



NORTHERN
SONOMA COUNTY

Air Pollution Control District

A G E N D A

NSCAPCD Board of Directors

Wednesday, November 10th at 10:00 AM

150 Matheson St Healdsburg, CA 95448

During the COVID-19 declared emergency, in accordance with Executive Orders N-25-20 and N-29-20, the November 10, 2021 Board of Directors meeting will be held by internet conference. MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.

The November 10, 2021 Board of Directors Meeting will be facilitated by the “Zoom” internet conference service.

THE PUBLIC CAN WATCH OR LISTEN TO THE BOARD MEETING USING ONE OF THESE TWO METHODS:

- Join the Zoom meeting: use your computer, tablet, or smartphone. Go to: <https://us02web.zoom.us/j/81510158283> (Meeting ID: 815 1015 8283).
- Call-in and listen to the meeting. Dial: **1 669 900 6833**. Enter meeting ID: 815 1015 8283.

THE PUBLIC CAN COMMENT PRIOR TO THE BOARD MEETING:

- Voice recorded public comment: To submit public comment via recorded message, please call **707-565-7120** by 5pm Tuesday, November 9th. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played at the appropriate time during the board meeting.
- Email public comment: To submit an emailed public comment to the Board please email Ian.Maurer@sonoma-county.org and provide your name, the agenda item on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.

THE PUBLIC CAN COMMENT DURING THE BOARD MEETING:

- Comment using Zoom: Members of the public who join the Zoom meeting, either through the Zoom app or by calling in, will be able to provide live public comment at specific points throughout the meeting.
- Email public comment: One may also email public comment to Ian.Maurer@sonoma-county.org throughout the meeting. All emailed public comments will be forwarded to all Board Members.

DISABLED ACCOMMODATION:

- If you have a disability which requires an accommodation or an alternative format to assist you in observing and commenting on this meeting, please contact the Clerk of the Board at **(707) 565-7120** or by email Ian.Maurer@sonoma-county.org by 12pm Tuesday, November 9th to ensure arrangements for accommodation.

These rules for public observation and comment supersede and replace the standard provisions for the duration of the public health emergency.

Call to Order

Statement of Meeting Procedures. Welcome to the Northern Sonoma County Air Pollution Control District's ("NSCAPCD" or "District") Board of Directors meeting. If you wish to speak on an issue not appearing on the agenda, you may do so during the public comment period. However, please note that the Board is not permitted to take action on topics addressed under public comment. All items that are listed on the agenda will be open for public comments before final action is taken. The Board requests that you state your name and association for the record before you speak. Be aware that there is a 5-minute time limit per speaker, and the Chairperson has the discretion to limit the total discussion time on any item. Please place all cell phones in silent mode. Thank you for your participation and cooperation.

Flag Salute / Roll Call / Determination of a Quorum

Approval of Minutes: August 11, 2021, Regular meeting.

- [5] **Public Comment:** Any person desiring to address the Board on any item not on the agenda, which is within the jurisdiction of the Board, may do so at this time. No action will be taken on any issue not currently on the agenda.

CONSENT CALENDAR

- [5] **1. Information Item: APCO Report-Out.** APCO presentation.
- [5] **2. Information Item: Update to State's Small Off Road Engine Rule (SORE).** The Small Off Road Engine (SORE) rule has undergone recent rule amendments that may significantly impact business and district constituents. The new amendments will phase-out the sale of new small gas engines used in common residential, business, and some emergency activities as early as 2024.

REGULAR CALENDAR

- [15] **3. Information Item: Update of District Position Allocations.** With recent vacancies, the District has begun recruitment and restructure of some positions to maintain programmatic obligations and to provide additional resiliency. These updates require the District to request the county to take an administrative action to update the position allocations identified in the District budget. These updates result in cost savings and do not require a budget adjustment.
- [10] **4. Information Item: Upcoming Statewide Reporting Rule for Business:** The State's new Criteria and Toxics Reporting (CTR) rule has recently undergone final amendments and has significant air pollution-related reporting requirements for affected facilities. CTR requires businesses to report annually to CARB via a new state reporting system. Compliance requirements for NSCAPCD facilities begin in 2025 with reporting for the 2024 calendar year.

- [15] 5. **Information Item: State Engine and Equipment Replacement Programs Update.** On-road and off-road equipment are a large contributor to air pollution in California, and notably, diesel engine sources receive extra attention because they emit toxic pollutants. NSCAPCD has implemented several District and state replacement programs over the last 24+ years. This funding year, NSCAPCD is being offered \$1,479,000 for the state's Carl Moyer and FARMER programs. This record amount of funding, related truck compliance deadlines, and potential challenges and opportunities of implementation are presented for discussion.
- [10] 6. **Information Item: Future Board Meetings to be Held In-person.** The legislature recently passed AB 361, which calls for meetings of local government to be held in person, unless a resolution is passed by the District Board supporting a finding of a state of emergency.

Meeting Adjournment

Northern Sonoma County Air Pollution Control District is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you require disability-related modifications or accommodations, please contact the Clerk of the Board. All requests must be in writing and must be received by the Clerk five business days prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated only if time permits.

