the following:

21 (1) Categories of timely electric service, including, but not
22 limited to, all of the following:

23 (A) The timely start of service for new connections after a
24 customer has submitted a request.

25 (B) The timely fulfillment of requests for increased load from
26 existing connections after a customer has submitted a request for
27 increased load.

28 (C) Project exceptions that justify unique or extended
29 energization timelines. These may include, but are not limited to,
30 projects requiring substantial upstream capacity upgrades or
31 substation upgrades, unanticipated engineering or construction
32 work, or projects requiring energization of significant,
33 unanticipated new load.

34 (2) Establishing reasonable average energization time periods
35 for each category of timely service identified pursuant to paragraph
36 (1).

37 (3) Establishing annual reporting requirements for the large
38 electrical corporations to report customer energization projects in
39 order to evaluate the large electrical corporations fulfillment of
40 timely electric service.

1 ~~(4) Consideration of whether a customer should be credited,~~
 2 ~~using nonratepayer funds, for financial damages suffered from a~~
 3 ~~significant delay to committed energization timelines. The~~
 4 ~~commission shall establish the credit value, if it determines~~
 5 ~~customer credits are appropriate, and shall consider circumstances~~
 6 ~~where credits may be waived upon a showing by a large electrical~~
 7 ~~corporation that unanticipated events, or events outside of the large~~
 8 ~~electrical corporation’s control, occurring after the date of the~~
 9 ~~written commitment to serve, justify the delay.~~

10 (5)

11 (4) Annually convening a public workshop of interested parties
 12 and experts in customer energization, including representatives
 13 from local governments, to examine existing workflows and to
 14 propose improvements to planning, timelines, processes, and
 15 customer communication and education, as well as criteria for
 16 determining timely service. The workshops shall inform the
 17 commission in its determination of the criteria for timely service
 18 for electric customers, as well as any subsequent revisions to
 19 established criteria.

20 (b) Until the commission determines the criteria for timely
 21 service of electric customers pursuant to subdivision (a), all of the
 22 following shall apply:

23 (1) For customers seeking a new connection, each large electrical
 24 corporation shall take all practical measures to deliver electric
 25 service within 90 days of issuing a written commitment to serve.

26 (2) For customers seeking upgrades to an existing connection,
 27 each large electrical corporation shall take all practical measures
 28 to deliver electric service within 30 days of issuing a written
 29 commitment to serve.

30 (3) Each large electrical corporation shall respond to the
 31 customer in writing within 30 days of receipt of a request for
 32 service.

33 (4) A written response to a request for service shall state whether
 34 the large electrical corporation will deliver service or not.

35 (5) A written response to a request for service shall state the
 36 anticipated date on which new or upgraded service will be
 37 completed, consistent with the timelines established pursuant to
 38 this subdivision, and the circumstances that may lead to a delay
 39 in the committed timeline offered.

1 (c) (1) To facilitate achievement of the goal of timely electric
2 service, each large electrical corporation shall evaluate and update,
3 as necessary, its existing distribution planning processes to ensure
4 that the projected demand for a given planning cycle closely
5 matches the actual demand for new or additional service.

6 (2) To improve the accuracy of projected demand, each large
7 electrical corporation shall have biannual meetings with the
8 relevant county staff for each interested county in its service
9 territory, which is presumed to include chief administrative officers,
10 planning directors, public works directors, chief building officials,
11 and economic development officials, to discuss existing capacity,
12 planned capacity upgrades, projected demand, significant delays
13 in customer energization in the county, and distribution planning.

14 (3) To reduce costs and increase the pace and scale of local
15 projects intended to meet state, regional, and local housing and
16 economic development objectives, each large electrical corporation
17 shall share information with local governments during the biannual
18 meetings pursuant to paragraph (2), the commission, and the
19 Energy Commission about those areas where existing capacity
20 either exists or could be easily added, and where existing capacity
21 is planned to be added, within the distribution system to meet those
22 objectives.

23 (d) (1) In order to evaluate the timely performance of each large
24 electrical corporation in meeting the energization timelines
25 established pursuant to subdivision (b) in written commitments to
26 serve, and to inform the commission's determination of criteria
27 for timely service pursuant to subdivision (a), the commission shall
28 annually collect the following information from each large
29 electrical corporation in the form of a report:

30 (A) The number of submitted requests for new customer
31 connections and upgraded service during the prior year.

32 (B) The number of completed requests for new customer
33 connections and upgraded service during the prior year.

34 (C) The number of pending and uncompleted requests for new
35 customer connections and upgraded service at the end of the prior
36 year.

37 (D) The number of days between requests for new customer
38 connections or upgraded service and final service delivery.

1 (E) The number of completed requests for new customer
2 connections and upgraded service that met the timelines established
3 in subdivision (b), and the number that did not.

4 (F) A summary of circumstances that lead to delays in projects
5 that did not meet the timelines established in subdivision (b). The
6 commission shall determine whether a general summary is
7 sufficient or if a summary for each delayed project is necessary.

8 (G) A summary of recorded spending on customer connections
9 and service upgrades compared to the amounts authorized for these
10 activities for that year in the most recent general rate case.

11 (H) Any other information requested by the commission to
12 evaluate the status of customer connections.

13 (2) This subdivision shall apply only to energization of
14 customers and does not include interconnection of generation
15 resources to either the distribution or transmission grid.

16 (3) The reporting requirement in this subdivision shall become
17 inoperative once the commission establishes new reporting
18 requirements for monitoring timely electric service pursuant to
19 paragraph (3) of subdivision (a).

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.

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AMENDED IN ASSEMBLY APRIL 17, 2023

AMENDED IN ASSEMBLY MARCH 21, 2023

AMENDED IN ASSEMBLY MARCH 1, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 99

**Introduced by Assembly Member Connolly
(Coauthors: Assembly Members Bauer-Kahan, Kalra, Jackson,
Ting, Weber, and Wilson)**

January 9, 2023

An act to add Article 16.8 (commencing with Section 13178) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 99, as amended, Connolly. Department of Transportation: state roads and highways: integrated pest management.

Existing law vests the Department of Transportation with possession and control of the state highway system and associated property. Existing law prohibits each state agency that has responsibility for roadside vegetation control operations on, or along, a roadway, including a state highway, from conducting a roadside vegetation control operation on a portion of the roadway for which a property owner has made a request for information related to the roadside vegetation control operation until certain conditions are satisfied, as specified.

This bill would require the Department of Transportation to ~~adopt~~ *adopt, on or before January 1, 2025*, a statewide policy to use integrated pest management, as defined, on state roads and highways, as specified, and to implement the statewide policy in *cities or counties* that have

adopted integrated pest management approaches to road-side vegetation management. The bill would require the Department of Transportation, in developing the statewide policy, to consult with the Department of Pesticide Regulation and the University of California Statewide Integrated Pest Management Program. The bill would require the Department of Transportation, when operating in a *city or a county* that has a more restrictive approach than the statewide policy, to the extent feasible, to operate in a manner consistent with the approach mandated by the *city or the county*. The bill would require the Department of Transportation, on or before December 31, ~~2024~~, 2025, and annually thereafter, to make ~~publically~~ *publicly* available on its internet website the amount, location, and type of pesticides, and the pesticide formulation, by *city and county*, it uses, and, at least 24 hours before applying a pesticide, would require the Department of Transportation to provide on its internet website and mobile ~~application~~ *application*, and through any other means of communication deemed appropriate by the applicable state transportation district, information on when and where it plans to apply the pesticide.

Under existing law, a violation of certain provisions and regulations related to pesticides is a misdemeanor punishable by a fine of not less than \$5,000 and not more than \$50,000, or by imprisonment of not more than 6 months, or by both the fine and imprisonment.

Because a violation of this bill's requirements would be a crime subject to the provision above, the bill would impose a state-mandated local program.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Article 16.8 (commencing with Section 13178)
- 2 is added to Chapter 2 of Division 7 of the Food and Agricultural
- 3 Code, to read:

1 Article 16.8. Integrated Pest Management on State Roads and
2 Highways
3

4 13178. For purposes of this article, “integrated pest
5 management” means an ecosystem-based strategy that focuses on
6 long-term prevention of pests or their damage through a
7 combination of techniques, such as biological controls, habitat
8 manipulation, modification of cultural practices, and use of resistant
9 varieties, through which pesticides are used only after monitoring
10 indicates they are needed according to established guidelines,
11 treatments are made with the goal of removing only the target
12 organism, and pest control materials are selected and applied in a
13 manner that minimizes risks to human health, beneficial and
14 nontarget organisms, and the environment.

15 13178.1. (a) It is the policy of the state that effective least
16 harmful pest management practices should be the preferred method
17 of managing pests on state roads and highways and that the state
18 should take the necessary steps to facilitate the adoption of effective
19 least harmful pest management practices on state roads and
20 highways.

21 (b) It is the intent of the Legislature that all Department of
22 Transportation personnel who apply herbicides or pesticides on
23 state roads and highways be trained in integrated pest management
24 and the safe use of herbicides and pesticides in relation to the
25 unique nature of state roads and highways.

26 13178.2. (a) ~~The~~ *On or before January 1, 2025, the*
27 Department of Transportation shall adopt a statewide policy to use
28 integrated pest management on state roads and highways.

29 (b) In developing the statewide policy, the Department of
30 Transportation shall consult with the Department of Pesticide
31 Regulation and the University of California Statewide Integrated
32 Pest Management Program.

33 (c) The statewide policy shall do all of the following:

34 (1) Restrict pesticide use to the least harmful product and
35 application method.

36 (2) To the maximum extent feasible, require that any pesticide
37 used be biodegradable, derived from natural sources, and be used
38 for a limited time.

39 (3) Prohibit the use of pesticides, except in any of the following
40 circumstances:

1 (A) Where no alternative vegetation management method has
2 been proven effective.

3 (B) ~~During a state of emergency, as defined in Section 8558 of~~
4 ~~the Government Code, relating to wildfire if the roadside spraying~~
5 ~~of pesticides is being performed solely~~ *In high-fire severity areas,*
6 *as identified by the Department of Transportation, in consultation*
7 *with the Department of Forestry and Fire Protection, for purposes*
8 of preventing, combating, or mitigating the risk of wildfire.

9 (C) For the eradication of invasive plant species or habitat
10 restoration, but only if the use of nonchemical methods for
11 prevention and management, such as physical, mechanical, cultural,
12 and biological controls, are infeasible.

13 (d) The Department of Transportation shall implement the
14 statewide policy *in cities and counties* that have adopted integrated
15 pest management approaches to ~~road-side~~ *roadside* vegetation
16 management.

17 (e) When operating in a *city or a county* that has a more
18 restrictive approach than the statewide policy, the department shall,
19 to the extent feasible, operate in a manner consistent with the
20 approach mandated by the *city or the county*.

21 13178.4. (a) The Department of Transportation shall, on or
22 before December 31, ~~2024,~~ *2025*, and annually thereafter, make
23 ~~publically~~ *publicly* available on its internet website the amount,
24 location, and type of pesticides, and the pesticide formulation, by
25 *city and county*, used by the Department of Transportation.

26 (b) The Department of Transportation shall, at least 24 hours
27 before applying a pesticide, provide on its internet website and
28 ~~mobile-application~~ *application, and through any other means of*
29 *communication deemed appropriate by the applicable state*
30 *transportation district*, information on when and where it plans to
31 apply the pesticide.

32 SEC. 2. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

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AMENDED IN ASSEMBLY APRIL 12, 2023

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 593

Introduced by Assembly Member Haney

February 9, 2023

An act to add Section 25403.7 to the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 593, as amended, Haney. Carbon emission reduction strategy: building sector.

Existing law requires the State Energy Resources Conservation and Development Commission, by January 1, 2021, to assess the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030. Existing law requires the commission to include in the 2021 edition of the integrated energy policy report and all subsequent integrated energy policy reports a report on the emissions of greenhouse gases associated with the supply of energy to residential and commercial buildings. Existing law requires the commission to establish the Equitable Building Decarbonization Program that includes a direct install program and a statewide incentive program for low-carbon building technologies.

Existing law establishes the policy of the state to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to ensure that, by 2045, statewide anthropogenic greenhouse gas

emissions are reduced to at least 85% below the statewide greenhouse gas emissions in 1990.

This bill would require the commission, on or before June 1, 2024, to identify an emission reduction strategy, with milestones, for the building sector to support achieving those carbon emissions reduction goals, as provided. The bill would require the commission, on or before July 1, 2025, to implement the emission reduction strategy as a part of the Equitable Building Decarbonization Program and to take certain actions for purposes of implementing the strategy.

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

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

1 SECTION 1. Section 25403.7 is added to the Public Resources
 2 Code, to read:
 3 25403.7. (a) On or before June 1, 2024, the commission shall
 4 identify an emission reduction strategy, with milestones, for the
 5 building sector to support achieving the carbon emissions reduction
 6 goals set forth in Section 38562.2 of the Health and Safety Code
 7 by 2045.
 8 (b) The emission reduction strategy shall do all of the following:
 9 (1) Maximize workforce development.
 10 (2) Provide clear market signals to appliance manufacturers and
 11 installers.
 12 (3) ~~Lessen~~ *Minimize* impacts on ratepayers.
 13 (4) Support extreme heat goals.
 14 (5) Reduce barriers for low-income individuals.
 15 (6) Identify how to deploy zero-emission ~~bidirectional~~ air
 16 conditioning *home heating and cooling technologies, including*
 17 *bidirectional heat pumps*, to meet the needs of communities
 18 impacted by climate change and extreme weather events.
 19 (c) On or before July 1, 2025, the ~~emissions~~ *commission*
 20 shall implement the emission reduction strategy developed pursuant
 21 to subdivision (a) as a part of the Equitable Building
 22 Decarbonization Program established pursuant to Article 5
 23 (commencing with Section 25665) of Chapter 7.6.
 24 (d) On or before July 1, 2025, the commission shall take actions
 25 specified in subdivision (b) of Section 25235 for purposes of

- 1 implementing the emission reduction strategy developed pursuant
- 2 to subdivision (a).

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

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AMENDED IN SENATE MAY 18, 2023

AMENDED IN SENATE MAY 2, 2023

AMENDED IN SENATE MARCH 14, 2023

SENATE BILL

No. 410

Introduced by Senator Becker

February 9, 2023

An act to add Article 14 (commencing with Section 930) to Chapter 4 of Part 1 of Division 1 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 410, as amended, Becker. Powering Up Californians Act.

Existing law vests the Public Utilities Commission (PUC) with regulatory authority over public utilities, including electrical corporations. Existing law requires the State Energy Resources Conservation and Development Commission, in collaboration with the State Air Resources Board, the PUC, and other relevant stakeholders, to annually gather from state agencies, as provided, specified entities' fleet data for on-road and off-road vehicles in the medium- and heavy-duty sectors and share that data with electrical corporations to help inform electrical grid planning efforts, as specified. Existing law requires electrical corporations, as part of their distribution planning processes, to consider that produced fleet data, and other available data, to facilitate the readiness of their distribution systems to support the state's anticipated level of electric vehicle charging, as specified.

This bill, the Powering Up Californians Act, ~~would require the PUC to establish a working group on or before March 1, 2024, as provided, to, among other things, propose processes that would improve the ability~~

~~of electrical corporations to be informed well in advance of needed increases in distribution system capacity for future housing developments, building electrification, electric vehicle charging infrastructure, and other activities that require increased distribution system capacity. The bill would require the PUC to establish, on or before September 30, 2024, reasonable average and maximum target energization time periods, as defined, and certain reporting requirements so that electrical corporation performance can be tracked and improved, as provided. The bill would require the PUC to require the electrical corporation to take any remedial actions necessary to achieve the PUC's targets and would require all reports to be publicly available, among other reporting requirements.~~

The bill would require, as part of each report and in each general rate case application, each electrical corporation to include a detailed analysis of its current qualified staffing level and future required qualified staffing level for each job classification, as specified, among other requirements related to staffing and apprentice training. ~~The bill would~~ *would, among other requirements placed on electrical corporations,* ~~require each electrical corporation's~~ *an electrical corporation to consider, in its annual evaluation and planning for distribution circuit upgrade needs to consider the transportation and building electrification policies of state law, and state agency, local agency, and local government plans and requirements related to transportation and building electrification. distribution planning process, certain standards, plans, regulations, policies, and requirements.* The bill would require the commission to ensure that electrical corporations have sufficient and timely recovery of costs, as specified. If requested by the electrical corporation, the bill would require the commission to authorize the use of a one-way balancing account mechanism or other mechanism that, among other things, authorizes electrical corporations to track costs for energization projects ~~more frequently than the 4-year general rate case cycle.~~ *that exceed those included in the electrical corporation's annual authorized revenue requirement for energization, as specified.*

Under the Public Utilities Act, a violation of an order, decision, rule, direction, demand, or requirement of the commission is a crime.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Article 14 (commencing with Section 930) is
2 added to Chapter 4 of Part 1 of Division 1 of the Public Utilities
3 Code, to read:

4
5 Article 14. Powering Up Californians
6

7 930. This act shall be known, and may be cited, as the Powering
8 Up Californians Act.

9 931. For purposes of this article, the following definitions
10 apply:

11 (a) "Electrification" means any new, expanded, or change in
12 use of electricity related to the policies described in Section 933,
13 including, but not limited to, in the industrial, commercial,
14 agricultural, housing, or transportation sectors.

15 (b) "Energization" and "energize" mean connecting new
16 customers to the electrical distribution *or transmission* grid,
17 establishing adequate electrical distribution capacity to provide
18 service for a new customer, or upgrading electrical distribution *or*
19 *transmission* capacity to provide upgraded service to an existing
20 customer. "Energization" and "energize" do not include activities
21 related to connecting electricity supply resources.

22 (c) "Energization time period" means the elapsed time beginning
23 when the electrical corporation receives a substantially complete
24 energization project application and ending when the electric
25 service is installed and energized.

26 932. The Legislature finds and declares all of the following:

27 (a) It is the policy of the state to reach carbon neutrality no later
28 than 2045 and to maintain net negative emissions of greenhouse
29 gases after 2045. ~~To meet these goals,~~ *goals and federal, state,*
30 *regional, and local air quality and decarbonization standards,*
31 *plans, and regulations,* projections from the commission and the
32 Energy Commission show the need for a large increase in both the
33 quantity of electricity used and the functions for which electricity
34 will be used.

1 (b) To meet these decarbonization ~~goals~~, *goals and federal,*
2 *state, regional, and local air quality and decarbonization*
3 *standards, plans, and regulations*, the state's electrical distribution
4 systems must be substantially upgraded, new customers must
5 promptly connect to the electrical distribution system and existing
6 customers must have their service level promptly upgraded.

7 (c) There are many reports of large housing developments that
8 are unable to be promptly energized. California has an urgent need
9 to increase its supply of housing, requiring both new electrical
10 distribution capacity and the prompt energization of new housing.

11 (d) There are many reports of individual customers who are
12 unable to have their electrical service promptly upgraded *or*
13 *energized* and ~~electric vehicle~~ charging stations *for light-duty,*
14 *medium-duty, and heavy-duty vehicles and off-road vehicles,*
15 *vessels, trains, and equipment* that are unable to be promptly
16 energized. These delays may inhibit the state's ability to meet its
17 decarbonization ~~goals~~: *goals and federal, state, regional, and local*
18 *air quality and decarbonization standards, plans, and regulations.*

19 (e) To improve the speed at which energization and service
20 upgrades are performed, electrical corporations that distribute
21 electricity must improve their advance planning, engineering, and
22 construction of increased distribution system capacity.

23 (f) Electrifying transportation and buildings may put downward
24 pressure on rates by spreading fixed costs over more kilowatthours
25 of usage.

26 (g) Delays in energization, including service upgrades, are costly
27 both to the customers awaiting service and to other customers
28 deprived of the downward pressure on rates.

29 (h) To carry out the planning, engineering, and construction of
30 electrical distribution systems needed to promptly serve customers,
31 electrical corporations that distribute electricity must recruit, train,
32 and retain an adequately sized, qualified workforce.

33 (i) The commission should establish target deadlines for utilities
34 that distribute electricity to energize new customers and upgrade
35 the service of existing customers.

36 (j) The commission should establish reporting requirements for
37 electrical corporations that distribute electricity to report the extent
38 to which they comply with the target deadlines and the reasons for
39 their noncompliance.

1 933. It is the policy of the state that electrical corporations do
2 all of the following:

3 (a) Upgrade the state’s electrical distribution systems as needed
4 and in time to achieve the state’s decarbonization goals and
5 ~~implement state agency plans to meet those goals: federal, state,~~
6 ~~regional, and local air quality and decarbonization standards,~~
7 ~~plans, and regulations.~~

8 (b) Conduct sufficient advance planning, engineering, and
9 construction of increased distribution system capacity so that
10 customers can be energized without substantial delay.

11 (c) Promptly energize new customers, including by ensuring
12 that new housing, new businesses, and new ~~electric vehicle~~
13 ~~charging stations~~ *charging, including bidirectional charging, for*
14 *light-duty, medium-duty, and heavy-duty vehicles and off-road*
15 *vehicles, vessels, trains, and equipment* can be used without delay
16 caused by a failure of the utility to implement energization projects.

17 (d) Promptly upgrade service when requested by customers.

18 (e) Recruit, train, and retain an adequately sized and qualified
19 workforce to carry out the planning, engineering, and construction
20 of electrical distribution systems needed to promptly serve
21 customers seeking energization and service upgrades without
22 sacrificing other necessary activities of the workforce.

23 934. ~~(a) On or before March 1, 2024, the commission shall~~
24 ~~establish a working group consisting of interested parties, including~~
25 ~~representatives of electrical corporations, labor organizations whose~~
26 ~~members engineer and construct energization projects, developers~~
27 ~~who submit applications for energization, and others with relevant~~
28 ~~expertise and experience to do all of the following:~~

29 ~~(1) Provide advice regarding the development of the~~
30 ~~requirements described in subdivision (b).~~

31 ~~(2) Propose processes that would improve the ability of electrical~~
32 ~~corporations to be informed well in advance of needed increases~~
33 ~~in distribution system capacity for future housing developments,~~
34 ~~building electrification, electric vehicle charging infrastructure,~~
35 ~~and other activities that require increased distribution system~~
36 ~~capacity.~~

37 ~~(3) Explore options and opportunities to reduce energization~~
38 ~~time periods.~~

39 (b)

1 934. (a) On or before September 30, 2024, the commission
2 shall do both of the following:

3 (1) Establish reasonable average and maximum target
4 energization time periods. The targets shall ensure that work is
5 completed in a manner that minimizes delay in meeting the date
6 requested by the customer to the greatest extent possible and
7 prioritizes work in a manner consistent with Sections 932 and 933.
8 The targets may vary depending on the complexity and magnitude
9 of the work required and uncertainties regarding the readiness of
10 the customer project needing energization. The targets may also
11 recognize any factors beyond the electrical corporation's control.

12 (2) Establish requirements for ~~a~~ an electrical corporation to
13 report to the commission, at least annually, so that electrical
14 corporation performance can be tracked and improved. Electrical
15 corporation reporting shall include the average, median, and
16 standard deviation time between receiving an application for
17 energizing the electrical service, explanations for energization time
18 periods that exceed the target maximum for energization projects,
19 constraints and obstacles to each type of energization such as
20 funding limitations, qualified staffing availability, or equipment
21 availability, and any other information required by the commission.

22 (e)

23 (b) If energization time periods exceed the commission's target
24 averages or if the electrical corporation has a substantial number
25 of energization projects that exceed the commission's target
26 maximums, the electrical corporation shall include in its report
27 pursuant to paragraph (2) of subdivision ~~(b)~~ (a) a strategy for
28 meeting the targets in the future.

29 (d)

30 (c) Electrical corporations shall report anonymized or averaged
31 data to the extent necessary to prevent identifying individual
32 customers. The commission shall require all reports to be publicly
33 available.

34 (e)

35 (d) The commission shall require the electrical corporation to
36 take any remedial actions necessary to achieve the commission's
37 targets.

38 935. (a) As part of each report required pursuant to paragraph
39 (2) of subdivision ~~(b)~~ (a) of Section 934, and in each general rate
40 case application, each electrical corporation shall include a detailed

1 analysis of its current qualified staffing level and future required
2 qualified staffing level for each job classification needed to be
3 consistent with the findings and achieve the policies and
4 requirements of this article.

5 (b) The commission shall require each electrical corporation to
6 have adequate qualified staffing needed to be consistent with the
7 findings and achieve the policies and requirements of this article.

8 (c) For job classifications that have apprentice training
9 requirements, the commission shall require each electrical
10 corporation to maintain a pipeline of apprentices sufficient to meet
11 future qualified staffing needs, subject to any limitations based on
12 safe staffing ratios.

13 936. In addition to the requirements of Section 740.21, the
14 commission shall require ~~each electrical corporation's annual~~
15 ~~evaluation and planning for distribution circuit upgrade needs to~~
16 ~~consider the~~ *an electrical corporation to do both of the following:*

17 (a) *Consider, in its annual distribution planning process, all of*
18 *the following:*

19 (1) *Federal, state, regional, and local air quality and*
20 *decarbonization standards, plans, and regulations.*

21 (2) *The transportation and building electrification policies of*
22 *state law, and state law.*

23 (3) *State agency, local agency, and local government plans and*
24 *requirements related to transportation and building electrification.*

25 (b) *Adopt and implement plans to meet the energization time*
26 *periods established pursuant to paragraph (1) of subdivision (a)*
27 *of Section 934.*

28 937. (a) The commission shall ensure that electrical
29 corporations have sufficient and timely recovery of costs to be
30 consistent with the findings and achieve the policies and
31 requirements of this article, including for emergent electrification
32 projects.

33 (b) If requested by the electrical corporation, the commission
34 shall authorize the use of a one-way balancing account mechanism
35 or other mechanism that does all of the following:

36 (1) *Authorizes electrical corporations to track costs for*
37 *energization projects on a more frequent basis than solely the*
38 *four-year general rate case cycle. that exceed those included in the*
39 *electrical corporation's annual authorized revenue requirement*

1 *for energization, as established in the electrical corporation's*
2 *general rate case.*

3 (2) Requires the commission to establish an annual cap on the
4 amount that each electrical corporation can ~~track~~ *recover* within
5 the ~~account that exceeds those included in the electrical~~
6 ~~corporation's annual authorized revenue requirement for~~
7 ~~energization, as established in the electrical corporation's general~~
8 ~~rate case.~~ *account.*

9 (3) Requires the commission to authorize the recovery of costs
10 tracked within the account *through an annual rate adjustment* if
11 the costs are just and reasonable. *The commission may authorize*
12 *annual recovery of costs subject to refund after it reviews the*
13 *reasonableness of costs in the general rate case or another*
14 *proceeding.*

15 (4) Requires only costs associated with energization to be
16 included in the account.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

LEGISLATIVE COMMITTEE
MEETING OF 06/11/2023

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 7, 2023

Re: State Legislative Budget Update

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

On January 10, 2023, Governor Newsom released his initial proposal for the fiscal year (FY) 2023-24 Budget. On May 12, 2023, the Governor released the May Revision (May Revise) to the proposed 2023-24 Budget. The Senate and Assembly must vote on and pass their proposed budget bill – which as of this writing, has yet to be introduced – by June 15, 2023, to meet the state’s constitutional deadline. Prior to the Assembly and Senate voting on a budget bill, the bill must be in print for 72 hours, or no later than June 12, 2023. The budget bill must be signed by the Governor by July 1, 2023.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on activities related to the budget. Attached is a table of programs significant to the Air District, along with budget data from the previous year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. Budget Table Current vs Previous Years - As of June 1, 2023

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

Program	FY 22/23 Approved Budget, Trailer Bills, and Addendum	FY 23/24 Proposed Budget (January) AB 221 (Ting)	FY 23/24 Proposed Budget (May Revise)
AB 617 - Implementation	\$50M	\$300M	\$50M
AB 617 - Incentives	\$240M		\$195M
AB 617 - Community Grants	\$10M		\$5M
AB 617 - Additional (CERP)	\$10M		\$0
Clean Vehicle Rebate	\$0	\$0	\$0
Clean Truck & Bus	\$600M	\$315M	\$315M
Ag Diesel Engine Replacement	\$150M	\$0	\$0
Clean Cars For All/School Bus/Equity	\$256M	\$325M	\$155M
Resilience Centers	\$85M	\$0*	\$0
Prescribed Fire	\$2M	\$2M	\$2M
Carl Moyer Program	\$130M	\$130M	\$130M
Zero-Emission Lawn and Garden	\$0	\$0	\$0
Woodstove Replacement	\$5M	\$0	\$0
Port and Freight Goods Movement Infrastructure	\$600M	\$200M	\$200M
ZEV Drayage/Transit Bus/School Bus	\$280M	\$500M	\$227M
Long Duration Energy Storage	\$140M	\$190M	\$190M
Residential Decarbonization	\$112M	\$665M	\$345M
Commercial Harbor Craft	\$60M	\$40M	\$0

* \$85M funding delayed
until FY 2024-25

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 7, 2023

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; presentation only.

BACKGROUND

The Air District is sponsoring the following bills:

- Assembly Bill (AB) 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation.
- AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

The Air District is co-sponsoring the following bills:

- AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.
- AB 1609 (Garcia) – Air pollution: motor vehicle registration: pollution reduction.

DISCUSSION

Staff will provide the Legislative Committee (Committee) with a summary and status of Air District sponsored and co-sponsored bills.

AB 536 (Wilson) – Bay Area Air Quality Management Advisory Council: compensation. CapitolTrack Summary: Current law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board (bay district board) to govern the district. Current law also establishes the Bay Area

Air Quality Management Advisory Council, which is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer, as provided. Current law requires council members to serve without compensation, but authorizes actual expenses incurred in the discharge of their duties. This bill would repeal the compensation prohibition and would instead authorize each council member to receive actual and necessary expenses incurred in the discharge of their duties.

