



MONTEREY BAY AIR RESOURCES DISTRICT ADVISORY COMMITTEE MEETING

JANET BRENNAN, CHAIR

THURSDAY, November 4, 2021 – 1:30 P.M.

REMOTE MEETING ONLY

Link to meeting: <https://us02web.zoom.us/j/83723148348>

Webinar ID: 837 2314 8348

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 Committee desires to continue to meet remotely via teleconference after that first meeting, the Committee 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 Committee 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, November 2, 2021. Comments received will be distributed to the Committee prior to the meeting.

Summary of Actions

1. Call to Order – **The meeting was called to order at 1:33 p.m. by Chair Brennan.**
2. Roll Call – **Present:** Allen Stroh, Bob Smith, Caitlyn Turley, Janet Brennan, Julie Stasiuk, Karen Gray, Matthew McCluney, Sandy Coplin, Scott Storm, Spencer Critchley.
Excused: David Mack, Jeff Davis, Lacey Raak, Sandy Swint.
3. Changes to the Agenda – **None.**
4. Public Comment Period – **None.**
5. **Received Report on AB 361 and Approved** continued remote meetings for the next 30-days, ending on December 3, 2021, pursuant AB 361 to find that as a result of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, holding Advisory Committee meetings in person would present imminent risks to the health or safety of attendees.
Motion: *Approve continued remote meetings. Moved by Allen Stroh, Seconded by Sandy Coplin.*
Vote: *Motion carried by unanimous roll call vote (summary: Yes = 10).*
Yes: *Allen Stroh, Bob Smith, Caitlyn Turley, Janet Brennan, Karen Gray, Matthew McCluney, Sandy Coplin, Scott Storm, Spencer Critchley, Julie Stasiuk.*
Excused: *David Mack, Jeff Davis, Lacey Raak, Sandy Swint.*
6. **Accepted and Filed** Summary of Actions for the Advisory Committee Meeting of August 5, 2021
7. **Received** presentation of Review Roles and Responsibilities of the Advisory Committee.
8. **Received** Presentation on Rule 438.
9. **Received** Monthly Oral Report from Air Pollution Control Officer **Richard Stedman, APCO, reported on the following:**

Previous Board Meetings

August 18, 2021

- Received Presentation on Mid-Year 2021 Engineering and Compliance Activities
- Received a Presentation and Report on Daily Eight-Hour Peak Ozone Concentrations, Hourly Peak
- Ozone Concentrations, PM2.5 and PM10 Air Monitoring Data for the First Two Quarters of 2021
- Received the FY 2021-22 AB2766 Applicant Summary and Staff Recommendations

September 15, 2021

- Received a Presentation on AB 617 Community Air Protection Program
- Received an Update on the District's Air Toxics Program
- Adopted a Resolution Allocating \$1,700,000 to the FY2021-22 AB2766 Motor Vehicle Emissions Reduction Grant Program and Authorizing the Air Pollution Control Officer to Grant up to

\$1,200,000 to the Attached List of FY2021-22 AB2766 Staff Recommended Grant Awards and up to \$500,000 for the Monterey Bay Electric Vehicle Incentive Program

- AB 361. The Board adopted Resolution No. 21-026 pursuant to AB 361 to find that because of the continuing COVID-19 pandemic state of emergency declared by Governor Newsom, holding Board of Directors' meetings in person would present imminent risks to the health or safety of attendees.

October 17, 2021

- Received Presentation from Guy Petraborg, Director of Engineering & Compliance, Monterey Regional Waste Management District
- Received a Demonstration of the Accela Permit and Compliance Database
- Approved Non-Discrimination Policy, Complaint Procedure, and Accessibility Policy

District Updates

New Recruitments Underway

- We are currently recruiting for an Air Quality Engineer, Air Monitoring Specialist and Air Quality Planner I/ II, III

Engineering

- Our Engineering, Compliance, and Accounting staff went live in Accela's Civic Platform database on July 19. This new database replaces our TRAKIT database. Over the past month we have been working through issues as they come up but overall, the new database will serve us better both internally and our customers.
- On August 13, our Engineering team issued an Authority to Construct to the Monterey Regional Waste Management District for their Permanent Hydrogen Sulfide treatment system. This system removes the elevated levels of hydrogen sulfide in the landfill gas before it is combusted reducing oxide of sulfur emissions into the air.
- We recently were awarded a \$200,000 EPA Exchange Network Grant to assist with required EPA reporting and documentation requirements.
- On October 6, Inspector Shawn Boyle did a presentation at the CAPCOA Enforcement Managers meeting about the asbestos NESHAP and introduced a discussion on naturally occurring asbestos.
- Three of our inspectors attended training the week of October 11 in Ventura. The training included how to use an analyzer called a TVA 2020. This analyzer can detect methane and is useful to detect fugitive emissions at oil and gas facilities or landfills. The consent agenda includes a budget adjustment to purchase this analyzer for use in our air district.
- On October 18 and 19, our engineer Seong Kim conducted training on a software tool called Hotspots Analysis and Reporting Program (HARP) for other air district staff. HARP is used by air districts for emission inventories and estimating health risk.

