



**Monterey Bay Air Resources District**  
**BOARD OF DIRECTORS MEETING**  
**WENDESDAY, JUNE 16, 2021 @1:30 P.M.**

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**REMOTE MEETING ONLY VIA ZOOM**

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*On March 12, 2020, Governor Newsom issued Executive Order N-29-20, which enhances State and Local Governments' ability to respond to the COVID-19 pandemic based on Guidance for Gatherings issued by the California Department of Public Health. The Executive Order specifically allows local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically, in order to protect public health. In light of this, the June 16, 2021, meeting of the MBARD Board of Directors was held via Zoom webinar only.*

### 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:** Jack Dilles, John Phillips, Kollin Kosmicki, Mary Ann Carbone, Mike LeBarre, Ryan Coonerty, Sam Storey, Steve McShane, Wendy Root Askew, Zach Friend.  
**Absent:** Chris Lopez.
4. RECOGNIZED SCOTT NORTON ON HIS RETIREMENT
5. PUBLIC COMMENT – **None.**
6. REPORTS BY COMMITTEE CHAIRS ON COMMITTEE MEETINGS
  - a. Budget, Personnel, and Nominating Committee
  - b. Advisory Committee
7. COMMENTS AND REFERRALS FROM CHAIR AND BOARD MEMBERS
8. REPORT FROM AIR POLLUTION CONTROL OFFICER  
**Richard Stedman, APCO, reported on the following:**
  - The District opened its doors to the public and had staff return to the office on June 15. A number of staff will continue to telecommute up to two days per week.Recruitments
  - This is Executive Assistant Ann O'Rourke's last board meeting. She will be here through the end of July. Interviews for Ann's replacement has been completed. We had many outstanding candidates and will be making an offer by the end of the week.
  - First round of interviews for the air monitoring position have been completed. Finalists will be interviewed and an offer will be made soon.

### Engineering

- Marina odors - On Memorial Day staff received one odor complaint from the East Garrison neighborhood. The complaint stated the odors were coming from the northwest direction. Since this wind direction could be associated with operations at the Monterey Regional Environmental Park, staff followed the process for communicating odor complaints in the vicinity of Marina. No other odor complaints have been received.
- Thanks to the compliance team for their continued work in making sure regulations are followed. In May, staff referred two cases to the Monterey County District Attorney's office which included one case with over 200 identified violations. Staff also referred one case to the Santa Cruz County District Attorney's office.
- The engineering team provided feedback to the California Department of Food and Agriculture (CDFA) for an on-farm composting tool. The CDFA is creating a spreadsheet tool with requirements from air districts, Cal Recycle, and the Water Board to assist farmers with understanding the regulations that may apply to different on-farm compost operations.

### Planning and Air Monitoring

- Staff held a Community Air Protection Program virtual workshop on June 8 to gather input from residents in low-income and disadvantaged communities on how to spend incentive grant funds to reduce air pollution in their neighborhoods. Potential projects could be tractor replacements, electrification of on-road and off-road equipment, improved school filtration systems, and installation of air pollution control devices on stationary equipment. Extensive outreach was done to announce the workshop. Six members of the public attended.

## **CONSENT AGENDA**

**Motion:** Approve items on the Consent Agenda. **Action:** Approve. **Moved by** Zach Friend, **Seconded by** Wendy Root Askew.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 10).

**Yes:** Jack Dilles, John Phillips, Kollin Kosmicki, Mary Ann Carbone, Mike LeBarre, Ryan Coonerty, Sam Storey, Steve McShane, Wendy Root Askew, Zach Friend.