Current Status: This bill passed through the Assembly fully on consent in the Assembly Natural Resources Committee and on the Assembly Floor. The bill has been referred to the Senate Environmental Quality Committee and is set to be heard on June 7, 2023.

AB 953 (Connolly and Hart) – Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

CapitolTrack Summary: Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood. This bill would require the council, on or before January 1, 2026, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and would authorize the program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

Current Status: This bill was referred to the Assembly Committees on Water, Parks, and Wildlife and Natural Resources, and then to Appropriations and passed out of each committee with a favorable vote, receiving zero “no” votes. The bill was heard on the Assembly Floor on May 30, 2023, and passed with a vote of 80-0. Ordered to the Senate – this bill is currently pending referral.

AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties.

CapitolTrack Summary: Current law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Current law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources. This bill would triple specified civil penalties, as provided, if the violation results from a discharge from a stationary source required by federal law to be included

in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, the stationary source is a refinery, and the discharge contains or includes one or more toxic air contaminants, as identified by the State Air Resources Board.

Current Status: This bill was referred to the Assembly Committees on Natural Resources, Judiciary, and then to Appropriations and passed each committee with a favorable vote. As of this writing, the bill is pending a hearing on the Assembly Floor.

AB 1609 (Garcia) – Air pollution: motor vehicle registration: pollution reduction.

CapitolTrack Summary: Current law requires a registration fee to be paid to the Department of Motor Vehicles for the registration of each vehicle or trailer coach of a type subject to registration under the Vehicle Code, except those vehicles that are expressly exempted from the payment of registration fees. Current law, until January 1, 2024, increases vehicle registration fees by \$3 and requires revenues from those fees to be used, upon appropriation by the Legislature, for programs to reduce air pollution from motor vehicles. This bill would impose an additional annual \$4 charge on each motor vehicle registered in the state except those vehicles that are expressly exempted from the payment of registration fees, thereby imposing a tax. The bill would require the department to collect the charge and deposit revenues from the charge in the Air Quality Improvement Fee Fund, which the bill would create. The bill would continuously appropriate the revenues in the fund to the department for distribution to air pollution control districts and air quality management districts based upon the amount of the charges collected from motor vehicles registered within each air district, thereby creating an appropriation. The bill would require these revenues to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles.

Current Status: This bill was referred to the Assembly Committee on Transportation and passed out of the Committee favorably. The bill was then referred to the Assembly Appropriations Committee where it was placed on the Suspense file and held under submission, ultimately killing the bill for the year.

As information becomes available, staff will update the Committee on additional legislative activities that the Board of Directors has previously approved or may wish to become involved with.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

1. Bill Text - AB 536 (Wilson) - As Introduced on February 8, 2023
2. Bill Text - AB 953 (Connolly and Hart) - As Amended on May 18, 2023
3. Bill Text - AB 1465 (Wicks) - As Introduced on March 16, 2023
4. Bill Text - AB 1609 (Garcia) - As Amended on April 17, 2023

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

ASSEMBLY BILL

No. 536

Introduced by Assembly Member Wilson
(Coauthors: Assembly Members ~~Lee and Ortega~~) *Lee, Ortega, and*
Ting
(Coauthor: Senator Becker)

February 8, 2023

An act to repeal and add Section 40266 of the Health and Safety Code, relating to air resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 536, as introduced, Wilson. Bay Area Air Quality Management Advisory Council: compensation.

Existing law establishes the Bay Area Air Quality Management District, which is vested with the authority to regulate air emissions located in the boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara and portions of the Counties of Solano and Sonoma. Existing law establishes a district board (bay district board) to govern the district. Existing law also establishes the Bay Area Air Quality Management Advisory Council, which is appointed by the bay district board, to advise and consult with the bay district board and the bay district air pollution control officer, as provided. Existing law requires council members to serve without compensation, but authorizes actual expenses incurred in the discharge of their duties.

This bill would **repeal** the compensation prohibition and would instead authorize each council member to receive actual and necessary expenses incurred in the discharge of their duties. The bill would also authorize each council member to receive compensation, to be determined by the

bay district board for either attending a meeting of the council or attending a meeting, upon authorization of the bay district board, as a representative of the council.

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

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

1 SECTION 1. Section 40266 of the Health and Safety Code is
2 repealed.

3 ~~40266. Council members shall serve without compensation,~~
4 ~~but may be allowed actual expenses incurred in the discharge of~~
5 ~~their duties.~~

6 SEC. 2. Section 40266 is added to the Health and Safety Code,
7 to read:

8 40266. (a) Each council member may receive actual and
9 necessary expenses incurred in the discharge of their duties.

10 (b) Each council member may receive compensation, to be
11 determined by the bay district board for either of the following:

- 12 (1) Attending a meeting of the council.
- 13 (2) Attending a meeting, upon authorization of the bay district
14 board, as a representative of the council.

15
16 _____

17 **REVISIONS:**
18 **Heading—Line 2.**

19 _____

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

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AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY APRIL 19, 2023

AMENDED IN ASSEMBLY MARCH 29, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 953

Introduced by Assembly Members Connolly and Hart
(Coauthors: Assembly Members Addis, Bennett, Davies, Dixon,
Muratsuchi, Pellerin, and Weber)
(Coauthor: Senator Blakespear)

February 14, 2023

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Connolly. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before January 1, 2026, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program and would authorize the program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. *The bill would limit application of the program to vessels that are 300 gross tons or greater.* The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California’s seaports are North America’s primary intermodal
- 4 gateway to Asia and Transpacific trade. Maritime industry activities
- 5 at California’s public seaports are responsible for employing more
- 6 than 500,000 people in the state. Nationwide, more than 2,000,000
- 7 jobs are linked to maritime industry business conducted at
- 8 California’s public seaports, contributing to California having the
- 9 largest state economy in the United States.
- 10 (b) Every year, the world’s largest container ships and auto
- 11 carriers make thousands of transits along the California coast, with
- 12 an estimated 120 tons per day of nitrogen dioxides, an ozone
- 13 precursor, being emitted within 100 nautical miles of the coast.
- 14 These emissions negatively affect the public health of coastal
- 15 communities and cause some areas of the coast to be in
- 16 nonattainment with the national ambient air quality standards for
- 17 ozone and particulate matter.
- 18 (c) Since 2014, the Santa Barbara County Air Pollution Control
- 19 District, the Ventura County Air Pollution Control District, and
- 20 the Bay Area Air Quality Management District, with the federal
- 21 Office of National Marine Sanctuaries, marine sanctuary

1 foundations, and environmental groups, have administered and
2 promoted the Blue Whales and Blue Skies Program, a voluntary
3 vessel speed reduction program off the Santa Barbara, Ventura,
4 and Bay Area coasts to encourage transit speeds of 10 knots or
5 less to reduce air pollution, the risk of harmful whale strikes, and
6 the level of ocean noise.

7 (d) Since its inception, through 2021, the Protecting Blue Whales
8 and Blue Skies Program has provided small incentives and
9 publicity to program participants and has achieved 526,211 slow
10 speed miles, a reduction of more than 2,300 tons of nitrogen oxides,
11 a reduction of over 76,000 metric tons of regional greenhouse gas
12 emissions, and an estimated 50 percent decreased risk of whale
13 strikes during prime migration season in the affected coastal areas.

14 (e) This highly cost-effective voluntary pollution reduction
15 program benefits public health, protects the marine ecosystem,
16 and showcases the beneficial partnership between shipping
17 companies, public health agencies, marine sanctuaries, and
18 environmental organizations.

19 (f) Creation of a statewide vessel speed reduction program and
20 expansion to other areas of the California coast, including the San
21 Diego and Monterey coasts and the North Coast, would yield
22 additional public health and ecosystem benefits.

23 SEC. 2. Section 35618 is added to the Public Resources Code,
24 to read:

25 35618. (a) On or before January 1, 2026, the council shall, in
26 coordination with air pollution control districts and air quality
27 management districts along the coast and in consultation with the
28 federal Office of National Marine Sanctuaries, the federal
29 Environmental Protection Agency, the United States Navy, the
30 United States Coast Guard, the State Air Resources Board, and
31 maritime industry, implement a statewide voluntary vessel speed
32 reduction and sustainable shipping program for the California coast
33 in order to reduce air pollution, the risk of fatal vessel strikes on
34 whales, and harmful underwater acoustic impacts.

35 (b) The program shall expand the existing Protecting Blue
36 Whales and Blue Skies Program and may include all of the
37 following components developed in a manner that is consistent
38 with how the program components were developed for the
39 Protecting Blue Whales and Blue Skies Program:

1 (1) A marketing program to engage cargo owners and other
2 commercial interests to promote voluntary vessel speed reduction
3 and sustainable shipping, and an acknowledgment of the program's
4 participants.

5 (2) Data collection on ship speeds along the California coast in
6 order to analyze the program for future refinement, expansion, or
7 both.

8 (3) Data collection on underwater acoustic impacts or fatal
9 vessel strikes on whales, to the extent data is available.

10 (4) Data collection on the regional air quality impacts on the
11 coast and impacts to air quality in coastal disadvantaged
12 communities from oceangoing vessel traffic, as collected and
13 provided by the regional air pollution control districts and air
14 quality management districts.

15 (5) Incentives to program participants based on a percentage of
16 distance traveled by a participating vessel at a reduced speed,
17 including speed zones at 10 knots or less, to the extent that local
18 or federal funding is available.

19 (6) Development of vessel speed reduction zones along the coast
20 that take into account navigational safety, protected marine
21 mammal migration and breeding seasons, federal marine
22 sanctuaries and state marine protected areas, shipping lanes, and
23 any other relevant variables.

24 (7) Seasonality of the program.

25 (8) Description of covered vessels.

26 (c) The program shall exclude any ocean territories that are
27 covered by any vessel speed reduction program other than the
28 Protecting Blue Whales and Blue Skies Program or a memorandum
29 of understanding entered into before January 1, 2024.

30 (d) *The program shall only apply to vessels that are 300 gross*
31 *tons or greater.*

32 ~~(d)~~

33 (e) The council may impose additional qualifying criteria on
34 program participants in order to receive incentives under the
35 program, including, but not limited to, individual transit speeds,
36 such as maximum speed in transit or maximum transit average
37 speed.

38 (e)

1 (f) (1) On or before December 31, 2026, the council shall submit
2 a report to the Legislature regarding the implementation of the
3 program.

4 (2) The report required in paragraph (1) shall be submitted in
5 compliance with Section 9795 of the Government Code.

6 (3) Pursuant to Section 10231.5 of the Government Code, the
7 requirement for submitting a report imposed by paragraph (1) is
8 inoperative on December 31, 2030.

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

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ASSEMBLY BILL

No. 1465

Introduced by Assembly Member Wicks

February 17, 2023

An act to ~~amend~~ *add* Section ~~42402~~ of 42402.6 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1465, as amended, Wicks. Nonvehicular air pollution: civil penalties.

Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property, as specified. Existing law establishes maximum civil penalties for a person who violates air pollution laws from nonvehicular sources.

This bill would triple specified civil penalties, as provided, if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to specified provisions of the federal Clean Air Act, the stationary source is a refinery, and the discharge contains or includes one or more toxic air contaminants, as identified by the State Air Resources Board. The bill would define "refinery" for this purpose.

Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law

establishes maximum civil penalties for any person for violations of air pollution laws from nonvehicular sources.

This bill would make nonsubstantive changes to the latter provision.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.

State-mandated local program: no.

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

1 SECTION 1. Section 42402.6 is added to the Health and Safety
2 Code, to read:

3 42402.6. (a) Penalties prescribed pursuant to Sections 42402,
4 42402.1, 42402.2, 42402.3, 42402.4, and 42402.5 shall be tripled
5 if the person violates Section 41700 and both of the following
6 occur:

7 (1) The discharge is from a Title V source that is a refinery.

8 (2) The discharge contains or includes one or more toxic air
9 contaminants, as identified by the state board pursuant to Section
10 39657.

11 (b) For purposes of this section, "refinery" means an
12 establishment that is located on one or more contiguous or adjacent
13 properties that produces gasoline, diesel fuel, aviation fuel,
14 lubricating oil, asphalt, petrochemical feedstock, or other similar
15 product through the processing of crude oil or alternative
16 feedstock, redistillation of unfinished petroleum derivatives,
17 cracking, or other processes.

18 SECTION 1. Section 42402 of the Health and Safety Code is
19 amended to read:

20 42402. (a) Except as provided in Sections 42402.1, 42402.2,
21 42402.3, and 42402.4, a person who violates this part, an order
22 issued pursuant to Section 42316, or a rule, regulation, permit, or
23 order of a district, including a district hearing board, or of the state
24 board issued pursuant to Part 1 (commencing with Section 39000)
25 to Part 4 (commencing with Section 41500), inclusive, is strictly
26 liable for a civil penalty of not more than five thousand dollars
27 (\$5,000):

28 (b) (1) A person who violates a provision of this part, an order
29 issued pursuant to Section 42316, or a rule, regulation, permit or
30 order of a district, including a district hearing board, or of the state
31 board issued pursuant to Part 1 (commencing with Section 39000)
32 to Part 4 (commencing with Section 41500), inclusive, is strictly

1 liable for a civil penalty of not more than ten thousand dollars
2 (\$10,000):

3 (2) (A) If a civil penalty in excess of five thousand dollars
4 (\$5,000) for each day in which a violation occurs is sought, there
5 is no liability under this subdivision if the person accused of the
6 violation alleges by affirmative defense and establishes that the
7 violation was caused by an act that was not the result of intentional
8 conduct or negligent conduct.

9 (B) Subparagraph (A) does not apply to a violation of a federally
10 enforceable requirement that occurs at a Title V source in a district
11 in which a Title V permit program has been fully approved.

12 (C) Subparagraph (A) does not apply to a person who is
13 determined to have violated an annual facility emissions cap
14 established pursuant to a market-based incentive program adopted
15 by a district pursuant to subdivision (b) of Section 39616.

16 (e) A person who owns or operates a source of air contaminants
17 in violation of Section 41700 that causes actual injury, as defined
18 in subdivision (d) of Section 42400, to the health and safety of a
19 considerable number of persons or the public, is liable for a civil
20 penalty of not more than fifteen thousand dollars (\$15,000).

21 (d) Each day during a portion of which a violation occurs is a
22 separate offense.

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AMENDED IN ASSEMBLY APRIL 17, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1609

Introduced by Assembly Member Garcia

February 17, 2023

An act to amend Sections ~~44225 and 44229~~ 44225, 44229, and 44233 of the Health and Safety Code, and to add Section 9250.3 to the Vehicle Code, relating to air pollution, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1609, as amended, Garcia. Air pollution: motor vehicle registration: pollution reduction.

(1) Existing law requires a registration fee to be paid to the Department of Motor Vehicles for the registration of each vehicle or trailer coach of a type subject to registration under the Vehicle Code, except those vehicles that are expressly exempted from the payment of registration fees. Existing law, until January 1, 2024, increases vehicle registration fees by \$3 and requires revenues from those fees to be used, upon appropriation by the Legislature, for programs to reduce air pollution from motor vehicles.

This bill would impose an additional annual \$4 charge on each motor vehicle registered in the state except those vehicles that are expressly exempted from the payment of registration fees, thereby imposing a tax. The bill would require the department to collect the charge and deposit revenues from the charge in the Air Quality Improvement Fee Fund, which the bill would create. The bill would continuously appropriate the revenues in the fund to the department for distribution

~~upon request~~ to air pollution control districts and air quality management districts based upon the amount of the charges collected from motor vehicles registered within each air district, thereby creating an appropriation. The bill would require these revenues to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles. The bill would also authorize the department to withhold up to 1% of the annual revenues collected from the charge to cover its administrative ~~costs~~: *costs, and the bill would authorize an air district to use not more than 6.25% of the revenues distributed to the air district for its administrative costs.* The bill would require the charge to be increased annually based on the California Consumer Price Index, as specified.

(2) Existing law authorizes an air pollution control or air quality management district, except the Sacramento district, to levy a surcharge of up to \$6 on the registration fees for motor vehicles registered in the air district, as specified by the governing body of the air district. Existing law requires the Department of Motor Vehicles to collect that surcharge if requested by an air district, and requires the department, after deducting its administrative costs, to distribute the revenues to the air districts. Existing law, until January 1, 2034, authorizes a \$2 increment of that surcharge to be used for the reduction of air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies, as specified, or for the attainment or maintenance of state or federal ambient air quality standards or the reduction of toxic air contaminant emissions from motor vehicles.

This bill would authorize that increment to be used for both of those purposes indefinitely.

(3) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 44225 of the Health and Safety Code, as
2 amended by Section 4 of Chapter 355 of the Statutes of 2022, is
3 amended to read:

4 44225. (a) A district may increase the fee established under
5 Section 44223 to up to four dollars (\$4). A district may increase
6 the fee only if both of the following conditions are met:

7 (1) A resolution providing for both the fee increase and a
8 corresponding program for expenditure of the increased fees for
9 the reduction of air pollution from motor vehicles pursuant to, and
10 for related planning, monitoring, enforcement, and technical studies
11 necessary for the implementation of, the California Clean Air Act
12 of 1988 (Chapter 1568 of the Statutes of 1988), or for the
13 attainment or maintenance of state or federal ambient air quality
14 standards or the reduction of toxic air contaminant emissions from
15 motor vehicles, is adopted and approved by the governing board
16 of the district.

17 (2) In districts with nonelected officials on their governing
18 boards, the resolution shall be adopted and approved by both a
19 majority of the governing board and a majority of the board
20 members who are elected officials.

21 (b) An increase in fees established pursuant to this section shall
22 become effective on either April 1 or October 1, as provided in
23 the resolution adopted by the board pursuant to subdivision (a).

24 (c) This section shall become operative on January 1, 2034.

25 SEC. 2. Section 44229 of the Health and Safety Code, as
26 amended by Section 6 of Chapter 355 of the Statutes of 2022, is
27 amended to read:

28 44229. (a) After deducting all administrative costs it incurs
29 through collection of fees pursuant to Section 44227, the
30 Department of Motor Vehicles shall distribute the revenues to
31 districts, which shall use the fees to reduce air pollution from motor
32 vehicles and to carry out related planning, monitoring, enforcement,
33 and technical studies necessary for implementation of the California
34 Clean Air Act of 1988 (Chapter 1568 of the Statutes of 1988), or
35 for the attainment or maintenance of state or federal ambient air
36 quality standards or the reduction of toxic air contaminant
37 emissions from motor vehicles. Fees collected by the Department
38 of Motor Vehicles pursuant to this chapter shall be distributed to

1 districts based upon the amount of fees collected from motor
2 vehicles registered within each district.

3 (b) The Department of Motor Vehicles may annually expend
4 not more than the following percentages of the fees collected
5 pursuant to Section 44227 on administrative costs:

6 (1) During the first year after the operative date of this chapter,
7 not more than 5 percent of the fees collected may be used for
8 administrative costs.

9 (2) During the second year after the operative date of this
10 chapter, not more than 3 percent of the fees collected may be used
11 for administrative costs.

12 (3) During any year subsequent to the second year after the
13 operative date of this chapter, not more than 1 percent of the fees
14 collected may be used for administrative costs.

15 (c) This section shall become operative on January 1, 2034.

16 SEC. 3. Section 44229 of the Health and Safety Code, as
17 amended by Section 7 of Chapter 355 of the Statutes of 2022, is
18 amended to read:

19 44229. (a) After deducting all administrative costs it incurs
20 through collection of fees pursuant to Section 44227, the
21 Department of Motor Vehicles shall distribute the revenues to
22 districts, which shall use the revenues resulting from the first four
23 dollars (\$4) of each fee imposed pursuant to Sections 44223 and
24 44225 to reduce air pollution from motor vehicles and to carry out
25 related planning, monitoring, enforcement, and technical studies
26 necessary for implementation of the California Clean Air Act of
27 1988 (Chapter 1568 of the Statutes of 1988), or for the attainment
28 or maintenance of state or federal ambient air quality standards or
29 the reduction of toxic air contaminant emissions from motor
30 vehicles. Fees collected by the Department of Motor Vehicles
31 pursuant to this chapter shall be distributed to districts based upon
32 the amount of fees collected from motor vehicles registered within
33 each district.

34 (b) Notwithstanding Sections 44241 and 44243, a district shall
35 use the revenues resulting from the next two dollars (\$2) of each
36 fee imposed pursuant to Section 44225 and collected pursuant to
37 Section 44227 to implement the following programs that the district
38 determines remediate air pollution harms created by motor vehicles
39 on which the surcharge is imposed:

1 (1) Projects eligible for grants under the Carl Moyer Memorial
2 Air Quality Standards Attainment Program (Chapter 9
3 (commencing with Section ~~44275~~) of Part 5). 44275)).

4 (2) The new purchase, retrofit, repower, or add-on equipment
5 for previously unregulated agricultural sources of air pollution, as
6 defined in Section 39011.5, for a minimum of three years from
7 the date of adoption of an applicable rule or standard, or until the
8 compliance date of that rule or standard, whichever is later, if the
9 state board has determined that the rule or standard complies with
10 Sections 40913, 40914, and 41503.1, after which period of time,
11 a new purchase, retrofit, repower, or add-on of equipment shall
12 not be funded pursuant to this chapter. The districts shall follow
13 any guidelines developed under subdivision (a) of Section 44287
14 for awarding grants under this program.

15 (3) The purchase of new schoolbuses or the repower or retrofit
16 of emissions control equipment for existing schoolbuses pursuant
17 to the Lower-Emission School Bus Program adopted by the state
18 board.

19 (4) An accelerated vehicle retirement or repair program that is
20 adopted by the state board pursuant to authority granted hereafter
21 by the Legislature by statute.

22 (5) The replacement of onboard natural gas fuel tanks on
23 schoolbuses that are 14 years or older or the enhancement of
24 deteriorating natural gas fueling dispensers of fueling infrastructure,
25 pursuant to the Lower-Emission School Bus Program adopted by
26 the state board.

27 (6) The funding of alternative fuel and electric infrastructure
28 projects solicited and selected through a competitive bid process.

29 (c) The Department of Motor Vehicles may annually expend
30 not more than 1 percent of the fees collected pursuant to Section
31 44227 on administrative costs.

32 (d) A project funded by the program shall not be used for credit
33 under any state or federal emissions averaging, banking, or trading
34 program. An emission reduction generated by the program shall
35 not be used as marketable emission reduction credits or to offset
36 any emission reduction obligation of any person or entity. Projects
37 involving new engines that would otherwise generate marketable
38 credits under state or federal averaging, banking, and trading
39 programs shall include transfer of credits to the engine end user
40 and retirement of those credits toward reducing air emissions in

1 order to qualify for funding under the program. A purchase of a
2 low-emission vehicle or of equipment pursuant to a corporate or
3 a controlling board’s policy, but not otherwise required by law,
4 shall generate surplus emissions reductions and may be funded by
5 the program.

6 (e) This section shall remain in effect only until January 1, 2034,
7 and as of that date is repealed, unless a later enacted statute, that
8 is enacted before January 1, 2034, deletes or extends that date.

9 *SEC. 4. Section 44233 of the Health and Safety Code is*
10 *amended to read:*

11 44233. Not more than 6.25 percent of the fees distributed to
12 any district pursuant to Section ~~44229~~, 44229 or Section 9250.3
13 of the Vehicle Code, or distributed by a district to any other public
14 agency pursuant to this chapter, shall be used by the district or
15 other public agency for administrative costs.

16 ~~SEC. 4.~~

17 *SEC. 5. Section 9250.3 is added to the Vehicle Code, to read:*

18 9250.3. (a) In addition to any other fees specified in this code,
19 the Health and Safety Code, or the Revenue and Taxation Code,
20 an annual air quality improvement fee of four dollars (\$4),
21 beginning on January 1, 2024, is hereby imposed on each motor
22 vehicle registered in the state except those vehicles expressly
23 exempted under this code from the payment of registration fees.

24 (b) The department shall collect the fee imposed pursuant to
25 subdivision (a) at the same time and in the same manner as the
26 department collects the vehicle registration fee pursuant to Section
27 9250.

28 (c) The department shall deposit the revenues collected pursuant
29 to subdivision (b) in the Air Quality Improvement Fee Fund, which
30 is hereby created in the State Treasury. Notwithstanding Section
31 13340 of the Government Code, the moneys in the fund are
32 continuously appropriated to the department without regard to
33 fiscal years for distribution pursuant to subdivision (d).

34 (d) (1) Before distributing the moneys in the Air Quality
35 Improvement Fee Fund to districts pursuant to paragraph (2), the
36 department may withhold up to 1 percent of the annual revenues
37 collected pursuant to subdivision (b) to cover its administrative
38 costs relating to the collection of the air quality improvement fee
39 and distribution of the revenues from that fee.

1 (2) The department shall distribute revenues collected pursuant
2 to subdivision (b) ~~upon request~~ to districts based upon the amount
3 of fees collected from motor vehicles registered within each district.

4 (e) (1) The South Coast Air Quality Management District shall
5 allocate the revenues distributed to it pursuant to subdivision (d)
6 in a manner consistent with Sections 44243 and 44244 of the
7 Health and Safety Code.

8 (2) The Bay Area Air Quality Management District shall allocate
9 the revenues distributed to it pursuant to subdivision (d) in a
10 manner consistent with Section 44241 of the Health and Safety
11 Code.

12 (f) The revenues from the fees distributed to a district pursuant
13 to this section shall be used to reduce or mitigate air pollution from
14 motor vehicles and for related planning, monitoring, enforcement,
15 and technical studies necessary for the implementation of the
16 California Clean Air Act of 1988 (Chapter 1568 of the Statutes of
17 1988), or for the attainment or maintenance of state or federal
18 ambient air quality standards or the reduction or mitigation of toxic
19 air contaminant emissions from motor vehicles.

20 (g) The fees established pursuant to this section shall be
21 increased annually based on the California Consumer Price Index
22 as compiled and reported by the Department of Industrial Relations.

23 (h) For purposes of this section, “district” has the same meaning
24 as defined in Section 39025 of the Health and Safety Code.

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 7, 2023

Re: Federal Legislative Update

RECOMMENDED ACTION

None; presentation only.

BACKGROUND**Debt Ceiling**

The Fiscal Year (FY) 24 appropriations process began in earnest in the House and Senate, with hearings in both chambers to review the President's budget request. However, despite this preliminary activity, the process of considering annual spending bills is likely to be derailed by the debt limit standoff. Debt ceiling debates in prior years have always ended with a bipartisan agreement to preserve the Treasury's ability to make timely payments, and the White House and Senate Democrats have insisted on a "clean" debt limit bill without any additional concessions. Speaker McCarthy and allies, however, insist that a recent House-passed bill must form the basis of negotiations. As of this writing, June 1 is the rough deadline for a deal to be made, so we may see resolution by the date of the Legislative Committee meeting.

Cleaner Air Spaces Act of 2023

Soon to be introduced bill from Congressman Peters (CA – San Diego). The Cleaner Air Spaces Act of 2023 will enable eligible entities, including air pollution control agencies, to establish accessible cleaner air centers located in areas at risk of being exposed to wildfire smoke and provides the opportunity to distribute air filtration units in low-income communities. This bill proposes to appropriate \$30 million for FY 2024 through 2026 and allow for a maximum grant amount of \$3 million for an eligible entity. Air District staff had previously met with the Congressman's staff to discuss our wildfire smoke mitigation programs and legislative efforts, and to provide feedback on their federal legislative language.

DISCUSSION

The Legislative Committee (Committee) will receive an update on recent events of significance on the federal level, as well as a quick recap on our federal advocacy trip earlier in the year.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Alan Abbs
Reviewed by: Philip M. Fine

ATTACHMENTS:

None

LEGISLATIVE COMMITTEE
MEETING OF 06/07/2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Report of the Finance and Administration Committee Meeting of June 7, 2023

RECOMMENDED ACTION

Appoint Dr. Fung Lam as an Alternate Member in the Public category of the Hearing Board.

BACKGROUND

None.

DISCUSSION

The Finance and Administration Committee met on Wednesday, June 7, 2023.

The Committee approved the Consent Calendar, which included: the Draft Minutes of the Finance and Administration Committee Meeting of May 3, 2023, and the Hearing Board Quarterly Report: January – March 2023.

The Committee then interviewed three candidates for vacancies on the Air District's Hearing Board. **The Committee recommends the Board:**

1. **Appoint** Dr. Fung Lam, as an Alternate Member in the Public category of the Hearing Board.

The next meeting of the Finance and Administration Committee will be on Wednesday, July 5, 2023, at 1:00 p.m. at 375 Beale Street, San Francisco, CA 94105. The meeting will be in-person for the Committee members and members of the public will be able to either join in-person or via webcast. This concludes the Chair Report of the Finance and Administration Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Finance and Administration Committee Meeting Memorandums of June 7, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Administration Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 7, 2023

Re: Hearing Board Quarterly Report: January - March 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

This report covers the first calendar quarter (January – March) of 2023.

- Held no hearings;
- Processed one order: and
- Collected a total of \$0 in Hearing Board filing fees (see explanation below)

Below is a detail of Hearing Board activity during the same period:

Docket: 3740 – Western Digital Technologies – Request for Interim and Short-Term Variances

Location: Alameda County; City of Fremont

Regulation(s): Regulation 2, Rule 1, Section 403 (Permits, General Requirements, Permit Conditions), and Permit Condition #23227 Part 11.

Synopsis: Applicant is a semiconductor wafer fabrication facility in Fremont. Applicant sought variance for its A-9 primary thermal oxidizer (Munters IZS-3546-TH 39,200 SCFM, 4.5 MMBtu/hr maximum capacity), which abates semiconductor fabrication activities at the facility at S-28 (Semiconductor Fab Area). S-28 was considered essential to Applicant’s business, as this is where the semiconductor fabrication operations are conducted. Applicant also claimed that, pursuant to Plant #15565 ATC #30355 Condition #23227 Part 7, S-28 could not be operated

unless abated by A-9 (primary regenerative thermal oxidizer, or RTO) or A-6 (backup RTO), making A-9 also essential to Applicant's business.

