AGENDA: 4

Bay Area Air District

Mid-Year Review of the 2025-2026 Regulatory Agenda

Stationary Source Committee

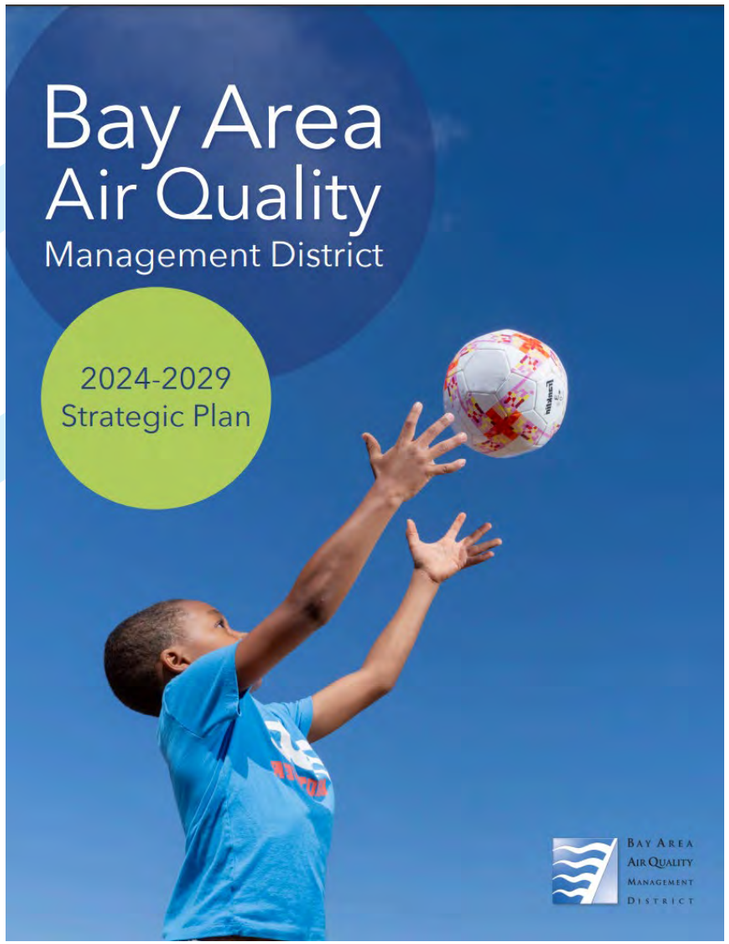
June 11, 2025

Bradley Cole
Manager
Regulatory Development Division

Overview

- Rule Development Plan Background
- How do we prioritize rule projects?
- Current and Planned Rule Development
- Next Steps

Strategic Plan Goals



Four Primary Goals:

- Achieve Impact
- Advance Environmental Justice
- Foster Cohesion and Inclusion
- Maintain an Effective, Accountable, and Customer-Oriented Organization

Strategic Plan Goals and Strategies

Effective rules are critical to achieving every Goal in the Air District's Strategic Plan

Our rules and regulatory development efforts are powerful tools that will help achieve beneficial impacts and further address environmental justice concerns

Prioritization Criteria

- Board Direction
- Air Quality Benefits & Impacts
- Air Quality Mandates (e.g., SIP, legislation)
- Community Concerns / Stakeholder Input
- Community Emissions Reduction Plans
- Strategic Plan Alignment
- Effective and Accountable Governance

Note: **SIP**: State Implementation Plan

Rule Development Impetus Sources

Path to Clean Air (PTCA)

- Richmond-North Richmond-San Pablo Community Steering Committee

West Oakland Community Action Plan (WOCAP)

- WOCAP Steering Committee
- West Oakland Environmental Indicators Project

Community Advisory Council (CAC)

Air District staff input

Current & Planned Rule Development

Project	Milestone / Timing
Fugitive Dust (Rules 6-1 & 6-6)	Publish Draft / July 2025
Metal Recycling and Shredding Operations (Rule 6-4)	Kick-off Workshop / June 2025
Toxic Risk at Existing Facilities Phase I (Rule 11-18)	Publish Draft / August 2025
Appliance Rules Flexibility (Rules 9-4 & 9-6)	Kick-off Workshop / August 2025
Woodburning Devices (Rule 6-3) and Open Burning (Reg 5)	Kick-off Workshop / June 2025
Minimize Flaring (Rules 12-11 & 12-12)	RTWG Kick-off / June 2025