9. **Accepted and Filed** Summary of Actions for the May 19, 2021, Board of Directors Meeting

10. **Received and Filed** Budget to Actual Report for the Eleven Months Ended May 31, 2021

11. **Accepted and Filed** Report of Summary of Mutual Settlement Program Actions for May 2021

## **REGULAR AGENDA**

12. **RESOLUTION NO. 21-011: Held** a Second Public Hearing and **Adopted** a Resolution Adopting the Fiscal Year 2021-22 Budget in the Amount of \$19,727,902; Approving the FY 2021-22 Per Capita Assessments; Approving Permit Fee Schedule Changes Effective July 1, 2021; 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** Zach Friend, **Seconded by** Ryan Coonerty.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Jack Dilles, John Phillips, Kollin Kosmicki, Mike LeBarre, Ryan Coonerty, Sam Storey, Steve McShane, Wendy Root Askew, Zach Friend. **Absent:** Mary Ann Carbone.

13. **RESOLUTION NO. 21-012: Held** Second Public Hearing and **Adopted** a Resolution Approving Proposed Revisions to the following District Fee Rules:

- 300 (Permit Fees);
  - 301 (Fee Schedules);
  - 306 (Asbestos NESHAP Fees);
  - 308 (Title V: Federal Operating Permit Fees); and
- Provide Direction to Staff.

**Motion:** Adopt the resolution. **Action:** Approve. **Moved by** John Phillips, **Seconded by** Jack Dilles.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 9).

**Yes:** Jack Dilles, John Phillips, Kollin Kosmicki, Mike LeBarre, Ryan Coonerty, Sam Storey, Steve McShane, Wendy Root Askew, Zach Friend. **Absent:** Mary Ann Carbone.

14. **Received** a Presentation on the FY 2021-22 AB2766 Electric Bicycle (E-bike) Incentive Component of the MBARD Electric Vehicle Incentive Program (eVIP)

**Receive the report only. No action required or taken.**

<b>CLOSED SESSION</b>
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**NO CLOSED SESSION HELD**

~~15. The Board will meet in Closed Session pursuant to Government Code section 54950, relating to the following:~~


- ~~c. Pursuant to Government Code section 54957.6, the Board will provide direction to negotiators. Designated representatives: Richard Stedman, APCO, Rosa Rosales, District Administrative Services Manager, and Lynn Kievlan, District Admin & Fiscal Specialist Employee Organization: SEIU Local 521.~~

16. Adjournment – **The meeting was adjourned at 2:54 p.m.**

*Ann O'Rourke*  
*Executive Assistant*

# Monterey Bay Air Resources District

Second Public Hearing  
Draft Budget - Fiscal Year 2021-2022  
Board of Directors Meeting  
June 16, 2021



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## Budget in Brief

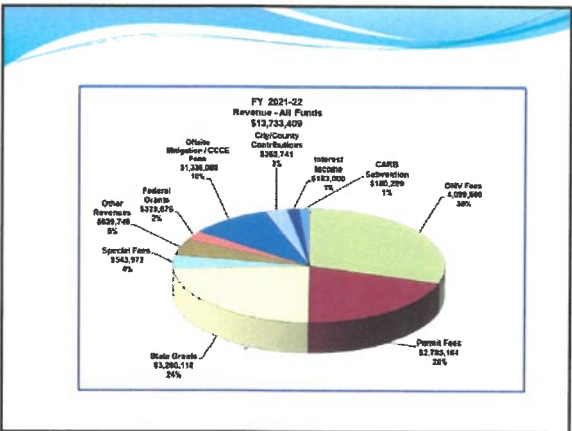
- Total budget of \$19.7 million
- Proposed fee increase of 2% based on CPI for all fees except Asbestos
- Increase to City and County per capita fees, from \$.47 to \$.48
- Total budgeted FTEs is 30
- Fixed Asset Purchases \$150,754:
  - Cloud services for Database and Document Management programs
  - One compliance vehicle
  - Ozone analyzer for Air Monitoring
- Estimated deposit to OPEB - \$45K and Pension Trusts of \$75K
- Major grant programs continued: AB2766, AB923, Carl Moyer, Woodstove Changeouts, CAPP and FARMER.