- The Governor signed Assembly Bill 1346 prohibiting the production of new gasoline-powered small off-road engines by the later of January 1, 2024, or as soon as the California Air Resources Board (CARB) deems feasible. These engines are typically used in lawn and garden equipment such as lawnmowers or leaf blowers. The bill also calls upon CARB to identify incentive funding to support the transition to zero-emission equipment.
- Marina Odor Complaints – We received one odor complaint on August 27 from the Susan Avenue neighborhood. The complainant described it as a sweet, sour compost odor. We followed our normal process to email the complaint to the operators, Monterey County Environmental Health, and Ag Commissioner’s office. We did not receive complaints regarding odors in the area in September or October.

Planning and Air Monitoring

- The E-Bike Incentive program is now open. Two applications have been received so far. From the calls that we’re receiving, there seems to be a lot of interest.
- 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 57 applications received, \$73,300 obligated, and \$376,700 remaining.
- The 2020-2021 Woodstove Change Out Program, which incentivizes the replacement of non-EPA certified woodstoves with cleaner burning alternatives such as natural gas and propane, has received 128 applications, 7 of which are low income. All \$159,000 in project funds has been obligated and a waiting list has been established. The 2021-22 Woodstove Change Out Program launched on September 28. \$87,500 in local funds has been budgeted for this year’s program.
- The Alisal Union School District in Salinas just received in July an all-electric bus through the District’s Zero Emission School Bus Program. This project was funded through a collaboration with Central Coast Community Energy. AB 923, East Garrison Mitigation, and 3CE funds all contributed to the purchase of this electric school bus.
- The San Lorenzo Valley seasonal monitoring network will be installed next month to measure elevated wintertime concentrations of wood smoke from fireplaces and chimneys.
- Air monitoring staff have begun installing the Wildfire Smoke Sensor Network. This network uses Clarity sensors which are self-contained units that use solar panels and batteries for power and a cellular network to send data remotely. This network will expand the availability of monitoring data when wildfire smoke impacts our region, provides an opportunity to collect data in disadvantaged communities and low-income areas, and can be expanded for use in the SLV for the Spare the Air program.
- The San Lorenzo Valley seasonal air monitoring network, which measures elevated wintertime concentrations of wood smoke from fireplaces and wood stoves, was installed earlier this month.
- The San Lorenzo Valley Spare-the-Air Program will start in November. The STA Program notifies residents of deteriorating meteorological conditions in the SLV which could concentrate wood

smoke. 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 Spring when conditions for smoke dispersion improve.

- The Bonny Doon Elementary School just received an all-electric bus through the District's Zero Emission School Bus Program. This project was funded with Central Coast Community Energy funds and the District's AB 923 fund.

Outreach

- The District sponsored an Electric Vehicle Ride and Drive event at the Salinas Railroad Depot on Saturday October 3. The event, organized by Ecology Action through a grant from Electrify America, provided a platform to advance electrified mobility and sustainable transportation. There were many attractions at the event including electric cars, motorcycles, and bikes on display, activities for kids where they could receive a free bike helmet, a drawing to win an electric bike, and electric cars to test drive. District staff participated by setting up an informational booth and promoting both the Electric Vehicle and the E-Bike Incentive Programs.
- Sirie has been getting our social media up to speed and visible. In addition to Facebook, we are now on Instagram and Twitter. We hope to go fully automated in October.

Lastly

- Central Coast Community Energy (CCCE) is asking Member Agencies to identify roughly 1500 square feet or more of accessible space in which to locate a 1 MW to 5 MW Battery Energy Storage Systems (BESS) as part of CCCE's deployment of 100 Megawatt (MW) of distributed BESS spread throughout our service area. These front of the meter (FOM) distributed BESS resources enhance grid reliability by addressing the intermittency of renewable resources.
- How to Participate by November 15, 2021, please provide CCCE (at jkilligrew@3ce.org) with a list of potential site locations identified by street address, electric meter number, or maps with parcel number information. While all submitted sites will be evaluated, the ideal site is 1) close to critical facilities, 2) near the existing distribution system, and 3) periodically accessible for routine operational needs.

10. Future Agenda Items

- Climate Action Plan

11. Chairman's Comments – **None.**

12. Comments from Committee Members

- **Gray** – Add social media campaigns to future agenda

13. Order for Adjournment – **The meeting was adjourned at 2:53 p.m.**

Sirie Thongchua
Executive Assistant

Monterey Bay Air Resources District

Rule 438: Open Outdoor Fires Advisory Committee

November 4, 2021

Purpose

- Provide overview on Rule 438 History
- Inform the Advisory Committee of current District proposed rule revisions.
- Review and discuss:
 - Proposed revisions and
 - Public comments

Historical Timeline

Rule 438's first iteration was adopted on April 16, 2003.