Note:

- **Kick-off:** Officially Initiates the Public Process
- **Draft:** Draft Rule Language for Public Comment
- **RTWG:** Refinery Technical Working Group

Current & Planned Rule Development

Project	Milestone / Timing
State Implementation Plan (SIP) - (Federal Clean Air Act Requirements) Amendment Package	RACT/RACM Initiated / Q2 2025
Indirect Source Rule (Reg 11 or 12)	Initiate Rule Development / Q2 2025
Refinery Fenceline Monitoring (Rule 12-15)	Initiate Rule Development / Q3 2025
Refinery Emissions Inventory (Rule 12-15)	Initiate Rule Development / Q3 2025
Permitting Efficiencies, Including Backup Generators (Rules 2-1, 2-2, 2-5)	Initiate Rule Development / Q3 2026

Note:

- **RACT:** Reasonably Available Control Technology
- **RACM:** Reasonably Available Control Measure

Level of Effort

Air District Effort due to Complexity, Costs, Impacts and Policy Concerns	Duration	Example Rulemaking
Highly Complex / Policy Concerns	>2.5 yrs	Appliance Nitrogen Oxide Emissions (Rules 9-4 & 9-6)
Complex / Policy Concerns	1.5 – 2.5 yrs	Fluidized Catalytic Cracking Units (Rule 6-5)
Straightforward / Some Policy Concerns	1 – 2 yrs	Residential Woodburning (Rule 6-3)
“Clean-Up” / Policy Neutral	0.5 – 1.5 yrs	Definition of “Refinery,” Permit Efficiency

Air Quality Impacts

Criteria	Benefits	Organic Storage Tanks (Rule 8-5)
Improving Regional Air Quality	Air quality improvements across the region	VOCs as precursor to Ozone and PM
Reducing Exposure to Toxic and PM Pollution	Lessen public's exposure to PM and toxics	Emissions contain toxic compounds at ground level
Reducing Disparities	Impacts locally in overburdened communities	Refineries located in overburdened communities

Note:

- **VOC:** Volatile Organic Compound
- **PM:** Particulate Matter

Considered Rule Development

Project by Priority	AQ Benefits	Level of Effort	CAC Tally
Toxic Risk at Existing Facilities Phase II (Rule 11-18)	High	High	10
Backup Generators / Data Centers (new)	Medium	High	4
Toxic New Source Review / Cumulative Impacts (Rule 2-5)	Medium	High	6
Refinery-Specific Toxic Rules (new)	Medium	High	1
Health-Based PM Rules (new)	Medium	High	9
Permitting Upgrades (Rules 2-1, 2-2, & 2-5)	High	Medium to High	1

Note:

- **AQ:** Air Quality
- **CAC:** Community Advisory Council

Considered Rule Development (cont.)

Project	AQ Benefits	Level of Effort	CAC Tally
Refinery Sulfur Oxides (SOx) Emissions (new)	High	High	0
Refinery Nitrogen Oxides (NOx) Emissions	High	High	1
Organics Materials Handling and Composting Operations	Medium	Medium	1
Organic Storage Tanks (Rule 8-5)	Medium	Medium	1
Industrial Boilers, Steam Generators, Process Heaters (Rule 9-7)	Medium	High	0
Autobody Operations (Rule 8-45)	Medium	Medium	1

Next Steps

Frequently evaluate resource needs to stay on track

- Limited Term Contract Employee (LTCE) positions supporting Assembly Bill (AB) 617 (2x)
- 3 Full Time Equivalents (FTE) approved in 2025-2026 Budget

Continually consult with communities

- AB 617 Community Meetings
- Refinery Corridor Bimonthly

Routinely report to the Committee and Board of Directors

Questions & Discussion

For more information:

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AGENDA: 5

Bay Area Air District

Development of a Targeted Inspection Program & Policy

Stationary Source Committee

June 11, 2025

Dennis Quach
Air Quality Specialist
Compliance & Enforcement Division

Presentation Outline

- Strategic Plan Framework
- Targeted Inspection Program and Policy: Goals and Objectives
- Current Inspection Program Background
- Overview of Targeted Inspection Program and Policy
  - General Inspection Program Priorities
  - Enhanced Inspection Priorities in Overburdened Communities
    - Analyze Compliance Data to Target Inspections
    - Community Engagement and Partnership
  - Additional Strategies Associated with Policy Changes
  - Pilot Project in Bayview-Hunters Point
- Next Steps
- Discussion Questions

Strategic Plan Framework

Strategy 1.6: New Enforcement Policy

Strategy 4.5: Improve Compliance Investigations

Targeted Inspection Program and Policy Goals & Objectives

- Align with the Air District Strategic Plan to provide **transparency** into how routine compliance work is prioritized across the nine Bay Area counties and with a key focus on overburdened communities, starting with Assembly Bill (AB) 617 communities
- Improve inspection program by incorporating **routine data review and analysis** to identify sites/facilities in AB 617 communities that require additional enforcement efforts
- Integrate internal and external information and **utilize community knowledge and experiences** to pinpoint compliance issues
- Direct staffing resources **more efficiently and effectively** to target non-compliance and repeat violators, and resolve community concerns in AB 617 areas

Current Inspection Program Background

- Permitted sources have set routine inspection frequencies based on:
  - Non-attainment status for Ozone from the 90's
  - Volatile organic compounds (VOCs) such as solvent and coating operations, printing, petroleum refining, electronics and chemical manufacturing, etc.
- The set inspection frequencies are now outdated and do not effectively address other pollutants of concern, changing compliance issues, and community concerns

Compliance Inspection Types

Primary focus of Targeted Inspection Program & Policy

Routine Inspections (Set Frequencies)

Compliance verification inspections of various permitted source types

Non-Routine Inspections (Variable Frequencies)

- Asbestos inspections
- Title V deviations
- Reportable compliance activities
- Air quality complaints
- Air quality incidents

Elements of a Compliance Inspection

An **inspection** typically includes the following activities:

Review Permits

- Review Air District permit for accuracy and applicable regulations

Onsite Inspection

- Inspection of equipment, operations, abatement devices, and controls, including general housekeeping

Records Review

- Ensure compliance with recordkeeping requirements (e.g., usage logs and permit condition limits, emissions testing, monitoring, maintenance, etc.)

Inspection Report

- Document inspection findings in a compliance report with a determination of compliance or Notice of Violation (NOV)

Overview of a Targeted Inspection Program and Policy

General Inspection Program Priorities *(Air District-wide)*

- Update inspection frequencies across the nine counties based on various source types, facilities, and operations
  - Title V facilities
  - Sites/facilities with elevated health risk

AB 617 Priority Areas

- Prioritizes and identifies community concerns
- Incorporates information-driven compliance strategies to target non-compliance

Routine Inspections by Source Types

Title V & Synthetic Minor Facilities

- **Major Facility (Title V):** A facility with the potential to emit 100 tons/yr of criteria air pollutants (CAP) or 10 tons/yr of Hazardous Air Pollutant (HAP)
- **Synthetic Minor:** A facility that emits or has the potential to emit at or above 80% of the Title V threshold
- Federal Environmental Protection Agency (EPA) Compliance Monitoring Strategy (CMS) recommends the following inspection frequency
  - **Title V:** Every **2 fiscal years**
  - **Synthetic Minor:** Every **5 fiscal years**

Routine Inspections by Source Types

Facilities with Elevated Health Risks

- Focus compliance efforts on facilities that have been identified with elevated health risks
  - Utilize prioritization scores to guide inspection priorities
  - Prioritization scores are based on the quantity of toxic air contaminates (TACs), the relative toxicity of the TACs emitted, and the proximity of the facility to possible receptors
  - Prioritization scores are updated annually