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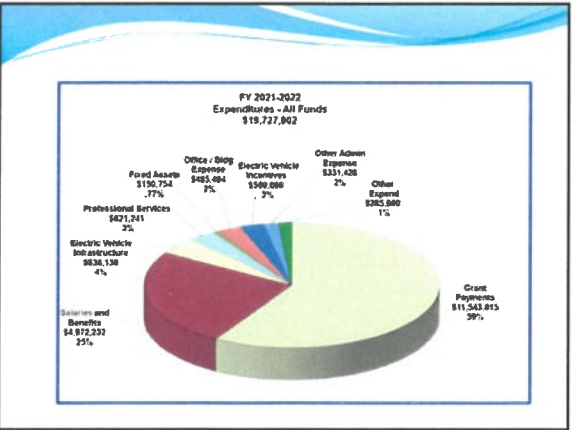
## Budget Revisions Made Since 1<sup>st</sup> Public Hearing

- Adjusted Woodstove Change Out Administrative Expenses
- Decrease OPEB funding to \$45K based on Actuarial Report recommendation
- Added \$75K Pension Trust Funding
- Increase Moyer Grant Revenues by \$70,560 based on final contract
- Minor updates to the budget schedules due to above changes

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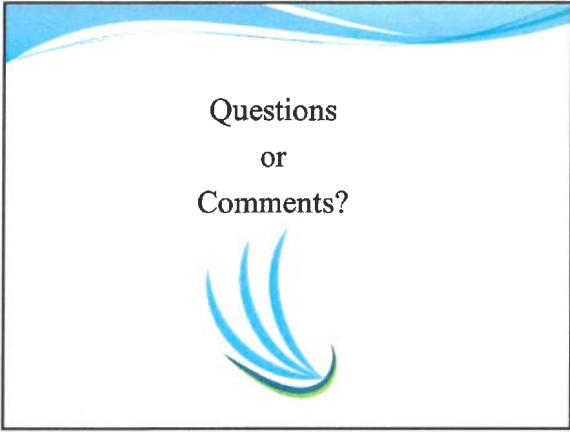
## General Fund Balance

*Projected, rounded to nearest thousand*

Estimated Beginning Balance July 1, 2021	\$7,622,000
Revenues	5,019,000
Less Expenditures	<u>(5,524,000)</u>
Estimated Ending Fund Balance June 30, 2022	<u>\$7,117,000</u>

Category	Amount
Unreserved	\$5,192,653
Econ Uncert Reserve	\$1,705,084
Pension Fund	\$75,000
Big A Facilities	\$140,000
OPEB Reserve	\$45,000

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# Second Hearing

## Potential Fee Rule Changes for Fiscal Year 2021-2022 Budget

AMY CLYMO  
JUNE 16, 2021



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## Outline

- Proposed fee rule revisions
- 300 District Fees
- 301 Fee Schedules
- 306 Asbestos NESHAP Fees
- 308 Title V: Federal Operating Permit Fees



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## Major Fee Rule Revisions

- Potential fee increase (up to 2 %)
- Adjust gasoline throughput fee categories to align with regulatory requirements
- Clarify the toxic fee assessed for permit applications and annual permit renewals applies to all permits
- Alignment of the Title V fee language with Rule 300



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## Examples of Permit Fees

Current Fee (FY 20-21)	Fee Increase (upto 2%)	Proposed Fee (FY 21/22)
Filing Fee \$217	\$4	Filing Fee \$221
General Permit Fee \$968	\$19	General Permit Fee \$987
Annual Renewal Fee - Billable Tons < 0.1 \$216	\$4	Annual Renewal Fee - Billable Tons < 0.1 \$220
Emergency Diesel Engine \$373	\$7	Emergency Diesel Engine \$380
Hourly Staff Rate \$154	\$3	Hourly Staff Rate \$157



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## Changes to GDF Throughput Categories

Rule 300 (Gasoline Throughput Fees, Section 4.6)

Gasoline Throughput, Gallons per Year	Rule 300 (FY 2020-2021)	Rule 300 (FY 2021-2022)
Section 4.6 Per Nozzle Fee	\$5	\$6
Throughput "b" 0 - < 100,000	\$258	\$263
100,000 - < 400,000	\$418	\$421
400,000 - < 1,000,000	\$610	\$621
1,000,000 - < 1,200,000	\$812	\$826
1,200,000 - < 1,600,000	\$1,014	\$1,021