Materials related to this meeting which are provided to Board members after distribution of the meeting packet are available for public inspection during business hours at the Air Pollution Control District office at 150 Matheson St, Healdsburg, CA 95448. District Office Telephone: (707) 433-5911.

Proposed Minutes
Regular Board Meeting

August 11, 2021



During the COVID-19 declared emergency, in accordance with Executive Orders N-25-20 and N-29-20, the August 11, 2021 Board of Directors meeting will be held by internet conference. MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON.

The August 11, 2021 Board of Directors Meeting was facilitated by “Zoom” internet conference service. Procedures for conducting digital meetings were addressed at the beginning of the video conference.

1. Call to Order:

The Board of Directors of the Northern Sonoma County Air Pollution Control District convened at 10:00 a.m., Wednesday, August 11, 2021. The meeting was facilitated by the “Zoom” internet conference service.

Call to order: 10:02 AM by Ariel Kelley

2. Flag Salute: Led by Sam Salmon.

3. Roll Call/Determination of a Quorum: Quorum was achieved with 4 out of 5 Directors present.

The Following Board Members were in attendance:

- Linda Hopkins: County of Sonoma District #5
- Ariel Kelley: City of Healdsburg
- Joe Palla: City of Cloverdale
- Sam Salmon: Town of Windsor

The following Board Members were absent:

- James Gore: County of Sonoma District #4

Representing the District:

- Rob Bamford: Air Pollution Control Officer/EO
- Ian Maurer: Clerk of the Board
- Christiana Darlington: District Counsel
- Alex Saschin: District Engineer

4. Approval of May 12, 2021 Minutes: The minutes were approved.

- **Motion** (to approve minutes): S. Salmon / J. Palla
- **Action:** Unanimously approved by the Board members present.

5. Public Comment: No member of the public provided comment.

6. Consent Calendar: The consent calendar, comprised of the APCO’s report-out, was approved.

- **Motion** (to approve consent calendar): S. Salmon / J. Palla
 - **Action:** Unanimously approved by the Board members present.
7. **Action Item: Receive CAL FIRE Grant Funds via Resolution #21-07.** CAL FIRE is a funding partner of the NSCAPCD-sponsored Sonoma County Biomass Business Competition (BioBiz). CAL FIRE has committed \$25,000 to the BioBiz award fund. This funding has an administrative step that requires a CAL FIRE-specific resolution, presented here as District Resolution #21-07.
- **Motion** (to approve resolution #21-07): J. Palla / S. Salmon
 - **Action:** Unanimously approved by the Board members present.
8. **Action Item: State Woodsmoke Funds Redirect via Resolution #21-08.** The District will not be utilizing the funding offered by the California Air Resources Board's (CARB's) Statewide Wood Smoke Reduction Program (WSRP) to create a new or additional woodstove program, but the District will continue to offer its own wood stove replacement program. In order to comply with the terms of the District's grant agreement with CARB, the District recommends redirecting its WSRP funds to a nearby air district that can use the funds without delay. This redirect of funds requires Resolution #21-08, which has been developed in consultation with CARB and the receiving air district (Glenn County Air Pollution Control District).
- **Motion** (to approve resolution #21-08): S. Salmon / J. Palla
 - **Action:** Unanimously approved by the Board members present.
9. **Information Item: Biomass ad-hoc subcommittee update - BioBiz wrap-up.** Since its formation June 5, 2019, the primary activity of the Biomass ad-hoc subcommittee has been the Sonoma County Biomass Business Competition (BioBiz). On July 9, 2021 the winners of the BioBiz were announced immediately followed by media releases to continue the dialog and to help launch the winning biomass business ventures. Award payments will be issued this month, wrapping-up the Competition. The BioBiz model has demonstrated proof of concept and the District staff seeks Board advisement on next steps for the Competition and the subcommittee.

Meeting Adjourned: 10:37am

Minutes Prepared by:

Ian Maurer, Clerk of the Board



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Agenda Item #1
Information Item:
APCO Report-out

Agenda Date: August 11, 2021
Prepared By: Rob Bamford, APCO
Topic: Report-out

APCO Report-Out

1. COVID Update. All District staff are on record as fully vaccinated. The District continues to work in “hybrid” mode combining teleworking and in-office work to provide for staff and public safety. The office lobby is currently closed to the public with online, telephone, and appointment support options available to support the public. The county is currently in union negotiations regarding what post pandemic teleworking options will be available for the District’s county employees.
2. Permit Activity. The District began its Fall Open Burn Permit renewal cycle in early October. This began with 1,855 burn permit renewal applications emailed and mailed out via our mailing service to our current burn permit holders. Renewal applications are sent out before the burn season begins so permittees can have their renewed permit in hand as soon as burn season starts. To date, a little over 900 of these have responded and have been re-issued their permits, which are valid until April 30, 2022. On Tuesday, October 26th, CAL FIRE lifted the summer burn suspension after the arrival of over ten inches of rain and the District began performing the daily burn/no-burn day designations.
3. District Grant Programs Update. With the departure of the District’s grant manager, the APCO has assumed grants management including the completion of agreements already underway, semi-annual reporting requirements, and applying for this year’s various District grants from CARB. Below is an overview of current grant activity:
 - District grant programs:
 - The District’s Burn Clean Wood Appliance Replacement Program had a soft launch October 1st for applicants on the waitlist.
 - The District’s Go Green EV Charging Grant Program and Vehicle Pollution Mitigation RFP are targeted for the New Year.
 - BioBiz - The District negotiated an increased grant award from CAL FIRE to the District to help CAL FIRE replicate and share the BioBiz model so others may use it.
 - State funded grant programs:
 - Woodstove and prescribed burn grants - The District is opting out of these state programs this year because it already has funded woodstove and prescribed burn programs.