From Applicant:

To date, Western Digital has been unable to demonstrate compliance with A-9's permitted nitrogen oxide (NOx) limit from authority to Construct (ATC) #30355 Condition #23227 Part 9. An initial stack test was conducted in September (test report #22267) and a follow-up test was conducted in December (test report #22385). As a result, Western Digital is working with the Air District to evaluate alternative compliance options or agree to new NOx limits. At the suggestion of the Air District, the first compliance option Western Digital would like to pursue is to conduct a NOx and volatile organic compounds (VOC) stack test on A-9 to evaluate:

1) Whether A-9 can be operated at temperatures lower than 1350F while still complying with VOC limits in ATC #30355 Condition #23227 Part 8, and

2) Whether operating A-9 at lower temperatures will reduce thermal NOx emissions and allow A-9 to operate in compliance with the ATC #30355 Condition #23227 Part 9 NOx limit. Western Digital is requesting this variance to obtain the Air District's approval to prepare for and conduct this A-9 stack test and temporarily operate A-9 below the temperature limit of 1350 degrees F in ATC #30355 Condition #23227 Part 11.

Western Digital is requesting this variance to prepare for and conduct a stack test while operating below the A-9 temperature limit of 1350 degrees F in ATC #30355 Condition #23227 Part 11. This stack test is being proposed to evaluate:

1) Whether A-9 can be operated at temperatures lower than 1350F while still complying with VOC limits in ATC #30355 Condition #23227 Part 8, and

2) Whether operating A-9 at tower temperatures will reduce thermal NOx emissions and allow A-9 to operate in compliance with the ATC #30355 Condition #23227 Part 9 NOx limit.

It is currently beyond Western Digital's control to comply with the A-9 NOx emissions limits in ATC #30355 Condition #23227 Part 9 because A-9 already employs our vendor's best available burners for reducing NOx emissions.

Western Digital first became aware that a NOx and VOC A-9 stack test should be conducted (at temperatures lower than 1350 F) when the Air District suggested this approach to Western Digital via email on January 24th, 2023.

Since becoming aware that a NOx and VOC A-9 stack test should be conducted (at temperatures lower than 1350 F) to evaluate NOx compliance options, Western Digital had a conference call with the Air District on February 8th to discuss the potential stack test and other alternative compliance options or NOx limits.

Since becoming aware that A-9 does not meet the NOx emissions limits, Western Digital has reached out to their scrubber vendor (Munters) to evaluate retrofit options, has been in consistent communication with the Air District to identify alternative compliance options and understand the basis for the NOx limit in ATC #30355 Condition #23227 Part 9, and has engaged an air quality consultant to provide expert support in this matter.

Curtailing operations is not an applicable alternative in lieu of this variance. If this variance is not granted, Western Digital simply would not conduct the proposed source test. During preparation for and execution of the A-9 VOC and NOx stack test, Western Digital is proposing to temporarily operate A-9 at temperatures below the limit of 1350 degrees F in ATC #30355 Condition #23227 Part 11.

Requested Period of Variance: February 28, 2023, to “date to be scheduled once variance is granted.”

Estimated Excess Emissions: None.

Fees collected this quarter: \$0.

Status: Application for Interim and Short-Term Variances filed by Applicant on February 22, 2023; Applicant requested invoice for filing fee on February 23, 2023; Air District Hearing Board Clerk emailed Applicant the breakdown of filing fees based on the variance types selected by Applicant on February 23, 2023; (having not yet paid filing fee) Applicant requested cancellation of the hearing/dismissal of the matter on February 28, 2023; Order for Dismissal filed on March 3, 2023.

The reason given by Applicant for cancellation of hearing/dismissal of the matter was, “Western Digital was able to perform stack testing on the VOC (A-9) without operating below the temperature limit (1350 degree F) in ATC#30355 Permit Condition #23227 Part 11.”

THE HEARING BOARD ORDERED:

The above-entitled matter was filed on February 22, 2023. Applicant submitted a request to withdraw application on February 28, 2023. FOR GOOD CAUSE, in accordance with Section 6.8 of the Hearing Board Rules, the HEARING BOARD ORDERS that the Application be and is hereby dismissed and all future hearings are canceled.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

/S/ Valerie J. Armento, Esq.

Valerie J. Armento, Esq.
Chairperson, Hearing Board

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

None

FINANCE AND ADMINISTRATION
COMMITTEE MEETING OF
JUNE 7, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson John J. Bauters and Members
of the Finance and Administration Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 7, 2023

Re: Conduct Interviews and Consider Recommending Board of Directors Approval of
Candidates for Appointment to the Air District's Hearing Board

RECOMMENDED ACTION

Conduct interviews and consider recommending the Board of Directors approval of candidates for appointment to the Air District's Hearing Board.

BACKGROUND

Pursuant to Section 40800 of the California Health and Safety Code, the Air District is required to maintain a Hearing Board consisting of five members including, one member who is a professional engineer registered as such pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code), one member from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine, one member admitted to the practice of law in this state, and two public members. The Air District Board of Directors may also appoint one alternate for each member. The alternate shall have the same qualifications, specified in Section 40801, as the member for whom such person is the alternate. The alternate may serve only in the absence of the member, and for the same term as the member. It has been the Air District's practice to fill all ten seats of the Hearing Board.

Pursuant to Division I, Section 8.6 of the Air District's Administrative Code, Hearing Board Member terms are limited to fifteen (15) consecutive years, with reappointment possible after a three-year absence.

DISCUSSION

There are currently three (3) vacancies: 1) Alternate Member A in the Public category; 2) Principal Member in the Professional Engineer category; and 3) Alternate Member in the Professional Engineer category. As a result, there are three positions to fill. Staff initiated recruitment processes to fill these positions. Outreach and advertisement included listings on sixteen job boards, including ten with a diversity focus. The job posting remained open for six weeks, during which time four applications were received from candidates interested in serving

on the Hearing Board. Two applicants are interested in serving in the Alternate Member A category. One applicant is interested in serving in either the Alternate Member A, Professional Engineer Member, or Alternate Professional Engineer Member category, and one applicant is interested in serving in the Professional Engineer Member category.

Interviews of the four candidates will occur during the Finance and Administration Committee meeting of June 7, 2023. The length of each interview will be approximately 15 minutes. The application materials submitted by the candidates will be provided to you for your review.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Joseph Huynh
Reviewed by: John Chiladakis

ATTACHMENTS:

1. Hearing Board Hiring Packet



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

HEARING BOARD INTERVIEWS

FINANCE AND ADMINISTRATION
COMMITTEE

June 7, 2023



Bay Area Air Quality Management District Hearing Board Member

SALARY	\$0.00 Hourly \$0.00 Biweekly \$0.00 Monthly \$0.00 Annually	LOCATION	CA, CA
JOB TYPE	Volunteer	REMOTE EMPLOYMENT	Remote Optional
JOB NUMBER	JH.2022.Hearing	DEPARTMENT	Board of Director's Councils or Boards
DIVISION	Hearing Board	OPENING DATE	09/01/2022
CLOSING DATE	10/7/2022 5:00 PM Pacific		

Description

The Bay Area Air Quality Management District (Air District) is a regional government agency, committed to achieving clean air to protect the public's health and the environment. The Air District accomplishes this goal through regulation of industrial facilities and various outreach and incentive programs designed to encourage clean air choices.

The Air District's jurisdiction encompasses all of seven counties - Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara and Napa, and portions of two others - southwestern Solano and southern Sonoma.

The Hearing Board is established by state law and consists of five members and their alternates - an attorney, a professional engineer, a member from the medical profession, and two members of the public.

The Air District is currently recruiting for the following three (3) Hearing Board seats:

- Alternate member in the Public category
- Alternate member in the Professional Engineer category
- Principal member in the Professional Engineer category

Examples of Duties for this Position

The Hearing Board is a quasi-judicial body that rules on particular cases that affect only individual facilities. It is authorized to hear requests for variance relief, permit revocation, abatement orders, and appeals by permit applicants, or by interested third parties, concerning the issuance or denial of permits.

These are volunteer positions. There is no salary. Members of the Hearing Board receive a stipend of \$400 per meeting day, plus travel expenses, if applicable.

Minimum Qualifications

The applicants for the Hearing Board are evaluated based on their qualifications to serve as representatives for their profession, field of endeavor, or the community, as the case may be.

How to Apply & Selection Criteria

Hearing Board members serve a term of three years and may be reappointed to a maximum of fifteen consecutive years. The Hearing Board can meet as often as 1-3 times a week depending on the volume of cases filed, usually on Tuesdays, at the Air District's office at 375 Beale Street, San Francisco, CA 94105. Meetings are being held virtually during the COVID pandemic.

Interviews are held during the Air District's Board of Director's Administration Committee Meeting. If you are selected for an interview, our staff will contact you to request your presence at this meeting/interview.

HOW TO APPLY & SELECTION CRITERIA:

Interested individuals must submit the following materials **no later than 5:00p.m. on Friday, October 7, 2022:**

- 1) A completed BAAQMD Hearing Board application, along with;
- 2) A chronological resume

Applications are accepted online. For an application, contact the Human Resources Office at (415) 749-4667 or you may download a copy at our website at www.baaqmd.gov/jobs. Completed application packets should be returned to: Bay Area Air Quality Management District, Human Resources Office, 375 Beale Street, Suite 600, San Francisco, CA 94105. Faxes will be accepted, as long as a hard copy original is submitted by mail or in person by the filing deadline.

Agency

Bay Area Air Quality Management District

Address

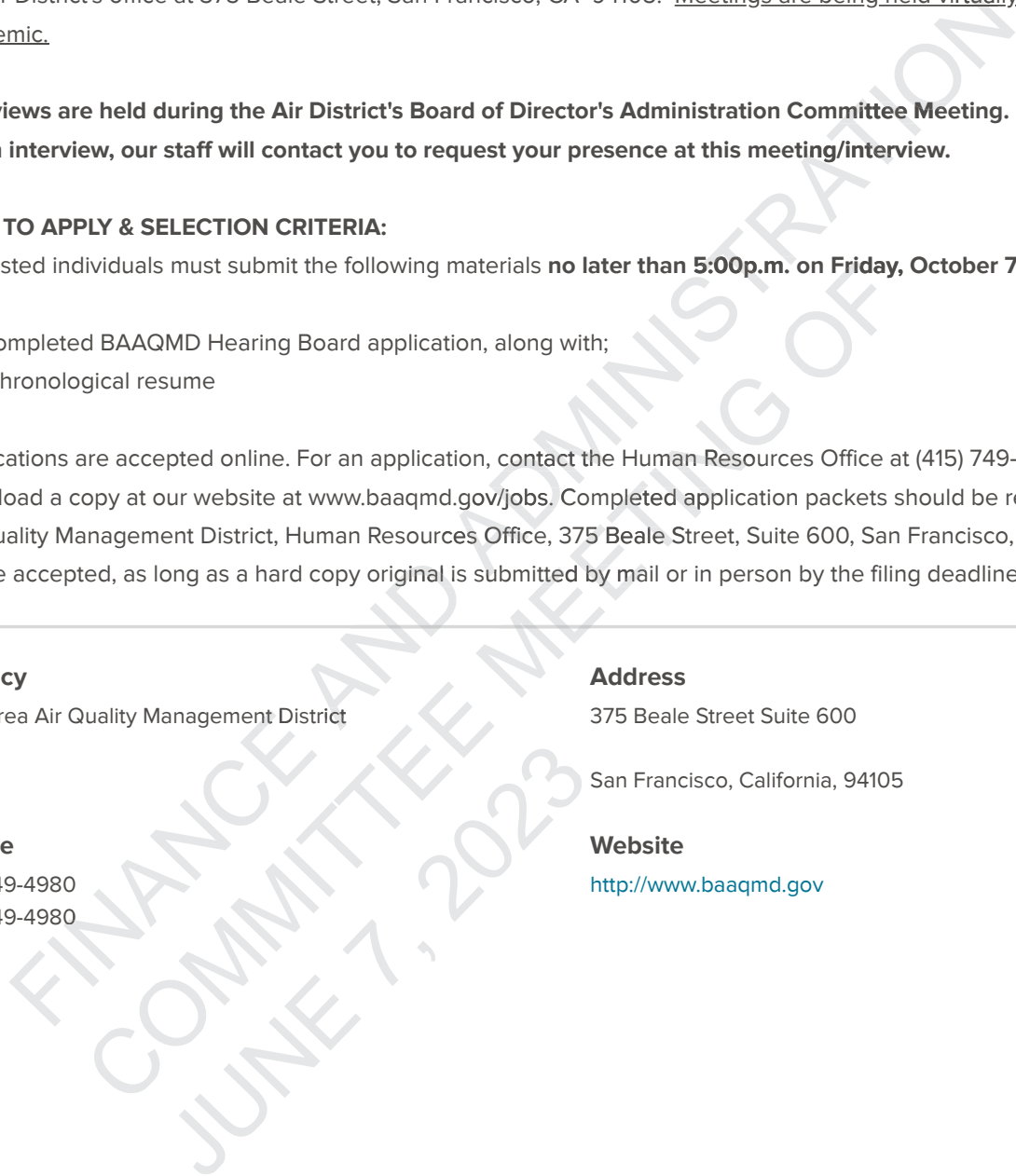
375 Beale Street Suite 600
San Francisco, California, 94105

Phone

415-749-4980
415-749-4980

Website

<http://www.baaqmd.gov>



Hearing Board Attendance from 2019 - 2023 (Current Members Only)

Hearing Date	V. Armento Principal Member, Attorney Category	B. Toole O'Neil Principal Member A, Public Category	Q. Tan Alternate Member A, Public Category	P. Chiu Principal Member, Medical Category	D. Conrad Alternate Member, Medical Category	A. Timbers Principal Member B, Public Category	J. Lee Alternate Member, Attorney Category
2019							
4/16/2019	X	X	Not present	X			
5/7/2019	X	X	Not present	X			
7/23/2019	X	X	X	X			
12/10/2019	X	X	Not present	X			
2020							
NO HEARINGS HELD							
2021							
1/12/2021	X	X	X	X	Not present	Not present	
1/26/2021	X	X	Not present	X	Not present	X	
4/20/2021	X	X	Not present	X	Not present	Not present	
2022							
3/15/2022	X	X	Not present	X	Not present	X	
4/12/2022	X	X	X	X	Not present	X	Not present
6/28/2022	X	X	Not present	X	Not present	X	X
7/5/2022	X	X	Not present	X	Not present	X	X
7/12/2022	X	X	Not present	X	Not present	X	X
9/13/2022	X	X	Not present	Not present	Not present	Not present	X
10/18/2022	X	X	Not present	X	Not present	X	Not present
11/8/2022	X	X	Not present	X	Not present	Not present	Not present
2023							
NO HEARINGS HELD YET							

"X" means "present"

Gray indicates that the member was not yet appointed to the Hearing Board

HEARING BOARD INTERVIEW BINDER TABLE OF CONTENTS

June 7, 2023

- Hearing Board Vacancy Announcement
- Hearing Board Member Roster/Attendance Sheet
- Applicants' Application Materials, Interview Questions and Evaluation Forms:

Professional Engineer (Principal & Alternative) Category

Catherine Fortney – Millbrae
Engineer (Primary or Alternate) Category

Tito Martinez – San Francisco
Engineer (Primary or Alternate) Category

Public (Alternate) Category

Lam Fung – Corte Madera
Public (Alternate) Category

Avin Sharma – South San Francisco
Public (Alternate) Category

VACANT
Public Alternate A
Professional Engineer - Principal
Professional Engineer - Alternate

Candidate	Applying for:
Catherine Fortney	Professional Engineer – Principal
Norberto Tito Martinez	Professional Engineer – Principal, Alternate, and Public Alternate A
Lam Fung	Public Alternate A
Avin Sharma	Public Alternate A

FINANCE AND ADMINISTRATION
COMMITTEE MEETING
JUNE 7, 2023



HEARING BOARD INTERVIEW EVALUATION FORM

NAME OF APPLICANT: Catherine Fortney	CANDIDATE FOR CATEGORY: Engineer (Principal)
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This section is to be completed after the applicant has been interviewed. Please record the extent to which you feel the applicant possesses or has demonstrated the qualities listed below.	Outstanding	Above Average	Average	Below Average	Unacceptable
1. Education: Extent to which the applicant's level of educational attainment will enable the applicant to contribute to the Hearing Board's goal and objectives.					
2. Work Experience: Extent to which the applicant's work experience can be applied to the responsibilities of the position.					
3. Air Quality Related Experience: Extent to which the applicant has experience, knowledge, and/or interest in air quality related matters.					
4. Experience on other Boards: Extent to which the applicant has experience serving on other Boards or Commissions.					
5. Interest: Extent to which the applicant's interest can be applied to personal and/or professional goals.					
6. Communication: Extent to which the applicant is able to present and communicate ideas and abilities.					
7. Availability: Extent to which the applicant can commit to the time necessary to carry out the responsibilities of the position.					

COMMENTS

SIGNATURE	DATE
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JH.2022.Hearing - Hearing Board Member

Contact Information -- Person ID: 36401851

Name: Catherine Susan Fortney Address: [REDACTED] Millbrae, California 94030 US

Home Phone: [REDACTED] Alternate Phone: [REDACTED]

Email: [REDACTED] Notification Preference: Email

Former Last Name:

Personal Information

Driver's License: Yes, California , Class A

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Bachelor's Degree

Preferences

Minimum Compensation: \$0.00 per hour; \$0.00 per year

Are you willing to relocate? No

Types of positions you will accept:

Types of work you will accept:

Types of shifts you will accept: Day , Evening , Weekends , On Call (as needed)

Objective

Hearing Board Member

Education

Graduate School Did you graduate: No
Rand Graduate School Major/Minor: Public Policy Analysis
 9/1987 - 9/1990 Degree Received: Doctorate
 Santa Monica, California

College/University Did you graduate: Yes
University of California Major/Minor: Chemical Engineering
 9/1975 - 9/1977 Degree Received: Bachelor's
 Berkeley, California

College/University Did you graduate: Yes
University of California Major/Minor: Chemistry
 9/1968 - 6/1975 Degree Received: Bachelor's
 Berkeley, California

Work Experience

Hearing Board Member - Professional Engineer Hours worked per week: 0
 9/2018 - 12/2022 Monthly Salary: \$0.00
 May we contact this employer? Yes

Bay Area Air Quality Management District
 375 Beale Street, 6th Floor
 San Francisco, California 94105

Duties

Hearing Board Member representing Professional Engineers.

Reason for Leaving

[REDACTED]

Retired Hours worked per week: 0
 2/1991 - 5/2018 Monthly Salary: \$0.00
 # of Employees Supervised: 0
 Bay Area Air Quality Management District Name of Supervisor: Carol Allen (former supervisor) - Asst. Manager, Engineering
 375 Beale Street, 6th Floor May we contact this employer? Yes
 San Francisco, California 94105

Duties

New Source Review engineering and permitting activities for Bay Area facilities. Title V/Synthetic Minor engineering and permitting activities for Bay Area facilities. Development of AB 2588 program for BAAQMD. Development of source specific emissions inventories for Bay Area facilities. Construction and analysis of Health Risk Assessments to evaluate cancer and non-cancer risks for proposed new sources and facilities.

Reason for Leaving

[Redacted]

Certificates and Licenses

Type: State of California, Professional Engineer, Chemical Engineering

Number: CH 3713

Issued by: California State Board of Registration for Professional Engineers

Date Issued: 3 /1980 Date Expires: 3 /2024

Type: State of Alaska, Professional Engineer, Chemical Engineering

Number: EC 5814

Issued by: Alaska Board of Registration for Architects, Engineers and Land Surveyors

Date Issued: 2 /1983 Date Expires: 2 /2016

Type: State of California, Greenhouse Gas Emissions Lead Verifier

Number: H-14-014

Issued by: State of California, Air Resources Board

Date Issued: 6 /2014 Date Expires: 6 /2020

Type: State of California, Greenhouse Gas Process Emissions Specialist

Number: H-14-014

Issued by: State of California, Air Resources Board

Date Issued: 6 /2014 Date Expires: 6 /2020

Skills

Office Skills

Typing:

Data Entry:

Additional Information

References

Professional

Cutino, Judith

BAAQMD, Health Officer

Bay Area Air Quality Management District

San Francisco, California 94105

Professional

Allen, Carol

Assistant Manager, Engineering

Bay Area Air Quality Management District

San Francisco, California 94105

Resume

Text Resume

Attachments

Agency-Wide Questions

1. Q: How did you find out about this position?

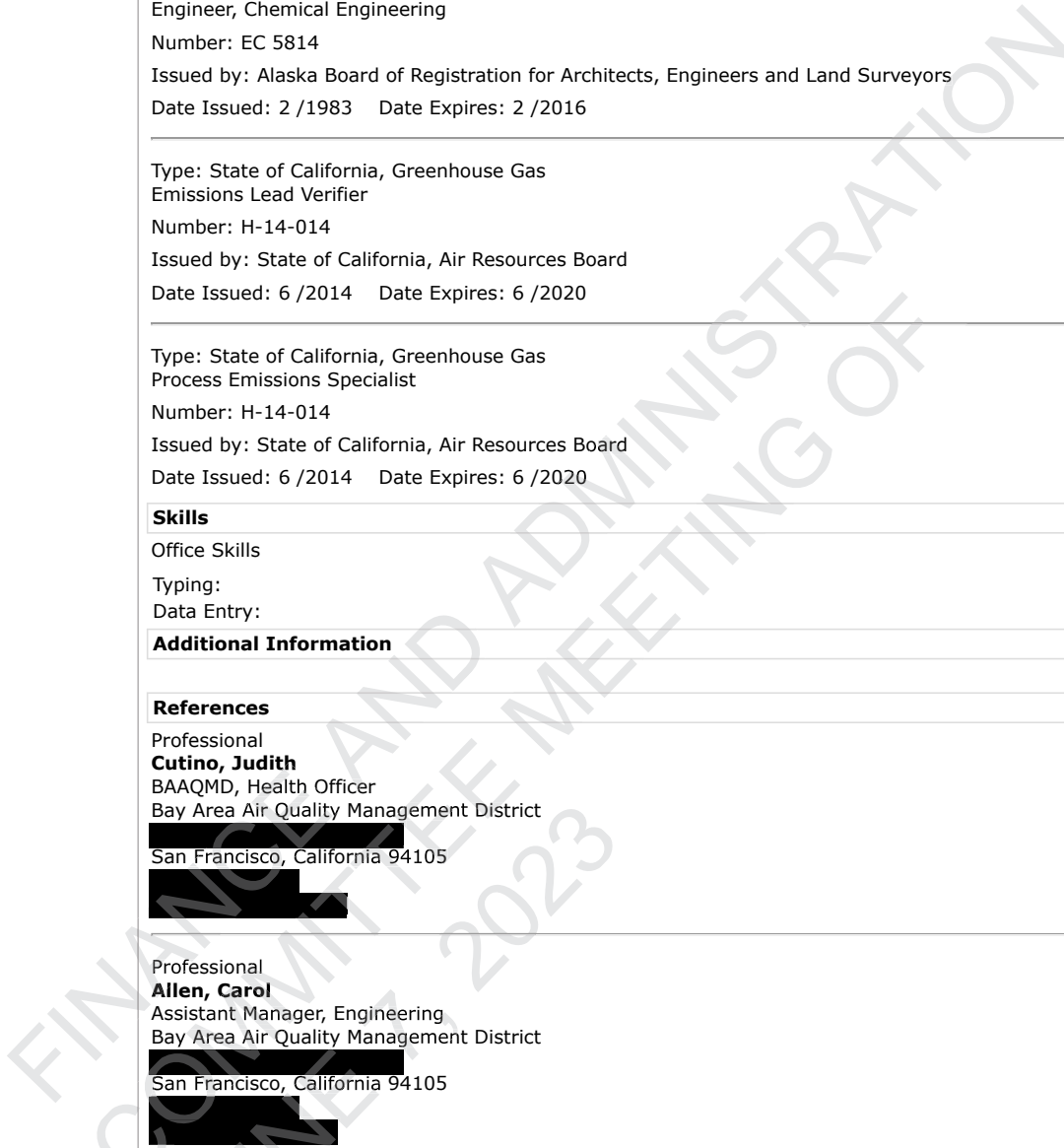
A: District Employee

2. Q: If other, please tell us where.

A:

3. Q: Are you currently legally authorized to work in the United States on a full-time basis?

A: Yes



4. Q: Are you related to any District employee or Board member?

A: No

5. Q: Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?

A: No

6. Q: If related to a District employee or Board member, what is their name and their relationship to you?

A: Not Applicable

FINANCE AND ADMINISTRATION
COMMITTEE MEETING OF
JUNE 7, 2023



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

HEARING BOARD INTERVIEW EVALUATION FORM

NAME OF APPLICANT: Norberto Tito Martinez	CANDIDATE FOR CATEGORY: Engineer (Principal & Alternate) Public Alternate
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This section is to be completed after the applicant has been interviewed. Please record the extent to which you feel the applicant possesses or has demonstrated the qualities listed below.					
	Outstanding	Above Average	Average	Below Average	Unacceptable
1. Education: Extent to which the applicant's level of educational attainment will enable the applicant to contribute to the Hearing Board's goal and objectives.					
2. Work Experience: Extent to which the applicant's work experience can be applied to the responsibilities of the position.					
3. Air Quality Related Experience: Extent to which the applicant has experience, knowledge, and/or interest in air quality related matters.					
4. Experience on other Boards: Extent to which the applicant has experience serving on other Boards or Commissions.					
5. Interest: Extent to which the applicant's interest can be applied to personal and/or professional goals.					
6. Communication: Extent to which the applicant is able to present and communicate ideas and abilities.					
7. Availability: Extent to which the applicant can commit to the time necessary to carry out the responsibilities of the position.					

COMMENTS

SIGNATURE	DATE
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JH.2022.Hearing - Hearing Board Member

Contact Information -- Person ID: 28043389

Name: Tito Martinez Address: [Redacted] San Francisco, California 94103 US

Home Phone: [Redacted] Alternate Phone: [Redacted]

Email: [Redacted] Notification Preference: Email

Former Last Name: [Redacted]

Personal Information

Driver's License: Yes, California , Class C

Can you, after employment, submit proof of your legal right to work in the United States? Yes

What is your highest level of education? Bachelor's Degree

Preferences

Minimum Compensation: [Redacted]

Are you willing to relocate? [Redacted]

Types of positions you will accept: Regular

Types of work you will accept: Full Time

Types of shifts you will accept: Day , Evening

Currently live in San Francisco

Objective

Education

College/University Did you graduate: Yes

University of California - Davis Major/Minor: Mechanical Engineering

<https://www.ucdavis.edu/> Units Completed: 270 Quarter

9/2012 - 6/2017 Degree Received: Bachelor's

Davis, California

Work Experience

Air Quality Specialist Hours worked per week: 40

3/2021 - Present Monthly Salary: \$0.00

BB&E Consulting Engineers and Professionals Name of Supervisor: Herbert Roraback

<https://www.bbande.com/nasa-ames-research-center-environmental-support-july-2020/> - Contract Program Manager

[Redacted] May we contact this employer? No

Moffett Field, California 94035

[Redacted]

Duties

- Air Quality Program Lead at the NASA Ames Environmental Management Division
- Performs technical data reporting to local, state and federal regulatory agencies
- Leads and facilitates meetings with NASA and contract staff
- Prepares and manages permit applications for submittal to the Bay Area Air Quality Management District
- Provides support to the NASA Ames Construction Review Board
- Conducts internal data inventory management
- Assists with internal environmental audit walkthroughs of the facility
- Develops internal technical reports
- Provides one-on-one training to operators of regulated air sources
- Acts as liaison to regulatory agencies (BAAQMD, CARB, EPA);

Air Quality Specialist and Greenhouse Gas Consultant Hours worked per week: 40

6/2019 - 2/2021 Monthly Salary: \$0.00

of Employees Supervised: 0

Stantec Name of Supervisor: Yasmeen Sultana

<https://www.stantec.com/en/offices/united-states-> - BC Operations Leader

[Redacted] May we contact this employer? Yes

Sacramento, California 95814

[Redacted]

Duties

- Conducted Greenhouse Gas Mandatory Reporting for Gas and Oil industry sector clients
- Applied working knowledge of Mandatory Greenhouse Gas Emissions Reporting; AB32; Title V Federal Operating Permits; and other regulatory texts as applicable

- Conducted technical literature reviews and rule applicability assessments
- Interfaced with consulting clients and regulatory contacts
- Assisted in project control logistics and procedures

Reason for Leaving

[Redacted]

Air Quality Engineer

10/2017 - 3/2019

Feather River Air Quality Management District

[Redacted]

Yuba City, California 95991

[Redacted]

Hours worked per week: 40

Monthly Salary: \$0.00

of Employees Supervised: 0

Name of Supervisor: Chris Brown - Air

Pollution Control Officer

May we contact this employer? Yes

Duties

- Conducted air-emissions evaluations of toxics and criteria pollutants
- Assessed applicable regulatory requirements for a variety of projects
- Drafted and developed air-district permits for issuance
- Performed engineering and compliance based facility inspections
- Sustained relationships with private consultants and other regulatory agencies at all levels

Reason for Leaving

[Redacted]

Certificates and Licenses

Skills

Office Skills

Typing:

Data Entry:

Other Skills

Air Quality Rules and Regulations Intermediate - 5 years and 0 months

Greenhouse Gas Regulatory Reporting Intermediate - 3 years and 4 months

Microsoft Excel Intermediate - 10 years and 0 months

Interpersonal Skills & Relationship Development Intermediate - 7 years and 0 months

Air District Permit Application Preparation Intermediate - 5 years and 0 months

Languages

Spanish - Speak, Read

Additional Information

References

Professional

Available Upon Request, Available Upon Request

Environmental Protection Specialist (NASA Ames Civil Servant)

xxxxxxxxxx

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Resume_Tito_Martinez.pdf	Resume_Tito_Martinez.pdf	Resume	Job Seeker

Agency-Wide Questions

1. Q: How did you find out about this position?

A: District Website

2. Q: If other, please tell us where.
A:

3. Q: Are you currently legally authorized to work in the United States on a full-time basis?
A: Yes

4. Q: Are you related to any District employee or Board member?
A: No

5. Q: Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?
A: No

6. Q: If related to a District employee or Board member, what is their name and their relationship to you?
A: N/A

FINANCE AND ADMINISTRATION
COMMITTEE MEETING OF
JUNE 7, 2023

Tito Martinez

San Francisco, CA 94103



Experience

Air Quality Specialist

BB&E – NASA Ames Research Center, CA

March 2021 to Present

- ! Air Quality Program Lead at the NASA Ames Environmental Management Division
- ! Performs technical data reporting to local, state and federal regulatory agencies
- ! Leads and facilitates meetings with NASA and contract staff
- ! Prepares and manages permit applications for submittal to the BAAQMD
- ! Provides support to the NASA Ames Construction Review Board
- ! Acts as liaison to regulatory agencies (BAAQMD, CARB, EPA)

Air Quality Specialist and Climate Change Consultant

Stantec - Sacramento, CA

June 2019 to February 2021

- ! Conducted Greenhouse Gas Mandatory Reporting for Gas and Oil industry sector clients
- ! Applied working knowledge of Mandatory Greenhouse Gas Emissions Reporting; AB32; Title V Federal Operating Permits; and other regulatory texts as applicable
- Conducted literature reviews and rule applicability assessments
- ! Assisted in project controls logistics and procedures

Air Quality Engineer

Feather River Air Quality Management District - Yuba City, CA

October 2017 to March 2019

- ! Conducted air-emissions evaluations and analysis of toxics and criteria pollutants
- ! Conducted Air-district permitting and assessment of applicable regulatory requirements
- ! Performed engineering and compliance based on-site inspections
- ! Communicated with regulatory agencies and private consultants at all levels

Education

BS in Mechanical Engineering

University of California - Davis - Davis, CA

September 2012 to June 2017

Skills

Air Quality & Greenhouse Gas Rules and Regulation, Air Quality Permitting, CalEEMod, Consulting Client Engagement, Interpersonal Skills, Greenhouse Gas Reporting, Microsoft Excel Proficiency, MS Teams, Program Management, SharePoint, Spanish fluency, Technical Research



HEARING BOARD INTERVIEW EVALUATION FORM

NAME OF APPLICANT: Lam Fung	CANDIDATE FOR CATEGORY: Public (Alternate)
---	--

This section is to be completed after the applicant has been interviewed. Please record the extent to which you feel the applicant possesses or has demonstrated the qualities listed below.	Outstanding	Above Average	Average	Below Average	Unacceptable
1. Education: Extent to which the applicant's level of educational attainment will enable the applicant to contribute to the Hearing Board's goal and objectives.					
2. Work Experience: Extent to which the applicant's work experience can be applied to the responsibilities of the position.					
3. Air Quality Related Experience: Extent to which the applicant has experience, knowledge, and/or interest in air quality related matters.					
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5. Interest: Extent to which the applicant's interest can be applied to personal and/or professional goals.					
6. Communication: Extent to which the applicant is able to present and communicate ideas and abilities.					
7. Availability: Extent to which the applicant can commit to the time necessary to carry out the responsibilities of the position.					

