



Monterey Bay Air Resources District
BOARD OF DIRECTORS MEETING

STEVE MCSHANE, CHAIR

WEDNESDAY, FEBRUARY 16, 2022 - 1:30 P.M.

(Following the Special Board of Directors Meeting)

REMOTE MEETING ONLY

Link to meeting: <https://us02web.zoom.us/j/82369104400>

Webinar ID: 823 6910 4400

By Phone (audio only, Webinar ID required): 1-669-900-6833

On September 16, 2021, Governor Newsom signed AB 361. This legislation amends the Brown Act to allow meeting bodies subject to the Brown Act to meet via teleconference during a proclaimed state of emergency in accordance with teleconference procedures established by AB 361 rather than under the Brown Act's more narrow standard rules for participation in a meeting by teleconference. The Monterey County Health Officer has issued a recommendation for social distancing in legislative body meetings, so the first meeting after September 30, 2021, may be held without making findings. If the Board of Directors desires to continue to meet remotely via teleconference after that first meeting, the Board is required to make certain findings under AB 361 no later than 30 days after the first teleconference meeting held pursuant to AB 361, and every 30 days thereafter. Members of the public that wish to participate in a meeting may do so by joining the Zoom Webinar ID. Should you have any questions, please contact Sirie Thongchua, Executive Assistant, at 831-718-8028 or by email at sirie@mbard.org.

To Provide Public Comment via Zoom teleconference/video conference: During the meeting live verbal public comments may be made by members of the public joining the meeting via Zoom. Zoom access information is provided above. Use the "raise hand" feature (for those joining by phone, press *9 to "raise hand") during the public comment period for the agenda item you wish to address. Members of the public participating via Zoom will be muted during the proceedings and may be unmuted to speak during public comment after requesting and receiving recognition by the Chair. Please clearly state your full name for the record at the start of your public comment.

Before the Meeting: Persons who wish to address the Board for public comment of an item not on the agenda are encouraged to submit comments in writing to Sirie Thongchua, Executive Assistant, at sirie@mbard.org by 5:00 p.m. on Monday, February 14, 2022. Comments received will be distributed to the Board prior to the meeting.

Summary of Actions

1. CALL TO ORDER - **The meeting was called to order by Chair McShane at 1:35 p.m.**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL - **Present:** Wendy Root Askew, Sandy Brown, Mary Ann Carbone, Ryan Coonerty, Zach Friend, Kollin Kosmicki, Mike LeBarre, Chris Lopez, Steve McShane, John Phillips, Sam Storey.
4. WELCOMED NEW MEMBER TO THE BOARD OF DIRECTORS
 - Sandy Brown, Councilmember, Santa Cruz – Representing Santy Cruz County Cities
5. ELECTION OF 2022 BOARD OF DIRECTORS CHAIR AND VICE CHAIR

Motion: *Elect Steve McShane Chair and Ryan Coonerty Vice Chair. Action: Approve.*
Moved by John Phillips, **Seconded by** Mike LeBarre.
Vote: *Motion carried by unanimous roll call vote (summary: Yes = 11).*
Yes: *Wendy Root Askew, Sandy Brown, Mary Ann Carbone, Ryan Coonerty, Zach Friend, Kollin Kosmicki, Mike LeBarre, Chris Lopez, Steve McShane, John Phillips, Sam Storey.*
6. PRESENTATIONS
 - a. RECOGNITION OF OUTGOING MEMBERS OF THE BOARD OF DIRECTORS
 - Jack Dilles
 - b. RECOGNITION OF DISTRICT STAFF RETIREMENTS
 - Alan Romero
7. PUBLIC COMMENT – **None.**
8. REPORTS BY COMMITTEE CHAIRS ON COMMITTEE MEETINGS
 - a. Budget, Personnel, and Nominating Committee
 - b. Advisory Committee
9. COMMENTS AND REFERRALS FROM CHAIR AND BOARD MEMBERS

Chair McShane – He and Director Phillips will tour Vistra Moss Landing Energy Storage Facility.
10. REPORT FROM AIR POLLUTION CONTROL OFFICER

