

PUBLIC ACCESS TO WAIRE PROGRAM DATA

WORKING GROUP #2



Rule 2305 - Warehouse Indirect Source Rule (ISR)
South Coast AQMD

November 17, 2021

AGENDA

- Housekeeping Remarks
- Introductions and Background
- Preliminary Concept on Making WAIRE Program Data Accessible via Online F.I.N.D. tool
- Process to Determine Business Confidentiality of Reported Data
- Open Discussion

BACKGROUND: PUBLIC ACCESS TO WAIRE PROGRAM DATA

- Many warehouses are newly regulated by South Coast AQMD under Rule 2305 (www.aqmd.gov/waire)
- Existing online Facility Information Detail (FIND) tool provides easy access to individual facility information from various South Coast AQMD records and data sources (www.aqmd.gov/find)
- WAIRE Program data will be included in FIND



MAKING WAIRE PROGRAM DATA PUBLICLY ACCESSIBLE VIA ONLINE F.I.N.D.TOOL

PRELIMINARY CONCEPT

OVERVIEW OF WAIRE PROGRAM REPORTING REQUIREMENTS

Warehouse Operations Notification (WON)

- ❖ Warehouse building
 - ❖ Address and size
- ❖ Warehouse owner name(s) and contact information
- ❖ Warehouse lessee contact info, lease start and end dates and square footage
- ❖ Previous warehouse operator(s) information

Submitted by Sep 1, 2021

Initial Site Information Report (ISIR)

- ❖ Warehouse size and space use for warehousing
- ❖ Truck trip data
- ❖ Anticipated actions to meet compliance obligations from: WAIRE Menu items, Custom Plan, transferred WAIRE Points, and/or mitigation fee
- ❖ Potential onsite equipment
 - ❖ Truck fleet data, yard trucks, alternative fueling stations, and energy generation system

To be Submitted

Annual WAIRE Report (AWR)

- ❖ Current warehouse operator contact information
- ❖ Warehouse building
 - ❖ Address and size
- ❖ Number of actual truck trips
 - ❖ Basis of compliance obligations (WPCO)
- ❖ WAIRE Points earned from: WAIRE Menu items, Custom Plan, transferred WAIRE Points, and/or mitigation fee

TYPES OF WAIRE PROGRAM DATA

Data Directly Related to Investments/Actions Used to Comply with Rule 2305

May be of highest interest to the general public

Compliance option(s):

- WAIRE Menu items
- Custom Plan
- Transferred WAIRE Points
- Mitigation fee
- Level of implementation

Other Data Related to WAIRE Program Outreach and Implementation

Facility information

May be of interest to limited group of the public

- Warehouse size
- Ownership and lease info
- Business operations and throughput data, including truck trips by vehicle class

Person's information

May be of interest to limited group of the public

- Warehouse operators and owners contact information (e.g., person's names, phone numbers, emails)

WHAT TO INCLUDE IN F.I.N.D FOR EACH WAREHOUSE? STAFF'S PRELIMINARY PROPOSAL

- Include selected facility information based on the following criterion:
 - Data that may be associated with the level of emissions related to warehouse operations
 - Data indicating the general level of emission reduction investments made and/or actions taken
 - Data that can promote public access to onsite/offsite charging and fueling infrastructure
- Some information on F.I.N.D. may be presented in a more generalized or aggregate format
- Exclude from F.I.N.D.
 - Person's names, phone numbers, and emails
 - Data for administrative purposes only
 - Business confidential data qualifying for non-disclosure exemption (to be discussed later)

DATA DIRECTLY RELATED TO INVESTMENTS/ACTIONS USED TO COMPLY WITH RULE 2305

Level of Generalization in F.I.N.D.

Generalized Data

- Warehouse address and business name
- Actions chosen from the WAIRE Menu
 - By operator and/or owner
- Approved Custom Plan actions
 - By operator and/or owner
- Used transferred WAIRE Points from another facility? (Y/N)
- Paid mitigation fee? (Y/N)



Granular Data

- ZE/NZE truck acquisition data
 - E.g., in-service date, fuel type, model year, acquisition date
- Onsite charging/fueling infrastructure
 - E.g., utility provider, permitting entity
- Transferred WAIRE Points
 - How many? From where?
- Mitigation fee payments
 - How much?



OTHER DATA RELATED TO WAIRE PROGRAM OUTREACH AND IMPLEMENTATION

Level of Aggregation in F.I.N.D.