- Community Air Protection Program (AB 617) - solicitations have not yet been received and funding levels are unknown.
 - Subvention - The District applied on time and will receive an annual subvention of approximately \$43,843
 - Carl Moyer and FARMER programs – state solicitations for Carl Moyer (\$314,000) and FARMER (\$1,165,000) have been received for the next funding year. A detailed overview is provided for discussion in Agenda item #5.
4. Legislative Platform. The legislative session ended on a positive note for funding of air district incentive programs. At our upcoming February 9, 2022 general meeting, District Counsel will provide a review of 2021 state legislative activities in conjunction with the development of the District’s calendar year 2022 legislative platform.
 5. Hearing Board Recruitment. The District is still in need of one more Hearing Board member and would benefit from the Board’s assistance in recruitment. There is a brief application form and Board appointment is required. Stipends are paid for meetings and the District staff would like to schedule an in-person meeting and orientation once the new member is added and in-person meetings are safe.
 6. New Low-cost Sensors. “Clarity” is a new manufacturer of low cost sensors that have improved accuracy and functionality over existing low cost sensors, such as the “Purple Air” brand. Multiple air districts have adopted these sensors because they do not require an electrical power outlet or a wi-fi connection to operate, which facilitates their deployment. The Clarity sensors can be adjusted and calibrated to local conditions or against air district monitors for better accuracy, and they measure PM-2.5 and NOx. In addition, Clarity has add-on modules for ozone, wind speed and direction, and black carbon. The wind module works with the pollutant sensors to create a wind rose on a map that models where pollutants are coming from. The black carbon module differentiates the black carbon fraction of PM (wildfire smoke) from non-organic PM (vehicle exhaust, dust, etc.). Air Districts are looking at these to create local monitor networks for outdoor worker safety; wildfire smoke response; and overburdened community projects, among other applications. Clarity monitors are approximately \$2,000 per sensor per year with manufacturer support and calibration, maintenance, and replacement included. District staff recommends consideration of Clarity sensors for a community project.
 7. Planning Agencies Outreach Letters. At the Board’s direction, the APCO and District counsel crafted an outreach letter for planning agencies in its jurisdiction. The goal is to (re)introduce the District to applicable partners, offer assistance on air quality-related matters, and to make sure the District is included in proposed project notices, so it may comment and participate as required and to collaborate on mutually beneficial projects. The letter is attached after this report as Attachment #1.

8. Staff Recruitment. The District currently has two staff vacancies and recruitment activities are underway. Agenda item #3 discusses in detail the actions underway, which will fill these vacancies, add program resiliency, and raise the professional development opportunities for District staff.

Attachment #1

Local Planning Agency Collaboration Letter



November 8, 2021

RE: Air District Programs and Potential Collaboration Opportunities

Dear Local Planning Agency Partner,

The Northern Sonoma County Air Pollution Control District (District) is the local state air pollution control district in northern Sonoma County. Our Board of Directors is comprised of your select city councilmembers and county supervisors who asked us to build upon our history of successful collaborations together by sharing some important information about the role of the District in regards to CEQA and District programs that may interact with your agency. Please contact the District directly for any follow up after reviewing this information and be sure to visit us online at www.NoSoCoAir.org.

Air Districts and CEQA

In California, air districts rarely serve as lead agencies under the California Environmental Quality Act (CEQA). This may occur when a lead agency reaches out to a district and they enter into an agreement to transfer lead agency status, usually due to a project's narrow set of significant air quality impacts of a project. Generally, air districts are "commenting agencies" that are available for consultation by member agencies or constituents who may inquire into District roles or activities under CEQA.

After a development project completes its land use entitlements (though sometimes concurrently), the developer will apply for any applicable air permits. Air permits are required under different law than CEQA, and depending on the equipment or processes occurring at the project. Note that residential development does not need an air permit. Typically, air districts rely on the environmental review performed by the lead agency when considering environmental review for its permits.

Air Districts permit [criteria pollutants](#), for stationary sources and after such a permit is issued, the District will also evaluate hazardous air pollution, also known as [toxic air contaminants](#), operate air monitors, perform facility inspections, and respond to complaints, among other activities. Districts do not regulate green house gases, which are under the exclusive jurisdiction of the California Air Resources Board (CARB), and the Environmental Protection Agency (EPA). CARB also has jurisdiction over on-road and off-road vehicles and portable equipment sources.

