



Monterey Bay Air Resources District
BOARD OF DIRECTORS MEETING AGENDA

CHRIS LOPEZ, CHAIR

WEDNESDAY, JUNE 19, 2024 - 1:30 P.M.

24580 Silver Cloud Court, 3rd Floor, Monterey, CA 93940

REMOTE LOCATION VIA TELECONFERENCE

Any interested parties or community members may attend and participate in the meeting at the following address:
171 Aptos Village Way, Suite T1, Aptos, CA 95003

BOARD MEMBERS ATTENDING REMOTELY

Director Zach Friend: 171 Aptos Village Way, Suite T1, Aptos, CA 95003

ZOOM MEETING OPTION FOR PUBLIC

Link to meeting: <https://us02web.zoom.us/j/85476900427>

Webinar ID: 854 7690 0427

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

Members of the public that wish to participate in the meeting may do so by joining the Zoom Webinar ID, attending in-person at 24580 Silver Cloud Ct. Monterey, or attending in-person at remote teleconference locations when listed above. 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 live meeting verbal public comments may be made by members of the public joining the meeting via Zoom. 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 meeting 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.

To Submit 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 Tuesday, June 18, 2024. 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 Vice Chair Kosmicki at 1:30 p.m.**
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL - **Present:** Mary Adams, Sandy Brown, Mary Ann Carbone, Zach Friend, Felipe Hernandez, Kollin Kosmicki. **Absent:** Mike LeBarre, Chris Lopez, Orlando Osornio, Rick Perez. **Arrived after roll call:** Wendy Askew arrived at 1:39 p.m. during Agenda Item #7.
4. PUBLIC COMMENT – **None.**
5. REPORTS BY COMMITTEE CHAIRS ON COMMITTEE MEETINGS
 - a. Budget, Personnel, and Nominating Committee – **Vice Chair Kosmicki reported** on the June 19, 2024, meeting of the Budget, Personnel and Nominating Committee.
 - b. Advisory Committee
6. COMMENTS AND REFERRALS FROM CHAIR AND BOARD MEMBERS – **None.**
7. REPORT FROM AIR POLLUTION CONTROL OFFICER

Richard Stedman, APCO, reported on the following:

Advisory Committee

The Advisory Committee has not met since our last board meeting.

District

MBARD held its all-staff retreat on June 4. The theme of the meeting was communication. We had a great day with team-building exercises and training.

Engineering and Compliance

- In July 2023, EPA published a final rule to remove the Title V emergency affirmative defense provisions from state operating permit programs. This action requires MBARD to update our Title V federal operating permit Rule 218 to be consistent with EPA's rule. The revisions to Rule 218 will out to the public for review this summer and come to the Board for adoption at the August meeting.

- Two inspectors and one engineer attended source test training last week. The training helps our staff with understanding source test methods for reviewing source test protocols, observing source tests, and reviewing source test results as required by many of our permits.
- On June 3, the Hearing Board approved a variance for UC Santa Cruz to operate a natural gas emergency generator while changing out a transformer during a planned power outage.
- We are working with an attorney, Matt Maclear, to take the next steps of legal action for the gas station in Marina operating without a permit. This initially went to our Hearing Board for an abatement order which was not successful in achieving compliance. Therefore, on June 7, 2024 the case was filed with the Monterey County Superior Court.

(If you are interested, here is the link to the case information available online:

<https://portal.monterey.courts.ca.gov/case/MjRDVjAwMjM4MA==>)

- No odor complaints have been received from Marina residents since the April Board meeting.

Planning and Air Monitoring

- Fire season has begun. We are tracking several fires and smoke impacts from northern California experienced in our tri-county area.
- AB 2766 Grant Program application deadline has been extended.
- MBARD is moving forward with an opportunity to work with Morgan State University and NASA for a three-year project involving pollutant data collected from the MBARD Clarity Sensor Network. NASA researchers will review PM_{2.5}, PM₁₀, and NO₂ data collected by the sensors. This data will then be used to compare data collected from NASA satellite remote sensing and further analysis from global air quality models. The goal of the project is to enhance the utility of air pollution sensor technology and create protocols and tools to establish a calibration framework for sensors and sensor manufacturers. This data will also be shared with EPA for their knowledge and research in establishing future sensor technology for data collection regulations. This is an exciting opportunity for MBARD to help with the evolution of sensor technology to improve their reliability and for their use in air pollution regulatory monitoring

Outreach

- Spare the Air Season campaign ended on May 1, 2024.