Aggregate Format



Examples:

- Warehouse size bin
 - e.g., by compliance phase
- Range of reported truck trips
 - Total
 - % ZE/NZE

As Reported



Examples:

- Exact warehouse size
- Exact truck trips
 - ZE: by groups of truck classes
 - NZE: by groups of truck classes
 - Non-ZE/NZE: by groups of truck classes

Some Business Confidentiality
Concerns Raised



TREATMENT OF REPORTED DATA MARKED AS BUSINESS CONFIDENTIAL

DETERMINATION PROCESS

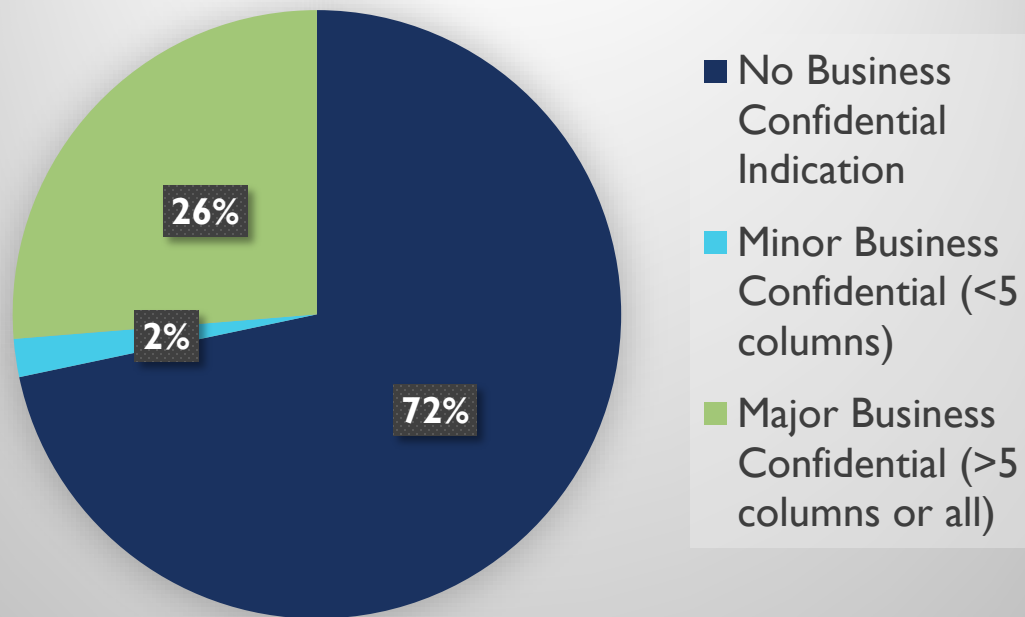
INDICATION OF BUSINESS CONFIDENTIAL INFORMATION DURING REPORT SUBMISSION

- Warehouse owner/operator may indicate in the submitted reports whether certain reported data are considered business confidential
 - WON Report: Section 8, Column CZ
 - AWR and ISIR submission: online web forms with business confidential checkboxes for inputted data (*coming soon*)
- Report submission portal
 - WAIRE POP: <https://xappp.aqmd.gov/isr>

CZ	DA	DB
Section 8: Miscellaneous		
Indicate if information in this row is considered business confidential (Yes/No). If yes, list the column(s) that is considered business confidential separated by semicolons	Do you confirm that all of the lessees in this building operate less than 50,000 sq ft? (Yes/Not Applicable)	Comments or Notes

WON REPORT DATA MARKED AS BUSINESS CONFIDENTIAL BY WAREHOUSE OWNERS

Business Confidential Indications in Submitted WON Reports



- WON reports were submitted for ~2,600 warehouses
- Among all submitted data,
 - 72% were not marked as business confidential at all
 - 26% have more than 5 columns of data marked as business confidential

DETERMINATION OF BUSINESS CONFIDENTIALITY AFTER REPORT SUBMISSION

- South Coast AQMD determines whether the reported data marked as “business confidential” qualify for the non-disclosure exemptions under the California Public Records Act
- South Coast AQMD Governing Board adopted the *Guidelines for Implementing California Public Records Act* in 2013
- Determination will be made by following the process outlined in the adopted Guidelines (<http://www.aqmd.gov/docs/default-source/default-document-library/Guidelines/praguidelines.pdf>)

GUIDELINES FOR IMPLEMENTING THE CALIFORNIA PUBLIC RECORDS ACT

Adopted by the Governing Board July 5, 2013.

I. DEFINITIONS

- A. "District" means the South Coast Air Quality Management District or any employee authorized to act on its behalf.
- B. "Person" includes any natural person, corporation, partnership, limited liability company, firm, or association.
- C. "Public Record" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the District, regardless of physical form or characteristics.
- D. "Writing" means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and any record thereby created, regardless of the manner in which the record has been stored.
- E. "Production Data" means information disclosing the actual quantity of material used to produce an article having commercial value, as well as information disclosing the actual quantity produced.
- F. "Emission Data" means measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.