While the District does not regulate GHG emissions, it does offer advice to local agency partners and constituents on this topic, if requested. Additionally, if a local agency would like to work with the District to analyze air pollution under its CEQA process, the District is available for consultation, and welcomes the opportunity to review draft environmental documents, including exemptions, Negative Declarations, Environmental Impact Reports, or Addendums thereto.

Collaboration Opportunities and Interconnected Programs

Several District programs may directly, or indirectly, interconnect with your agency activities. We would like to share some relevant items to help coordinate between us and to facilitate opportunity for collaboration.

- Asbestos Notification. State law requires that local entities verify asbestos notification to EPA or the delegated local air district of jurisdiction before issuing a demolition permit ([HSC §19827.5](#)). This typically applies to commercial buildings or multi-family dwellings of four units or more. The District is delegated by EPA to implement the federal asbestos rule ([CFR Part 61 Subpart M-National Emissions Standards for Asbestos §61.140 – 61.157](#)) and should be notified, as applicable.
- Wood Heating Appliances. District rules ([NSCAPCD Rule 4-1-400](#)) and county building code require that new or replacement wood heating appliances (fireplace, wood stove, pellet stove, fireplace inserts) must be EPA or District approved. This performance standard effectively prohibits the construction of new open-hearth wood-burning fireplaces and non-approved wood heating appliances may not be sold or installed.
- Open Burning. The District permits over 3,000 burns per year, which are used to help establish defensible space, manage excess biomass and maintain healthy forest ecosystems, and support agricultural activities. The District enforces permits under District Rules ([NSCPACD Rule 2-300](#)) for all types of burning, and enforces state law for larger burns that require smoke management plans. Unpermitted or poorly managed burns may be subject to District compliance and enforcement action. Burning must occur in coordination with Burn Day Designations that are determined by CARB, the air district, and relevant fire agencies. See [17 CCR 80100 et seq.](#)
- Emergency Events Response. During emergency events like wildfire smoke response, the District performs enhanced monitoring, provides air quality advisories, coordinates with Sonoma County EOC and CARB and provides public advisement materials.
- Incentive Programs. The District offers several incentive programs to help reduce criteria pollutants, toxics, and GHGs to support the state, county, and District with their pollution reduction and climate resiliency goals. Incentive programs and funding levels vary; please visit our web site for current programs and applicability information.

If you would like to discuss these or any other air quality topics, or explore potential opportunities for collaboration, please do not hesitate to reach out to us!

Sincerely, Rob



Rob Bamford
 Air Pollution Control Officer / Executive Officer
 Northern Sonoma County Air Pollution Control District

ECC: NSCAPCD Board of Directors

- Ariel Kelley, City of Healdsburg Councilmember
- Lynda Hopkins, County of Sonoma Supervisor, District 5
- James Gore, County of Sonoma Supervisor, District 4
- Sam Salmon, Town of Windsor Councilmember
- Joe Palla, City of Cloverdale Councilmember



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Agenda Item #2

Information Item:

*Small Off Road Engine Rule
(SORE)*

Agenda Date: November 10, 2021
Prepared By: Rob Bamford, APCO
Topic: Small Off Road Engine Rule Update

ACTION REQUESTED:

None; information item only. This item is currently receiving substantial press coverage and therefore you may hear from concerned constituents.

INTRODUCTION:

Recently passed Assembly Bill 1346 would build upon the state's existing small off road engine (SORE) rules by requiring the California Air Resources Board (CARB) to adopt cost-effective and technologically feasible regulations by July 1, 2022 to prohibit the sale of new gas-powered small off-road engines (SORE) in 2024 or as soon as CARB determines is feasible, whichever is later. The operation of gas-powered equipment would not be made illegal; the sale of new gas powered equipment would be prohibited. CARB is also required to provide state funding for an incentive program to help Districts constituents transition away from gas-powered equipment. As CARB has jurisdiction over SOREs, there is no direct implementation or enforcement responsibility for the air districts

Small off-road engines, which are used primarily in lawn and garden equipment, emit high levels of air pollutants, including oxides of nitrogen (NOx), reactive organic gases (ROG), and particulate matter (PM). In 2020, California daily NOx and ROG emissions from SORE were higher than emissions from light-duty passenger cars. Regulations of emissions from SORE have not been as stringent as regulations of other engines, and one hour of operation of a commercial leaf blower can emit as much ROG plus NOx as driving 1,100 miles in a new passenger vehicle.

A voiced concern of the Bill is what gas powered equipment CARB may find "feasible" to prohibit and how available and costly the zero emission replacements might be. Specifically, some rural communities have expressed concern regarding the prohibition of small engine equipment that might be used for defensible space and land management like chainsaws, and back-up generators for PSPS events and emergency power outages. There are some equity concerns expressed by small businesses, including owner-operator lawn mowing and landscaping services that fear that battery-powered equipment will have inadequate capacity or be too expensive and harm their business viability.

FISCAL IMPACTS:

There may be costs, yet to be determined, should the District opt to participate in an additional state incentive program for SORE replacement.

RECOMMENDATION:

CARB will soon be launching its feasibility review of SOREs for sale prohibition in 2024. CARB has committed to working with Districts and the District's trade association (CAPCOA). The District APCO is on the CAPCOA Board representing rural districts and can provide a conduit for constituents concerns to be heard by CARB. Please contact the APCO with any constituent concerns on this matter.