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## Toxic Program Fees

Rule 300

4.11 Annual Renewal Fee Determination, Toxic Program Sources

In addition to any other annual renewal fee determinations required by other Sections of this Rule, all Permits to Operate and Authorities to Construct ~~shall be assessed an annual toxic program fee~~ ~~or annual renewal fee~~, with the exception of sources subject to Section 4.8 of this Rule, shall be assessed an annual toxic program fee as set forth in Table 1 Other Annual Renewal Fee Determination

Rule 301

Schedule 6  
Toxic Air Contaminants

In addition to other fees required, each permit application ~~shall be assessed an annual toxic program fee~~ ~~or annual renewal fee~~ ~~as set forth in Table 1 Schedule 6~~



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## Rule 306: Asbestos NESHAP Fees

- Propose no fee increase
- Reviewed nearby air district asbestos fees and our current fees are higher
  - Bay Area Air Quality Management District fee for 160 sq. ft. = \$754
  - San Luis Obispo Air Pollution Control District fee for 160 sq. ft. = \$687.50
  - MBARD fee for 160 sq. ft. = \$806
- In past years fees increased at a rate higher than our other fee categories (e.g. FY19-20 there was 10% increase)
- Add a cancellation fee to also apply to demolition only notifications



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## Public Comment

The asbestos fees are too high. The permit fees for 165 sqft of removal cost more than the abatement. People just skip it and hope they don't get caught. I am suggesting a study is done to include residential housing like in the bay area. Maybe by including these units, the district can lower each permit cost without crashing the budget. In reality the dangers of asbestos do not care if the building is commercial or residential.

-Ryan Hoffman, Monterey Environmental Services and Solutions



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## Rule 308 Language Revision

4.1.1 The District will determine the permittee's AFOFF based upon the permittee's Billable Emissions, as defined by Section 2.4 of Rule 300 (Permit Fees), multiplied by the dollar amount per ton shown in Section 4.1.2 of this Rule. The minimum AFOFF per year is set forth in Rule 301 Table 1 Title V Fees.

*For facilities with annual Billable Emissions greater than or equal to 300 tons per year, the minimum AFOFF shall be \$100,000 per year through 2001. For facilities with annual Billable Emissions less than 300 tons per year, the minimum AFOFF shall be \$100,000 per year through 2001. For any facility, newly determined to be a major source under the AQOY, the minimum AFOFF shall be \$100,000 per year through 2001. For any facility, newly determined to be a major source under the AQOY, the minimum AFOFF shall be \$100,000 per year through 2001.*



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## Recommendation

Adopt a Resolution Approving Proposed Revisions to the following District Fee Rules:

- 300 (Permit Fees);
- 301 (Fee Schedules);
- 306 (Asbestos NESHAP Fees);
- 308 (Title V: Federal Operating Permit Fees)



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Questions or  
Comments?

Amy Clymo  
aclymo@mbard.org



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### E-Bike Classification\*

- **Class 1:** A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 mph.
- **Class 2:** A bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 mph.
- **Class 3:** A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 mph, and is equipped with a speedometer.

\* Classification created by the Bicycle Product Suppliers Association (BPSA), which has been codified in 21 states as well as CA. All E-bikes are limited to electric motors less than 750 watts (1hp) under federal and state law. Only Class 1 and 2 E-bikes are allowed on multi-use trails. Class 3 may be used only with authorization by local ordinance.