Routine Inspections by Source Types

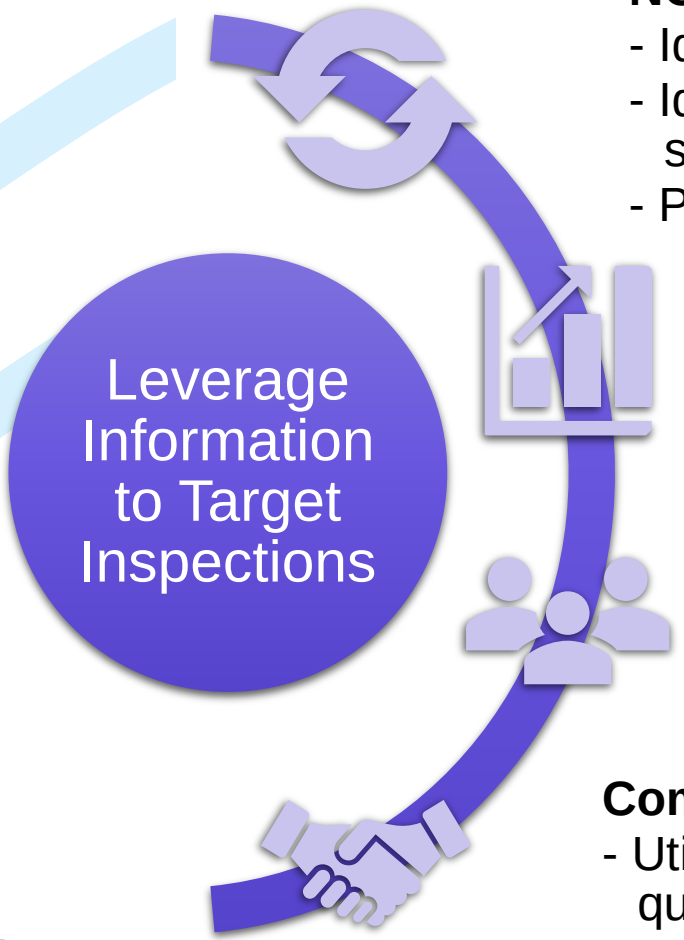
- Compliance priorities are based on the type of site, facility, and sources of operation
- Inspection frequencies and source categories to be inspected may occasionally be adjusted or augmented to address:
  - Known causes for potential compliance concerns
  - Community-identified site/facility of significance

Enhanced Inspection Priorities in Overburdened Communities

Methodology in Information-Driven Compliance Strategies

- **Utilize community knowledge and understanding** of local air quality issues to better address compliance concerns
- Review and **analyze the last three years of compliance data** such as NOV, Air Quality Complaint, inspection history data
- **Identify non-compliance trends** for inspections and additional actions
  - Allocate staffing resources towards areas or sites/facilities that have patterns of non-compliance for further investigation/inspection

Analyze Compliance Data to Target Inspections



NOV Data & Inspection History
- Identify sites/facilities with reoccurring violations
- Identify reoccurring non-compliance issues at the same sources/operations
- Prioritize additional inspections/investigations

Air Quality Complaint Data
- Identify hotspots, patterns, and reoccurrences of emissions
- Prioritize area patrols and inspections

Collaborative Identification
- Enhance internal collaboration and align priorities across divisions
- Coordinate with external partners and local regulators

Community Engagement and Partnership
- Utilize community knowledge and understanding of local air quality issues to target compliance concerns

Community Engagement and Partnership

Collaborate with the Environmental Justice Division to solicit community knowledge and experiences to target air quality concerns

- Identify community partners
- Develop tools for the community to interact with the Air District to collect data on air quality issues (e.g., Air Pollution Log)
- Establish scope, protocol, timeline, resource commitment, and set expectations

Additional Strategies Associated with Policy Changes

- Expand staff coverage *outside of business hours*
- New Data Collection Tools
  - Air Pollution Log
  - Develop a “Whistleblower” Tip Line
- Utilize data to support work across the Air District (e.g., prioritize and inform emissions monitoring and other data analyses)
- Continue to update Targeted Inspection Program & Policy goals and methodologies
- Increase inspection transparency by providing compliance updates on the website

Pilot Project in Bayview-Hunters Point

- **Enforcement Data Analysis**
  - Redirect staffing resources to inspect an additional 33 priority sites/facilities in Bayview-Hunters Point (BVHP)
- **Enhance Internal and External Collaboration**
  - Identify other potential compliance concerns
- **Expand Enforcement Activities Beyond Regular Business Hours**
  - Data and information-driven
- **Inspect New Sources and Facilities Prior to Start-Up**
- **Air Pollution Log**
  - New community data collection tool