Richard Stedman, APCO, reported on the following:

Advisory Committee

- Received an excellent presentation from Heather Adamson, Director of Planning, AMBAG, on SB375 SCS.
- Received a presentation and report on District's semiannual monitoring data
Received Presentation on calendar year 2021 Engineering and Compliance activities
- Received a presentation on Electric Bicycle Incentive Program and Electric Vehicle Incentive Program low-income criteria
- Received report and provided comments on evaluation of Best Available Retrofit Control Technology (BARCT) – Potential Revisions to Rule 427 Steam Driven Crude Oil Production Wells or Creation of a new rule

District Business

Engineering

- In January 2022, we received delegation from the US EPA for four New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP). This allows us to implement and enforce these federal regulations:
 - **40 CFR Part 60, Subpart WWW**– Standards of Performance for Municipal Solid Waste Landfills.
 - **40 CFR Part 60, Subpart IIII**–Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.
 - **40 CFR Part 60, Subpart JJJJ**– Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
 - **40 CFR Part 60, Subpart KKKK**–Standards of Performance for Stationary Combustion Turbines.
 - **40 CFR Part 63, Subpart ZZZZ**–National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.
- A new Engineer, Fernando Pena, started on January 10, 2022. Fernando received a B.S. degree in Chemical Engineering from Cal Poly Pomona, a M.S. degree in Environmental Engineering from Cal State Fullerton and an MBA from Cal State Dominguez Hills. Fernando has engineering experience in wastewater treatment and oil drilling and has served as a chemist for an electronic manufacturing company.
- We received 20 odor complaints from Marina residents between December 18, 2021 and February 9, 2022. We followed our protocol to send an email each time we receive a complaint to Monterey Regional Waste Management District, Monterey One Water, Keith Day Composting, the agricultural operator, and Monterey County Environmental Health. In addition, Amy Clymo and I met with Felipe Melchor, MRWMD's new GM, and staff at the landfill earlier this week.

Planning and Air Monitoring

- Introduce Eddie Ballaron, new Air Monitoring Specialist

- Studied at UCSC where he received his BA in Earth Science/Anthropology and MS in Earth and Environmental Sciences
- Prior work as a Senior Technician and Project Manager at Advanced Environmental, a consulting firm in San Jose.
- Experience in industrial hygiene and air monitoring.
- The entire \$87,500 in local funds budgeted for this year’s Woodstove Change Out Program have been obligated. 62 applications have been approved, with four low-income applications.
- The Monterey Bay Electric Vehicle Incentive Program, which provides residents with an incentive to purchase new and used all-electric or plug-in electric vehicles is continuing with 154 applications, nine of which are low-income. \$212,000 has been obligated, and \$238,000 is remaining.
- The San Lorenzo Valley Spare-the-Air Program, which notifies residents of deteriorating meteorological conditions in the SLV that could concentrate wood smoke, is continuing. During a Spare-the-Air alert, residents are asked to voluntarily choose devices that use fuels other than wood to heat their homes. The program will run through the end of April when conditions for smoke dispersion improve. No Spare-the-Air alerts have been issued this season.
- The press is reporting that EPA will reinstate the waiver of federal preemption for the GHG and ZEV components of California’s Advanced Clean Cars (ACC) program, clearing the way for the state to implement and enforce those standards and for other states that adopted those standards under CAA Section 177 to implement them as well.
- Lastly, I would like to add that we have fully funded our OPEB account. This is a major milestone for the agency. Now we must work on fully funding our retirement trust account under PARs.

CONSENT AGENDA

Motion: Approve items on the Consent Agenda. **Action:** Approve. **Moved by** Chris Lopez, **Seconded by** John Phillips.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 11).

Yes: Wendy Root Askew, Sandy Brown, Mary Ann Carbone, Ryan Coonerty, Zach Friend, Kollin Kosmicki, Mike LeBarre, Chris Lopez, Steve McShane, John Phillips, Sam Storey.