- MBARD Planners Ty Bell and Eli Lessman participated in the May 8th Electric Vehicle Field Day at McIntyre Vineyards, Soledad. Link to a social media post of photos from the event: <https://fb.watch/sM3Ck0u5on/>
- An AB2766 FY24-25 Announcement email was sent to MBARD subscribers on June 14, 2024.
- The Landscape Equipment Exchange Program (LEEP) and the Wood Stove Change-out Program (WSCOP) continue to be advertised on Spanish and English radio stations, KSBW online ads, newspapers, magazines, and social media sites.
- Please save the date for MBARD's 50th Anniversary Open House on Wednesday, August 21, 3:00 p.m., following the Board meeting.

CONSENT AGENDA

Motion: Approve items on the Consent Agenda. **Action:** Approve. **Moved by** Sandy Brown, **Seconded by** Wendy Askew. **Vote:** Motion carried unanimously by roll call vote. **(summary: Yes = 7).** **Yes:** Mary Adams, Wendy Askew, Sandy Brown, Mary Ann Carbone, Zach Friend, Felipe Hernandez, Kollin Kosmicki. **Absent:** Mike LeBarre, Chris Lopez, Orlando Osornio, Rick Perez.

8. **Accepted** and **Filed** Summary of Actions for the April 17, 2024, Board of Directors Meeting
9. **Accepted** and **Filed** Report of Summary of Mutual Settlement Program Actions for April and May 2024
10. **Received** and **Filed** Budget to Actual Report for the Ten Months Ended April 30, 2024
11. **Received** and **Filed** Budget to Actual Report for the Eleven Months Ended May 31, 2024
12. **Approved** Extension Request for AB2766 Grant Agreement 22-08, City of Watsonville Refuse Hauler Replacement Project, to July 15, 2025
13. **Resolution 24-005: Adopted** a Resolution Approving the Tentative Agreement Between MBARD and Service Employees International Union Local 521 for Fiscal Years 2024-25 and 2025-26
14. **Resolution 24-006: Adopted** a Resolution Authorizing the Administrative Services Manager to Declare Certain Items Located at the MBARD Office as Surplus and Authorizing the Disposition, Sale or Donation of Surplus Items

REGULAR AGENDA

15. **Resolution 24-007: Held** a Public Hearing and **Adopted** Resolution Approving Revisions to Regulation VI Procedure Before Hearing Board
Motion: Adopt the resolution. **Action:** Approve. **Moved by** Felipe Hernandez, **Seconded by** Mary Adams. **Vote:** Motion carried unanimously by roll call vote. **(summary: Yes = 7).**
Yes: Mary Adams, Wendy Askew, Sandy Brown, Mary Ann Carbone, Zach Friend, Felipe Hernandez, Kollin Kosmicki. **Absent:** Mike LeBarre, Chris Lopez, Orlando Osornio, Rick Perez.

16. **Resolution 24-008: Held** a Second Public Hearing and **Adopted** Resolution Approving Proposed Revisions to the Following Fee Rules: 300 (Permit Fees), 301 (Fee Schedules), 306 (Asbestos NESHAP Fees).
Motion: Adopt the resolution. **Action:** Approve. **Moved by** Mary Ann Carbone, **Seconded by** Wendy Askew. **Vote:** Motion carried unanimously by roll call vote. **(summary: Yes = 7).**
Yes: Mary Adams, Wendy Askew, Sandy Brown, Mary Ann Carbone, Zach Friend, Felipe Hernandez, Kollin Kosmicki. **Absent:** Mike LeBarre, Chris Lopez, Orlando Osornio, Rick Perez.

17. **Resolution 24-009: Held** a Second Public Hearing on Proposed Budget for Fiscal Year 2024-2025 and **Adopted** Resolution of the Fiscal Year 2024-2025 Budget in the Amount of \$22,416,109; Approving the FY 2024-2025 Per Capita Assessments; Approving Permit Fee Schedule Changes Effective July 1, 2024; Authorizing the Purchase of Specified Fixed Assets; and Approving Direction to Staff for Development of Future District Budgets.
Motion: Adopt the resolution. **Action:** Approve. **Moved by** Sandy Brown, **Seconded by** Mary Adams. **Vote:** Motion carried unanimously by roll call vote. **(summary: Yes = 7).**
Yes: Mary Adams, Wendy Askew, Sandy Brown, Mary Ann Carbone, Zach Friend, Felipe Hernandez, Kollin Kosmicki. **Absent:** Mike LeBarre, Chris Lopez, Orlando Osornio, Rick Perez.