COMMENTS

SIGNATURE	DATE
------------------	-------------

JH.2022.Hearing - Hearing Board Member

Contact Information -- Person ID: 51665686

Name: Lam Fung Address: [REDACTED]
 Corte Madera, California 94925
 US

Home Phone: [REDACTED] Alternate Phone:
 Email: [REDACTED] Notification Email
 Preference:

Former Last
 Name:

Personal Information

Driver's License: Yes, California , Class C

Can you, after employment, submit proof of
 your legal right to work in the United States? Yes

What is your highest level of education? Doctorate

Preferences

Minimum Compensation:
 Are you willing to relocate? No

Types of positions you will accept: Regular
 Types of work you will accept: Part Time
 Types of shifts you will accept: Day , Weekends

Objective

Board position

Education

Professional Did you graduate: Yes
University of Califbrnia Major/Minor: OB-GYN Residency
 obgyn.ucsf.edu/residency-program Units Completed: 16 Quarter
 7/1981 - 6/1985 Degree Received: Professional
 San Francisco, California

Professional Did you graduate: Yes
Tufts University Major/Minor: Doctor of Medicine
 medicine.tufts.edu Units Completed: 16 Quarter
 9/1977 - 6/1981 Degree Received: Professional
 Boston, Massachusetts

Professional Did you graduate: Yes
Harvard College Major/Minor: A.B.
 college.harvard.edu Units Completed: 16 Quarter
 9/1972 - 6/1977 Degree Received: Professional
 Cambridge, Massachusetts

High School Did you graduate: Yes
Brooklyn Technical High School Highest Level Completed: Other
 bths.edu Did you receive a GED? No
 9/1968 - 6/1972 Degree Received: High School Diploma
 Brooklyn, New York

Work Experience

Director, Chair-Patient Care Hours worked per week: 4
 7/2012 - Present Monthly Salary: \$3,000.00
 # of Employees Supervised: 2
 Physician's Reimbursement Fund Name of Supervisor: Stephen Scheifle, M.D. -
 [REDACTED] President, CEO
 Sausalito, California 94965 May we contact this employer? Yes
 4153323041

Duties

Chair of patient care and management committee. Oversees management of medical liability cases.
 Member, Board of Directors since 2012.

Reason for Leaving

[REDACTED]

Board Advisor

Hours worked per week: 4

1/2020 - Present

Medical Insurance Exchange of California
miec.com
[Redacted]
Oakland, California 94618
800 227 4527

Monthly Salary: \$3,000.00
of Employees Supervised: 0
Name of Supervisor: Ron Dorn, M.D. - President,
CEO
May we contact this employer? Yes

Duties

Medical Advisor to the Board of Governors concerning medical liability, claims and underwriting.

Quality Reviewer

12/2021 - Present

Medical Board of California
[Redacted]
Sacramento, California 95815-5401
(916) 263-2463

Hours worked per week: 2
Monthly Salary: \$400.00
of Employees Supervised: 0
Name of Supervisor: Hugo Estrada - Associate
Governmental Program Analyst
May we contact this employer? Yes

Duties

Review Complaints concerning medical care provided by California licensed physicians.

Director of Medical Education

1/1993 - 10/2021

California Pacific Medical Center
[Redacted]
San Francisco, California 94109
4156006000

Hours worked per week: 4
Monthly Salary: \$2,400.00
of Employees Supervised: 2
Name of Supervisor: Vernon Giang, M.D. - Chief
Medical Exedcutive
May we contact this employer? Yes

Duties

Supervise training of UCSF and Dartmouth Medical Students.
Organize Grand Rounds and CME for OB/GYN Department.

Reason for Leaving

[Redacted]

Senior Partner, President, CEO

7/1985 - 7/2020

Golden Gate Obstetrics and Gynecology
[Redacted]
San Francisco, California 94111
4156661250

Hours worked per week: 60
Monthly Salary: \$40,000.00
of Employees Supervised: 45
Name of Supervisor: Karen Callen, M.D. - Current
President, CEO
May we contact this employer? Yes

Duties

Senior Partner, Largest private OB-GYN practice in San Francisco

Reason for Leaving

[Redacted]

Chief, Division of Gynecology

1/1997 - 12/2008

California-Pacific Medical Center
[Redacted]
San Francisco, California 94109
415 600 4514

Hours worked per week: 6
Monthly Salary: \$0.00
of Employees Supervised: 0
Name of Supervisor: Yuan-da Fan, M.D. - Chair, OB-
GYN
May we contact this employer? Yes

Duties

Clinical Professor

Department of Obstetrics, Gynecology and Reproductive Sciences
University of California, San Francisco

Clinical Professor, Obstetrics and Gynecology
Dartmouth -Geisel Medical School
Hanover, New Hampshire
Site Director- California Pacific Medical Center

Primary Investigator (20 1 1 -present)
Essential Access Health
Berkeley, California

2

Reason for Leaving

[REDACTED]

Chair, Commander PHS

10/1989 - 11/1992

Hours worked per week: 60

Monthly Salary: \$5,000.00

of Employees Supervised: 20

Department of Obstetrics and Gynecology

Name of Supervisor: Gary Escudero, M.D. - Director

May we contact this employer?

Gallup, New Mexico 87301

Duties

Department of Obstetrics and Gynecology Chair, supervised clinical OB/GYN services for underserved Native Americans at GIMC

Gallup Indian Medical Center

Supervised medical student and resident training in OB/GYN at GIMC for

University of New Mexico School of Medicine

Reason for Leaving

[REDACTED]

Certificates and Licenses

Type: Medical License, California Physician and Surgeon

Number: G48352

Issued by: The Medical Board of California

Date Issued: 7 /1982 Date Expires: 9 /2023

Type: Board Certified in Obstetrics and Gynecology

Number: 24083

Issued by: American Board of Obstetrics and Gynecology

Date Issued: 12 /1987 Date Expires: 12 /2022

Skills

Office Skills

Typing:

Data Entry:

Languages

Cantonese - Speak

English - Speak, Read, Write

Additional Information

Honors & Awards

1993 UCSF/CPMC teaching award

1994 UCSF/CPMC teaching award

1995 UCSF/CPMC teaching award

1996 UCSF/CPMC teaching award

1997 UCSF/CPMC teaching award

1998 UCSF Dept. of OB/GYN Clinical Faculty Teaching

Honors & Awards

1999 UCSF/CPMC teaching award

1999 Sutter Health Systems Service Award

2000 UCSF/CPMC teaching award

2001 ACOG District IX Award for Outstanding Service

2002 UCSF/CPMC teaching award

2003 UCSF/CPMC teaching award

2004 UCSF/CPMC teaching award

References

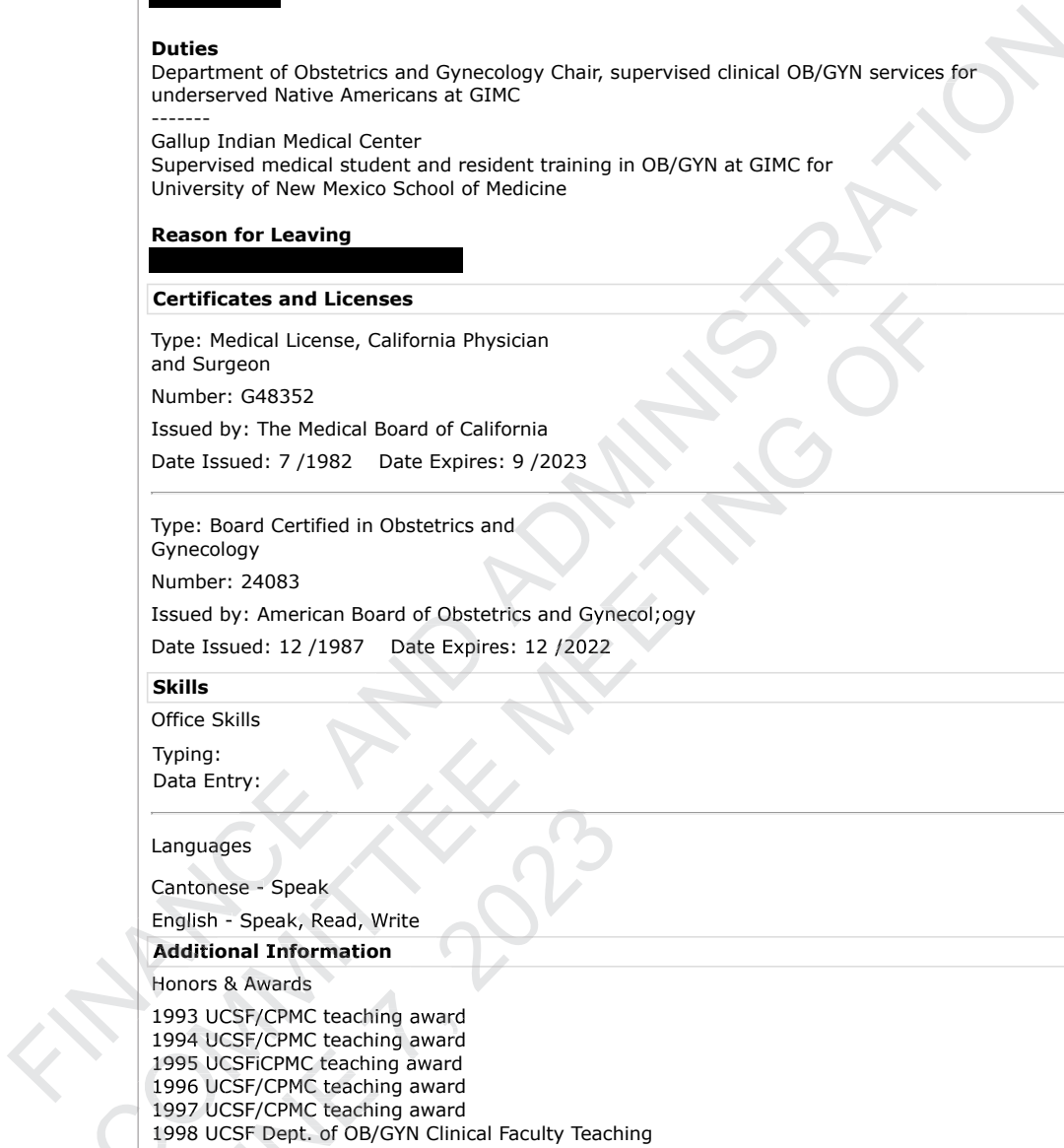
Professional

Callen, M.D., Karen

President, CEO

[REDACTED]

San Francisco, California 94111



[Redacted]

Professional
Schiefle, M.D., Stephen
President, CEO

[Redacted]

Sausalito, California 94965

[Redacted]

Professional
Main, M.D., Elliott
Medical Director, California Maternal
Quality Care Collaborative

[Redacted]

Palo Alto, California 94304

[Redacted]

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
LamCV12-21.pdf	LamCV12-21.pdf	Resume	Job Seeker

Agency-Wide Questions


- Q: How did you find out about this position?
A: District Bulletin Board
- Q: If other, please tell us where.
A:
- Q: Are you currently legally authorized to work in the United States on a full-time basis?
A: Yes
- Q: Are you related to any District employee or Board member?
A: No
- Q: Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?
A: No
- Q: If related to a District employee or Board member, what is their name and their relationship to you?
A: N.A.

FINANCE AND ADMINISTRATION
COMMITTEE MEETING
JUNE 7, 2023

CURRICULUM VITAE (Revised 23DEC21)

Name: Fung Lam, M.D., FACOG

Address: [REDACTED]
 Corte Madera, CA
 94925
 e-mail [REDACTED]


 12-23-21

Titles: Senior Partner
 President and CEO (2005-2020)
 Golden Gate Obstetrics and Gynecology (1985-present)

[REDACTED]
 San Francisco, California 94111

Director (2012 – present)
 Chair, Patient Care Committee (2009 to present)
 Physician's Reimbursement Fund
 Sausalito, California

Chair, GYN quality assurance (1993-2021)
 Director of Medical Education- OB/GYN (1993-2021)
 Medical Executive Board (2014-2018)
 Vice-Chairman, Department of Obstetrics and Gynecology (1997-2012)
 Chief, Division of Gynecology (1997-2008)
 California-Pacific Medical Center
 San Francisco, California

Clinical Professor
 Department of Obstetrics, Gynecology and Reproductive Sciences
 University of California, San Francisco

Clinical Professor, Obstetrics and Gynecology
 Dartmouth -Geisel Medical School
 Hanover, New Hampshire
 Site Director- California Pacific Medical Center

Primary Investigator (2011-present)
 Essential Access Health
 Berkeley, California

Board Advisor (2019 to present)
MIEC (Medical Insurance Exchange of California)
Oakland, CA.

Quality Reviewer (2019- present)
Medical Board of California
Sacramento, CA.

President (2019-2021)
Secretary-Treasurer (2010-2018), President-elect 2019
Pacific Coast Obstetrical and Gynecological Society

President (2008-2009) Society Emeritus (2021)
San Francisco Gynecological Society

Section Chair(1997-2000), Vice-chair(1994-1997) District IX
(Section 2) American College of Obstetricians and Gynecologists
Scientific Program Chair, ACOG ADM VII & IX, Vancouver,
1997, Chair, Host Committee- 2010 ACOG ACM-San Francisco

Medical Advisory Board
The Triplet Connection
Stockton, California

Special Reviewer
Obstetrics and Gynecology
Journal of the American College of Obstetricians and
Gynecologists, Washington, D.C.
American Journal of Obstetrics and Gynecology
Bridgewater, NJ

Panel Member
DATTA, Diagnostic and Therapeutic Technology Assessment
American Medical Association
Chicago, Illinois

Advisory Board
Health Pregnancy Magazine

The Parenting Group and the American College of Obstetricians
and Gynecologists

Education: Brooklyn Technical High School- Brooklyn, New York- 1972
Honors:
1971, 1972- Columbia Press Awards

Harvard College, Cambridge, Massachusetts. A.B. *cum laude* 1977
Honors:
1972-1977 Harvard National Scholar
1972-1977 Harvard Club of New York Scholar
1977 Jack Gilbert Memorial Award
1977 David McCord Prize
Tufts University School of Medicine, Boston, Massachusetts
M.D., 1981
Honors:
1979 CIBA Award in Medicine
1981 Columbia Press Award
1981 Harry H. Brenner Award in OB/GYN

University of California, San Francisco, California
Residency in Obstetrics and Gynecology, 1981-1985
Honors:
1985 Administrative Chief Resident
1985 American Association of Gynecologic Laparoscopists
Award
1985 UCSF Dept. of OB/GYN Chief Resident Teaching Award

Government Service Chief of Service and OB-GYN Chair, Senior Surgeon,
Commissioned Corps
Commander, United States Public Health Service
1989-1992 Department of Obstetrics and Gynecology
Gallup Indian Medical Center
Gallup, New Mexico

Associate Clinical Professor (1989-1992)
Department of Obstetrics and Gynecology
University of New Mexico School of Medicine
Albuquerque, New Mexico

Other Honors: 1981 Rolex Award for Enterprise (nominee-cadiovectometry)
1986 Children's Hospital San Francisco Faculty Teaching Award

- 1986 First Prize, Best Junior Fellow Research Paper District VIII/IX, American College of Obstetricians and Gynecologists
- 1987 First Prize, Best Research Paper, District VIII/IX, American College of Obstetricians and Gynecologists
1989-Medical Design Excellence Awards, MDEA (Nominee- Miniature Infusion Pump).
- 1991 Public Health Service Citation, USPHS
- 1992 Surgeon General's Service Citation, USPHS
- 1993 UCSF/CPMC teaching award
- 1994 UCSF/CPMC teaching award
- 1995 UCSF/CPMC teaching award
- 1996 UCSF/CPMC teaching award
- 1997 UCSF/CPMC teaching award
- 1998 UCSF Dept. of OB/GYN Clinical Faculty Teaching Award
- 1999 UCSF/CPMC teaching award
- 1999 Sutter Health Systems Service Award
- 2000 UCSF/CPMC teaching award
- 2001 ACOG District IX Award for Outstanding Service
- 2002 UCSF/CPMC teaching award
- 2003 UCSF/CPMC teaching award
- 2004 UCSF/CPMC teaching award
- 2005 UCSF/CPMC teaching award
- 2006 UCSF/CPMC teaching award
- 2007 Wishes for Wellness Foundation (Lifetime Achievement Honoree) Women's and Infant's Health.
- 2009 UCSF OB-GYN Outstanding Resident teaching
- 2010 UCSF Special Recognition Award- Medical Education
- 2011 UCSF OB-GYN Outstanding Student Teaching Award
- 2011 UCSF OB-GYN Outstanding Resident Teaching
- 2012 UCSF OB-GYN Outstanding Student Teaching Award
- 2012 UCSF OB-GYN Outstanding Resident Teaching
- 2013 UCSF OB-GYN Outstanding Student Teaching Award
- 2013 UCSF OB-GYN Outstanding Resident Teaching Award
- 2016 UCSF OB-GYN Outstanding Student Teaching Award
- 2018 UCSF OB-GYN Outstanding Student Teaching Award

	2019 Dartmouth-Geisel OB-GYN Outstanding Student Teaching Award
	2019- UCSF OB-GYN Outstanding Student Teaching Award
	2020 Award
State Licensure	California, Physician and Surgeon Board Certified in Obstetrics and Gynecology 1987, recertified 1997, 2007, 2008, 2009, 2010-2022
Memberships	Fellow: American College of Obstetricians and Gynecologists American Medical Association California Medical Association San Francisco Medical Society San Francisco Gynecological Society (Secretary/Treasurer (2003-2006), President-Elect (2007), President (2008-2009)). Pacific Coast Obstetrical and Gynecological Society American Association of Gynecologic Laparoscopists
Committees Present	Care of the Gynecological Patient (QA), {Chair} Perinatal Committee Patient Care Committee (Physician's Re-imburement Fund) Chair
Previous Committees	Pharmacy and Therapeutics Committee GYN Quality Assurance Committee Utilization Review Committee Disaster and Relief Committee Perinatal Information Transfer Committee New Technology Surgical Committee Chief of Services Executive Committee
Invited Presentations	Children's Hospital of San Francisco, 06/84 University of California, San Francisco, 11/84 University of California, San Francisco, 06/85 San Francisco General Hospital, 06/85 University of California, San Francisco, 02/87 NAACOG, California, 03/87 University of Hong Kong, 10/87 People's Hospital, Guangzhou, China, 10/87 University of Hawaii, 10/87 Stanford University, 02/88

Western Perinatal Association, 05/88
 Pacific Medical Center, 05/88
 Orange County OB/GYN Society, 06/88
 University of California, Irvine, 06/88
 North Coast Perinatal Association, 06/88
 Women's Hospital, Houston, Texas, 06/88
 Good Samaritan Hospital, Phoenix, AZ, 06/88
 Northside Hospital, Atlanta, Georgia, 07/88
 John Muir Hospital, San Jose, CA. 08/88
 Utah Perinatal Association, 09/88
 University of Pennsylvania, 10/88
 Georgetown University, 10/88
 ASPO/ LaMaze, National Meeting, 10/88
 National Perinatal Association, 10/88
 Univ. of California, Davis, 11/88
 Assistance Publique, Hopitaux de Paris, 11/88
 Univ. of Lund and Linkoping, Sweden, 11/88
 National Univ., Copenhagen, Denmark, 11/88
 Grant Hospital, Columbus, OH, 01/89
 Univ. of Washington, 02/89
 Swedish Hospital, Seattle, WA., 02/89
 Alexian Brothers Hospital, San Jose, CA., 03/89
 Continental Gyn. Society, Louisville, KY, 05/89
 Presbyterian Hospital, Newport Beach, CA., 06/89
 St. Joseph Hospital, Denver, CO., 06/89
 Scripps Hospital, LaJolla, CA., 06/89
 Kaiser Hospital, Walnut Creek, CA.06/89
 Creighton University, Omaha, Nebraska, 06/89
 Providence Hospital, Anchorage, Alaska, 08/89
 Northside Hospital, Atlanta, Georgia, 10/89
 Ohio State Univ., Dayton, Ohio, 12/89
 Miami Valley Hospital, Dayton, Ohio, 12/89
 Medical City Hospital, Dallas, Texas, 01/90
 NAIHS Annual Meeting, Telluride CO., 02/90
 HEB Medical Center, Bedford, Texas, 02/90
 UCSF Dept. Anesthesia Postgraduate Course, 03/90
 National NAACOG Meeting, Chicago, Illinois, 03/90
 Food and Drug Administration, Washington, D.C. 03/90
 Prevention of Prematurity- Annual Meeting, Miami, FL-
 03/90
 Bayfront Medical Center, Tampa, FL., 04/90
 Royal Victorian Hospital, Quebec, Canada, 05/90
 Queen's University, Kingston, Ontario, 05/90
 Buffalo General Hospital, Buffalo, N.Y., 06/90
 New Jersey OB/GYN Society, 06/90
 District X ACOG ADM, Tulsa, Oklahoma, 09/90

IHS Postgraduate Course, Aurora, CO., 09/90
 IHS Postgraduate Course, Aurora, CO., 09/90
 Shiprock Indian Hospital, Shiprock, NM, 10/91
 Presbyterian Hospital, Dallas, Texas, 01/91
 St. Vincent's Hospital, Santa Fe, N.M., 10/91
 Roanoke OB/GYN Society, Roanoke, Virginia, 11/91
 Wake Medical Center, Raleigh, NC, 11/91
 Harris Methodist Hospital, Fort Worth, TX, 11/91
 Texas Tech University, Odessa, TX, 01/92
 Plano General Hospital, Plano, TX, 01/92
 Charlton Methodist Hospital, Dallas, TX 02/92
 March of Dimes Conference, Dallas, TX, 03/92
 Oklahoma City OB-GYN Society, 04/92
 Baylor University Hospital, Garland, TX, 05/92
 University of Minnesota, (Fairview), Minneapolis, 05/92
 International PVO Conference, Shiprock, NM, 06/92
 Methodist Hospital, Minneapolis, Minnesota, 07/92
 Parkland Hospital, Dallas, TX, 08/92
 Stanford University Hospital, Standford, CA, 03/97
 UCSF-AIM Course, 1997
 ACOG District VIII & IX ADM, Vancouver, BC, 08/97
 Food and Drug Administration, Washington, D.C., 03/99
 Pacific Medical Center, San Francisco, CA, 05/99
 Southwest Perinatal Conference, Phoenix, AZ, 11/2000
 Blue Shield Advisory Panel, Los Angeles, CA, 03/2002
 Pacific Coast Obstetrical and Gynecological Society, HI
 10/05
 California Board of Administrative Judges, (consultant)
 3/07
 San Francisco Gynecological Society-Presidential Address
 5/09
 CPMC Grand Rounds, Neuroprotection in Very-low
 Birthweight Infants." Lam F *et al.* 10/2016.
 CPMC Grand Rounds, , " Maternal Cardiac Arrest-
 Pulseless Electrical Activity(PEA)- First Response". Lam F
*et al.*12/2017
 CPMC Pediatric Grand Rounds, ,Delayed Cord Clamping-
 Risks and Benefits for the Newborn.. Lam F *et al* 10/2019

 UCSF-Caltech Research Symposium- Laser Optical
 Coherence Tomography and "Confocal Laser
 Endomicroscopy in the Diagnosis of Gynecological
 Cervical Dysplasia". Lam, F., 9/2021

88th Annual Presidential Address, "War Stories, Metaphors in Medicine". Pacific Coast Obstetrical and Gynecological Society. San Francisco, 9/2021

Abstracts and
Publications:

Failure to Demonstrate Decreased Beta-Adrenergic Receptor Concentration or Decreased Agonist Efficacy in Term or Preterm Human Parturition. Dattel B, Lam F, and Roberts J, American Journal of Obstetrics and Gynecology 154: 450-6, 1986

Tubo-cornual Re-implantation. chapter in Atlas of Surgery for Female Infertility., Hunt RB, Ed, Levinson CJ, Lam F, (Boston) 1986

Use of the Subcutaneous Terbutaline Pump for Long Term Tocolysis. Lam F, Gill P, Smith M, *et. al*, Obstetrics and Gynecology 70:852, 1987. Also 1st prize Junior Fellow Paper, 1986 District VIII-IX Annual Meeting, American College of Obstetricians and Gynecologists, November, 1986

The Impact of Portable Tocodynamometry and Subcutaneous Terbutaline Pump Therapy on Preterm Birth in a Private Obstetrical Practice. Lam F, Graves WK, Peacock WG, Westberg JA and Webb GA. 1st Prize Paper, 1987 District VIII-IX Annual Meeting, American College of Obstetricians and Gynecologists. September, 1997

Comparison of Subcutaneous Portable Terbutaline Pump and Oral Terbutaline Treatment for Long Term Tocolysis: A Randomised Clinical Trial. Lam F, Gill P, Smith M *et. al*. Abstract at the Society of Perinatal Obstetricians. February 1988

The Pharmacokinetic Impact on the Pharmacodynamic Effect of Subcutaneous Terbutaline in the Treatment of Preterm Labor. Lam F, and Klotz R., Paper presented at the Continental Gynecologic Society. April, 1989

Minature Pump Infusion of Terbutaline: An Option in Preterm Labor. Lam F. Contemporary OB/GYN Vol. 33, No. 1 1989

A New Technique for Reduction of Prolapsed Fetal Membranes for Emergency Cervical Cerclage. Scheerer LJ, Lam F, Bartolucci L, *et al.* *Obstetrics and Gynecology* 74:408, 1989

Beyond the Perinatal Database: A Macintosh Based Perinatal Information System. Main EK, and Lam F. Paper at the Society of Perinatal Obstetricians, 10th Annual Meeting. January, 1990

Terbutaline Levels During Tocolysis via Portable Pump. Katz M, Belluomini J, Lam F, *et al.* Abstract, Society for Perinatal Obstetricians. San Francisco, CA 1992

Ambulatory Tocolysis. Lam F, Gill P. Chapter in Multiple Pregnancy. Keith LG, Papiernik-Berkhauer E, and Keith DM, Ed. Parthenon Publishing Group. Carnforth, Lancs. United Kingdom. 1995

Pregnancy Prolongation and Route of Tocolytic Administration in Patients with Singleton Gestation. Lam F, Bergauer N, *et al.* Abstract at the Society of Perinatal Obstetricians. 18th Annual Meeting. Miami, Florida 1998. *American Journal of Obstetrics and Gynecology* 178S180, 1998

Clinical Issues Surrounding the Use of Terbutaline Sulfate for Preterm Labor. Lam F, Elliot J, Jones S *et al.* *Obstetrics and Gynecology Survey*, Suppl. 53:11, 1998

Pregnancy Prolongation in 386 Twin Gestations Treated with Oral and Subcutaneous Terbutaline. Lam F, Bergauer N, *et al.* Poster at the American College of Obstetricians and Gynecologists. 47th Annual Clinical Meeting. Philadelphia, PA. May, 1999

A Comparison of Gestational Days Gained With Oral Terbutaline Versus Continuous Subcutaneous Terbutaline in Women With Twin Gestations. Lam F, Bergauer N, *et al.* *Journal of Perinatology*. November; 20(7) 408-13. 2000

Subcutaneous Terbutaline Therapy in Triplet Gestation. Lam F, Gill P. Chapter in Triplet Pregnancies and Their Consequences. Keith LG, and Blickstein I, Ed. Parthenon Publishing Group. London. United Kingdom. 2002

Managing Perinatal Outcomes: The Clinical- and Cost-Effectiveness of Pharmacologic Treatment of Recurrent Preterm Labor. Lam F, Istwan NB, Jacques D, *et al.* *Managed Care.* July : (39-46). 2003

Inhibition of Preterm Labor and Subcutaneous Terbutaline Pump Therapy. Lam F and Gill P. in Multiple Pregnancy: Epidemiology, Gestation and Perinatal Outcome. Blickstein I and Keith LG, editors. London: Taylor & Francis; (601-25) 2005

Beta-Agonist Tocolytic Therapy. Lam F and Gill P. Chapter in Obstetrics and Gynecology Clinics of North America. Morrison, J. ed. 32(457-484). 2005

Evaluation of the Pregnancy Prolongation Index (PPI) as a Measure of Success of Obstetrical Interventions in the Prevention of Preterm Birth and Associated Morbidities. Lam F, Istwan NB, Rhea D *et al.* *Am J Obstet Gynecol.* 192(6): 2047-52; discussion 2053-4. Jun, 2005

Using Meta-Analysis Methodology to Evaluate Treatment of Preterm Labor. Poster, 57th Annual Clinical Meeting, American College of Obstetricians and Gynecologists, May, 2009. Chicago, Illinois

Lam, F Primary Investigator / Multicenter trials (2011-present):

“A Multicenter, Open Label, Randomized Study of the Contraceptive Efficacy and Safety of Amphora Gel Compared to Conceptrol Vaginal Gel”. Lam F. *et al.* 2011-2015

“A Phase 3, Randomized, Three-cycle Double-blind, Placebo-controlled Study to evaluate Induction of Secretory Conversion of Endometrium and Withdrawal bleeding After Administration of TX-12-002-HR in Estrogen-Primed Women with Secondary Amenorrhea”. Lam F *et al.* 2013-2014

“A Single-arm, Open-label, Multicenter, Phase 3 Study of the the Contraceptive Efficacy, Safety and Tolerability of the AG200-15 Transdermal Contraceptive Delivery System (TCDS), Agile Therapeutics, Inc”. Lam F, *et al.* 2014-2017

“A Phase 3, Single-arm, Clinical Trial to Study the Contraceptive Efficacy and Safety of the MK8342B (etonogestrel + 17b-estradiol) Vaginal Ring in Healthy Women 18 Years of Age and Older at Risk for Pregnancy. Merck & Co.”. Lam F *et al.* 2015-2017

“Evaluation of the Effectiveness, Safety and Tolerability of the ContraMed Veracept Intrauterine Copper Contraceptive for Long-Acting Reversible Contraception. ContraMed LLC”. Lam F *et al.* 2015-2019

“A Multicenter, Open-label, Single-arm Study to Evaluate the Contraceptive Efficacy and Safety of a Combined Oral Contraceptive Containing 15 mg. Esterol and 3 mg. Drospirenone. Estetra SPRL”. Lam F *et al.* 2016-2019

“Evaluation of the Effectiveness, Safety and Tolerability of Levocept (Levonorgestrel-Releasing Intrauterine System) for Long-Acting Reversible Contraception. ContraMed LLC.”. Lam *et al.* 2016-present

“A Single-arm, Phase III, Open-label, Multicenter, Study in Women Aged 18-35 Years of the Contraceptive Efficacy and Safety of Amphora Contraceptive Vaginal Gel. Evofem Inc.”. Lam F *et al.* 2017-2019

“A Phase 3, Prospective, Multi-Center, Single-Arm, Open-Label Study to Evaluate VeraCept®, a Long-Acting Reversible Intrauterine Contraceptive for Contraceptive Efficacy, Safety, and Tolerability” Lam F *et al.* 2018-present.