11. **Accepted and Filed** Summary of Actions for the December 15, 2021, Board of Directors Meeting

12. **Received and Filed** Budget to Actual Report for the Seven Months Ended January 31, 2022

13. **Accepted and Filed** Report of Summary of Mutual Settlement Program Actions for December 2021 and January 2022

14. **Resolution No. 22-001: Adopted** a Resolution Approving Fiscal Year 2021-22 Mid-Year Budget Revisions, Per Attached Schedule A

15. **Resolution No. 22-002: Adopted** a Resolution Authorizing the Air Pollution Control Officer to Accept Funding and Administer the FY 2021-22 Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program

REGULAR AGENDA

16. **Received** a Presentation and Report on Daily Eight-Hour Peak Ozone Concentrations, Hourly Peak Ozone Concentrations, and Daily PM_{2.5} and PM₁₀ Air Monitoring Data for 2021
Receive the presentation only; no action required.

17. **Received** a Presentation and **Provided** Guidance on Expanding the Low-Income Criteria for the FY 2021-22 AB2766 Electric Bicycle Incentive and Electric Vehicle Incentive Programs
Received the presentation and provided guidance.

18. **Received** Presentation on Calendar Year 2021 Engineering and Compliance Activities
Received the presentation only; no action required.

19. **Resolution No. 22-003: Adopted** a Resolution Which Requires No Further Action to Implement a BARCT Rule
Motion: Adopt resolution. **Action:** Approve. **Moved by** John Phillips, **Seconded by** Chris Lopez.
Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 11).
Yes: Wendy Root Askew, Sandy Brown, Mary Ann Carbone, Ryan Coonerty, Zach Friend, Kollin Kosmicki, Mike LeBarre, Chris Lopez, Steve McShane, John Phillips, Sam Storey.

CLOSED SESSION

20. The Board met in Closed Session pursuant to Government Code section 54950, relating to the following:


- a. Pursuant to Government Code section 54957, the Board will provide a performance evaluation for the Air Pollution Control Officer. **No reportable action.**
- b. Pursuant to Government Code section 54957.6, the Board will meet in closed session with its labor negotiators:
Agency representative: Steve McShane, Board Chair; Leslie J. Girard, Agency Counsel
Unrepresented employee: Air Pollution Control Officer. **No reportable action.**

21. Close of Open Meeting at 2:49 p.m. - The Board adjourned out of Closed Session.

Sirie Thongchua
Executive Assistant

Electric Vehicle Incentive Programs Low-Income Criteria for Applicants

David Frisbey, Planning and Air Monitoring Manager
February 16, 2022
Board of Directors Meeting



1

Electric Vehicle/Bicycle Incentive Programs

Light-Duty Vehicle Incentive

- All Electric \$1,500
- Used Electric \$1,000
- Plug-In Hybrid \$ 750
- Used PHEV \$ 500

Electric Bicycle Incentive


- Low-income qualified only \$1,000
- E-bicycle price bracket \$1,000 - \$4,000
- Purchase from local bike shops only



2

Current EBIP/EVIP Status

- EBIP – 4 applications since program opened in September 28, 2021
- EVIP – 9 applications out of 154 total since program opened July 1, 2021
- Advertised in newspapers, online, website, social media, visited all bike shops, outreach event



3

Incentives for Low-Income

Electric Vehicle Incentive Program


- Low-income applicants receive double the incentive amounts

Electric Bicycle Incentive Program

- Available to low-income applicants only

Income Verified by Central Coast Energy Services


- Avoids issues with reviewing/storing personal records
- Already verify incomes for existing program
- Free to District
- Currently using the LIHEAP Eligibility, brings in more applicants for services
- Added step/complication for applicants



4

Low Income Home Energy Assistance Program (LIHEAP)


Household	Limit Per Month	Limit Per Year
1 person	\$2,564.73	\$30,777
2 persons	\$3,353.87	\$40,264
3 persons	\$4,143.02	\$49,716
4 persons	\$4,932.17	\$59,186
5 persons	\$5,721.31	\$68,668
6 persons	\$6,510.46	\$78,126
7 persons	\$6,658.43	\$79,900
8 persons	\$6,806.39	\$81,677
9 persons	\$6,954.36	\$83,452
10 persons	\$7,102.32	\$85,228



5

Other Available LI Programs

- US Dept. of Housing and Urban Development
- Emergency Rental Assistance Program (Monterey County and The United Way)
- California Alternate Rates for Energy Program (CARE)
- Family Electric Rate Assistance Program (FERA)
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Cal Fresh/SNAP (Food Stamps)
- CalWorks (TANF)
- Medi-Cal
- Clean Vehicle Rebate Project income-qualified incentive (CVRP)
- And More...!