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### E-Bike Legislation

- **AB 1096, Chiu, 2015:** Defines the term "electric bicycle" and regulates its use – **Codified 2016**
- **SB 400, Umberg, 2019:** Directs the ARB to add E-bikes to the Clean Cars 4 All program (BAAQMD, \$7500 grants) – **Codified 2020**
- **AB 117, Horvath, Friedman:** Adds E-bike incentives to the state Air Quality Improvement Plan (Allocate \$10M @ \$1K per incentive) - **Pending**
- **E-Bike Act, Panetta, Blumenauer, 2021:** Provides federal tax credit for E-bike purchases (\$1500 tax credit) - **Pending**

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### CALIFORNIA ELECTRIC BICYCLE POLICY

BICYCLE TYPE	MOTOR ASSISTANCE		SPEED				REGISTRATION			
	POWER	WATTAGE	20 MPH	28 MPH	31 MPH	35 MPH	REGISTRATION	TITLE	SALES TAX	SALES TAX EXEMPTION
BIKE	YES	750	YES	YES	NO	NO	NO	NO	NO	NO
TYPE 1 E-BIKE	YES	20	YES	YES	NO	NO	NO	NO	NO	NO
TYPE 2 E-BIKE	YES	20	NO	YES	NO	NO	NO	NO	NO	NO
TYPE 3 E-BIKE	YES	28	NO	NO	YES	NO	NO	NO	NO	NO
MOPED	NO	16	NO	NO	NO	YES	YES	YES	NO	NO

people . bikes

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### A NORTH AMERICAN SURVEY OF ELECTRIC BICYCLE OWNERS

Final Report  
NITC-RR-1041

by  
John M. Arthur  
Richard Haywood  
David Schaefer  
Portland State University

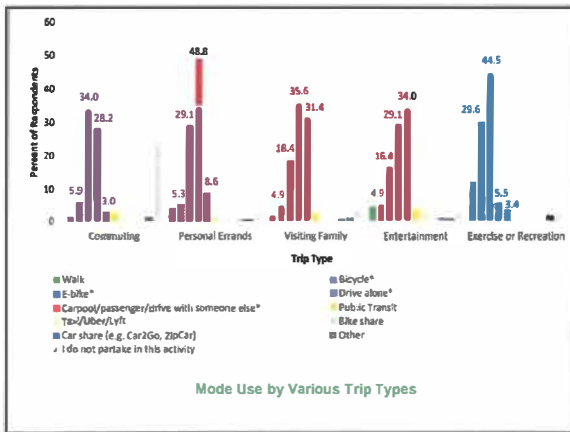
with  
Wendy R. Chery  
University of Tennessee

National Institute for Transportation and Communities (NITC)  
P.O. Box 711  
Portland, OR 97207

March 2018

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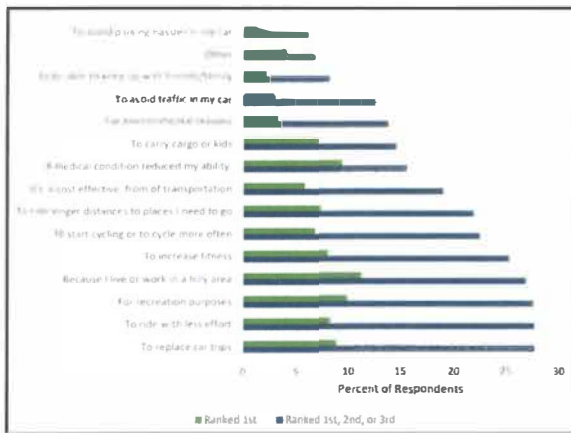
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### E-Bike Characteristics\*

Standard c-bike	39.5
Mountain bike	27.8
Step-thru	12.1
Cargo	11.8
Folding trike	2.1
Scooter	3.8
E-scooter pedals	0.3
Other	0.4
Other	2.1

\* Types of E-bikes (percentage owned) based on a survey sample size of 1,796 owners

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- ### FY 2021-22 AB2766 Proposed E-bike Incentive Program
- Allocate \$50,000 from AB2766 budget
  - \$200 incentive per applicant. \$400 incentive if low-income qualified.
  - Purchase must be new from established E-bike retailers
  - Total cost of the E-bike: \$1000 minimum/\$4000 maximum
  - Limit E-bike style to Class 1 & 3 commuter/cargo

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