Subsequent Rule Revisions:

- September 15, 2004
- October 19, 2011
- September 19, 2012
- February 19, 2014

Rule 438 - History

Rule 438: Open Outdoor Fires was developed due to requirements from:

- **California Health and Safety Code**
Sections:
 - 39011 – Definition of Agricultural Burning
 - 41800 – Prohibited Burning
 - ◊ Article 2: Non-Agricultural
 - ◊ Article 3: Agricultural
 - 41850 – Legislative Intent (Reasonably regulate - not prohibit)
- **California Code of Regulations, Title 17, Subchapter 2 (Ag. Burning Guidelines),**

Governing Laws

California Health and Safety Code:

- **§ 41850 Legislative Intent**
 - "...agricultural burning* be reasonably regulated and not be prohibited."
 - "...state board and districts shall take into consideration, in adopting rules and regulations for the purpose of this article..."
- **§ 41852 Permit Required; Penalties:**
 - "No person knowingly shall set or permit agricultural burning unless he has a valid permit from the agency designated by the state board to issue such permits..."

* § 39011: "Agricultural burning" means open outdoor fires used in any of the following: Agricultural operations... forest management, range improvement... wildland vegetation management..."

Burn Types in Rule 438

Agricultural, residential vegetative waste or wildland fuel burned under permissive burn day conditions.



*H&S § 39011 (c)(1): "...wildland vegetation management is the use of prescribed burning conducted by a public agency..."

District Objective

- Protect public health by minimizing smoke impacts through good smoke management.
 - Avoid Smoke Impacts / Public Nuisance
 - Avoid Exceeding Air Quality Standards
- Support the open burning needs of federal, state and local fire agencies, landowners and ranchers.
- Educate burners in:
 - Difference between fire agencies and Air District
 - District's role
 - Permitting authority
 - Obtaining a burn permit
 - Burn Seasons,
 - Permit Types, Permit Suspensions and Bans

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Proposed Revisions

- Reorganization of certain text and/or subsections to improve rule continuity and clarification.
 - Aids with rule comprehension
 - Assists with enforceability

New

- Prohibition on burning of driftwood
- Prohibitions, embedded in definitions, were established
- Definitions added
- Certain definitions expanded upon

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Driftwood Burning

- Produces more Dioxins than Firewood
- Dioxins are:
 - Chemically-related compounds: Persistent Organic Pollutants (POPs)
 - Bioaccumulate over time in the food chain and our bodies
 - Highly toxic – can cause:
 - Reproductive and Developmental Problems
 - Damage to Immune System
 - Interferes with Hormones
 - Carcinogenic
 - Half life: 7-11 years



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Additional Prohibitions

Section:

- 3.1.2 – Prohibition of burning driftwood
- 3.9 – Revocation or denial of a Smoke Management Permit
- 6.4.5 – The use of accelerants is prohibited in backyard burning
- 6.7.1 – Smoke or ash from backyard burns shall not cause a public nuisance...
- 6.7.3 – Burning of tree stumps or root balls is prohibited
- 6.7.4 – Vegetation greater than six-inches (6") in diameter that continues to burn beyond the designated burn hours does not relieve the permittee from smoke impact liability.

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Definitions Added

- **Accelerant:** Any ignitable or flammable liquid used to aid the spread of fire.
- **Adult:** In the state of California, the age at which a person is considered an adult, with all the attendant rights and responsibilities of adulthood, is when he or she reaches 18 years of age.
- **Conservation Burn Kiln:** A specially manufactured, fireproof metal container used to convert woody materials into biochar.
- **Disposal:** The process of reduction of material through the means of fire.
- **Driftwood:** Pieces of untreated natural wood which have been in the ocean prior to washing ashore.
- **Fire Protection Agency:** An agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.

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Definitions Edited

- **Approved Ignition Device:** definition expanded to include liquid petroleum gas, butane, diesel oil burners, or flares,
- **Burn Barrel** definition renamed "Burn Barrel/Container"
- **Mechanized Burning** definition expanded to include Air Curtain Burners, Air Curtain Incinerators and Trench Burners,
- **Warning Fire:** Minimum ambient outdoor temperature requirement established at 50° F and pile size limitations of 2x2 in residential areas and 4x4 in rural areas,
- **Waste** definition expanded to include the following types of waste: all interior and exterior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, roof coatings, wood preservatives, shellacs, paint thinners and other paints or paint-like products or any solvents, metals; motor oils, motor solvents,
- **Woody Waste from Development** definition was renamed "Development Burn".

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Comments

One comment received - *Aptos (Rio del Mar) resident*:

- Supportive of the idea of taking control of contributing factors of GHG.
- In favor of any rule prohibiting burning on the beaches.
- Beach fires:
 - Generate unnecessary smoke in the area,
 - Are often conducted on the open sand not within a fire ring,
 - Present a risk of hot materials that can be encountered,
- A reduction in wood burning overall is good for the environment, air quality, and surrounding community.

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Questions?

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