6

U.S. Dept of Housing and Urban Development

- Eligibility for assisted housing programs (Section 8)
- Median Family Income estimates and Fair Market Rent

Monterey County

Household	1 Person	2 People	3 People	4 People	5 People	6 People
80% AMI	\$36,050	\$48,400	\$73,350	\$86,350	\$97,950	\$144,400
50% AMI	\$35,600	\$40,700	\$45,800	\$50,850	\$54,950	\$59,000

San Benito County

Household	1 Person	2 People	3 People	4 People	5 People	6 People
80% AMI	\$54,750	\$64,050	\$79,300	\$78,200	\$84,450	\$90,600
50% AMI	\$34,200	\$39,050	\$43,950	\$48,800	\$54,750	\$58,650

Santa Cruz County

Household	1 Person	2 People	3 People	4 People	5 People	6 People
80% AMI	\$78,050	\$89,200	\$90,350	\$98,900	\$126,450	\$140,150
50% AMI	\$48,650	\$55,600	\$62,550	\$69,500	\$75,400	\$81,850

7

Emergency Rental Assistance Program (Monterey County and The United Way)

- Tenants living within the County of Monterey, regardless of immigration status
- Tenants may have formal or informal lease arrangements
- At or below 80% Area Median Income of Monterey County
- *Program will prioritize funding for very low-income tenants (at or below 50% AMI), as well as those who are at immediate risk of homelessness or have rental arrears

Household	1 Person	2 People	3 People	4 People	5 People	6 People
80% AMI	\$56,950	\$65,400	\$73,250	\$86,350	\$97,950	\$144,400
50% AMI	\$35,600	\$40,700	\$45,800	\$50,850	\$54,950	\$59,000

8

Medi-Cal

- Percentage of Federal Poverty Level is eligible

Program Eligibility by Federal Poverty Level for 2022
Your financial help and whether you qualify for reduced-cost CalFresh or Medi-Cal programs depends on your income, based on the Federal Poverty Level (FPL).

Household	1 Person	2 People	3 People	4 People	5 People	6 People	7 People	8 People
100%	\$12,880	\$17,775	\$21,800	\$26,700	\$31,600	\$36,500	\$41,400	\$46,300
200%	\$25,760	\$35,550	\$43,600	\$53,400	\$63,200	\$73,000	\$82,800	\$92,600
300%	\$38,640	\$53,325	\$65,400	\$79,100	\$94,800	\$110,500	\$126,200	\$141,900
400%	\$51,520	\$71,100	\$87,200	\$105,800	\$126,400	\$148,000	\$169,600	\$191,200
500%	\$64,400	\$88,650	\$108,800	\$131,600	\$154,400	\$178,000	\$201,600	\$225,200
600%	\$77,280	\$107,550	\$131,600	\$159,100	\$187,200	\$216,000	\$244,800	\$273,600
700%	\$90,160	\$126,450	\$155,200	\$187,800	\$217,600	\$248,000	\$278,400	\$308,800
800%	\$103,040	\$145,350	\$179,200	\$216,600	\$248,000	\$280,000	\$311,200	\$342,400
900%	\$115,920	\$164,250	\$203,200	\$246,600	\$280,000	\$312,000	\$343,200	\$374,000
1000%	\$128,800	\$183,150	\$227,200	\$276,600	\$312,000	\$344,000	\$374,800	\$404,800

9

California Alternate Rates for Energy Program (CARE)

- Determined by last 12 months of income.
- 20% discount on gas and electricity.
- May qualify if eligible for other public assistance programs:

Household	Limit Per Month
1 person	\$34,840 or less
2 persons	\$43,920 or less
3 persons	\$53,000 or less
4 persons	\$62,080 or less
5 persons	\$71,160 or less
6 persons	\$80,240 or less
7 persons	\$89,320 or less
8 persons	\$98,400 or less
Each additional person	add \$9,080

10

Central Coast Community Energy Incentive Programs Income Eligibility

- Active enrollment in the CARE or FERA programs (verified by CCCE)
- Clean Vehicle Rebate Project income-qualified incentive (CVRP)
- Clean Vehicle Assistance Program (CVAP)
- Low Income Home Energy Assistance Program (LIHEAP)
- Energy Savings Assistance Program (ESA)
- Residency in Affordable Housing, Public Housing, or Housing Choice Vouchers (Section 8)
- Bureau of Indian Affairs General Assistance Head Start Income Eligible (Tribal Only)
- CalFresh/SNAP (Food Stamps)
- Women, Infants, and Children (WIC)
- CalWORKs (TANF) or Tribal TANF
- Supplemental Security Income (SSI)
- Free or Reduced National School Lunch Program
- Applicant directly contacts CCCE staff to verify via another method
- 400% of Federal Poverty Level

11


Recommendations for Low-Income Eligibility

- Accept any of the above Federal, State, local, or other similar low-income program
- Require proof of active enrollment – letter or certificate instead of relying on CCES
- EVIP and EBIP

12


Advisory Committee

- Support the staff option to use other low-income programs to determine low-income eligibility.
- Voted unanimously to recommend opening the program up to purchases from bike shops outside of the District.



13


Public Comment

 **Jack Holmgren**
@Zekelan

Replying to @MIRIAMPCD

Please accept the staff recommendation to broaden criteria for establishing low income qualifications for your e-bike subsidy program. John Holmgren, Carmel, CA

1:18 PM - Feb 14, 2022 - Twitter for iPhone



14



15

Annual 2021 Engineering and Compliance Activity Data

AMY CLYMO
ENGINEERING AND COMPLIANCE MANAGER
FEBRUARY 16, 2022



1

Outline

- Description of Engineering and Compliance
- Activity Data

2

Engineering

- Evaluate permit applications for compliance with federal, state, and local rules and regulations
- Issue permits with operating conditions
- Develop rules and regulations
- Report annual stationary source emission inventory



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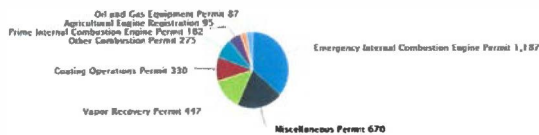
Engineering Data

Activity	Calendar Year 2021
Permit Applications Received	322
Startup Inspections	110
Authorities to Construct Issued	199
Permits to Operate Issued	302
Agricultural Diesel Engine Registrations	1
Title V Permits Issued	4
Emission Reduction Credits Issued	1



4

Permitted Units



5

Compliance

- Conduct inspections of permitted sources
- Ensure compliance with permit conditions
- Take enforcement action for violations
- Ensure compliance with the federal asbestos regulation
- Respond to complaints



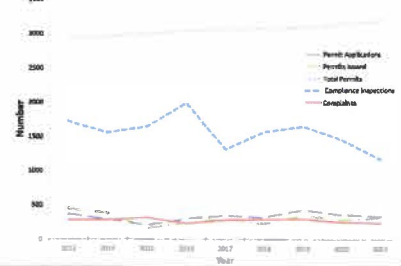
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Compliance Data

Activity	Calendar Year 2021
Compliance Inspections	1,172
Notices to Comply	128
Notices of Violation	50
Asbestos Notifications	296
Asbestos Inspections	191
Complaints Received	230
Breakdowns Received	23
Source Tests Observed	18
Variance Orders Issued	2

7

Multi-Year Activity Trends



8

Questions?



