

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
04/12/2021

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown, AICP, APCO

SUBJECT: Approve Resolution #2021-05 authorizing acceptance of additional funding from the California Air Resources Board to implement the Community Air Protection Program and authorize the APCO to execute related documents.

RECOMMENDATION:

Approve Resolution #2021-05 authorizing acceptance of additional funding from the California Air Resources Board to implement the Community Air Protection Program and authorize the APCO to execute related documents.

ALTERNATIVES:

Not approve Resolution #2021-05.

BACKGROUND:

The State of California adopted Assembly Bill (AB) 617 (Chapter 136, Statutes of 2017) with the intent to identify and reduce exposure in communities most impacted by air pollution. The bill mandated several things:

1. That the California Air Resources Board (CARB) to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants (TAC) for use by certain categories of stationary sources. The bill required those stationary sources to report their emissions annually.
2. The CARB must also prepare a monitoring plan for monitoring criteria pollutants and TACs and the need for any additional community monitoring systems. The CARB must annually update the plan. The data collected by the monitoring systems must be published on CARB's website.
3. The CARB must develop a statewide strategy to reduce emissions of TACs and criteria pollutants in communities affected by a high cumulative exposure burden. The CARB

- must offer grants to those communities for technical assistance and to support community participation. For air districts containing a selected location, within one year of CARB's selection they must adopt a community emissions reduction program.
4. Air districts that are nonattainment for one or more air pollutants must adopt an expedited schedule for the implementation of best available retrofit control technology (BARCT) for each industrial source that, as of January 1, 2017, was subject to a specified market-based compliance mechanism, and give highest priority to those permitted units that have not modified emissions-related permit conditions for the greatest period of time.
 5. The CARB must establish and maintain a statewide clearinghouse that identifies the best available control technology, best available retrofit control technology for criteria air pollutants, and related technologies for the control to TACs.
 6. The maximum generally applicable criminal and civil penalties for violations of air pollution laws from non-vehicular sources was increased to \$5,000, which will now annually adjust based on California Consumer Price Index.

The District has taken the following actions to implement the Community Air Protection Program in Yuba and Sutter counties since AB 617 was adopted:

- On December 4, 2017, the District Board of Directors adopted Resolution #2017-11 to amend Policy 3.3.1 – Mutual Settlement Policy to incorporate the changes to the maximum generally applicable criminal and civil penalties in regards to the mandates of AB 617.
- The District established a webpage providing information on the Community Air Protection Program <https://www.fraqmd.org/community-air-protection-program> and a staff contact.
- The District staff participated in working groups with CARB on the emissions reporting regulation and expedited BARCT schedule.
- The District staff held workshops for local agency staff on AB 617 and other air quality related topics.
- The District reviewed communities for first year subsequent year recommendations.
- The District issued a Request for Proposals (RFP) for CAP Year 1 Grants (FRAQMD Board Resolution # 2018-09, August 6, 2018). The RFP was mailed to local agencies, school districts, and posted to the FRAQMD website.
- The District accepted community input on the CAP Grants at the Yuba County Safety and Wellness Fair in 2018. The District also sought community input through its website.
- The District entered into contract with Sonoma Technology Inc for enhanced air quality forecasting from November 1, 2018, to June 30, 2021.
- The District posted an Expedited BARCT schedule January 1, 2019.
- The District implemented an RFP for CAP Grants Year 2 in spring 2020.
- The District adopted amendments to Rule 3.22 implementing the Expedited BARCT schedule in August 2020.

The District Board approved Resolution #2018-05 accepting \$28,961 through grant agreement with CARB to implement the mandates of AB 617 at the April 2, 2018 meeting.

In fiscal year 2018/2019, Senate Bill 856 allocated additional funding to the air districts and at the April 2019 the District Board approved Resolution #2019-03 accepting a grant up to \$90,634 from CARB.

DISCUSSION:

The District expended its allocation of \$90,634 from SB 856 funding between 2019 and 2021 implementing the Community Air Protection Program. The District has been asked to accept additional FY18/19 funding from the Mendocino County Air Quality Management District (MCAQMD), who is unable to expend their allocation. The grant would provide funding for continued implementation of AB 617. The funding can be used by the District for staff support, developing rules, collecting data, reporting, and continuing the enhanced forecasting contract.

Acceptance of the grant award would require a memorandum of understanding between the District and MCAQMD to transfer the funds. The funds would need to be expended by June 30, 2021.

FISCAL IMPACT:

The Resolution would authorize the APCO to accept up to \$23,000 from the MCAQMD to implement the mandates of AB 617.

ATTACHMENTS:

Resolution #2021-05

ATTACHMENT
Resolution #2021-05

RESOLUTION #2021-05 OF THE BOARD OF DIRECTORS AUTHORIZING THE ACCEPTANCE OF THE GRANT AGREEMENT TO IMPLEMENT THE COMMUNITY AIR PROTECTION PROGRAM

WHEREAS, the State of California adopted Assembly Bill 617 (Chapter 136, Statutes of 2017) with the intent to identify and reduce exposure in communities most impacted by air pollution; and

WHEREAS, the California Air Resources Board (CARB) established the Community Air Protection Program to implement the goals of Assembly Bill 617; and

WHEREAS, the State of California had authorized through Senate Bill 856 (Committee on Budget and Fiscal Review, Chapter 30, Budget Act of 2018) grant funding to the District for related expenses necessary for implementation of Assembly Bill 617; and

WHEREAS, the District received and expended \$90,634.00 from SB 856 between 2019 and 2021; and

WHEREAS, the Mendocino County Air Quality Management District is unable to expend their allocation from SB 856 by the deadline of June 30, 2021, and has requested the funds be reallocated to other rural air districts.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the District authorizes the Air Pollution Control Officer (APCO) to accept a Grant Award up to \$23,000.00 for expenses necessary for implementation of Assembly Bill 617; and

BE IT FURTHER RESOLVED THAT the APCO shall carry out the terms of the Grant Agreement, including the submittal of Annual and Final Reports to CARB on the District's work to implement the Community Air Protection Program.

PASSED AND ADOPTED by the Feather River Air Quality Management District on April 12, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman

ATTEST:

APPROVED FOR LEGAL FORM:
