



Monterey Bay Air Resources District BOARD OF DIRECTORS MEETING

WEDNESDAY, OCTOBER 16, 2019 – 1:30 P.M.

24580 SILVER CLOUD COURT, 3RD FLOOR, MONTEREY, CA, 93940

Summary of Actions

1. CALL TO ORDER – The meeting was called to order by Chair McShane at 1:30 pm.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

Present: Ryan Coonerty, Zach Friend, Lowell Hurst, Fred Ledesma, Chris Lopez, Steve McShane, Jane Parker, John Phillips.

Absent: Anthony Botelho, Mary Ann, Honor Spencer.
4. PUBLIC COMMENT PERIOD
 - Mitchell Lachman addressed the Board regarding a plan to limit number of cars on the road certain days of the week according to license plate numbers.
5. REPORTS BY COMMITTEE CHAIRS ON COMMITTEE MEETINGS
 - a. 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:

Audit Results

 - District had a clean audit again this year. Final audit will be presented in December.

Engineering

 - CAPCOA Compliance Symposium was held October 3-4 in Sacramento. The focus of the symposium was topics useful to new inspectors such as report writing and inspection tools.
 - CAPCOA Engineering Symposium was held October 8-9 in Folsom. The symposium covered a wide range of topics from composting to cannabis to toxics.
 - CAPCOA Vapor Recovery meeting was held October 8-9 in our office.
 - Hearing Board meeting was held for a short term variance for UC Santa Cruz to operate natural gas fired emergency generators for a short period of time while the power is shut-off to install and test solar panels at the substation.
 - PG&E Power Safety Power Shutoff (PSPS) has resulted in an increased demand for emergency generators. Based on communication with some of our sources, there are not many portable generators available for rent in the state and they are having to look outside of California for engines. We anticipate there may be an increase in sources purchasing and permitting emergency generators now that the first PG&E PSPS has happened.

AGENDA ITEM NO. 8

Planning and Air Monitoring

- Phase II of the Monterey Bay Electric Vehicle Incentive Program launched on August 1. Seventy-nine applications have been received so far.
- Envision Solar with cooperation from Caltrans, has installed two DC fast charge stations equipped with solar panels and battery storage at the Camp Roberts rest areas. The project was funded by the District's Plug-In Monterey Bay, AB 923, grant program. These are the first DC fast charge stations installed at rest areas in California. Each station can charge 4-6 cars/day.

San Lorenzo Valley

- The San Lorenzo Valley PM^{2.5} seasonal monitors have been installed in preparation for the increased wintertime use of wood stoves and fireplaces. San Lorenzo Valley monitors are located at the Felton, Zayante, and Boulder Creek fire departments, and the CAL FIRE Headquarters in Felton.
- Spare the Air program will launch on November 1. 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.
- Annual San Lorenzo Valley Student Art Contest was launched in September. The contest teaches students about how the use of wood burning stoves and fireplaces affects air quality. This year's theme is "Wood Smoke Affects Us All." The contest is run every year by the Valley Women's Club and sponsored by Bruce McPherson's office and the District. The awards will be presented at the SLV School District's Board Meeting on November 20.

Outreach

- Participated in Drive Electric Week events in Santa Cruz and Monterey
- Participated in Clean Energy Forum in Seaside
- Have placed an AQ Treks PAM with Hartnell Teacher
- Will be working with Steinbeck Center to use the AQ Treks PAM and curriculum in their summer program
- Working with CalTRANS and a marketing firm on Camp Roberts solar EV ribbon cutting; tentatively scheduled for some time during the week of November 11. When we have a firm date we will be inviting Board Members to attend. Press release announcing availability of charging stations was released in September.
- Will be at Hartnell College next week on the 22nd.
- We're also working with E-Lion for a ribbon cutting on November 12 to welcome the delivery of electric school buses to several school districts in the region (Live Oak in Santa Cruz, Gonzales, Salinas).

CONSENT AGENDA

Motion: Approve items on Consent Agenda. Action: Approve.

Moved by Chris Lopez, Seconded by Ryan Coonerty. Motion passed unanimously.

8. **Accepted and Filed** Summary of Actions for the September 18, 2019 Board of Directors Meeting

9. **Accepted and Filed** Report of Summary of Mutual Settlement Program Actions for September 2019

10. **RESOLUTION NO. 19-019: Adopted** a Resolution Authorizing the Air Pollution Control Officer to Enter Into a Grant Agreement with the California Air Resources Board and Accept \$60,000 in Funding
11. **RESOLUTION NO. 19-020: Adopted** a Resolution Authorizing the Air Pollution Control Officer to Enter Into an Agreement With the County of Monterey to Expand the Use of East Garrison Mitigation Funds and to Indemnify the County for Projects Using These Funds

REGULAR AGENDA

12. **Received** a Presentation on the California and Federal Clean Air Act: Mobile Source Regulations
Received presentation only; no action required.
13. Adjournment – **The meeting was adjourned at 2:15 pm.**

Ann O'Rourke
Executive Assistant

Environmental Enforcement Update
California and the Federal Clean Air Act

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The Panel

Richard A. Stedman

- Air Pollution Control Officer for the Monterey Bay Air Resources District in California
- Current Co-President of the National Association of Clean Air Agencies (NACAA)
- NACAA Enforcement Committee Co-Chair since 2004
- President of Breathe California, Central Coast Chapter
- Former President of the California Air Pollution Control Officers Association (CAPCOA)

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Objectives

- Be able to describe the current enforcement landscape in California and the Federal Clean Air Act waiver as it relates to the regulation of mobile sources
- Identify California's issues, concerns and approaches with respect to air pollution from mobile sources.
- Identify USEPA's perspective related to California's waiver under the Federal Clean Air Act and SAFE
- Use the information contained in this presentation to help inform your practice in your state or region.

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Mobile Source Regulation in California

Legal requirements for a waiver under the Clean Air Act

- The U.S. EPA has granted California waivers for its clean air and climate program for decades based on its long-standing determination that:
 1. California's standards are at least as protective as federal standards, and that the state's determination of that fact was not arbitrary and capricious;
 2. California's standards are needed to meet compelling and extraordinary conditions.
 3. California's standards are not inconsistent with certain Clean Air Act provisions related to technical feasibility and lead time to manufacturers.

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Clean Air Act Waiver

50 years of waivers: good for California, good for the nation

- Congress first established the general preemption of state vehicle standards and the waiver of that preemption for California in the Air Quality Act of 1967.
- Congress recognized that California was experiencing significant air pollution problems as a result of "compelling and extraordinary circumstances", and that California was leading the nation regulating vehicle emissions at a time when the federal government had not yet adopted comparable standards.
- California has applied for and received more than 100 waivers over the past 50 years. None have been revoked.
- Waivers are granted for specific California regulations that establish emission standards and other emission-related requirements for new motor vehicles or new motor vehicle engines.

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Waiver (cont.)

Waiver facts

- After California obtains a waiver for specified emission standards, Clean Air Act Section 177 allows other states that are or have been noncompliant with federal ambient air quality standards to adopt California's standards as their own. To date, *thirteen states* and the District of Columbia have adopted all or part of California's regulations under Clean Air Act Section 177.
- No waiver has ever been revoked and the one previous denial was quickly reversed.
- There is no Clean Air Act process for revoking a waiver.
- Waivers do not expire; they are sometimes superseded by a new waiver approving more stringent standards.

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Waiver (cont.)

Waivers drive emission control technologies

California's vehicle rules have directly resulted in the development of major technological advances to clean vehicle emissions. As a result, in terms of smog-forming pollution the average new car sold in California – and nationwide – is more than 99 percent cleaner than a car from the 1970s.

- 1969: Evaporative emissions
- 1973: Catalytic Converter
- 1986: Check engine light
- 1990: Low-Emission Vehicle standards
- 1999: Low-Emission Vehicle II standards
- 2012: Advanced clean cars

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Waiver (cont.)

Waivers Drive Innovation & Cut Air Pollution

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Waiver (cont.)

Waivers protect public health

In the 50 years since Governor Ronald Reagan signed the California Air Resources Board into existence, its regulations have brought significant benefits to the state:

- Since the 1970s many pollutant levels decreased 75-99% in California despite doubling of the population and quadrupling of vehicle use.
- 29,000 premature deaths avoided each year. This accounts for 15% of total deaths in the state.

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Waiver (cont.)

The Challenge to Reducing Ozone in the LA Basin

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Climate Change

Climate change will increase smog

- Rising temperatures in the future will exacerbate our ozone problems. There is a clear relationship between increasing temperature and increasing ozone concentrations.
- As federal ozone standards get more stringent, the impact of rising temperatures on ozone levels will be magnified. Increased electrification of the vehicle fleet is the most promising solution to address this troubling issue.

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Federal Perspective on Mobile Source Regulation

U.S. EPA's SAFE Rule Assumptions

- Cutting standards will reduce vehicle prices.
- The SAFE rule will save hundreds of lives annually.
- The SAFE rule makes minimal changes to a rule that would not have made appreciable difference globally anyway.
- Companies trade credits for compliance.
- EPCA blocks California's emissions standards program

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The Art of War

September 24, 2019 letter from Administrator Wheeler threatening sanctions on California (attached)

- Highway funding sanctions, which could result in a prohibition on federal transportation projects and grants in certain parts of California,
- New Source Review permitting sanctions; and
- A deadline for the issuance of a Federal Implementation Plan.

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The Art of War (cont.)

September 27, 2019 letter from California Senator Dianne Feinstein to Deputy Inspector General (attached)

- Requests investigation into EPA possibly unfair tactics
- Sets the record straight on SIP backlog in California

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For more information

- Richard A. Stedman
- Email: rstedman@mbard.org
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- NACAA Website: 4cleanair.org
- CAPCOA Website: capcoa.org
- CARB Website: <https://ww2.arb.ca.gov>

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Questions?

All attendees can submit questions via the Q&A feature on the webinar interface

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