9

Evaluation of BARCT - Consideration of Revision to Rule 427 or Creation of a New Rule for Crude Oil Facilities Subject to AB 617

AMY GLYMO
ENGINEERING AND COMPLIANCE MANAGER
FEBRUARY 16, 2022



1

Outline

- Background Rule Schedule
- Rule Review
- BARCT Definition
- Recommendation



2

Background

•AB617 added language to the Health & Safety Code which requires an air district that is nonattainment for one or more criteria pollutants to adopt an expedited rule development schedule that implements Best Available Retrofit Control Technology (BARCT).

•BARCT requirements only apply to industrial sources subject to the State Cap & Trade program as of January 1, 2017.

•There are four industrial sources located in Monterey County.



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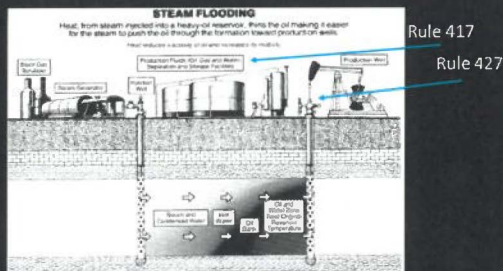
BARCT IMPLEMENTATION SCHEDULE

Rule Development Sources	2019	2020	2021	2022	2023
Steam Generators/ Boilers/Process Heaters	✓				
Internal Combustion Engines					
Steam Driven Oil Production Wells (revise Rule 427)					
Lime Kiln					

Schedule approved by the Board of Directors on November 14, 2018.



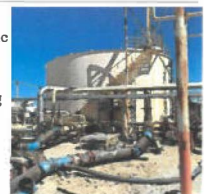
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5

Rule 417 Storage of Organic Liquids

- Purpose of Rule 417
 - Limit VOC emissions from the storage of organic liquids.
- Rule 417 Requirements
 - Control of organic liquid storage tanks utilizing a pressure vacuum vent, installation of a vapor control system, or use of a floating roof tank.
 - Leak detection for vapor recovery system
- Implementation of this rule reduces VOC emissions up to 95%.



6

Rule 427 Steam Driven Crude Oil Production Wells

Purpose of Rule 427

- Limit VOC emissions from steam-enhanced crude oil production wells.

Rule 427 Requirements

- Leak detection and repair (LDAR) program required for minimizing leaks with specific repair thresholds and timelines.
- VOC emissions from wells must be reduced by at least 98%.

Implementation of this rule reduces VOC emissions up to 98%.



7

Rule 417 and 427 Summary

Rule Section	Category	Requirements
Rule 417 Section 2.4 and 3.1.3.3	Leaks (tanks/associated piping, valves and fittings)	> 10,000 ppm methane
Rule 417 Section 2.1.3.1	Vapor Recovery System (tanks)	95% vapor control efficiency
Rule 427 Section 1.3.2	Exemption - Component Leak Repair	< 10,000 ppm methane
Rule 427 Section 3.1	Hydrocarbon Control (wellheads)	99% control
Rule 427 Section 3.4, 3.5, and 3.6	Leak Repair Requirements	> 15,000 ppm methane 20 working days
		> 75,000 ppm methane 15 working days



8



9

BARCT DEFINITION

Emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source.
(Health and Safety Code Section 40406)



10

BARCT Rule Evaluation

District staff compared regulatory requirements of Rules 417 and 427 to other air district requirements, state, and federal regulations.

Other regulatory agencies rules reviewed:

- SJVAPCD Rule 4401 - Currently under review
- SCAQMD Rules 1148, 1148.1, and 1173
- VCAPCD Rule 71
- SBAPCD Rule 325
- CARB GHG Emission Standards for Crude Oil and Gas Natural Gas Facilities - Will undergo review 2022/2023
- EPA New Source Performance Standards for Oil and Gas Sector



11

Conclusions

- CARB, EPA, and SJVAPCD in process of updating their regulations for oil and natural gas sector.
- CalGEM in review process for a new rule for oil and gas production operation.
- The California Air Resources Board redesignated MBARD to attainment for the state 8-hour ozone standard in 2020.

A new BARCT rule to address leak detection and vapor control at three oil and gas facilities is not necessary.



12

Recommendation

Adopt a resolution to approve no further action to implement a BARCT rule.



13

Questions?



14