ATTACHMENTS:

N/A



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Agenda Item #3

Information Item:

*Update Position Allocation
Numbers*

Agenda Date: November 10, 2021
Prepared By: Rob Bamford, APCO
Topic: Update Position Allocations Under District Budget.

ACTION REQUESTED:

Request the county to perform an administrative action to update the District's position allocation numbers under the District's budget.

INTRODUCTION:

As shared at the August 11, 2021 meeting, a District Air Quality Specialist III had resigned to take a job opportunity in the Bay Area. This position was the lead for the District's air monitoring program. Since that meeting, a second District Air Quality Specialist III has also left for an employment opportunity in the Bay Area. This position was the lead for the District's grants and incentives programs. In both these cases, the former employees each left for the increased pay scales of the Bay area and they will be allowed to telework full-time for their new jobs without having to relocate. It is likely that teleworking opportunities from Bay area and other higher pay scale locations and factors of the pandemic's "great resignation" will continue to place pressure on employee retention.

These combined departures have left the District with a 33% vacancy rate and have serious implications for the District's programmatic obligations if they remain vacant very long. However, these vacancies have also provided an opportunity to re-structure some positions and their job duties for better program resiliency and for improved employee professional development and retention. The restructure and recruitment of the District positions has been underway and consists of two parts:

1. Convert an Air Quality Specialist III (AQS) position to a Department Analyst position. This will support grants and office administration functions.

In the county civil service system, a Department Analyst is a senior grant manager and lead office administrator. This conversion provided an internal promotional opportunity to move the current Officer Administrator (Ian Maurer) up and then we started a recruitment to fill his now vacant, previous Office Administrator position, which is currently underway. This will yield two administrative persons for grant program support and for core office administrative functions including deposits, payroll, HR liaison, and clerk of the Board. In the previous structure, the Office Administration position and the AQS grants position did not have persons that could back them up in their absence, which created an unacceptable vulnerability for critical District operations. This restructure and corresponding recruitment will remedy that vulnerability.

2. Convert an Air Quality Specialist III (AQS) position to an Assistant Air Quality Engineer position. This will support legacy planning for the District's permit program and for the implementation of new statewide permit reporting requirements, including the state's new Criteria and Toxics Reporting Rule (CTR).

In regard to legacy planning, the current Air Quality Engineer will retire in 1.5 years, and simultaneously there are new, statewide permit reporting functions the District will have to support. Having an Assistant Air Quality Engineer will spread the important permitting institutional knowledge held by the Air Quality Engineer to another staff person and cover the additional new responsibilities of the new statewide permit reporting requirements. This position conversion will be performed by an internal promotion for a current District AQS staff person to promote. Once the incumbent is promoted, the newly vacant AQS position will be refilled with a recruitment for the District's air monitoring lead. The Assistant Air Quality Engineer and the AQS responsible for air monitoring are cross-trained in both air monitoring, and permitting and compliance for requisite program backup.

These two parts provide cross-training and back-up support for critical District functions, support legacy planning, and provide promotional opportunity for two existing District employees enhancing their professional development and by providing a "higher ceiling" in a small agency to help with staff retention and future recruitment.

FISCAL IMPACTS:

The current District budget has an approved salary and benefits expenditure of \$1,086,354 for the year and the position restructuring will provide a cost savings of approximately \$14,810. To estimate the cost: the exiting AQS III positions had base salaries of \$102,651 and \$100,154 and the new Department Analyst will be approximately \$80,211 and the new Assistant Air Quality Engineer will be approximately \$107,784 for a cost savings of \$14,810.

RECOMMENDATION:

Request the county to take an administrative action to update District position allocations under the District budget as discussed above, via a minute order. Evaluate the performance at the May 2022 meeting, in conjunction with development of the proposed FY 21-22 budget.

ATTACHMENTS:

N/A



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Agenda Item #4

Information Item:

*New Criteria and Toxics
Reporting Rule*

Agenda Date: November 10, 2021

Prepared By: Rob Bamford, APCO

Topic: New State Criteria and Toxics Reporting (CTR) Rule

ACTION REQUESTED:

None; information item only.

INTRODUCTION:

CARB developed the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (or CTR) to implement statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities which became effective January 1, 2020. Reporting requirements begin in May 1, 2025 for the 2024 calendar year for reporters in "Group B" of the rule, which includes the NSCAPCD jurisdiction.

CTR has undergone several rounds of negotiations and revisions and the final rule was submitted to the state's Office of Administrative Law (OAL) on August 12, 2021 for approval. Of note, this rule came about in a non-typical manner in that it used 15-day emergency rule-making provisions instead of typical processes. This limited the time and notification for air districts and public participation. The CTR rule is an outgrowth of an emissions reporting requirement in AB 617's Community Air Protection Program.

CTR requires owners or operators (not Districts) of specified permitted facilities to report to the state board annual emissions of criteria air pollutants and toxic air contaminants (or associated activity level data) using the uniform statewide system of annual reporting. The CTR statewide system of reporting is still under development and therefore we cannot yet assess its ease of use.