“A Phase 3, Multicenter, Open-Label Single Arm Study of MR-100A-01 in Women of Childbearing Potential to Evaluate Contraceptive Efficacy and Safety”. 2021(in progress).



HEARING BOARD INTERVIEW EVALUATION FORM

NAME OF APPLICANT: Avin Sharma	CANDIDATE FOR CATEGORY: Public (Alternate)
--	--

This section is to be completed after the applicant has been interviewed. Please record the extent to which you feel the applicant possesses or has demonstrated the qualities listed below.	Outstanding	Above Average	Average	Below Average	Unacceptable
1. Education: Extent to which the applicant's level of educational attainment will enable the applicant to contribute to the Hearing Board's goal and objectives.					
2. Work Experience: Extent to which the applicant's work experience can be applied to the responsibilities of the position.					
3. Air Quality Related Experience: Extent to which the applicant has experience, knowledge, and/or interest in air quality related matters.					
4. Experience on other Boards: Extent to which the applicant has experience serving on other Boards or Commissions.					
5. Interest: Extent to which the applicant's interest can be applied to personal and/or professional goals.					
6. Communication: Extent to which the applicant is able to present and communicate ideas and abilities.					
7. Availability: Extent to which the applicant can commit to the time necessary to carry out the responsibilities of the position.					

COMMENTS

SIGNATURE	DATE
------------------	-------------

JH.2022.Hearing - Hearing Board Member

Contact Information -- Person ID: 190292

Name: Avin M Sharma Address: [Redacted]
 South San Francisco, California 94080 US
 Home Phone: [Redacted] Alternate Phone: [Redacted]
 Email: [Redacted] Notification Email Preference:
 Former Last Name: NA

Personal Information

Driver's License: Yes, California , Class C
 Can you, after employment, submit proof of your legal right to work in the United States? Yes
 What is your highest level of education? Doctorate

Preferences

Minimum Compensation:
 Are you willing to relocate? No
 Types of positions you will accept: Regular
 Types of work you will accept: Full Time
 Types of shifts you will accept: Day

Objective

Education

Graduate School Did you graduate: Yes
Liberty University Major/Minor: Business Administration - Finance
 [Unspecified Start] - 12/2020 Units Completed: 60 Semester
 Lynchburg, Virginia Degree Received: Doctorate

Graduate School Did you graduate: Yes
Morehead State University Major/Minor: Business Administration
 1/2008 - 12/2010 Units Completed: 51 Semester
 Morehead, Kentucky Degree Received: Master's

Graduate School Did you graduate: Yes
San Francisco State University Major/Minor: Engineering
 1/2004 - 12/2006 Units Completed: 36 Semester
 San Francisco, California Degree Received: Master's

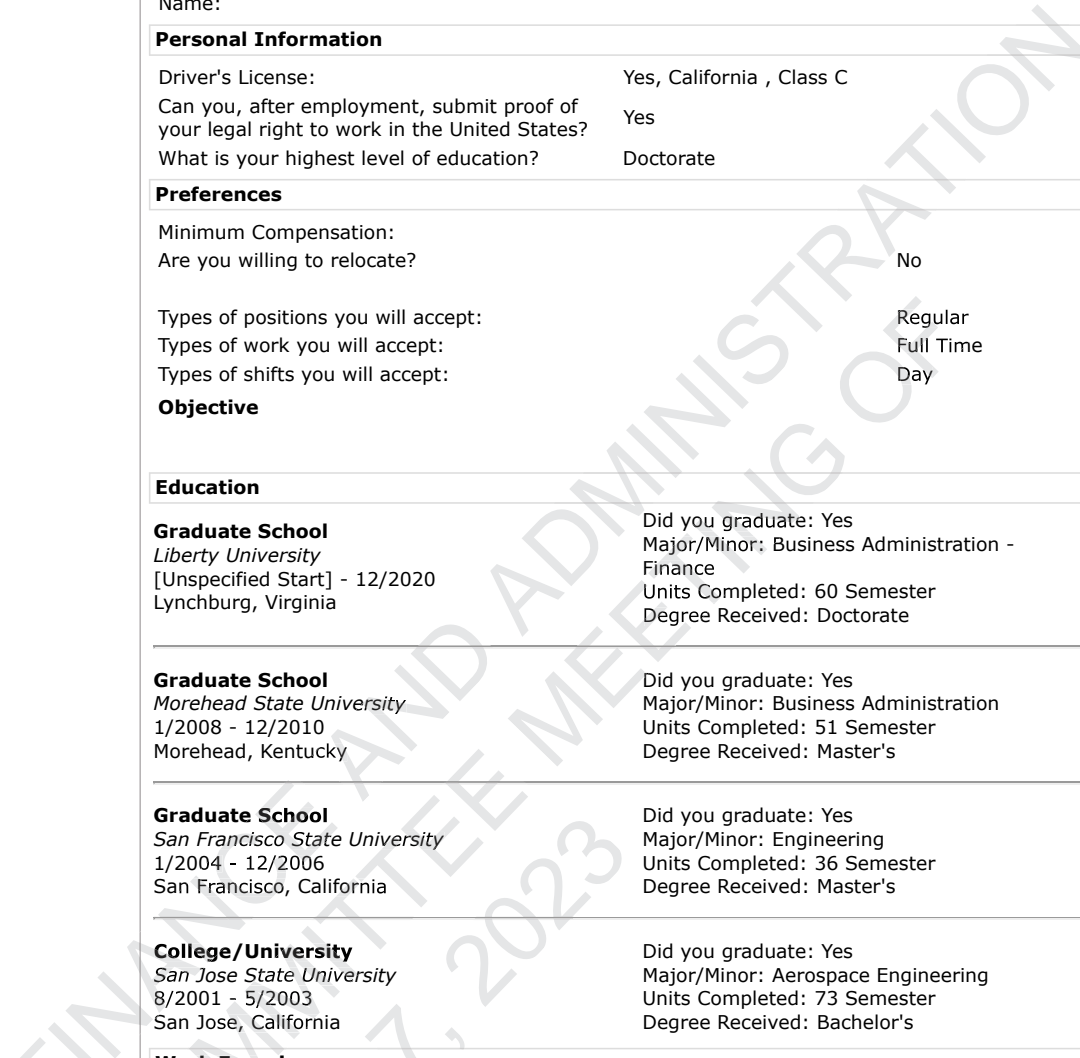
College/University Did you graduate: Yes
San Jose State University Major/Minor: Aerospace Engineering
 8/2001 - 5/2003 Units Completed: 73 Semester
 San Jose, California Degree Received: Bachelor's

Work Experience

Senior Financial Analyst Hours worked per week: 40
 11/2019 - Present Monthly Salary: \$10,000.00
 Name of Supervisor: Javier Junco - Finance Manager
 Stanford University (University IT) May we contact this employer? Yes
 [Redacted]
 Redwood City, California 94063
 000-000-0000

Duties

Responsible for financial and administrative management of Enterprise Technology, Alumni and Development Applications Platform Transition (ADAPT) and System Governance Group (SGG) budgets ranging from \$6M-\$50M.
 •Perform highly analytical, complex finance and control functions; multi-dimensional and complex reconciliations and related analysis; prepare or review and approve complex transactions and higher-level dollar value transactions.
 •Develop complex budget and forecasting scenarios, long-range planning and analyses for financial reporting and presentations; design and run adhoc reports.
 •Research, and synthesize data; interpolate results from large amounts of data, identify trends in data, draw conclusions, develop solutions, present and implement recommendations, and create follow up analyses.
 •Identify and resolve unique issues with substantial significance; recognize exceptions, and conduct in-depth analysis using advanced technical knowledge and experience. Recommend and



develop solutions that may require policy changes or the development of new processes; maintain broader organizational and university perspective in decision making.

- Make decisions regarding projects and programs affecting operational effectiveness, policies, or processes.
- Represent organization to client group(s) and external partners; serve as subject matter expert on matters that involve complex technical, financial, or subject matter expertise.
- Assess client and business needs, and formulate recommendations to determine approach to managing and completing processes.
- Define requirements, develop and implement complex test cases, perform system testing and analyze results. Participate in critical analysis of existing systems and processes, and see opportunities for operational improvement.

Reason for Leaving

[REDACTED]

Research Administrator 3

8/2017 - 11/2019

Stanford University (School of Earth, Energy & Environmental Sciences)

Stanford, California 94305
000-000-0000

Hours worked per week: 40

Monthly Salary: \$8,400.00

Name of Supervisor: Lauren Nelson -
Department Manager

May we contact this employer? Yes

Duties

Responsible for planning, forecasting, monitoring, reconciliation, administrative management of all pre/post award activity for the portfolios of assigned faculty members and their research groups or affiliate groups. Liaise regularly with faculty, students, and campus partners, and serve as a primary point of contact for administration of research-related activities in compliance with sponsor, department, university guidelines, and government regulations. Guide staff members and serve as a backup to the Geological Science Department Manager.

- Prepare complex proposals within parameters of sponsored and non-sponsored research guidelines. Oversee and communicate submission process, both paper and electronic, resolve issues relating to proposal preparation and submittal process.
- Develop, prepare, and finalize project budgets, and provide budget justification; obtain cost sharing commitments and support.
- Serve as liaison and active partner between principal investigators, Office of Sponsored Research, research groups, and other departments; respond to sponsor inquiries; advise of new regulations.
- Collaborate with Office of Sponsored Research to ensure awards are set up properly and cost-sharing requirements are fulfilled; initiate cost transfers.
- Review and approve expenditures, advise on post-award spending and commitment activity, and oversee compliance related to fund and revenue.
- Develop and communicate reports supporting project status, create forecasting models, scenarios, and decision aides.
- Manage contract closeout process and audit inquiries; submit final report and certificates.
- Interpret complex university and government policies (FAR, Cost Accounting Standards, Office of Management and Budget circulars, sponsored guidelines, etc.) for project and university personnel and help guide other staff in interpreting complex policies.
- Identify and implement process improvements. Participate in and lead across campus projects. Train and advise on issues requiring specific technical expertise.
- Oversee and review work of other staff.
- Serve as a resource on subject area to principal investigator staff.

Reason for Leaving

[REDACTED]

Research Administrator 2

9/2015 - 8/2017

Stanford University (School of Engineering)

Stanford, California 94305
000-000-0000

Hours worked per week: 40

Monthly Salary: \$7,000.00

Name of Supervisor: Charles Jackson -
Manager

May we contact this employer? Yes

Duties

- Assisted in the preparation of proposals within parameters of sponsored and non-sponsored research guidelines.
- Developed, prepared, and finalized project budgets, and provided budget justification; obtained cost sharing commitments if applicable.
- Served as liaison and active partner between principal investigators, Office of Sponsored Research, research groups, and other departments; responded to sponsor inquiries.
- Collaborated with Office of Sponsored Research to ensure awards were set up properly, including cost-sharing awards.
- Coordinated, communicated submission process paper and electronic and reviewed for completeness and compliance.
- Reviewed and understood the terms and conditions of sponsored projects administered, including linked/footnoted terms and conditions not provided in hard copy or electronic copy.

- Reviewed and approved expenditures, monitored/advised on post award spending and commitment activity, and oversaw compliance related to fund and revenue including monthly expenditure statements, and facilitated quarterly review by principal investigators.
- Developed and communicated forecast reports supporting project status.
- Participated in contract closeout process and audit inquiries; submitted final reports and certificates.

Reason for Leaving

[REDACTED]

Budget Analyst (contractor)

4/2015 - 9/2015

Town of Hillsborough

[REDACTED]
Hillsborough, California 94010
(650)375-7406

Hours worked per week: 30
Monthly Salary: \$60,000.00
Name of Supervisor: Marie Bernardo -
Assistant Finance Director
May we contact this employer? Yes

Duties

- Forecasted and modeled the budgetary revenues and expenditures of the Town.
- Created complex macros and worksheet flow to enable a linked budget model.
- Prepared charts, graphs, and other documents in excel, word and powerpoint to support budget presentation to Financial Advisory Committee and Town Council.
- Prepared account reconciliations such as fixed asset and planning deposit roll forwards.
- Posted journal entries into the general ledger.
- Prepared financial reports and analysis.
- Processed business license renewals and utility payments at peak periods.

Reason for Leaving

[REDACTED]

Project Controller

2/2011 - 12/2014

Veolia North America

[REDACTED]
Fremont, California 94538
000-000-0000

Hours worked per week: 40
Monthly Salary: \$8,000.00
of Employees Supervised: 3
Name of Supervisor: Ray Jorgenson -
Manager
May we contact this employer? Yes

Duties

- Responsible for managing a \$13 million-dollar Crystal Springs/San Andreas (CSSA) Transmission Upgrade Project in San Mateo, California for client San Francisco Public Utilities Commission.
- Guided and supervised 3 employees.
 - Performed cost analysis related to project forecasting, contract pricing, financial forecasting, budgeting including validation of the projected fee and percent complete forecast.
 - Successful in negotiating change orders in excess of \$20 million to maintain and improve contract profitability.
 - Negotiated vendor and customer contracts and worked with legal to ensure compliance.
 - Prepared and analyzed project related report that outlined financial position in the areas of funding and costs.
 - Reviewed and processed labor and AP job cost transfers.
 - Issued Requisitions for approval and Managed Purchase Order accruals and reconciled monthly.
 - Acted as HR liaison for employees by reviewing timesheets and in addressing and resolving human resource issues.
 - Strong experience with ADP payroll processes and reporting in Elation Systems for union craft employees.
 - Completed and submitted Human Resource Commission Form 7 and Form 11 monthly to ensure compliance with contract modifications and workforce.
 - Managed subcontractor compliance with terms and conditions of the contract (i.e. insurance, bonds, waivers, billing procedures).
 - Analyzed P & L accounts and ledger reconciliation monthly as assigned by CFO.
 - Provided year end support to CFO for Reviewed Financial Statements requirements that included research and reconciliations.

Reason for Leaving

[REDACTED]

Project Engineer

6/2005 - 2/2011

ARCADIS

6872 Santa Teresa Blvd

[REDACTED]
000000000

Hours worked per week: 50
Monthly Salary: \$6,666.00
of Employees Supervised: 1
Name of Supervisor: Pat Keller - Certified
Project Manager
May we contact this employer? Yes

Duties

My tenure at ARCADIS comprised of task management, project control and engineering at Pratt & Whitney Rocketdyne (PWR) Decontamination, Decommissioning and Demolition (D3) Project in San Jose, CA.

- Guided and supervised 1 employee.
- Task Manager on Asset Management, Process Safety Documentation Projects and Thermal Decontamination program; leading design and implementation of specialized decontamination techniques for a \$4 million-dollar program.
- Responsible for tracking the program's \$90 million-dollar budget including monthly reporting with costs and forecasts to program manager. Calculated earned value cost and schedule indices and variance analysis to ensure contract objectives were met, resources were properly allocated, and operational efficiency was maximized.
- Developed and executed detailed engineering plans for the safe systematic assessment, decontamination, and demolition of over 241 buildings and associated equipment utilized in manufacturing of propellant.
- Reviewed subcontractor invoices and compared against daily work reports for billing accuracy.
- Demonstrated problem solving abilities; brought together subject matter experts from all aspects of the operation to reach consensus and determine a safe and effective path forward when faced with short fused issues.
- Responsible for compliance to federal, state, and local authorities impacting the design and implementation of work product.

Reason for Leaving

[REDACTED]

Certificates and Licenses

Type: Six Sigma Black Belt Certification

Number:

Issued by: Management and Strategy Institute

Date Issued: 1 /2015 Date Expires:

Type: Stanford Advanced Project Management Certificate

Number:

Issued by: Stanford University

Date Issued: 11 /2015 Date Expires:

Type: Certified Scrum Master

Number:

Issued by: Agile Learning Labs

Date Issued: 10 /2016 Date Expires:

Type: Stanford Technical Leadership Program

Number:

Issued by:

Date Issued: 11 /2021 Date Expires:

Skills

Office Skills

Typing: 70

Data Entry: 0

Other Skills

MS Word Expert - 25 years and 0 months

Excel Expert - 20 years and 0 months

MS Access Expert - 19 years and 0 months

Outlook Expert - 17 years and 0 months

Oracle Financials Expert - 7 years and 0 months

Languages

Hindi - Speak, Read, Write

Additional Information

Additional Information

Specializing in financial/budget reporting and analysis, budget and contract development, research finance administration, project management/control, policy and procedure development, human resource administration and special project implementation. Demonstrated strategic leadership in planning, change management process and organizational and staff resources. Able to solve problems, trouble shoot, think creatively and resolve conflicts. Outstanding writing skills to create compelling and widely read budget requests, funding agreements, and policy documents. Self-starter with the aptitude to take charge of multiple tasks; drive results; be a key player on a corporate team. Ability to demonstrate a high level of diplomacy in persuading and

influencing a wide variety of people at various levels to achieve results in a collaborative decision-making environment.

Volunteer Experience

South San Francisco City Council | South San Francisco, CA
Commissioner – Housing Authority 10/2021 – Present

South San Francisco Unified School District | South San Francisco, CA
Committee Member – Equity, Diversity, and Inclusion 08/2021 – Present

STANFORD UNIVERSITY | Stanford, CA
Pre-Major Advisor 09/2016 – 12/2019

- Advise students one-on-one and inspire students to develop meaningful connections with faculty, making referrals to colleagues around campus.
- Expose students to opportunities and resources for intellectual exploration.
- Provide guidance to students in selecting courses and support student until s/he declares a major by the sophomore year.

References

Professional
Wormley, Sharon
Retired
[Redacted]

Professional
Murray, Hugh
Project Manager
[Redacted]

Professional
Weisenberg, Lee
Manager
[Redacted]

Professional
Jorgenson, Ray
Officer
[Redacted]

Professional
Keller, Patrick
Certified Project Manager
[Redacted]

Professional
Bernardo, Marie
Town of Hillsborough - Assistant Finance Director
[Redacted]

Professional
Kochenderfer, Mykel
Professor (Stanford University)
[Redacted]

Professional
Alonso, Juan
Professor (Stanford University)
[Redacted]

Professional
Karkala, Ganesh
AVP - Stanford University
[Redacted]

Resume

Text Resume

Attachments

Attachment	File Name	File Type	Created By
Resume.pdf	Resume.pdf	Resume	Job Seeker
Hearing Board Member.pdf	Hearing Board Member.pdf	Cover Letter	Job Seeker

Agency-Wide Questions

1. Q: How did you find out about this position?

A: Other

2. Q: If other, please tell us where.

A: governmentjobs.com

3. Q: Are you currently legally authorized to work in the United States on a full-time basis?

A: Yes

4. Q: Are you related to any District employee or Board member?

A: No

5. Q: Do you now, or will you in the future, require sponsorship for employment visa status (e.g., H-1B visa status)?

A: No

6. Q: If related to a District employee or Board member, what is their name and their relationship to you?

A: NA

FINANCE AND ADMINISTRATION
COMMITTEE MEETING OF
JUNE 7, 2023

Avin Sharma

South San Francisco, CA, 94080 [REDACTED]

September 20, 2022

Re: Hearing Board Member

Dear Hiring Manager:

I'm thrilled to apply for the position of Hearing Board Member. I strongly believe I bring a clear understanding, and experience needed to be an asset with proven and strong performance record and unparalleled attention to detail.

The key proficiency that I possess which relate to the position include:

Presenting to and collaborating with governing boards and commissions: Currently, I serve as a Vice-Chairperson on South San Francisco Housing Authority Commission in the City of South San Francisco, owning and managing 80 units with oversight from the Department of Housing and Urban Development (HUD) and also serve on South San Francisco Unified School District's Equity, Diversity, and Inclusion Committee. In both roles, I have been involved in developing and coordinating policies goals and strategic efforts.

I would appreciate the opportunity to meet with you to discuss the position and my qualifications. In the meantime, I am enclosing my resume. I will be happy to supply letters of recommendation or any other additional information.

Thank you very much for your time and consideration.

Sincerely,

Avin Sharma

AVIN SHARMA

P:

SUMMARY

Specializing in financial/budget reporting and analysis, budget and contract development, research finance administration, project management/control, policy and procedure development, human resource administration and special project implementation. Demonstrated strategic leadership in planning, change management process and organizational and staff resources. Able to solve problems, trouble shoot, think creatively and resolve conflicts. Outstanding writing skills to create compelling and widely read budget requests, funding agreements, and policy documents. Self-starter with the aptitude to take charge of multiple tasks; drive results; be a key player on a corporate team. Ability to demonstrate a high level of diplomacy in persuading and influencing a wide variety of people at various levels to achieve results in a collaborative decision-making environment.

SKILLS & EXPERTISE

Stanford Technical Leadership Program (STLP) •Stanford Certified Project Manager •Certified Scrum Master •Six Sigma Black Belt Professional •Oracle Financials •MS Office

SCHOLASTIC

Doctor of Business Administration in Finance , LIBERTY UNIVERSITY Lynchburg, VA	2020
Master of Business Administration , MOREHEAD STATE UNIVERSITY Morehead, KY	2010
Masters in Engineering , SAN FRANCISCO UNIVERSITY San Francisco, CA	2007
Bachelor of Science, Aerospace Engineering SAN JOSE UNIVERSITY San Jose, CA	2003

WORK EXPERIENCE

STANFORD UNIVERSITY | Redwood City, CA

Senior Financial Analyst (University IT – Service Strategy)

11/2019 – Present

Responsible for financial and administrative management of Enterprise Technology, Alumni and Development Applications Platform Transition (ADAPT) and System Governance Group (SGG) budgets ranging from \$6M-\$50M.

- Perform highly analytical, complex finance and control functions; multi-dimensional and complex reconciliations and related analysis; prepare or review and approve complex transactions and higher-level dollar value transactions.
- Research, and synthesize data; interpolate results from large amounts of data, identify trends in data, draw conclusions, develop solutions, present and implement recommendations, and create follow up analyses.
- Develop complex budget and forecasting scenarios, long-range planning and analyses for financial reporting and presentations; design and run adhoc reports.
- Identify and resolve unique issues with substantial significance; recognize exceptions, and conduct in-depth analysis using advanced technical knowledge and experience. Recommend and develop solutions that may require policy changes or the development of new processes; maintain broader organizational and university perspective in decision making.
- Lead and execute unit or cross functional projects and teams, make decisions regarding projects and programs affecting operational effectiveness, policies, or processes.
- Represent organization to client group(s) and external partners; serve as subject matter expert on matters that involve complex technical, financial, or subject matter expertise.

STANFORD UNIVERSITY | Stanford, CA

Research Administrator 3 (School of Earth, Energy & Environmental Sciences)

08/2017 – 11/2019

Responsible for planning, forecasting, monitoring, reconciliation, administrative management of all pre/post award activity for the portfolios of assigned faculty members and their research groups or affiliate groups. Liaise regularly with faculty, students, and campus partners, and serve as a primary point of contact for administration of research-related activities in compliance with sponsor, department, university guidelines, and government regulations. Guide staff members and serve as a backup to the Geological Science Department Manager.

- Prepare complex proposals within parameters of sponsored and non-sponsored research guidelines. Oversee and communicate submission process, both paper and electronic, resolve issues relating to proposal preparation and submittal process.
- Develop, prepare, and finalize project budgets, and provide budget justification; obtain cost sharing commitments and support.
- Serve as liaison and active partner between principal investigators, Office of Sponsored Research, research groups, and other departments; respond to sponsor inquiries; advice of new regulations.

AVIN SHARMA

P:

- Collaborate with Office of Sponsored Research to ensure awards are set up properly and cost-sharing requirements are fulfilled; initiate cost transfers.
- Review and approve expenditures, advise on post-award spending and commitment activity, and oversee compliance related to fund and revenue.
- Develop and communicate reports supporting project status, create forecasting models, scenarios, and decision aides.
- Manage contract closeout process and audit inquiries; submit final report and certificates.
- Interpret complex university and government policies (FAR, Cost Accounting Standards, Office of Management and Budget circulars, sponsored guidelines, etc.) for project and university personnel and help guide other staff in interpreting complex policies.
- Identify and implement process improvements. Participate in and lead across campus projects. Train and advise on issues requiring specific technical expertise.
- Oversee and review work of other staff.
- Serve as a resource on subject area to principal investigator staff.

Research Administrator 2 (School of Engineering)

09/2015 – 08/2017

- Assisted in the preparation of proposals within parameters of sponsored and non-sponsored research guidelines.
- Developed, prepared, and finalized project budgets, and provided budget justification; obtained cost sharing commitments if applicable.
- Served as liaison and active partner between principal investigators, Office of Sponsored Research, research groups, and other departments; responded to sponsor inquiries.
- Collaborated with Office of Sponsored Research to ensure awards were set up properly, including cost-sharing awards.
- Coordinated, communicated submission process paper and electronic and reviewed for completeness and compliance.
- Reviewed and understood the terms and conditions of sponsored projects administered, including linked/footnoted terms and conditions not provided in hard copy or electronic copy.
- Reviewed and approved expenditures, monitored/advised on post award spending and commitment activity, and oversaw compliance related to fund and revenue including monthly expenditure statements, and facilitated quarterly review by principal investigators.
- Developed and communicated forecast reports supporting project status.
- Participated in contract closeout process and audit inquiries; submitted final reports and certificates.

TOWN of HILLSBOROUGH | Hillsborough, CA

Budget Analyst (contractor)

04/2015 – 09/2015

- Forecasted and modeled the budgetary revenues and expenditures of the Town.
- Created complex macros and worksheet flow to enable a linked budget model.
- Prepared charts, graphs, and other documents in excel, word and powerpoint to support budget presentation to Financial Advisory Committee and Town Council.
- Prepared account reconciliations such as fixed asset and planning deposit roll forwards.
- Posted journal entries into the general ledger.
- Prepared financial reports and analysis.
- Processed business license renewals and utility payments at peak periods.