II. PURPOSE

The purpose of these Guidelines is to implement the California Public Records Act, commencing at Section 6250 of the Government Code, and other applicable statutes and case law, by setting forth the procedures to be followed when making records available to the public. It is the policy of this District that public records are open to inspection at all times during the District's office hours. Any reasonably segregable portion of a record shall be made available for inspection

EXAMPLES OF NON-DISCLOSURE EXEMPTIONS



Plant production data and similar information relating to market reports, which are obtained in confidence from any person

Typically arises during rulemaking

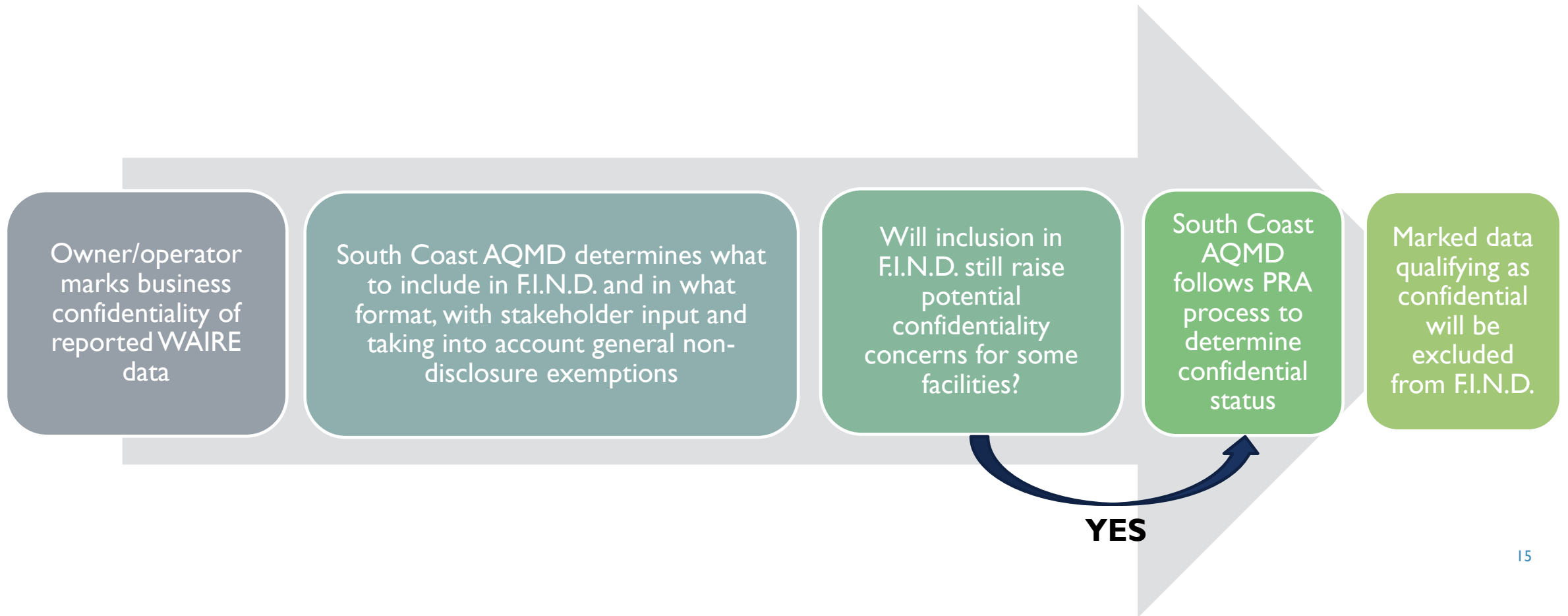


Trade secrets, which may include any plan, pattern, process, procedure, production data, etc.



Trade secrets, which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it

SUMMARY OF PROCESS



ALTERNATIVE ACCESS: PUBLIC RECORDS REQUEST

- WAIRE Program data may be requested via a public records request
 - Anyone can make a public records request to South Coast AQMD
 - <http://www.aqmd.gov/nav/online-services/public-records>
 - Some data may not be disclosed due to non-disclosure exemptions
 - Same determination process as laid out in the Guidelines for Implementing California Public Records Act
 - May request data not included in F.I.N.D. (including detailed data as reported) that do not qualify for non-disclosure exemptions

QUESTIONS?



waire-program@aqmd.gov



(909) 396-3140



www.aqmd.gov/waire



www.aqmd.gov/sign-up → WAIRE Program Compliance

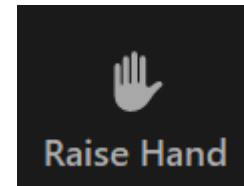


OPEN DISCUSSION

PUBLIC ACCESS TO WAIRE PROGRAM DATA

HOW TO RAISE YOUR HAND TO SPEAK

ZOOM: Click on the “Raise Hand” button at the bottom of your screen.



TELECONFERENCE: Dial *9 to “raise your hand”

Your name will be called when it is your turn to speak and the meeting host will unmute your line.