Community-Identified Concerns

BVHP community provided a list of 43 sites/facilities of concern

Investigation Results

4 violations issued

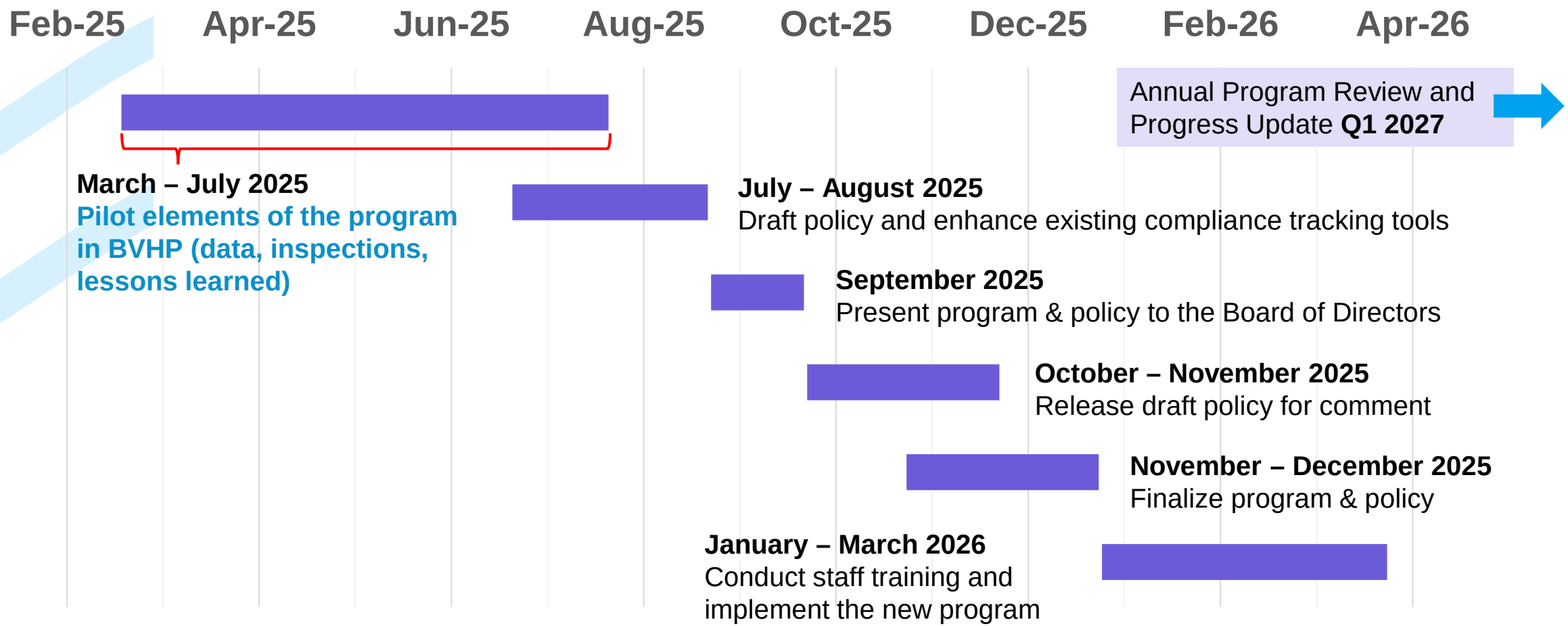
4 unpermitted or not registered

2 have permits

32 exempt from permits

5 pending further review (records)

Next Steps


Feb-25
Apr-25
Jun-25
Aug-25
Oct-25
Dec-25
Feb-26
Apr-26
Annual Program Review and Progress Update **Q1 2027**
March – July 2025
Pilot elements of the program in BVHP (data, inspections, lessons learned)
July – August 2025
Draft policy and enhance existing compliance tracking tools
September 2025
Present program & policy to the Board of Directors
October – November 2025
Release draft policy for comment
November – December 2025
Finalize program & policy
January – March 2026
Conduct staff training and implement the new program

Questions & Discussion

For more information:

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