VEOLIA NORTH AMERICA | Fremont, CA

Project Controller

02/2011 – 12/2014

Responsible for managing a \$13 million-dollar Crystal Springs/San Andreas (CSSA) Transmission Upgrade Project in San Mateo, California for client San Francisco Public Utilities Commission.

- Guided and supervised 3 employees.
- Performed cost analysis related to project forecasting, contract pricing, financial forecasting, budgeting including validation of the projected fee and percent complete forecast.
- Successful in negotiating change orders in excess of \$20 million to maintain and improve contract profitability.
- Negotiated vendor and customer contracts and worked with legal to ensure compliance.
- Prepared and analyzed project related report that outlined financial position in the areas of funding and costs.
- Reviewed and processed labor and AP job cost transfers.
- Issued Requisitions for approval and Managed Purchase Order accruals and reconciled monthly.
- Acted as HR liaison for employees and Local 3 and 34 union employees by approving timesheets and in addressing and resolving human resource issues.
- Strong experience with ADP payroll processes and reporting in Elation Systems for union craft employees.
- Completed and submitted Human Resource Commission Form 7 and Form 11 monthly to ensure compliance with contract modifications and union workforce.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Report of the Advisory Council Meeting of June 12, 2023

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

None.

DISCUSSION

The Advisory Council met on Monday, January 30, 2023. Members of the Council participated in person. Due to a lack of quorum, the Draft Minutes of the Advisory Council's January 30, 2023 meeting were not approved.

The Council then received and discussed the presentation *Office of Environmental Health Hazard Assessment Comments on "Modeling Local Sources of Fine Particulate Matter_{2.5} for Risk Management."* The presentation was given by staff members from the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment regarding the Air District's proposed Particulate Matter_{2.5} local risk methodology.

The Council then received and discussed the staff presentation *Update on Modeling Health Risks from Local Sources of Fine Particulate Matter_{2.5}*. The presentation followed up the Council's January 30, 2023 meeting, at which, the Council received presentations from three commenters on the Air District's publicly released draft white paper, "Modeling Local Sources of Fine Particulate Matter_{2.5} for Risk Management." Staff briefed the Council on the envisioned next steps.

The next meeting of the Council will be held at the Call of the Chair, in person at 375 Beale Street, San Francisco, CA 94105. This concludes the Chair Report of the Advisory Council meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Advisory Council Meeting Memorandums of June 12, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Linda Rudolph and Gina Solomon, and Members of the Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: June 12, 2023

Re: Comments on the Proposed Methodology for Modeling Health Risks from Local Sources of Fine Particulate Matter (PM_{2.5})

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District has received public comments on a draft white paper, *Modeling Local Sources of Fine Particulate Matter (PM_{2.5}) for Risk Management*, and an accompanying spreadsheet that proposes and illustrates a methodology for modeling health risks attributable to local sources of fine particulate matter, or PM_{2.5}. This proposed methodology has been developed by the Air District with guidance from the Air District's Advisory Council and in consultation with staff at the United States Environmental Protection Agency, the California Air Resources Board, and California's Office of Environmental Health Hazard Assessment.

DISCUSSION

The Advisory Council will receive a presentation from the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA), regarding feedback on the proposed methodology.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: David Holstius
Reviewed by: Gregory Nudd

ATTACHMENTS:

None

ADVISORY COUNCIL MEETING
JUNE 12, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Linda Rudolph and Gina Solomon, and Members of the Advisory Council

From: Philip M. Fine
Executive Officer/APCO

Date: June 12, 2023

Re: Update on the Proposed Methodology for Modeling Health Risks from Local Sources of Fine Particulate Matter (PM_{2.5})

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Air District has received public comments on a draft white paper, *Modeling Local Sources of Fine Particulate Matter (PM_{2.5}) for Risk Management*, and an accompanying spreadsheet that proposes and illustrates a methodology for modeling health risks attributable to local sources of fine particulate matter, or PM_{2.5}. This proposed methodology has been developed by the Air District, with guidance from the Air District's Advisory Council, and in consultation with staff at the United States Environmental Protection Agency, the California Air Resources Board, and California's Office of Environmental Health Hazard Assessment.

DISCUSSION

At the last Advisory Council meeting (January 2023), the Council received presentations from representatives of three commenters on the publicly released draft white paper. Air District staff are currently engaged in next steps, including the preparation of responses to written comments, and the integration of recommendations from California's Office of Environmental Health Hazard Assessment (OEHHA). Staff will brief the Advisory Council on the envisioned next steps, and seek feedback.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: David Holstius
Reviewed by: Gregory Nudd

ATTACHMENTS:

None

ADVISORY COUNCIL MEETING
JUNE 12, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Report of the Mobile Source and Climate Impacts Committee Meeting of June 14,
2023

RECOMMENDED ACTION

A) Solicitation for Electric Charging Infrastructure for Medium-and Heavy-duty Vehicles and Equipment.

1. **Approve** the process and selection criteria for a new competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

B) Projects and Contracts with Proposed Awards over \$ 500,000.

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

BACKGROUND

None.

DISCUSSION

The Mobile Source and Climate Impacts Committee met on Wednesday, June 14, 2023, and approved the Minutes of the Mobile Source and Climate Impacts Committee meeting of May 10, 2023.

The Committee then reviewed and discussed the staff presentation *Solicitation for Electric Charging Infrastructure for Medium- and Heavy-duty Vehicles and Equipment*. The Committee recommends the Board:

1. **Approve** the process and selection criteria for a new competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

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 Executive Officer/ Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

The next meeting of the Mobile Source and Climate Impacts Committee will be held at the Call of the Chair. This concludes the Chair Report of the Mobile Source and Climate Impacts Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Marcy Hiratzka
Reviewed by: Vanessa Johnson

ATTACHMENTS:

1. Mobile Source and Climate Impacts Committee Meeting Memorandums of June 14, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Myrna Melgar and Members
of the Mobile Source and Climate Impacts Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 14, 2023

Re: Solicitation for Electric Charging Infrastructure for Medium- and Heavy-duty
Vehicles and Equipment

RECOMMENDED ACTION

The Committee to consider recommending the Board of Directors approve the process and selection criteria for a new competitive solicitation for electric charging infrastructure for medium- and heavy-duty vehicles and equipment.

BACKGROUND

To meet state air quality and greenhouse gas reduction targets, the State of California has started adopting regulations targeting mobile source regulations that, when phased in, will require fleet owners of medium- and heavy-duty vehicles to transition to zero-emissions. Though manufacturers have committed to increasing the quantity of zero-emission equipment and vehicles, manufacturing and adoption is at a very nascent stage, with very high start-up costs, limited quantities, and long lead-times for delivery. Additionally, while zero-emission equipment and vehicle options are now available in limited quantities for school and transit buses and lighter duty equipment, like forklifts, they are not yet available for all other types of equipment.

Availability of supporting infrastructure is also currently limited, and deploying this necessary equipment has its own challenges including costs, long lead-times for delivery of equipment, permitting, and connection to utility grids. Having access to supporting infrastructure at domiciles and while enroute will be key to a successful transition to zero-emissions.

This fiscal year, the Air District had over \$100 million in incentive funding available for the replacement of eligible medium- and heavy-duty vehicles and equipment. Applications for mobile source projects are typically reviewed on a first-come-first-served basis and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, with the Carl Moyer guidelines established by CARB being used for review of most projects. While the CARB-adopted guidelines establish the baseline requirements for infrastructure projects and funding caps, they also provide additional flexibility when the administering air district conducts a competitive solicitation that includes selection criteria approved by its board of directors. For example, the guidelines allow funding to be awarded to

publicly accessible infrastructure projects and those that install solar or wind power if applications for those projects are evaluated using a competitive solicitation and board-approved selection criteria.

To help prepare the region and ensure that sufficient charging infrastructure is available to support and accelerate the transition of medium- and heavy-duty vehicles and equipment, Air District staff propose launching a pilot incentive program that would provide a dedicated solicitation for electric charging infrastructure offering up to \$30 million from a combination of Air District administered funding sources, including the Community Air Protection Incentives (CAP), Carl Moyer (Moyer), Mobile Source Incentive Fund (MSIF), Transportation Fund for Clean Air (TFCA), Funding Agricultural Replacement Measures for Emission Reductions (FARMER), and Bay Area Clean Air Foundation (BACAF).

This report discusses the proposed process, selection criteria, and timeline for administering a competitive pilot solicitation.

DISCUSSION

In 2022, the Air District awarded more than \$14 million for medium- and heavy- duty battery electric zero-emission equipment through a first-come first-served solicitation for applications evaluated under the Moyer and Volkswagen NO_x Mitigation guidelines and through competitive solicitations for applications evaluated under the California Goods Movement Program guidelines. While the percentage of zero-emission projects funded continues to increase each year, the number of stand-alone infrastructure projects remains low. In reviewing the results over the past few years and the incentive program guidelines, staff determined that the current solicitation process may be a contributing barrier to applicants and that running a dedicated competitive solicitation might help to address some of the challenges and barriers.

Air District staff officially began a public input process in early 2023 with an email to over 6,000 people announcing a pre-solicitation workshop. The workshop, held on April 11, 2023, discussed the idea for a dedicated competitive solicitation and requested public input. Over 60 attendees were present, and staff responded to approximately 30 written and oral comments and questions. Staff also held conversations with fleet owners and other stakeholders located throughout the Air District’s jurisdiction, including transit agencies, private businesses, and Port of Oakland and Richmond. Through these discussions, staff have incorporated input and feedback from stakeholders for the development of a pilot competitive solicitation that is outlined below.

Proposed Process and Selection Criteria

Under this new program, all complete applications that are received by the deadline would first be reviewed for basic eligibility according to the Carl Moyer Program guidelines, shown in Attachment 1, and then ranked based on the Board-approved selection criteria that are listed below.

Proposed selection criteria:

- First, projects would be reviewed to determine whether the chargers will be used at the proposed location by evaluating Statement of Need documentation such as:
 - Evidence that the applicant or another entity owns or has a purchase order for equipment that would use the chargers;
 - Evidence that there is going to be a need for the chargers, such as an upcoming compliance deadline coupled with documentation about the inventory of vehicles in the area; or
 - Other documentation showing that chargers would be used within three years or sooner for reasons not listed here.
- Next, eligible projects would be evaluated to determine their potential to be completed within two years, as evidenced by their meeting at least two of the Readiness Criteria:
 - California Environmental Quality Act (CEQA): Filed notice of exemption or a completed CEQA determination;
 - Permits obtained or determination that no permits are required;
 - Design completed;
 - Approved site plan;
 - Utility assessment of the site that includes distance to grid and/or power access.
- Next, all highly ready and needed projects would be ranked by grant dollars requested divided by the total amount of kilowatts (kW) that can be delivered at the site.
- At least 80% of the available funds will be awarded to priority communities.

Priority communities include communities that have been identified through the AB617 process, i.e. West Oakland and East Oakland in Alameda County, Richmond/San Pablo in Contra Costa County, and Bay View Hunters Point in San Francisco, and Disadvantaged Communities (DAC) and Low-Income Communities (LIC).

Priority communities are shown in the California Climate Investments Priority Populations 2022 CES 4.0 map, which shows the top 25 percent of census tracts experiencing disproportionate amounts of pollution, environmental degradation, and socioeconomic and public health conditions according to the Office of Environmental Health Hazard Assessment's CalEnviroScreen 4.0 tool (website: <https://webmaps.arb.ca.gov/PriorityPopulations/>).

Once a ranking list is created, staff would bring the list of all projects that met the basic eligibility requirements to the Board with a recommendation to award funding to the highest ranked projects. If oversubscribed or if a tiebreaker is required between two or more projects, projects could be further ranked based on their proximity to sensitive receptors, such as schools, daycare centers and healthcare facilities.

Timeline

The solicitation would open shortly after Board approval and remain open for approximately two months. After closing, staff would evaluate the applications using the selection criteria shared in this memo. The list of highest ranked projects and a recommendation for award will be

developed for the Board's consideration later this year. Staff would issue contracts for selected projects and awarded projects would be expected to be completed (begin operating) within two years.

This competitive pilot solicitation will seek to both fund zero-emission electric charging infrastructure and get a better understanding of the types of projects, interest, and challenges that applicants might have. Air District staff will evaluate the successes and challenges through this solicitation process, and develop a model to use for future solicitations that can help spur the transition to zero-emission vehicles and equipment.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The action being requested will not obligate funding at this time. Staff would return later this year to the Mobile Source Committee and Board with a ranked list of recommended projects for the award of funds, at which point funding would be obligated. Funding for this program is included in the Air District's FYE 2024 budget. The Air District distributes the CMP, MSIF, CAP, FARMER, TFCA, and BACAF funding to project sponsors on a reimbursement basis. Funding for administrative costs to implement these programs, including evaluating, contracting, and monitoring projects for multiple years, is provided by each funding source.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Minda Berbeco
Reviewed by: Karen Schkolnick

ATTACHMENTS:

1. Carl Moyer - Chapter 10 Infrastructure Guidelines (Updated 01/18/2023)

Chapter 10: INFRASTRUCTURE Revised 1/18/23

Senate Bill 513 (Beall, Chapter 610, Statutes of 2015) provides the California Air Resources Board’s (CARB) Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer Program) the ability to incorporate infrastructure projects into its program. It authorizes the funding of projects that enable the deployment of alternative, advanced, and cleaner technologies to support the State’s air quality goals. Specifically, Health and Safety Code section 44281(c) gives CARB the ability to provide funding toward the installation of fueling or energy infrastructure to fuel or power covered sources. Statute does not require infrastructure projects to meet a cost-effectiveness threshold.

This chapter provides project criteria for selecting and funding infrastructure projects that enable emission reductions in meeting State and local air quality goals. All infrastructure projects must be used to fuel or power a covered source as defined by Health and Safety Code section 44275(a)(7). These covered sources include, but are not limited to, on-road (including light-duty), off-road, agricultural, and marine vessel emission sources.

A. Funding

Air quality management districts or air pollution control districts (Air Districts) determine project priority and select projects funded within their region.

**Table 10-1
Maximum Percentage of Eligible Cost for Moyer Program Infrastructure Projects**

Maximum Percentage of Eligible Cost ^(b)	Infrastructure Projects
50%	All Projects
60%	Publicly Accessible Projects
65%	Projects with Solar/Wind Power Systems ^(a)
75%	Publicly Accessible Projects with Solar/Wind Power Systems ^(a)
100%	Public School Bus Projects ^(c)

^(a) At least 50 percent of the total energy provided to covered sources by the project must be generated from solar/wind.

^(b) Additional 5% funding available to applicants of heavy-duty truck parking facilities that provide communal charging opportunities (e.g., truck yards, truck depot, truck stops etc.)

^(c) Also, may include solar/wind power systems.

B. Eligible Projects

Eligible projects are those that provide fuel or power to a covered source, and include, but are not limited to, the following:

1. **Battery Charging Station.** New, conversion of existing stations, and expansion to existing battery charging stations. (e.g., stations in priority populations, stations in multi-unit dwellings, workplace charging, direct current fast chargers along freeway roadway corridors, long-term charging at destination areas such as airports and shopping centers and charging at distribution centers and warehouses). Refer to Appendix B for definitions to the terms mentioned above (e.g., new, conversion of existing, and expansion of existing).
2. **Hydrogen Fueling Station.** New, conversion of existing stations, and expansion to existing hydrogen fueling stations.
3. **Stationary Agricultural Pump Electrification.** Agricultural pump must be funded by the Carl Moyer Program.
4. **Shore Power.** Shore-side electrification or electrical power being provided by either the local utility or by distributed generation to a watercraft at berth.
5. Additional projects may be considered on a case-by-case basis (e.g., infrastructure for transport refrigeration units and truckstop electrification). Please contact CARB Moyer staff for further guidance on these case-by-case projects.

To be eligible to partner with other funding sources or programs, the project must not have begun, must not be in progress, must not be completed, nor invoiced and paid. The Air District must evaluate the co-funded project prior to approval and verify the co-funded project with CARB. All requirements of the Moyer program must be met for co-funded projects.

C. Eligible Applicants

Public and private entities are eligible to apply unless otherwise stated. Public entities include, but are not limited to, State, metropolitan, county, city, multi-county special district (e.g., water district), school district, university, and federal agencies and organizations. Private entities include, but are not limited to, private organizations and corporations. Out of State applicants are eligible to apply provided that the infrastructure is situated in California. Air Districts or other entities receiving administration funding through the program are not eligible.

D. Eligible Costs

Eligible costs are limited to the purchase and installation of the equipment for power delivery or fueling directly related to the infrastructure project. The eligible costs listed below must utilize commercially available technologies.

1. Eligible project costs include:

- (A) Cost of design and engineering, (i.e., labor, site preparation, Americans with Disabilities Act accessibility, signage).
- (B) Cost of equipment (e.g., charging/fueling units, electrical parts, energy storage equipment, materials).
- (C) Cost of installation directly related to the construction of the station.
- (D) Meter/data loggers.
- (E) On-site power generation system that fuels or powers covered sources (i.e., solar and wind power generation equipment).
- (F) Fees incurred pre-contract execution (i.e., permits, design, engineering, site preparation), license fees, environmental fees, commissioning fees (safety testing), and onsite required safety equipment.

2. Air Districts have the option to fund the following discretionary costs:

- (A) Federal, sales, and other taxes.
- (B) Shipping and delivery costs. Consulting fees associated with the preparation of Environmental Assessment, Environmental Impact Statement, Environmental Impact Report, or other California Environmental Quality Act (CEQA) documents, etc.

E. Ineligible Costs

Ineligible costs include but are not limited to:

1. Existing station upgrade. See definition in Appendix B.
2. Fuel and energy costs.
3. Non-essential equipment hardware.
4. Operation cost (e.g., operational fees, maintenance, repairs, improvements, spare parts).
5. Extended warranty.
6. Insurance.

7. Grantee administrative costs.
8. Travel/lodging.
9. Employee training and salaries.
10. Legal fees.
11. Real estate property purchases/leases.
12. Performance bond costs.
13. Construction management.
14. Storm water plan costs.
15. Security costs.
16. Testing and soil sampling.
17. Hazardous materials, including permitting, handling and disposal.

F. Project Eligibility Criteria

The minimum qualifications for infrastructure projects are listed below. All projects must also conform to the requirements in Chapter 2: General Criteria, and in Chapter 3: Program Administration. Participating Air Districts retain the authority to impose additional requirements to address local concerns.

1. General Criteria

- (A) The project must be permanently installed and located in California.
- (B) The project must comply with all applicable federal, State, local laws and requirements including environmental laws, and State building, environmental and fire codes. For instance, Air Districts may need to perform CEQA review and obtain approval prior to funding a project.
- (C) All infrastructure projects that include on-site power generation (e.g., solar, wind) and/or are publicly accessible, must be selected through competitive bidding. For public school districts, their existing competitive bidding process fulfills the competitive bidding requirement. See the competitive bidding process definition in Appendix B.
- (D) Work must be performed by contractors and/or electricians that meet all required licensing, certification, and statutory requirements for the eligible project type. CARB may request proof of compliance with any

licensing, certification, and statutory requirements before performing any work on an eligible project.

- (E) For projects that contain Moyer Program funding for both infrastructure and engine replacement or repower within the same contract, only the cost of the engine replacement or repower will be considered when performing a cost-effectiveness calculation.
- (F) Publicly accessible stations must be accessible to the public 24 hours a day or as many hours as allowed by local ordinance.
- (G) Equipment and parts must be new. Remanufactured or refurbished equipment and parts are not eligible.
- (H) Except for stationary agricultural pump projects, a completed Uniform Commercial Code-1 Financing Statement Form must be submitted by the Air District to the California Secretary of State for infrastructure projects with a grant funding amount of \$50K or greater. The financing statement must list the Air District as the secured party.
- (I) Low Carbon Fuel Standard (LCFS) credit generation associated with eligible activities is not prohibited by the Moyer statute.

2. Battery Charging Station

- (A) Charging equipment must be a level 2 or higher.
- (B) Publicly accessible charging stations must use a valid and universally accepted charge connector protocol (e.g., Society of Automotive Engineers (SAE), CHAdeMO).
- (C) Equipment must be certified by a Nationally Recognized Testing Laboratory (e.g., Underwriter's Laboratories, Intertek) located at <https://www.osha.gov/dts/otpc/nrtl/nrtllist.html>.
- (D) Equipment must have at least a one-year warranty.

3. Stationary Agricultural Pump Electrification. To be eligible for funding, infrastructure must directly power a zero-emission stationary agricultural pump funded by the Air District with Moyer Program funds, including match (see Chapter 5 for specific criteria related to funding agricultural pumps).

4. Shore Power

- (A) Funding is available to install shore-side electrical grid-based power at a berth that receives visits solely by vessels not subject to the control

requirements of CARB's Shore Power Regulation (Title 17, California Code Regs., section 93118.3.).

- (B) Shore-side projects meeting the eligibility criteria of the Goods Movement Program are eligible for Moyer Program funding only on a case-by-case basis. Moyer Program project funds cannot be co-funded with Proposition 1B Goods Movement Program funds.

5. Hydrogen Fueling Station. Equipment must have at least a one-year warranty.

G. Applicant Requirements

1. General Criteria

- (A) The applicant must be able to demonstrate to the Air District that the applicant can obtain all required land use permits from agencies needed to install and operate the station.
- (B) For a publicly accessible station, the applicant must provide a description of the geographic location, including an aerial map (i.e., satellite view from an internet-based map or city/county map) and specific street address of the proposed station.
- (C) Applicants must demonstrate that they either own the land on which the project will be located, or control it through a long-term lease, easement, or other legal arrangement, for the duration of the project life. For a proposed project where the land is not owned by the applicant, an executed lease agreement or letters of commitment lasting for the duration of the project life must be signed by property owners/authorized representatives and must be submitted with the application.
- (D) Applicants must be able to provide documentation that power or fuel is being, or will be, provided to the site (e.g., application, payment to the local utility company for power installation, or contract).

2. Shore Power

- (A) Applicants who own/operate at a terminal must submit a copy of the Initial Terminal Plan per Section (g) of CARB's Shore Power Regulation (Title 17, California Code Regs, section 93118.3). All subsequent project reports to Air Districts must include a copy of the terminal plan in order to evaluate compliance with the project contract.
- (B) Only a port authority, terminal operator, or marine vessel owner may apply to receive Moyer Program funding for a shore power project.

H. Project Life

1. All projects must have a minimum project life of three years.
2. Maximum project life is 15 years, except stationary agricultural pump electrification projects which have a maximum project life of ten years.

I. Contract Requirements

1. General Criteria

- (A) Contracts must include anticipated usage in terms of projected throughput and number of vehicles that will be using the station for the term of the contract.
- (B) Contracts must require that the equipment be in operating condition throughout the contract term.
- (C) Contracts must specify that publicly accessible infrastructure projects must maintain a 95 percent uptime with 24/7 customer service available on site, via toll free telephone number. Contracts must also specify that if equipment is not functional, the grantee is responsible for ensuring that repairs are made and stations are up and running within 48 hours. The grantee must notify Air Districts of any downtime beyond the 48 hours and work with Air Districts to ensure publicly accessible stations are operational.
- (D) For non-publicly accessible infrastructure projects, contracts must specify that if equipment is not functional, the grantee has 15 business days to report the problem to the Air District and begin working with the Air District promptly to ensure infrastructure equipment is operational.
- (E) Contracts must specify that, if during the project life the fuel/energy meter fails for any reason, the fuel/energy meter must be repaired or replaced as soon as possible and is considered a maintenance expense, therefore not an eligible cost.
- (F) Contracts must specify the maximum grant amount.
- (G) Contracts must identify milestone dates including project completion, invoice, and annual reporting dates.

2. Battery Charging Station

- (A) Contracts must include the number of electric vehicle supply equipment (EVSE) ports and connectors.

- (B) Contracts must include that grantee must report all publicly accessible battery charging station installations to the Department of Energy Alternative Fuel Data Center located at <http://www.afdc.energy.gov/locator/stations/>

3. Hydrogen Fueling Station. For publicly accessible hydrogen fueling stations, contracts must include that grantee must register and report to the Station Operational Status System (SOSS) maintained by the California Fuel Cell Partnership (www.cafcp.org). In addition, grantee must abide by the requirements of the reporting system. For additional information about the SOSS requirements, please contact the California Fuel Cell Partnership.

J. Pre-Inspection

1. General Criteria

- (1) All Projects must follow the pre-inspection sections which include requirements, compliance certification, record keeping, and inspection after contract requirements in Chapter 3: Program Administration. Participating Air Districts retain the authority to impose additional requirements to address local concerns.
- (2) The minimum documentation requirements that must be collected and be included in the pre-inspection form include:
- Name of inspector.
 - Date of inspection.
 - Name and contact information of land/site owner.
 - Location (address/GPS coordinates).
 - Photo documentation of land/site. The district must also take photos of the existing equipment (if applicable). At the minimum, the photos must include equipment, product label, manufacturer name, date of manufacturer, model number, and serial number.
 - Any other information regarding the land/site needed to uniquely identify, establish eligibility, populate the Clean Air Reporting Log (CARL) dataset, and ensure contract enforceability.

K. Post-Inspection

1. General Criteria

- (A) Air Districts must verify and document that each infrastructure project is operational. Inspections must include verification of operation by connecting a vehicle or equipment to the charging or fueling station, or in the case of an agricultural pump or shore power project, by connecting to the electrical grid. For projects that incorporate solar or wind power, the inspection must verify that infrastructure has been installed and connected to the power generation equipment (i.e., solar panels or wind turbines). Air Districts may be exempted from this requirement if the grantee does not own a vehicle/equipment, and no vehicle/equipment can reasonably be obtained for the inspection. Air Districts must document such instances and obtain other types of verification that the infrastructure is capable of dispensing fuel/electricity, or in the case of an agricultural pump or shore power project, capable of being powered by the electrical grid.
- (B) Air District must take photos of the equipment and keep photos in the project file. At the minimum, the photos must include equipment, product label, manufacturer name, date of manufacture, model number, and serial number. For a battery charging station, also include input and output voltage and amperage.

L. Invoice and Payment

A project may be considered for final payment once the necessary infrastructure has been installed and connected to the power generation equipment (i.e., solar panels, wind turbine) and/or electricity grid and has been demonstrated to the Air District that it is fully operational during a post-inspection.

M. Data Collection and Annual Reporting

- 1. Solar or Wind Power Generating Equipment.** For infrastructure projects that incorporate solar or wind power generating equipment, the grantee must annually provide to the Air District the amount of electricity generated (e.g., kilowatt-hour) from the solar or wind power generating equipment for the duration of the project life.
- 2. Battery Charging Station.** Grantee must annually provide to the Air District the following data for the entire project life:
 - (A) Qualitative description of public and private uses.
 - (B) Annual usage per charger (e.g., kilowatt-hour).
 - (C) Any scheduled or unscheduled downtime, including duration of downtime and causes of downtime.

3. Stationary Agricultural Pump Electrification. Grantee must annually provide to the Air District the following data for the entire project life:

- (A) Annual usage (e.g., kilowatt-hour) using an energy meter.
- (B) Episodes of electrical service interruption by the local utility company.

4. Shore Power. Grantee must annually provide to the Air District the following data per berth for the entire project life:

- (A) Total ship visits utilizing berth and ship visits utilizing program funded equipment.
- (B) Annual usage (e.g., kilowatt-hour).
- (C) Episodes of electrical service interruption by the local utility company.

5. Hydrogen Fueling Station. Grantee must annually provide to the Air District the following data for the entire project life:

- (A) Annual usage (e.g., kilograms, standard cubic feet).
- (B) Any scheduled or unscheduled downtime, including duration of downtime and causes of downtime.

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF JUNE 14, 2023

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Myrna Melgar and Members
of the Mobile Source and Climate Impacts Committee

From: Philip M. Fine
Executive Officer/APCO

Date: June 14, 2023

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

RECOMMENDED ACTION

Recommend the Board of Directors:

1. Approve recommended projects with proposed grant awards over \$500,000 as shown in Attachment 1; and
2. Authorize the Executive Officer/Air Pollution Control Officer to enter into all necessary agreements with applicants for the recommended projects.

BACKGROUND

Carl Moyer Program and Mobile Source Incentive Fund

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (CARB), since the program began in fiscal year 1998-1999. The CMP provides grants to public and private entities to reduce emissions of nitrogen oxides (NOx), reactive organic gases (ROG), and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Projects eligible under the CMP guidelines include heavy-duty diesel engine applications such as on-road trucks and buses, off-road construction, agricultural equipment, marine vessels, locomotives, stationary agricultural pump engines, and refueling or recharging infrastructure that supports the deployment of new zero-emission vehicles and equipment. Per AB 1390, at least 50% of CMP funds must be allocated to projects that improve air quality in communities with the most significant exposure to air contaminants or localized air contaminants.

Assembly Bill (AB) 923 (Firebaugh), enacted in 2004 (codified as Health and Safety Code (HSC) Section 44225), authorized local air districts to increase motor-vehicle-registration surcharges by up to \$2 additional per vehicle and use the revenue to fund projects eligible under the CMP guidelines. AB 923 revenue is deposited in the Air District’s Mobile Source Incentive Fund (MSIF).

The Board of Directors (Board) authorizes the Air District's participation in each cycle of the CMP, including an allocation of MSIF revenue as match funds.

Community Air Protection Program - Incentives

In 2017, AB 617 directed CARB, in conjunction with local air districts to establish a new community-focused action framework to improve air quality and reduce exposure to criteria air pollutants and toxic air contaminants in communities most impacted by air pollution. The AB 617 initiative calls for strategies to address air quality issues in impacted communities, including community-level monitoring, uniform emission reporting across the State, stronger regulation of pollution sources, and incentives for reducing air pollution and public health impacts from mobile and stationary sources.