18. Adjournment – **The meeting adjourned at 2:08 p.m.**

Sirie Thongchua
Executive Assistant

Agenda Item No. 8

Hearing Board Regulation VI


AMY CLYMO
ENGINEERING AND COMPLIANCE MANAGER
JUNE 19, 2024



1

Purpose of Revisions


- Eliminate language related to air district with population less than 750,000
- Update format for similarity with other MBARD rules
- Identify applicable Health and Safety Code Sections
- Improve clarity



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Timeline of Review with Hearing Board


- Meeting Dates:
 - October 13, 2023
 - April 22, 2024
 - May 10, 2024



3

Hearing Board Comments

- Add definition for terms party, petitioner, respondent
- Discussion of language for continuances in Section 3.7.10
- Election of officers



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Public Comments

- No public comments received



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Recommendation


Adopt resolution to approve revised Hearing Board Regulation VI.



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Questions or
Comments?


Amy Chyno
a.chyno@mbard.org

An icon consisting of two stylized human figures in silhouette. The figure on the right has a speech bubble above it containing a question mark. The entire icon is centered within a white rectangular area.

Agenda Item No. 8

Proposed Fee Rule Revisions for Fiscal Year 2024-2025 Budget


AMY CLYMO
ENGINEERING AND COMPLIANCE MANAGER
JUNE 18, 2024



1

Outline


- Proposed fee rule revisions
 - 300 Fees
 - 301 Fee Schedules
 - 306 Asbestos NESHAP Fees
(NESHAP = National Emission Standard for Hazardous Air Pollutant)



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Proposed Fee Rule Revisions

- Potential fee increase of 2.6%
- Rule 300
 - Remove provision for refund for non-operational periods
 - Add a new source specific fee category (Section 4.3 and 4.11)
 - Woodworking operations with no other permit, not subject to toxics fee
- Rule 306 clarifications for consistency with current practices



3

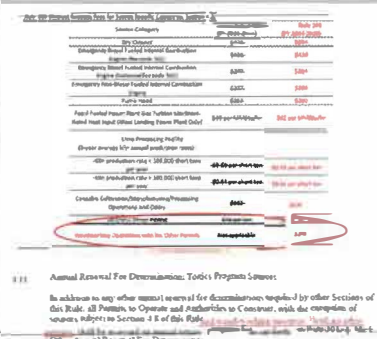
Rule 300

Excerpt from 2009 Rule 300 Staff Report:

Staff is proposing to revise Rules 300 (District Fees) and 301 (Permit Fee Schedules) to allow Major Sources to request a refund of a portion of their annual renewal fees when their facility has been in a non-operational state for an extended period of time and to address the collection of emissions fees with permit applications from Major Sources. A Major Source is defined by the District as a facility that has greater than 300 tons per year of criteria pollutants emissions.

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Rule 300




Annual Renewal Fee Determination Table - Program Specific

In addition to any other permit renewal fee determination required by other Sections of this Rule, all Permits for Operation and Maintenance in Compliance with the requirements of various subparts in Sections 4.3 of this Rule...

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Examples of Permit Fee Changes

Current Fee (FY 23-24)	Fee Increase (2.6%)	Proposed Fee (FY 24-25)
Filing Fee \$237	\$6	Filing Fee \$243
General Permit Fee \$1,059	\$28	General Permit Fee \$1,087
Annual Renewal Fee – Billable Tons < 0.1 \$236	\$6	Annual Renewal Fee – Billable Tons < 0.1 \$242
Emergency Diesel Engine \$408	\$11	Emergency Diesel Engine \$419
Hourly Staff Rate -\$169	\$4	Hourly Staff Rate



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Rule 306 Asbestos NESHAP Changes

4.3 Demolition Project Involving Asbestos Removal

Where a demolition project includes the removal of asbestos-containing material from the facility or facility component prior to the wrecking of the structure, the removal is treated as a separate renovation project for purposes of determining the fees. Therefore, a separate fee is due for the demolition project and for the renovation project.

4.6 Emergency Notifications

The fees for emergency notifications are due within 5 working days of receipt of the notification if submitted.



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Examples of Asbestos NESHAP Fee Changes

Current Fee (FY 23-24)	Fee Increase (2.6%)	Proposed Fee (FY 24-25)
Demolition Fee \$497	\$13	Demolition Fee \$510
Renovation RACM (160-999 sq ft) \$865	\$22	Renovation RACM (160-999 sq ft) \$887



8

Public Comments

- No public comments received



9

Recommendation

Adopt resolution to approve fee rule revisions.