CTR now has four categories of applicable reporters. Initially, the applicability determination had three categories and was straightforward and limited to "large" facilities:

1. A facility that is required to report to the state board the facility's greenhouse gas emissions;
2. A facility that emits 250 tpy of a criteria pollutant and is a non-attainment area;
3. A facility that is categorized by the air district as high priority for toxic air contaminant emissions

As negotiations and the rule evolved, the fourth applicability category was added with a complex series of conditional tests that can capture small and medium businesses:

4. A facility with one or more permits to operate issued by an air district with actual emissions or activity levels exceeding any of the thresholds specified in (a) through (c) below, within the data year.
 - a) For a facility located within District Group B (like NSCAPCD), 10 tpy of any criteria air pollutant (except for carbon monoxide).

- b) 100 tpy of carbon monoxide.
- c) Activity levels or emissions levels published in Appendix A, Table A-3 for a permitted emissions process at a facility classified with a matching primary or secondary Standard Industrial Classification (SIC) code or North American Industry Classification System (NAICS) code listed for the permitted emissions process. If the SIC or NAICS codes have a designation of “Any” in Table A-3 for a permitted process, then reporting for the process is required regardless of the SIC or NAICS designation for the facility performing the process, if the listed activity level reporting threshold is exceeded

Notably, the conditions of #4, above, requires a case-by-case review for each permit/facility and may be difficult for the typical business owner to assess their applicability (especially 4.c). For this reason, and because CARB has not previously collected CTR data points, CARB also doesn’t know which facilities are subject to its new CTR rule. Therefore, CARB has been unable to provide affected businesses with notice to participate in the rule development process or to advise them of their new reporting and compliance requirements. The CTR rule is mandatory for applicable businesses and allows CARB to levy violations and penalties for non-compliance.

Several CTR required data fields are not in NSCAPCD permits, which is likely to be a challenge for business, especially small and medium businesses with limited staff or air quality expertise. Affected facilities will be required to report for each emission unit at their facility. Depending on the unit type, the CTR has approximately 55 data points for each emission unit.

The District estimates that approximately **75** facilities may be applicable to this new CTR rule:

[**21** gas stations] + [**12** major source geothermal facilities] + [**42** other small/medium businesses].

* Stationary agricultural engines (like pumps) are exempt.

While the Districts are not required by this rule to participate, as a practical matter the Districts will be looked upon by industry for support and CARB will expect the air districts to assist with data verification. The District previously provided a letter to all permitted facilities regarding the CTR rule development so they might participate in the initial rule making process; this was before the reporting requirements were in final form.

As soon as OAL approves the final draft of the reporting rule requirements, the NSCAPCD will reach out to industry again and then begin to craft a support plan for industry. The District will need to perform an internal hard copy review of permit files to determine a facility applicability count (our permit tracking database does not have many of the CTR data fields). Depending on the count, we will determine how we can best support industry with our available staff resources. Some support options include: an addendum to permits with the CTR reporting data points to assist industry with reporting; guidance documents; a new district rule to support/require the CTR reporting; and formally re-opening and revising applicable District permits for cause with new recordkeeping and reporting requirements to include the CTR data elements. In addition, we may need to update the District’s current permit database for expanded CTR data fields.

FISCAL IMPACTS:

To be determined pending the State's final promulgation of the reporting rule and an internal permit applicability review. CTR support will require District staff resources for industry and CARB support on an ongoing basis in perpetuity.

RECOMMENDATION:

District staff will closely follow the promulgation of the final reporting requirements; provide an outreach letter campaign to all District sources; perform an internal permit assessment for applicable reporters; develop a District support strategy to help businesses achieve compliance with the new state rule; and report back to the Board on the findings and progress.

ATTACHMENTS:

N/A



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Agenda Item #5

Information Item:

*State Engine and Equipment
Replacement Programs*

Agenda Date: November 10, 2021

Prepared By: Rob Bamford, APCO

Topic: State Engine and Equipment Replacement Programs

ACTION REQUESTED:

None; information item only for strategic planning discussion.

INTRODUCTION:

On-road and off-road equipment are a large contributor to air pollution in California, and notably, diesel engine sources receive extra attention because they emit toxic pollutants. NSCAPCD has implemented several District and state replacement programs over the last 24+ years. This funding year, NSCAPCD is being offered \$1,479,000 for the state's Carl Moyer and FARMER programs. This record amount of funding; related truck compliance deadlines; and potential challenges and opportunities of implementation are presented for discussion. A brief background of the Carl Moyer and FARMER principles are provided in this discussion to support a conversation regarding potential NSCAPCD participation in these programs at a higher level, which would require notable resources and program commitment over multiple years.

The Carl Moyer Memorial Air Quality Standards Attainment Program (Moyer) provides grant funding for cleaner-than-required (diesel) engines, equipment, and other sources of air pollution. The state offers an annual grant solicitation to air districts. Air districts can: decline to participate; take the minimum (default) grant amount (\$200,000); or take a higher grant amount with district matching funds (this amount varies; it is \$314,000 this year). NSCAPCD has applied in the affirmative to this grant solicitation this year (\$314,000), but has not entered into contract.