Beginning in fiscal year ending (FYE) 2018, the California Legislature approved funding from the State's Greenhouse Gas Reduction Fund (GGRF), which is used to reduce criteria pollutants, toxic air contaminants, and greenhouse gases, for the Community Air Protection Program (CAPP). CAPP Incentives 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 Incentives funds may also potentially be used to fund stationary source and mobile source projects that have been identified and prioritized by communities with a Community Emissions Reduction Program, pursuant to HSC Section 44391.2. At least 80% of CAPP Incentives funds must be allocated to projects that improve air quality in disadvantaged communities (Senate Bill (SB)535), and low-income communities (AB 1550).

Funding Agricultural Replacement Measures for Emission Reductions (FARMER)

In February 2018, CARB developed the FARMER Program Guidelines that outline requirements for eligible agricultural equipment replacement projects evaluated under the CMP guidelines, including harvesting equipment, heavy-duty trucks, pump engines, tractors, and other equipment used in agricultural operations. Subsequent updates to the FARMER guidelines expanded eligible projects to include zero-emission demonstration projects and added flexibility for funding zero-emission equipment. Under the California State Budget, GGRF funds are appropriated to CARB for each new cycle of the FARMER program for the continued reduction of criteria, toxic, and greenhouse gas emissions from the agricultural sector.

Transportation Fund for Clean Air

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the nine-county Bay Area to fund projects that reduce on-road motor vehicle emissions within the Air District's jurisdiction. The statutory authority and requirements for the Transportation Fund for Clean Air (TFCA) are set forth in HSC Sections 44241 and 44242. Sixty percent of TFCA funds are awarded by the Air District to eligible projects and programs implemented directly by the Air District (e.g., Spare the Air program) and to a program referred to as the Regional Fund. The remaining forty percent of the funds are passed through to the designated Bay Area County Program Managers who in turn award TFCA funds to eligible projects within their county. Each year, the Board allocates funding and adopts policies and evaluation criteria that govern the expenditure of TFCA monies. On April 6, 2022, the Board authorized funding allocations for use of the sixty percent of the TFCA revenue in

FYE 2023, and cost-effectiveness limits for Air District-sponsored FYE 2023 programs. On May 4, 2022, the Board adopted policies and evaluation criteria for the FYE 2023 Regional Fund program.

For each new CMP, TFCA, CAPP, and FARMER funding cycle, the Board authorizes the Air District’s participation in these programs. The current cycles for these funding sources are shown in Table 1, with initial or estimated revenues, \$117 million of which will be available for funding FYE 23 projects.

**Table 1
Funding Sources and Initial Revenues**

Funding Source Cycle	Initial or Estimated Revenue (in Millions)*	Board Authorization Date
CMP Year 23	\$10.7	1/20/2021
CMP Year 24	\$31.2	12/1/2021
CAPP Incentives Year 5	\$35.4	12/1/2021
FARMER Year 4	\$ 3.5	12/1/2021
TFCA Regional Fund FYE 2023	\$28.9	4/6/2022
MSIF	\$12.0	n/a
Total	\$121.7	

*Some revenues were partially obligated to projects in FYE22 and therefore full amounts may not be available for award to projects in FYE23.

Applications for grant funding received by the Air District are reviewed and evaluated for eligibility under the respective governing policies and guidelines established by each funding source, e.g., CARB, the Board. At least quarterly, staff provides updates to the Mobile Source and Climate Impacts Committee or Board of Directors on the status of incentive funding for the current fiscal year, including total funding awarded, remaining funds available for award, funds allocated by county and by equipment category type, and percentage of funding to projects where emission reductions benefit low-income residents and impacted communities, including Air District-identified Community Air Risk Evaluation (CARE) areas, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The reported award allocations and emissions reduction benefits to counties and impacted communities, which are based on information provided by each applicant, does not include “regional” projects, where all communities receive benefits, or projects where the location of the benefit has not yet been determined.

On April 6, 2022, the Board authorized the Air Pollution Control Office (APCO)/Executive Officer to approve projects with awards up to \$500,000. For all projects with proposed awards greater than \$500,000, staff brings recommendations of these projects to the Board for approval.

DISCUSSION

For the FYE 2023, the Air District had approximately \$117 million available in CMP, MSIF, CAPP Incentives, FARMER, and TFCA funds for eligible projects, including prior year funds. Under these funding sources, the Air District accepts project applications on a rolling basis and evaluates them on a first-come, first-served basis.

Between March 9, 2023 and May 12, 2023, staff evaluated three new eligible projects with proposed awards of over \$500,000. These three projects will replace a total of two diesel school buses with zero-emissions electric school buses, install two supporting electric infrastructure charging stations for the busses, install twelve DC fast chargers as a standalone infrastructure project, and replace nine older diesel tractors with new diesel tractors meeting the cleanest standard. The proposed projects are estimated to reduce over 1.37 tons of NOx, ROG, and PM emissions per year and two of the three projects will reduce emissions in priority areas. Staff recommends approval of the allocations of up to \$2,657,112 for these projects from a combination of CMP, MSIF, CAPP Incentives, FARMER and TFCA revenues. Attachment 1 provides additional information on the projects.

In addition to these three projects, staff is also recommending the award of an additional \$25,969 to Liberty Union High School District for project #22SBP236 that was previously awarded \$2,087,000 for the deployment of six new electric school buses. The revised recommended award amount is \$2,112,969, which now includes \$25,969 to pay for the six supporting charging units. This project is estimated to reduce nearly 0.7 tons of NOx, ROG, and PM emissions per year and is also shown in Attachment 1.

Attachment 2, updated at least quarterly, lists all eligible projects that have been awarded by the Air District between July 1, 2022, and May 12, 2023, including information about project equipment, award amounts, estimated emissions reductions, project locations, and air quality improvements in priority communities. Over 89% of these funds have been awarded or allocated to low-income residents or to projects that reduce emissions in CARE, disadvantaged SB 535 communities, and/or low-income AB 1550 communities. The percentage will change over time as the remaining funds are awarded later in the fiscal year and as more complete information about the location of projects and program participants becomes available.

Attachment 3 provides fiscal year facts and figures on the status of funding available and allocations by county and category as of May 12, 2023.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The Air District distributes the CMP, MSIF, CAPP Incentive, FARMER, and TFCA funding to project sponsors on a reimbursement basis. The four recommended projects listed on Attachment 1 will be awarded a total of \$4,770,081 that will be paid for by one or more of these state and local incentive fund sources upon project completion, expected within the next one to three years. Funding for administrative costs to implement these programs, including evaluating, contracting, and monitoring projects for multiple years, is provided by each funding source.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Daniel Langmaid and Kenneth Mak
Reviewed by: Minda Berbeco, Alona Davis, and Karen Schkolnick

ATTACHMENTS:

1. Projects with grant awards greater than \$500,000 (evaluated 3/9/23 to 5/12/23)
2. All projects - awarded, allocated, and recommended (7/1/22 to 5/12/23)
3. Funding Facts and Figures (7/1/22 through 5/12/23)

MOBILE SOURCE AND CLIMATE
IMPACTS COMMITTEE MEETING
OF JUNE 14, 2023

ATTACHMENT 1

Table 1 - Projects with grant awards greater than \$500k (Evaluated between 3/9/23 and 5/12/23)
 Carl Moyer Program, Transportation Fund for Clean Air, Mobile Source Incentive Fund, FARMER, and Community Air Protection Program

Project #	Applicant Name	Project Category	Project Description	Proposed Contract Award	Total Project Cost	Emission Reductions (tons per year)			County	Benefits Priority Area(s)
						NO _x	ROG	PM		
23MOY61	Penske Truck Leasing Co., L.P.	On-Road	Infrastructure includes 12 dual-port BTC 360kW DC fast chargers (24 total ports).	\$1,000,000	\$7,795,912	N/A	N/A	N/A	Alameda	Yes
23MOY46	Clark Vineyard Management Inc.	Off-Road	Replace 3 Tier 1 and Tier 2 diesel-powered tractors with Tier-4 final diesel-powered tractors, 2 Tier 1 and Tier 2 diesel-powered tractors with Tier-4 final diesel-powered tractors/crawlers, and 4 Tier 1 and Tier 2 diesel-powered tractors/crawlers with Tier-4 final diesel-powered tractors/crawlers.	\$629,700	\$824,543	0.9503	0.1499	0.1153	Napa	No
23SBP86	Antioch Unified School District	School Bus + Infrastructure	Replace two diesel-powered school buses with two electric-powered school buses and install one level 2 electric charger.	\$1,027,412	\$1,028,286	0.1437	0.0109	0	Contra Costa	Yes
22SBP236 [†]	Liberty Union High School District	School Bus + Infrastructure	Replace six diesel-powered school buses with six electric-powered school buses and install six level 2 electric chargers.	\$2,112,969	\$2,295,677	0.6892	0.0688	0.0047	Contra Costa	Yes
4	Projects			Totals	\$4,770,081	\$11,944,419	1.783	0.230	0.120	

[†] A grant award of \$2,087,000.00 was initially approved by the Board of Directors on December 7, 2022. The recommended award proposed here adds \$25,969.00 to the original award for the infrastructure portion of the project for an updated total grant award amount of \$2,112,969.00.

MOBILE SOURCE AND CLIMATE IMPACTS COMMITTEE MEETING OF JUNE 14, 2023

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/MISIF, TFCA, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/22 and 5/12/23)*

Project #	Project Category	Project Description	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			County	Board/APCO Approval Date	Benefits Priority Area(s)	Funding Source ¹
						NOx	ROG	PM				
23R01	Trip Reduction	Enhanced Mobile Source & Commuter Benefits Enforcement	n/a	\$ 150,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
23R02	Light Duty (LD) Vehicles	Vehicle Buy Back Program Implementation	n/a	\$ 200,000	BAAQMD	N/A	N/A	N/A	Regional	6/15/22	N/A	1
23R03	Trip Reduction	Spare The Air/ Intermittent Control/ Flex Your Commute Programs	n/a	\$ 2,290,000	BAAQMD	TBD*	TBD*	TBD*	Regional	6/15/22	N/A	1
22MOY305	Ag/ off-road	Equipment replacement	2	\$ 123,600	Shifflett Ranch & Vineyard LLC	0.241	0.035	0.024	Napa	7/1/22	No	2
22MOY311	Ag/ off-road	Equipment replacement	1	\$ 153,100	Jay A Clay	0.363	0.047	0.027	Sonoma	7/8/22	Yes	2
22SBP337	School Bus	Equipment replacement	1	\$ 400,000	Hayward Unified School District	0.042	0.002	0.001	Alameda	7/11/22	Yes	1, 2
22MOY229	Ag/ off-road	Equipment replacement	1	\$ 43,900	Boething Treeland Farms inc.	0.059	0.009	0.006	San Mateo	7/11/22	No	2
22MOY334	Ag/ off-road	Equipment replacement	1	\$ 135,800	Point Reyes Pastures Inc.	0.276	0.036	0.020	Marin	7/11/22	Yes	2
22SBP117	School Bus	Equipment replacement + Infrastructure	8	\$ 4,370,779	San Mateo Union High School District	0.731	0.058	0.026	San Mateo	7/20/22	Yes	1, 2
22SBP232	School Bus	Equipment replacement + Infrastructure	5	\$ 1,916,236	Antioch Unified School District	0.378	0.029	0.002	Contra Costa	7/20/22	Yes	1, 2
22SBP248	School Bus	Equipment replacement	3	\$ 648,794	Mt. Diablo Unified School District	0.203	0.016	0.008	Contra Costa	7/20/22	Yes	1
22MOY320	Ag/ off-road	Equipment replacement	1	\$ 49,300	Atlas Oaks Ranch, LLC	0.047	0.011	0.009	Napa	8/12/22	No	2
22MOY342	Ag/ off-road	Equipment replacement	3	\$ 100,300	Vinas Del Norte LLC	0.181	0.028	0.025	Napa	8/16/22	Yes	2
22MOY341	Ag/ off-road	Equipment replacement	1	\$ 65,800	Williams Ranch	0.276	0.036	0.025	Sonoma	8/17/22	No	2
22MOY234	Ag/ off-road	Equipment replacement	3	\$ 253,300	DCS END POST DRIVING	0.755	0.107	0.062	Napa	9/2/22	No	2
22MOY318	Ag/ off-road	Equipment replacement	1	\$ 49,300	Ahmann Ranches, LLC	0.156	0.024	0.014	Napa	9/9/22	No	2
22MOY359	Ag/ off-road	Equipment replacement	1	\$ 39,000	Spaletta Dairy	0.118	0.018	0.011	Marin	9/21/22	Yes	2
22MOY349	Ag/ off-road	Equipment replacement	1	\$ 92,700	Cobb Creek Holdings, LLC DBA CCH Ag Services	0.162	0.027	0.019	Napa	9/21/22	No	2
22MOY63	Ag/ off-road	Equipment replacement	1	\$ 286,800	B & T Farms	0.684	0.072	0.037	Santa Clara	9/21/22	Yes	2
22SBP279	School Bus	Equipment replacement + Infrastructure	5	\$ 1,640,986	East Side Union High School District	0.502	0.045	0.003	Santa Clara	9/21/22	Yes	1, 2
22SBP340	School Bus	Equipment replacement + Infrastructure	3	\$ 1,237,496	Sequoia Union High School District	0.325	0.033	0.002	San Mateo	9/21/22	Yes	1, 2
22MOY202	On-road	Infrastructure	0	\$ 600,000	Solano County Transit	N/A	N/A	N/A	Solano	12/7/22	Yes	2
23MOY2	Ag/ off-road	Equipment replacement	2	\$ 440,600	Simoni & Massoni Farms, LLC	1.007	0.062	0.029	Contra Costa	10/24/22	Yes	2
23MOY6	Ag/ off-road	Equipment replacement	1	\$ 72,200	Ortiz Family Farm	0.172	0.021	0.014	Sonoma	10/24/22	Yes	2
23MOY3	Ag/ off-road	Equipment replacement	1	\$ 418,300	Poncia Fertilizer, Inc.	1.056	0.096	0.060	Sonoma	10/28/22	Yes	2
23MOY5	Ag/ off-road	Equipment replacement	1	\$ 60,500	German Vineyards LLC	0.041	0.010	0.008	Solano	10/28/22	No	2
22SBP203 ¹	School Bus	Equipment replacement + Infrastructure	9	\$ 94,024	Oak Grove School District	0.5705	0.0470	0.0035	Santa Clara	12/7/22	Yes	1
22MOY325	On-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	N/A	N/A	N/A	Alameda	12/7/22	Yes	2
22MOY326	On-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	N/A	N/A	N/A	Alameda	12/7/22	Yes	2
22MOY327	On-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	N/A	N/A	N/A	San Mateo	12/7/22	Yes	2
22MOY284	Off-road	Engine replacement	3	\$ 500,500	TraPac, LLC	2.592	0.202	0.083	Alameda	12/7/22	Yes	2
23MOY1	Ag/ off-road	Equipment replacement	2	\$ 732,400	Ielmorini Custom Spreading, LLC	2.969	0.303	0.178	Marin	12/7/22	Yes	2
23MOY15	Ag/ off-road	Equipment replacement	1	\$ 78,500	Trademark Vineyards, LLC	0.108	0.017	0.013	Napa	11/4/22	No	2
23MOY23	Ag/ off-road	Equipment replacement	1	\$ 38,200	Martinelli Vineyard Management, Inc.	0.140	0.022	0.013	Sonoma	11/14/22	No	2
23MOY7	Ag/ off-road	Equipment replacement	3	\$ 367,500	C & F Farms inc	0.912	0.106	0.065	Santa Clara	11/15/22	Yes	2
23MOY14	Ag/ off-road	Equipment replacement	2	\$ 94,400	Robert T. Jordan, DBA: Grand Crew Vineyard Management	0.046	0.029	0.001	Napa	11/22/22	No	2

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/MISIF, TFCA, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/22 and 5/12/23)*

Project #	Project Category	Project Description	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			County	Board/APCO Approval Date	Benefits Priority Area(s)	Funding Source ¹
						NOx	ROG	PM				
23MOY28	Ag/ off-road	Equipment replacement	1	\$ 70,300	Itley Brothers Farming, LLC	0.031	0.020	0.001	Napa	11/22/22	No	2
22MOY356	Ag/ off-road	Equipment replacement	1	\$ 93,400	Imhof Tractor Service, Inc	0.247	0.027	0.015	Alameda	11/28/22	Yes	2
23MOY16	Ag/ off-road	Equipment replacement	1	\$ 46,900	Daylight Vineyard Management, Inc.	0.069	0.005	0.004	Sonoma	11/29/22	No	2
23MOY30	Ag/ off-road	Equipment replacement	6	\$ 401,800	Antinori California	0.017	0.387	0.065	Napa	12/28/22	No	2
23MOY29	Ag/ off-road	Equipment replacement	2	\$ 70,900	Channel Lumber	0.069	0.006	0.003	Contra Costa	1/5/23	Yes	2
23MOY25	Ag/ off-road	Equipment replacement	1	\$ 63,600	Navone Vineyard Management Co	0.127	0.019	0.014	Napa	1/12/23	No	2
23MOY60	Ag/ off-road	Equipment replacement	1	\$ 222,300	F. A. Maggiore & Sons, LLC	0.602	0.030	0.015	Contra Costa	2/2/23	Yes	2
23MOY22	Ag/ off-road	Equipment replacement	1	\$ 60,900	Jack Neal and Son Inc	0.144	0.023	0.017	Napa	2/6/23	No	2
23MOY17	Ag/ off-road	Equipment replacement	1	\$ 50,800	JPW Development Co., LLC	0.025	0.023	0.006	Solano	2/6/23	No	2
23MOY37	Ag/ off-road	Equipment replacement	2	\$ 143,000	Fred J Fisher	0.227	0.037	0.027	Sonoma	2/7/23	No	2
23MOY41	Ag/ off-road	Equipment replacement	1	\$ 146,000	Pomponio Farms LLC	0.372	0.048	0.028	San Mateo	2/9/2023	No	2
23SBP13	School Bus	Equipment replacement	2	\$ 294,978	Fairfield-Suisun Unified School District	0.111	0.007	0.000	Solano	2/27/2023	Yes	2
23SBP51	School Bus	Equipment replacement + Infrastructure	2	\$ 872,783	St. Helena Unified School District	0.150	0.011	0.001	Napa	5/3/2023	Yes	1,2
23MOY55	Ag/ off-road	Equipment replacement	2	\$ 132,000	Miranda Vineyard Management	0.303	0.050	0.036	Sonoma	3/3/2023	No	2
23MOY4	Ag/ off-road	Equipment replacement	1	\$ 69,900	Crane Family Ranches LLC	0.107	0.014	0.009	Sonoma	3/6/2023	No	2
23SBP32	School Bus	Equipment replacement + Infrastructure	2	\$ 1,130,562	Castro Valley Unified School District	0.126	0.013	0.001	Alameda	5/3/2023	Yes	1,2
23MOY58	Ag/ off-road	Equipment replacement	1	\$ 51,800	Petaluma Pumpkin Patch, LLC	0.078	0.004	0.005	Sonoma	3/8/2023	Yes	2
23MOY11	Ag/ off-road	Equipment replacement	1	\$ 97,000	Bains Farms LLC	0.008	0.002	0.000	Solano	1/24/2023	No	2
23MOY49	Ag/ off-road	Equipment replacement	1	\$ 88,500	Christopher Ranch, LLC	0.301	0.033	0.020	Santa Clara	3/22/2023	Yes	2
23MOY89	Ag/ off-road	Equipment replacement	3	\$ 181,300	Loma del sol farming inc.	0.403	0.052	0.035	Sonoma	3/23/2023	Yes	2
22MOY144	Marine	Engine Retrofit	1	\$ 30,000	San Francisco Bay Area Water Emergency Transportation Authority	0.000	0.000	0.013	Solano	2/8/2023	Yes	2
23MOY76	Ag/ off-road	Equipment replacement	1	\$ 65,600	F. Korbel & Bros. Inc.	0.112	0.006	0.006	Sonoma	4/3/2023	No	2
23MOY31	Ag/ off-road	Equipment replacement	1	\$ 205,500	John Tobias Farms	0.330	0.032	0.017	Santa Clara	5/1/2023	Yes	2
23MOY80	Ag/ off-road	Equipment replacement	1	\$ 59,000	Perata Vineyards LLC	0.066	0.016	0.012	Napa	5/1/2023	No	2
23MOY61	on-road	Infrastructure	0	\$ 1,000,000	Penske Truck Leasing Co., L.P.	0.000	0.000	0.000	Alameda	TBD	Yes	2
23MOY73	Ag/ off-road	Equipment replacement	1	\$ 45,450	Mello dairy	0.165	0.026	0.015	Sonoma	5/3/2023	Yes	2
23MOY67	Ag/ off-road	Equipment replacement	1	\$ 174,000	Manzoni Family Trust	0.372	0.048	0.028	Sonoma	5/10/2023	No	2
23MOY46	Ag/ off-road	Equipment replacement	9	\$ 629,700	Clark Vineyard Management Inc.	0.950	0.150	0.115	Napa	TBD	No	2
23MOY72	Ag/ off-road	Equipment replacement	1	\$ 69,950	Peter J Ferraro	0.278	0.041	0.024	Contra Costa	5/12/2023	No	2
23SBP86	School Bus	Equipment replacement	2	\$ 1,027,412	Antioch Unified School District	0.144	0.011	0.000	Contra Costa	TBD	Yes	1,2
VBB-FYE23 ²	LD Vehicles	Vehicle Buy Back program projects	886	\$ 1,132,156	Various	5.588	9.007	0	All	Through 3/31/2023	Yes	2
22SBP236 ³	School Bus	Equipment replacement + Infrastructure	6	\$ 2,112,969	Liberty Union High School District	0.652	0.050	0.004	Contra Costa	12/7/22	Yes	1, 2
2303-34376	LD Infrastructure (FYE23)	Charge!: Install and operate 40 Level 2 (high) chargers at a multi-family housing (MFH) facility in Oakland.	n/a	\$ 280,000	Green Water and Power	0.019	0.011	0.007	Alameda	N/A	Yes	1
2302-33902	LD Infrastructure (FYE23)	Charge!: Install and operate 54 Level 2 (high) chargers at six MFH facilities in Corte Madera, Novato, and San Rafael.	n/a	\$ 360,000	NCP Multifamily LLC	0.106	0.063	0.040	Marin	5/17/23	Yes	1
2302-34220	LD Infrastructure (FYE23)	Charge!: Install and operate 18 Level 2 (high) chargers at six MFH facilities in Mill Valley, Novato, San Rafael, and Sausalito.	n/a	\$ 120,000	Marin Clean Energy	0.012	0.007	0.005	Marin	5/17/23	Yes	1
2302-34233	LD Infrastructure (FYE23)	Charge!: Install and operate 46 Level 2 (high) chargers at 23 MFH facilities in Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Pt. Reyes Station, San Rafael, Sausalito, and Tiburon.	n/a	\$ 295,000	Marin Clean Energy	0.020	0.012	0.008	Marin	5/17/23	Yes	1

ATTACHMENT 2

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*CMP/MSIF, TFCA, FARMER and Community Air Protection Program projects
(awarded and allocated between 7/1/22 and 5/12/23)*

Project #	Project Category	Project Description	Number of Engines	Proposed Contract Award	Applicant Name	Emission Reductions (tons per year)			County	Board/APCO Approval Date	Benefits Priority Area(s)	Funding Source ¹
						NOx	ROG	PM				
2303-34370	LD Infrastructure (FYE23)	Charge!: Install and operate 6 Level 2 (high) chargers at a MFH facility in San Rafael.	n/a	\$ 42,000	Marin Clean Energy	0.004	0.002	0.001	Marin	5/17/23	Yes	1
2302-33855	LD Infrastructure (FYE23)	Charge!: Install and operate 10 Level 2 (high) chargers at a MFH facility in Redwood City.	n/a	\$ 55,000	Farm Hill Vista HOA	0.026	0.016	0.010	San Mateo	5/17/23	No	1
2302-34115	LD Infrastructure (FYE23)	Charge!: Install and operate 80 Level 1, 124 Level 2 (high), and 6 DC Fast chargers at two transit parking and eight MFH facilities in Oakland and Richmond.	n/a	\$ 1,338,000	GRID Alternatives Bay Area	0.136	0.081	0.052	Alameda, Contra Costa	5/17/23	Yes	1
2303-34373	LD Infrastructure (FYE23)	Charge!: Install and operate 40 Level 2 (high) chargers at a MFH facility in San Francisco.	n/a	\$ 280,000	Green Water and Power	0.019	0.011	0.007	San Francisco	5/17/23	Yes	1
2303-34269	LD Infrastructure (FYE23)	Charge!: Install and operate 8 Level 2 (high) chargers at a MFH facility in San Bruno.	n/a	\$ 56,000	Shelter Creek COA Office	0.049	0.029	0.019	San Mateo	5/17/23	Yes	1
2303-34331	LD Infrastructure (FYE23)	Charge!: Install and operate 6 Level 2 (high) chargers at a MFH facility in Danville.	n/a	\$ 33,000	Danville Townhomes Homeowners Association	0.007	0.004	0.003	Contra Costa	5/17/23	No	1
2302-33961	LD Infrastructure (FYE23)	Charge!: Install and operate 4 Level 2 (high) chargers at a MFH facility in Oakland.	n/a	\$ 28,000	176 Athol LLC	0.006	0.003	0.002	Alameda	5/17/23	Yes	1
2302-33919	LD Infrastructure (FYE23)	Charge!: Install and operate 9 Level 2 (high) and 1 DC Fast chargers at a MFH facility in San Francisco.	n/a	\$ 98,000	MIRA Master Owners Association	0.039	0.024	0.016	San Francisco	5/17/23	Yes	1
2302-34231	LD Infrastructure (FYE23)	Charge!: Install and operate 88 Level 2 (high) and 12 DC Fast chargers at two transit parking facilities in Oakland and Richmond.	n/a	\$ 1,024,000	San Francisco Bay Area Rapid Transit District (BART)	0.209	0.126	0.083	Alameda, Contra Costa	5/17/23	Yes	1
2302-33950	LD Infrastructure (FYE23)	Charge!: Install and operate 8 Level 2 (high) chargers at a MFH facility in Oakland.	n/a	\$ 36,000	EVmatch, Inc.	0.007	0.004	0.002	Alameda	5/17/23	Yes	1
2303-34383	LD Infrastructure (FYE23)	Charge!: Install and operate 40 Level 2 (high) chargers at a MFH facility in Oakland.	n/a	\$ 280,000	Green Water and Power	0.019	0.011	0.007	Alameda	5/17/23	Yes	1
2303-34367	LD Infrastructure (FYE23)	Charge!: Install and operate 40 Level 2 (high) chargers at a MFH facility in Vallejo.	n/a	\$ 280,000	Green Water and Power	0.019	0.011	0.007	Solano	5/17/23	Yes	1
2303-34378	LD Infrastructure (FYE23)	Charge!: Install and operate 97 Level 2 (low) chargers at a MFH facility in Palo Alto.	n/a	\$ 339,500	The Palo Alto Condominium Owners' Association	0.011	0.006	0.004	Santa Clara	5/17/23	No	1
2211-32723	LD Infrastructure (FYE23)	Charge!: Install and operate 15 Level 2 (high) chargers at three MFH facilities in Mill Valley, San Quentin Village, and San Rafael.	n/a	\$ 91,500	Drotman Realty	0.010	0.006	0.004	Marin	5/17/23	Yes	1
TOTALS		86 Projects	1011	\$ 36,620,775		28.0	12.2	1.6				

¹ Funding source includes (1) Transportation Fund for Clean Air; (2) CMP/MSIF, FARMER and Community Air Protection Program.

* Funds have been allocated to these programs and projects and results will be determined at the end of project period.

¹ This project was previously approved on March 2, 2022 for \$4,593,083. This line item represents an increase in funding for the school buses under this project in FYE 2023. The current total project award amount is \$3,474,877.

² Projects shown under the Vehicle Buy Back program were approved between July 1, 2022 and March 31, 2023. Emission reductions and county award totals are for projects approved between July 1, and December 31, 2022, and will be updated with more current data in a future report.

³ This project was previously approved December 7, 2022 for \$2,087,000, and is currently being recommended for the increased award amount shown.