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Questions or Comments?

Any Climo
aclymo@mbard.org




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Agenda Item No. 8

Monterey Bay Air Resources District
Final Budget Presentation
FY 2024-25



2ND PUBLIC HEARING
JUNE 19, 2024



1

BUDGET REVISIONS OVERVIEW

APCO Budget Memorandum page 161
Monthly Salary Schedule update - page 170
Budget Revisions
Revenue and Expense Pie Charts
Updated Budget Schedules
Agenda Page 172 (duplicated) Operating Budget

2

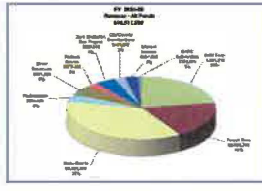
Budget Revisions Made Since 1st Public Hearing

- Revenue Increases:
 - EPA 103 PM_{2.5} Grant for Air Monitoring increased due to final grant received - \$15,800
 - EPA 105 Grant decrease due to final grant received \$20,032
 - City and County Contributions increased due to final California Department of Finance population report May 2024 - \$4,375
- Increase to Salaries (2.8% to 4%) and Benefits per Tentative Agreement with represented employees and Workers Comp rates - \$30,100
- Property and Liability insurance increase due to final estimate received - \$8,800
- Utilities increased due to PGE and Cal Water rate increases - \$9,342
- Maintenance, Equipment and Supplies increase due to final EPA 103 PM_{2.5} Grant received - \$11,168


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REVENUES GRAPH

UPDATED REVENUES: \$18,071,508 **APRIL PRELIMINARY \$18,071,365**



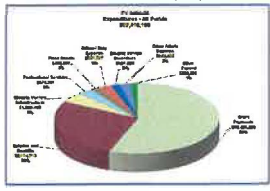
- Federal Grants - \$480,632
 - EPA 103 Grant - Increased by \$15,800
 - EPA 105 Grant - Decrease by \$20,032
- City/County Contributions \$416,947
 - Population increase 8k - \$4,375




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EXPENDITURES GRAPH

UPDATED EXPENSES: \$22,416,109 **APRIL PRELIMINARY \$22,361,719**




- Salaries and Benefits - \$6,164,133
 - Increased due to TA with SEIU - \$30,080
- Office / Bldg Expense - \$501,417
 - Utilities and Air Monitoring Expenses increased by \$20,510
- Other Admin Expense - \$439,639
 - Property and Liability Insurance increased by \$8,800



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Operating Budget Changes

	Original	Updated	Change
Operating Revenues	\$7,631,915	\$7,632,058	\$ 143
Expenditures by Division	\$8,278,719	\$8,333,109	\$54,390
Net Surplus (Deficit)	(\$666,804)	(\$701,051)	\$54,247



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General Fund Budget Changes

	Original	Updated	Change
General Fund Revenues	\$ 6,305,166	\$ 6,305,309	\$ 143
Expenditures by Division	\$ 6,952,288	\$ 6,996,063	\$ 43,777
Net Surplus (Deficit)	(\$647,120)	(\$690,754)	(\$43,634)



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AB2766 Fund Budget Changes

	Original	Updated	Change
AB2766 Fund Revenues	\$ 2,871,000	\$ 2,871,000	\$ 0
Expenditures by Division	\$ 4,768,129	\$ 4,775,179	\$ 7,050
Net Surplus (Deficit)	(\$1,897,129)	(\$1,904,179)	\$ 7,050



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Budget Schedules Changes Salaries and Benefits

	Original	Updated	Change
AB923 Fund	\$ 73,930	\$ 74,398	\$ 468
Moyer Fund	\$175,179	\$176,295	\$1,116
General Grants Fund	\$ 9,233	\$ 9,288	\$ 55
CAPP Fund	\$162,379	\$163,569	\$1,180
FARMER Fund	\$119,583	\$120,327	\$ 744



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General Fund Balance

Estimated Beginning Balance 7/1/24	\$9,428,412
Revenues	6,305,309
Less Expenditures	(6,996,063)
Estimated Ending Fund Balance 6/30/25	\$8,687,658
Reserved Fund Balance	\$2,699,688
Unreserved Fund Balance	\$5,987,978



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Recommendation

Approve the final revisions
And Adopt the FY 2024-2025 Budget



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Questions



Rosa Rosales
Administrative Services Manager
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