This is a state grant and the maximum amount the district can offer for a given project incentive is defined by the state's CARL database. CARL looks at the older, dirtier engine to be replaced and the proposed new, cleaner replacement engine and calculates the emissions reductions and cost effectiveness. Equipment must already be in compliance with CARB's engine rules to receive a Carl Moyer grant. The Carl Moyer Program incentivizes the early retirement of dirtier equipment before compliance deadlines. The duration and corresponding emission reductions before the compliance deadline are referred to as "surplus" emission savings. To get the maximum incentive amount of 80% of replacement cost, the equipment must create surplus emissions reductions for at least three years up to the engine's compliance date. A one-year surplus is allowed for a small number of specific projects; there is a lot of project variability that requires case-by-case determinations in the Moyer program.

Carl Moyer incentives are given as grants and grantees must report and utilize the equipment at the rate used to calculate their cost effectiveness and surplus. Grantees can't sell or take the new equipment outside of District jurisdiction without District permission via a grant contract amendment and/or payoff.

Replaced equipment under the Program must be 100% operable until the new equipment is delivered, and the old equipment is destroyed.

NSCAPCD has participated in the Carl Moyer Program since Year 1 and the Program is now entering Year 24. NSCAPCD has provided \$4,699,876 of incentives for District Moyer projects.

The Funding Agricultural Replacement Measures for Emission Reductions (FARMER) Program provides funding through local air districts for agricultural harvesting equipment, heavy-duty trucks, agricultural pump engines, tractors, and other equipment used in agricultural operations.

FARMER has principles similar to the Carl Moyer Program in regard to compliance dates, surplus emissions, and establishing the incentive amount for replacement equipment cost. In general, FARMER is more flexible than Moyer (for agricultural equipment) because it has a different funding source and lower or no cost effectiveness requirements.

State funding for FARMER is provided on a year-to-year basis by the state legislature; it does not have an ongoing budget. FARMER has been funded for three years and is now entering year three. Allocation amounts offered to Districts are primarily defined by agricultural activity and air quality status, among other data points. In years one and two, NSCAPCD was calculated to be less than 1% of statewide ag activity, so it was put into a shared pool to compete for FARMER project funds. In years one and two NSCAPCD managed to fund eight projects through this competitive process, which was the most for any District in the shared pool.

Below are the eight projects and their annual emissions reductions. This provides a good overview of the emissions reductions of some typical Moyer and FARMER-type projects.

	Ag Equip Type	Max Incentive (\$)	Equip Cost (\$)	Incentive (% of cost)	Fuel Reduction (gals/yr)	Fuel Savings (\$/yr)	PM2.5 Reduction (lbs/yr)	NOx Reduction (lbs/yr)	ROG Reduction (lbs/yr)	PM10 Reduction (lbs/yr)
1	Tractor	\$152,000.00	\$190,000.00	80%			409.7	6,009.3	780.9	445.3
2	Tractor	\$56,480.00	\$70,600.00	80%			148.2	1,029.2	214.6	161.1
3	Tractor	\$68,400.00	\$85,500.00	80%			195.6	1,095.4	264.3	212.6
4	Peterbilt Truck 33,000 GVW	\$99,533.00	\$153,127.00	65%	351.1	\$1,239.28	22.1	177.3	31.4	24.1
5	Peterbilt Truck 33,000 GVW	\$81,723.00	\$125,127.00	65%	558.1	\$1,970.24	28.9	545.9	69.6	31.4
6	Peterbilt Truck 53,200 GVW	\$96,409.00	\$148,322.00	65%	303.4	\$1,070.96	9.6	241.8	28.2	10.8
7	Peterbilt Truck 33,000 GVW	\$99,775.00	\$153,500.00	65%	340.3	\$1,201.11	13.7	314.3	28.9	14.9
8	Polaris Electric Utility Vehicle	\$8,549.00	\$11,399.00	75%	6.8	\$23.95	0.3	6.3	0.6	0.3
		\$662,869.00			1,559.6	\$5,505.54	828.1	9,419.5	1,418.4	900.5

This year, year three, FARMER's funding allocation data and methodology were updated. NSCAPCD was calculated to have 1% of statewide ag activity and therefore it is taken out of the shared pool, and it was offered its own grant solicitation in the amount of \$1,165,000. This is a windfall that could represent as much as 20 individual projects, but it would require significant resources to administer. Administration is offered at 12.5% of the grant total. NSCAPCD must respond to this grant solicitation offer by November 15, 2021.

FARMER funds must be liquidated in four years. There is a high likelihood of FARMER funding next year; the exact amount is not final; but \$150,000,000 statewide is anticipated and if the same allocation system is used that would represent approximately \$750,000 for NSCAPCD's allocation next year.

Truck and Bus Compliance Deadline.

A substantial compliance date is rapidly approaching on December 31, 2022, for trucks and buses that has statewide industry attention, especially among small business. By this compliance date, owners of older diesel trucks (and buses) must have updated or replaced their trucks (or engines). Non-complying vehicles

must cease operation. In NSCAPCD programs, we see replacement truck costs ranging from \$130-200,000, which can be a significant capital cost, especially for small or single owner-operator businesses.