MOBILE SOURCE COMMITMENT
IMPACTS OF JUNE 14, 2023

ATTACHMENT 3

Funding Facts and Figures

7/1/22 through 5/12/23

Funding Sources Reported: Transportation Fund for Clean Air (TFCA), Carl Moyer Program (CMP), Community Air Protection Program (CAPP), Mobile Source Incentive Fund (MSIF), and Funding Agricultural Replacement Measures for Emission Reductions (FARMER)

Figure 1. Status of FYE 2023 funding

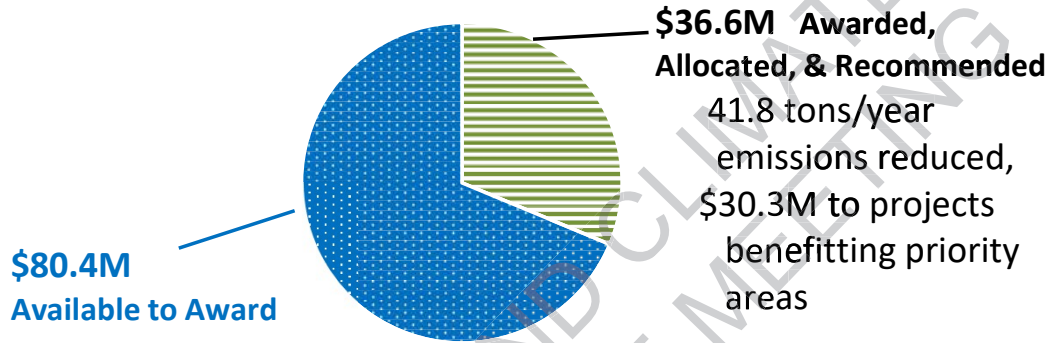


Figure 2. Funding Awarded by County in FYE 2023

includes funds allocated, awarded, & recommended for award

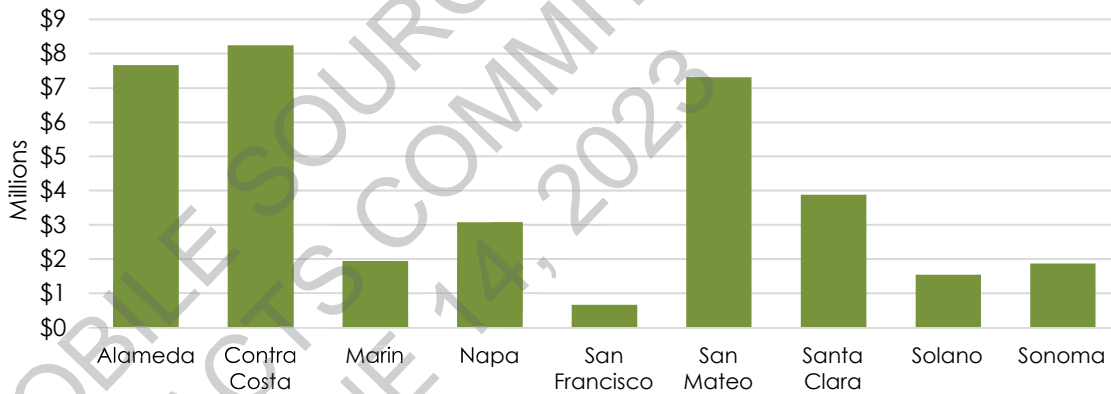
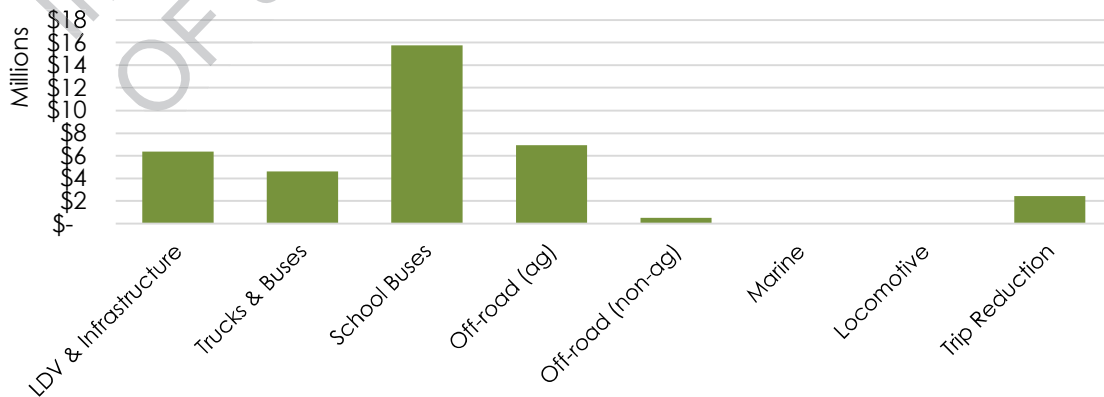


Figure 3. Funding Awarded by Project Category in FYE 2023

includes funds allocated, awarded, & recommended for award



BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Public Hearing to Consider the Submission of the Current Versions of Regulation 9: Inorganic Gaseous Pollutants, Rule 4: Nitrogen Oxides from Natural Gas-Fired Furnaces (Rule 9-4) and Regulation 9: Inorganic Gaseous Pollutants, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters (Rule 9-6) to the United States Environmental Protection Agency and the California Air Resources Board for Inclusion in the State Implementation Plan (SIP)

RECOMMENDED ACTION

Staff recommend the Board of Directors adopt the attached draft Resolution authorizing and directing staff to submit Rule 9-4 and Rule 9-6 to the California Air Resources Board (CARB), with a request that CARB submit the Rules to the United States Environmental Protection Agency (EPA) for inclusion in the California State Implementation Plan.

BACKGROUND

The Clean Air Act (CAA) requires EPA to set National Ambient Air Quality Standards (NAAQS) for each of the six criteria pollutants – carbon monoxide (CO), lead (Pb), particulate matter (PM), ozone (O₃), nitrogen dioxide (NO_x) and sulfur dioxide (SO_x). After a new NAAQS or a revision to an existing NAAQS has been set, EPA is required to determine and designate areas of the country as attainment (meeting the standard) or nonattainment (not meeting the standard).

Nonattainment areas are regions that do not meet the NAAQS. The CAA requires states to develop a plan to attain and maintain the standards for each area that is designated nonattainment. These plans are known as State Implementation Plans (SIP) and are developed by state and local air quality agencies. In general, elements of a SIP may include:

- Air quality monitoring
- Air quality modeling
- Emission inventories
- Emission control strategies
- Policies and rules implemented to attain and maintain the NAAQS

CARB is the state agency with primary responsibility for coordinating and submitting the state’s SIP to EPA. The Air District is responsible for developing the regional level elements of the SIP for the San Francisco Bay Area for any designated nonattainment pollutant. Such elements include emissions inventories, stationary source measures (including rules and regulations), mobile source measures and transportation control measures that will reduce ambient concentrations of the nonattainment pollutant and ensure the region attains the standard at a future date. These plans also include mobile source control measures developed and implemented by CARB at the state level.

In 2001, the Air District developed and submitted the San Francisco Bay Area 2001 Ozone Attainment Plan as a result of nonattainment designations for the ozone NAAQS. Later, the region was designated nonattainment for the 24-hour PM_{2.5} standard and in 2012 the Air District Board of Directors adopted additional PM-specific elements that were submitted to the SIP. It is also important to note that elements included in the SIP are designed to ensure attainment or maintenance of the NAAQS– meaning measures included in the SIP must be focused on reducing the ambient concentrations of nonattainment pollutants over time to meet attainment of the standards at a future date or to support maintenance of attainment. For this reason, Air District measures that are not specific to ozone or PM pollution reductions are generally not submitted to the SIP. Current ozone and PM attainment designations are illustrated in Table 1 below.

Table 1: Current Ozone and PM_{2.5} National Ambient Air Quality Standards and Attainment Status

Pollutant	Averaging Time	National Standard Concentration	Attainment Status	SIP
Ozone	8 Hour	0.070 ppm	Nonattainment	Yes
PM_{2.5}	Annual	12 µg/m ³	Attainment	No
	24 Hour	35 µg/m ³	Nonattainment	Yes

Staff consider and determine whether new or amended Air District rules and regulations should be included in the SIP based on attainment designation. Should newly adopted or amended rules and regulations address nonattainment pollutants, staff work with CARB and EPA to ensure these are submitted for inclusion into the SIP. Once an Air District rule is included in the SIP, it becomes federally enforceable.

On January 5, 2023, EPA proposed revisions to the primary annual PM_{2.5} NAAQS. Specifically, EPA proposed reducing the primary annual PM_{2.5} NAAQS from 12 µg/m³ to a range between 9 µg/m³ and 10 µg/m³. With the expected reduction to the PM_{2.5} NAAQS, Staff recommends that the Air District submit all new and revised regulations that reduce ambient PM concentrations to the SIP.

One such effort includes recently adopted amendments to Rule 9-4 and Rule 9-6. These rules govern point of sale emission standards for small, typically residential and commercial, water and space heating systems.

DISCUSSION

Staff recommend submitting recent amendments to Rule 9-4 and Rule 9-6 to EPA, via CARB, for inclusion into the SIP. Implementation of these proposed amendments are expected to result in significant reductions of ambient concentrations of PM through the introduction of a zero-NO_x standard for furnaces and water heaters in buildings. It is expected that these reductions will assist in maintaining our attainment status under the current standards and meeting the proposed revised standards once promulgated. Both CARB and EPA need to approve inclusion of the Rules in the SIP.

Rules included in the SIP are federally enforceable and can be relied upon for attaining and maintaining the NAAQS.

Once included in the SIP and federally enforceable, any future amendments to Building Appliances Rules would require EPA's approval, or the SIP-approved version would remain in effect. In order to approve changes, EPA would require that the Air District demonstrate that any changes to the Rules would not interfere with any applicable requirement concerning attainment of the NAAQS. This demonstration is necessary to prevent 'backsliding.'

A previous version of Rule 9-4 has already been incorporated into the SIP. Because the recently adopted Rule 9-4 is more stringent than the version of Rule 9-4 in the SIP, there would be no backsliding if the older version is updated with the new requirements of Rule 9-4.

The Board will recall that the amendments to Rule 9-4 and Rule 9-6 include an interim reporting process for the Board to confirm that technology is on track to meet the zero-NO_x deadlines in the rules. Should the Board of Directors decide to amend these rules to delay the zero-NO_x compliance dates after the rules have been incorporated into the SIP, the Air District would be required to demonstrate that any delay or change in emissions reductions would not interfere with any applicable requirement concerning attainment of the NAAQS. Staff anticipates being able to make this demonstration if the Board wishes to revise the Rules before the implementation dates.

In accordance with the regulatory requirements for submitting rules and regulations to the SIP, the Air District Board of Directors is required to approve the submittal at a Public Hearing, scheduled for June 21, 2023. The Public Hearing was noticed on April 5, 2023, and the public comment period closed on May 12, 2023. Seven written comments were received from a variety of individuals, manufacturers and non-government organizations . Table 2 summarizes the comments received by common themes.

Table 2: Themes of public written comments received.

Comment Themes	
Future flexibility based on implementation working group (IWG) findings	Ongoing litigation of Berkeley ordinance
Need for further assessment and data collection through IWG	Support of health protective standards

The nature of these comments does not materially impact submission of Rule 9-4 and Rule 9-6 for inclusion into the SIP at this time. Staff has responded in writing to all of the comments received. Staff recommends submission of the Rules to EPA, via CARB, for inclusion in the SIP.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Philip M. Fine
Executive Officer/APCO

Prepared by: Mark Tang and Jennifer Lam
Reviewed by: Wendy Goodfriend and Elizabeth Yura

ATTACHMENTS:

1. Public Hearing to consider submission of Rules 9-4 and 9-6 to the State Implementation Plan - Written Comments and Responses
2. Draft Board Resolution for submission of Rules 9-4 and 9-6 to the State Implementation Plan

Response to Comments: Submittal of Regulation 9: Inorganic Gaseous Pollutants, Rule 4: Nitrogen Oxides from Natural Gas-Fired Furnaces (Rule 9-4) and Regulation 9: Inorganic Gaseous Pollutants, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters (Rule 9-6) to State Implementation Plan (SIP)

Introduction:

On March 15, 2023, the Air District adopted amendments to Rules 9-4 and 9-6 after notice and consideration of robust public comment. Rule 9-4 applies to the natural gas-fired space-heating furnaces commonly found in single-family homes, and Rule 9-6 applies to natural gas-fired water heaters commonly found in residential and commercial applications. Space and water-heating appliances generate a large portion of nitrogen oxide (NO_x) emissions from sources in the Bay Area. NO_x is formed during natural gas combustion when ambient nitrogen and oxygen combine at high temperatures. The amendments will substantially reduce NO_x emissions from these appliances and therefore secondary particulate matter formation. Rule 9-4 has been included in the SIP since 1986. The Air District plans to submit the current versions of Rules 9-4 and Rule 9-6 in their entirety (as amended on March 15, 2023) for inclusion in the SIP to reduce emissions of NO_x to attain and maintain the national ambient air quality standards promulgated by EPA, and proposed to be strengthened by EPA, to protect public health and the environment.

On April 5, 2023, Air District staff released a public notice that the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing on June 21, 2023 to consider the submission of the current versions of Rule 9-4 and Rule 9-6 to the United States Environmental Protection Agency and the California Air Resources Board for inclusion in the State Implementation Plan (SIP). No changes to Rules 9-4 and 9-6 will be proposed by staff at the public hearing on June 21, 2023. Comments regarding the substance of Rules 9-4 and 9-6 will not be considered by staff at this time.

Comments and Responses:

I. Support of Submittal

Comment Summary: Commenters support the submission of Rules 9-4 and 9-6 into the SIP in order to continue supporting state and regional attainment of the National Ambient Air Quality Standards and to support the public health benefits associated with the amendments to Rules 9-4 and 9-6.

Commenters: Gary Trott, RMI et al.

Response: Air District staff acknowledge and appreciate comments in support of the submission of Rules 9-4 and 9-6 into the State Implementation Plan.

II. General Comments on Past Rule Development Proposal

Comment Summary: Commenters express their opinion that SIP submittal should be delayed due to concerns regarding emissions associated with the rule amendments including costs to consumers, the need for panel upgrades, installation concerns in existing spaces, appliance availability and functionality, infrastructure readiness, potential replacement before useful end of life, emergency replacement scenarios and environmental impacts.

Commenters: Lara Conte, Terry Houlihan, Michael Kapolnek, Bradford White

Response: Staff note that no changes to the rule amendments that were adopted by the Board of Directors on March 15, 2023 are being considered at this time. The following response is provided as a courtesy to commenters. Information related to the above summarized comments is included in the Final Staff Report, Environmental Impact Report, and Response to Comments associated with the amendments to Rules 9-4 and 9-6 that can be found on the [District webpage](#).

With regards to embodied carbon emissions, Staff note that the amendments do not require the preemptive replacement of gas appliances before the end of their useful life, nor do they impact the ability to repair existing gas systems at any point in time. As evaluated in the EIR, there are not significant additional air quality or greenhouse gas impacts associated with amendments in existing construction.

With regards to cost, Staff understand that new data is constantly being generated with regards to cost. Newly available data will be evaluated by staff as well as the Implementation Working Group (IWG) and will be presented to the board at a public meeting as appropriate (and as required by the interim reporting provision of the adopted amendments).

III. IWG Data Collection

Comment Summary: Commenter asserts that the District must collect detailed housing data for the Bay Area in order to determine applicability of available technologies for compliance and timelines for implementation of the adopted rule amendments prior to submitting Rules 9-4 and 9-6 into the SIP.

Commenters: Michael Kapolnek

Response: Staff appreciate the detailing of information that may be useful to the development of materials and recommendations through the Implementation Working Group. As described in Response V, Staff anticipate flexibility to delay the implementation dates of Rules 9-4 and/or 9-6, if necessary, under the District's current federal Clean Air Act requirements. This information will be shared with working group members and considered by the group to determine the necessity and appropriateness of such data collection as it relates to rule implementation.

IV. IWG Membership

Comment Summary: Commenters express need for Implementation Working Group (IWG) representation of merit shop plumbing and HVAC contractors, wholesalers, hosts of contractor apprenticeship programs and other segments of the industry.

Commenters: Bradford White, CAPHCC

Response: Staff note that this comment is unrelated to the submittal of Rules 9-4 and 9-6 to the SIP and is providing further response as a courtesy. Staff appreciate the comments and suggestions for IWG membership. The IWG currently includes multiple contractor associations and local unions. Staff are considering the suggestions that were provided and discussing appropriate representation for this segment, including with CAPHCC.

V. Need for Board Flexibility

Comment Summary: Commenters express concern for the ability of the Board of Directors to delay implementation of Rules 9-4 and 9-6 or otherwise modify the rules if they are submitted to the SIP due to requirements that delayed or reduced emissions reductions included in the SIP must be offset by other emissions reductions. Commenters cite discussions at the March 15, 2023 rule adoption hearing in which the desire for flexibility and consideration of input from the Implementation Working Group were highlighted.

Commenters: Michael Kapolnek, Bradford White

Response: As the decision making body of the Air District, the Board of Directors has the authority to direct staff to propose changes to adopted rules at any time. The interim reporting process included in Sections 9-4-405 and 9-6-404 of Rules 9-4 and 9-6 allows for the Board of Directors and the public to be informed of relevant updates to possible hurdles to implementation and will be informed by information gathered through the Implementation Working Group. The purpose of the Implementation Working Group is to bring together stakeholders to find solutions to equitable implementation of the amendments to Rules 9-4 and 9-6 that were adopted on March 15, 2023, including the compliance timelines therein.

Should the Board of Directors determine that changes should be made to Rules 9-4 and 9-6 as a result of the information brought forth through the Implementation Working Group, interim reporting process, or for any other reason, Air District staff would work with EPA to ensure that any changes to the Rules are approvable. Staff anticipate flexibility to delay the implementation dates of Rules 9-4 and/or 9-6, if necessary, under the District's current federal Clean Air Act obligations.

Staff agree that the District must consider further NO_x and particulate matter reductions, whether or not implementation delays are needed for Rules 9-4 and/or 9-6. The Air District currently does not attain all California and federal ambient air quality standards and must consider all reductions that are achievable.

The District anticipates drafting a particulate matter attainment plan in response to expected rulemaking from EPA lowering the fine particulate matter NAAQS. Staff expect that the timeline for preparation of a new particulate matter plan will coincide with the Board's consideration of the Rules 9-4 and 9-6 interim reports, allowing the District to account and plan for any delay in implementation of Rules 9-4 and/or 9-6 if necessary. The District will take into account any applicable information from the Implementation Working Group and the Board of Directors available at that time to ensure that potential rule amendments are considered with appropriate rule development lead time and will not be in conflict with the federal Clean Air Act.

VI. Recent Ninth Circuit Decision

Comment Summary: Commenter requests that the District reconsider submission of Rules 9-4 and 9-6 to the SIP in light of April 17, 2023 decision of the Ninth Circuit Court of Appeals in *California Restaurant Association v. City of Berkeley*.

Commenters: Terry Houlihan

Response: District staff appreciate the comment. The commenter opines that the Air District's amendments to Rules 9-4 and 9-6 are preempted by federal law, and cites a recent decision by the Ninth Circuit Court of Appeals in *California Restaurant Association v. City of Berkeley*. The commenter states that the case against the District's amendments is even more obvious than the case against Berkeley's law because water heaters and furnaces are explicitly listed as covered products subject to preemption in the Energy Policy and Conservation Act. District staff respectfully disagrees.

The federal Energy Policy and Conservation Act (known as "EPCA") prohibits states and local governments from adopting any "regulation concerning the energy efficiency, energy use, or water use" for certain appliances, including the types of furnaces and water heaters regulated under Rules 9-4 and 9-6. (42 U.S.C. § 6297(c).) On April 17, 2023, a 3-judge panel on the Ninth Circuit struck down Berkeley's natural gas ban in new construction ordinance as preempted by EPCA. The panel found that EPCA preempts a local building code that prevents the use of natural gas appliances covered by EPCA as such a code concerns the "energy use" of these appliances. In banning natural gas in new buildings, the panel found that Berkeley improperly regulated natural gas appliances within those buildings.

First, Staff note that the City of Berkeley has sought en banc reconsideration of the April 2023 panel decision. The City explains that the 3-judge panel's decision represents a "grievous misinterpretation of EPCA" that departs from the Ninth Circuit's statutory construction precedents. The panel vastly expanded the proper reach of EPCA's preemption provision, which Congress meant to apply to limit only local energy conservation standards for covered products. The 3-judge panel's decision may not stand upon scrutiny by the Ninth Circuit.

Regardless, the *Berkeley* case does not address whether the District's Building Appliance Rules are preempted. Whereas the panel in *Berkeley* considered an explicit ban on natural gas use in new buildings, the District's Rules do not ban natural gas appliances or otherwise regulate the amount of natural gas or energy used by appliances. Rather, the Rules regulate the oxides of nitrogen ("NOx") emissions of appliances, and are agnostic regarding the amount of energy used by those appliances. The Rules allow for appliances that use any amount of natural gas, so long as upon operation the appliances do not emit NOx. EPCA is not concerned with regulations that limit NOx emissions.

As Judge Baker explained in his concurrence in the *Berkeley* decision, EPCA preemption is "unlikely to reach a host of state and local regulations that incidentally impact "the quantity of [natural gas] directly consumed by a [covered] product at point of use." While the District's Rules may arguably have the potential to lead to some indirect impact on the amount of energy used by appliances depending on how any number of factors play out before the Rules are implemented, including how appliances are designed to control NOx emissions, any such potential impact would be

ancillary to the purpose of the Rules in improving air quality. Thus under Judge Baker's analysis, even if the Air District's Rules can be characterized as having an incidental impact on the quantity of natural gas used by covered appliances, because the Rules do not directly regulate the energy use of appliances, they withstand scrutiny under EPCA.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

RESOLUTION No. 2023-

A Resolution of the Board of Directors of the Bay Area Air Quality Management District Directing Staff to Submit Regulation 9, Rule 4 (Nitrogen Oxides from Natural-Gas Fired Furnaces) and Regulation 9, Rule 6 (Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters) to CARB and EPA For Inclusion in the State Implementation Plan

RECITALS

WHEREAS, on March 15, 2023, after proper public notice and comment, thorough deliberation, and preparation and certification of an Environmental Impact Report, the Board of Directors of the Bay Area Air Quality Management District adopted amendments to Regulation 9, Rule 4 (Nitrogen Oxides from Natural Gas-Fired Furnaces) (“Rule 9-4”) and Regulation 9, Rule 6 (Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters) (“Rule 9-6”) (collectively referred to herein as the “Amendments”);

WHEREAS, the Amendments include both groundbreaking zero-nitrogen oxides (“NOx”) emissions standards for natural-gas fired space and water heating appliances with future compliance dates ranging from 2027-2031, and a near-term ultra-low NOx emissions standard for natural-gas fired water heaters;

WHEREAS, in accordance with Health & Safety Code Section 40727, and based on substantial evidence presented at the March 15, 2023 hearing and described in the Staff Report and other documentation considered by the Board of Directors, the Board of Directors of the Bay Area Air Quality Management District found and determined that the Amendments are necessary; that the District has the authority to adopt the Amendments; that the Amendments are clearly written and displayed; that the Amendments are consistent with other legal requirements; that the Amendments are not impermissibly duplicative of existing regulatory requirements; and that the Amendments will implement specific provisions of law;

WHEREAS, emissions from natural-gas fired space and water heating appliances generate a substantial portion of NOx emissions in the Bay Area, approximately 4,267 tons of NOx per year in 2018, which is estimated to surpass the NOx emissions of passenger vehicles in the Bay Area;

WHEREAS, exposure to NOx and their atmospheric reaction products can greatly impact health, resulting in irritation of airways in the human respiratory system, aggravation and development of respiratory diseases, particularly asthma, hospital admissions and visits to emergency rooms;

WHEREAS, NOx reacts with other chemicals in the air to form both secondary fine particulate matter and ozone, and both of these pollutants are also harmful when inhaled, contribute to regional air pollution, and have been linked to a broad range of adverse health effects, including premature mortality, adverse respiratory health effects, cardiovascular diseases, impacts to cognitive function, and cancer;

WHEREAS, staff has estimated that implementation of the Amendments would achieve NOx emissions reductions of approximately 3,236 tons per year;

WHEREAS, staff has estimated through modeling that the Amendments may result in a mean modeled decrease in 24-hour PM_{2.5} of -0.68 µg/m³ when observations indicated 24-hour PM_{2.5} was at least 30 µg/m³;

WHEREAS, the full record documents and other materials supporting the Board of Directors' March 15, 2023 adoption of the Amendments is maintained and available for public review at the headquarters of the Bay Area Air Quality Management District at 375 Beale Street, Suite 600, San Francisco, CA 94105, and that the custodian for these documents and other materials is Marcy Hiratzka, Clerk of the Boards;

WHEREAS, the United States Environmental Protection Agency ("EPA") has established the national ambient air quality standards for specified criteria air pollutants;

WHEREAS, the federal Clean Air Act requires the states to develop a plan to attain and maintain the national ambient air quality standards for each area that is designated nonattainment;

WHEREAS, California's plan is collectively referred to as the State Implementation Plan, and it includes, among other things, local air district rules and regulations that are necessary to attain and maintain the national ambient air quality standards;

WHEREAS, the Bay Area Air Quality Management District is the regulatory entity designated under applicable laws to implement the requirements of the federal Clean Air Act with respect to stationary sources of air pollution within the San Francisco Bay Area;

WHEREAS, the Bay Area is not currently designated in attainment of the national ambient air quality standards for fine particulate matter (PM_{2.5} 24 hour) and ozone (8 hour);

WHEREAS, EPA has proposed its intention to strengthen the national ambient air quality standard for fine particulate matter; Air District staff anticipates the need to submit a particulate matter attainment plan in response to this new standard once it is finalized; and the particulate matter reductions achieved through adoption of the Amendments would help the Air District to attain any new standard;

WHEREAS, in the Staff Report prepared for and presented at the March 15, 2023, Air District staff recommended that, if adopted by the Board of Directors, the Amendments be submitted to the California Air Resources Board ("CARB"), with a request that CARB submit the Amendments to EPA for inclusion in the State Implementation Plan to reduce emissions of NOx to attain and maintain the national ambient air quality standards promulgated by EPA, and proposed to be strengthened by EPA, to protect public health and the environment;

WHEREAS, on April 5, 2023, and again on April 27, 2023, Air District staff notified the public regarding the Board of Directors' upcoming consideration of submittal of the recently adopted Amendments to CARB and EPA for inclusion in the State Implementation Plan, requested public comments, and announced a public hearing on the matter to be scheduled on or after June 21, 2023;

WHEREAS, the public notice included publication on the Air District’s website and emailing to a list of interested parties maintained by Air District staff to receive such notice, as well as to persons who commented on the Air District’s March 15, 2023 consideration of the Amendments and chose to receive future communications from the Air District regarding the Amendments;

WHEREAS, the Air District received eight comments on submission of the Amendments to CARB and EPA for inclusion in the State Implementation Plan, some of which are supportive and others which are opposed, and has carefully reviewed these comments;

WHEREAS, Air District staff have prepared summaries of the comments received and staff’s responses in a Response to Comments document, which has been considered by the Board of Directors and is incorporated herein by reference;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District held a public hearing on June 21, 2023, which was properly noticed in accordance with all applicable provisions of law, with notice provided at least 30 days before the public hearing, to consider submission of the Amendments to CARB and EPA for inclusion in the State Implementation Plan;

WHEREAS, at the public hearing, the matter of submitting the Amendments to CARB and EPA for inclusion in the State Implementation Plan was discussed with interested persons in accordance with all provisions of law;

WHEREAS, Air District staff has recommended that the Board of Directors submit the Amendments to CARB, with a request that CARB submit the Amendments to EPA for inclusion in the State Implementation Plan to reduce emissions of NOx to attain and maintain the national ambient air quality standards promulgated by EPA, and proposed to be strengthened by EPA, to protect public health and the environment;

WHEREAS, the Board of Directors concurs with the recommendation of Air District staff regarding submission of the Amendments to CARB, with a request that CARB submit the Amendments to EPA for inclusion in the State Implementation Plan to reduce emission of NOx to attain and maintain the national ambient air quality standards promulgated by EPA, and proposed to be strengthened by EPA, to protect public health and the environment.

RESOLUTION

NOW THEREFORE, based on the above recitals, which are true and correct and are incorporated herein by reference, and on all of the information provided in the rulemaking record for the Amendments, including but not limited to the public comments received and staff’s responses thereto and all of the information presented at the public hearings on March 15, 2023 and June 21, 2023, the Board of Directors of the Bay Area Air Quality Management District hereby resolves as follows:

BE IT RESOLVED, that the Board of Directors does hereby direct Staff to submit the Amendments to CARB, with a request that CARB submit the Amendments to EPA for inclusion in the State Implementation Plan.

BE IT FURTHER RESOLVED that the Board of Directors does hereby direct Staff to work cooperatively with CARB and EPA, and respond to all related requests for information, to ensure inclusion of the Amendments in the State Implementation Plan.

The foregoing Resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of Director _____, seconded by Director _____, on the ____ day of _____, 2023, by the following vote of the Board:

DRAFT

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

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

From: Philip M. Fine
Executive Officer/APCO

Date: June 21, 2023

Re: Approval of an Amendment to the Employment Agreement for District Counsel

RECOMMENDED ACTION

Recommend the Board of Directors consider approving the attached amendment to the Employment Agreement for District Counsel increasing the salary by 5%.

BACKGROUND

District Counsel has been employed in the position of District Counsel since May 23, 2022. During the June 7, 2023 closed session for the District's Board of Directors, the Board provided the one-year employment performance review for District Counsel.

DISCUSSION

The Board will consider amending the employment contract for District counsel by providing a 5% merit increase in salary consistent with District Counsel's employment agreement. The proposed amendment is included as Attachment 1.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None. This salary is included in the 2023 and 2024 budgets under program 102.

Respectfully submitted,

John J. Bauters
Board Chairperson

Prepared by: John Chiladakis

ATTACHMENTS:

1. Draft Amended Employment Agreement No. 2023-06-11 - BAAQMD District Counsel

AMENDMENT TO EMPLOYMENT AGREEMENT

District Counsel

This Amendment To Employment Agreement (“Agreement”) is made and entered into on this 21st day of June, 2023, by and between the **Bay Area Air Quality Management District** (the “District”) and District Counsel **Alexander Crockett** (“Employee”).

WHEREAS, the District and Employee are parties to an Agreement setting forth the terms and conditions of Employee’s employment as District Counsel, dated May 19, 2022 (“Employment Agreement”);

WHEREAS, Employee has been employed as District Counsel pursuant to the Employment Agreement since May 23, 2022;

WHEREAS, the Employment Agreement provides that Employee shall receive a one-year performance evaluation whereby the District Board will consider a salary increase of up to five percent (5%);

WHEREAS, the District Board conducted a performance evaluation of Employee which included a closed session review on June 7, 2023; and

WHEREAS, the District desires to provide Employee a five percent (5%) salary increase consistent with the favorable performance evaluation and the provisions of the Employment Agreement.

NOW, THEREFORE, the District and Employee agree to modify the Employment Agreement as follows:

1. Employee’s annual base salary is increased five percent (5%) from Employee’s current yearly salary effective May 23, 2023. Section 4.a. of the Employment Agreement is hereby amended to reflect the new annual base salary of \$318,897.23 effective May 23, 2023.
2. All other provisions of Employee’s Employment Agreement remain in full force and effect without amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment to Employment Agreement which shall be effective upon the commencement date specified above.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

EMPLOYEE

John J. Bauters
Board Chair

Alexander Crockett
District Counsel