The Truck and Bus regulation is the jurisdiction of CARB and affects individuals, private companies, and Federal agencies that own diesel vehicles with a Gross Vehicle Weight Rating (GVWR) greater than 14,000 lbs. that operate in California. NSCAPCD has provided reminders of these compliance dates with its mailing lists and industry presentations as a courtesy; but our reach is limited as only CARB has the complete registration and current vehicle status data.

The District has expended its current round of FARMER and Moyer funds. For Moyer, new funding comes at an estimated May-July 2022 date, which leaves approximately six months until the truck and bus compliance date of December 31, 2022. By the time a truck could be physically procured, there would be no emissions surplus time (and no cost effectiveness). This effectively means that the District cannot provide Moyer incentives for a truck with a December 31, 2022 compliance date.

The FARMER program has more flexibility for on-road trucks than Moyer if they are Ag trucks, but only offers a maximum incentive of 65% of replacement cost. "Ag trucks" are an on-road truck category defined by CARB and such designated trucks must be in a CARB's "TRUCRS" system. The next round of FARMER funding would come around March-April 2022. There is small possibility of funding trucks with FARMER still, but the truck must be an Ag truck in compliance with an "Ag extension" (good until 2023) or "low use" (<1,000 miles per year with no sunset date) designation by CARB.

You may hear from constituents regarding this compliance deadline. The District has heard from truck owners that they will go out of business or relocate out of state if they lose their truck. We have heard an equity argument that small businesses, especially owner-operator businesses may be disproportionately impacted due to the high cost of a replacement truck. This may be an unfortunate outcome of the guidelines in the Moyer program guidelines, which are outside of District control. As a final note, Districts are not required to participate in the state's Moyer and FARMER programs and many rural Districts do not. Truck and bus owners should never rely on Moyer and FARMER as their sole source of compliance nor should they assume any guarantee of funding.

Electric Tractors and Zero Emissions Equipment

NSCAPCD Directors have made inquiries about funding incentives for electric tractors and zero emission equipment. To date, there is one manufacturer, Monarch, that has an electric tractor near production. The tractor is a narrow gauge format that works with vineyard rows and comes in a 2wd and 4wd models and supports standard industry rear implements. The tractor does not offer a cab, and the tractors are driver optional with a series of optional electronic systems. Tractor prices range from \$58,000-68,000 with a 10-hour battery pack. The battery pack is swappable in ten minutes and a spare battery on a change-out trailer is \$30,000. Production is set to begin 1st quarter of next year, and orders are being taken now.

FARMER staff has shared that FARMER will have specific incentive offerings for electric tractors and other zero emissions electric equipment. They anticipate the new electric tractor guidelines will be out in 2-3 weeks. Electric UTVs already have guidelines and use a fixed price voucher for replacement. Specifically, FARMER staff has said that it will continue to add more zero emissions options. FARMER can be more nimble than Moyer because it has a different funding source and it isn't tethered to the cost effectiveness

requirements enshrined in the Moyer program. This indicates that future FARMER funding could soon be able to provide incentives for electric tractors and other zero emissions electric equipment.

FISCAL IMPACTS:

Current Carl Moyer and FARMER solicitations for this year are \$314,000 and \$1,165,000, respectively. This windfall was unexpected and provides opportunity to help District businesses to get into cleaner or zero emissions electric equipment. The trade-off is that these programs are labor intensive for the District and the associated workload would preclude any additional significant new District projects. To implement the grants within their liquidation deadlines, the District would most likely utilize the county extra help pool, and/or a contractor, and/or service agreements with approved vendors to help facilitate successful implementation.

RECOMMENDATION:

District staff requests direction from the Board regarding its support for the District's acceptance of higher levels of funding for the Moyer and FARMER programs and the potential community benefits.

ATTACHMENTS:

N/A



NORTHERN
SONOMA COUNTY

Air Pollution Control District

Board Agenda Item #5

Information Item:

Resuming In-person Meetings

Agenda Date: November 10, 2021
Prepared By: Christiana Darlington, District Counsel
Topic: Resuming In-person Board Meetings

ACTION REQUESTED:

None; information item only.

INTRODUCTION:

The legislature recently passed AB 361, which calls for meetings of local government to be held in person, unless a resolution is passed by the Board supporting a finding of a state of emergency. For this meeting, Cal Govt Code 54953(e)(1), allows the District to rely on the exemptions of the state declared emergency and state or local officials recommendations or social distancing requirements. For any subsequent meeting after this one, we would need to pass a resolution as described below:

“A resolution that would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.”

Note that this resolution must be passed every 30 days to remain in effect, and would need to be ratified at a special meeting before any such business meeting transpired. This option will be available to local governments through 2024.

FISCAL IMPACTS:

N/A

RECOMMENDATION:

Resume in-person Board meetings starting with the scheduled February 9, 2022 meeting. Continue to follow the status of County of Sonoma Health Officer orders for in-person indoor gatherings to comply with all safety requirements. Call a special meeting prior to the February 9, 2022 meeting date should the Chair opt to conduct the meeting via video conference and not in-person.

ATTACHMENTS: N/A