

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
06/05/2023

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown, AICP, APCO

SUBJECT: Approve Resolution #2023-07 authorizing participation in the California Air Resources Board Community Air Protection Program, a grant award up to \$100,000, and authorize the Chairman and APCO to execute related documents.

RECOMMENDATION:

Approve Resolution #2023-07 authorizing participation in the California Air Resources Board Community Air Protection Program, a grant award up to \$100,000, and authorize the APCO to execute related documents.

ALTERNATIVES:

Not approve Resolution #2023-07 and release the funding to other air districts.

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. By October 1, 2018, CARB must prepare a monitoring plan for monitoring criteria pollutants and TACs and the need for any additional community monitoring systems. The plan would identify the highest priority locations for deployment of community monitoring systems, which would need to be deployed by July 1, 2019 by the air district. Fence line monitoring at stationary sources can also be required in the communities by the air districts. The CARB must annually update the plan. The data collected by the monitoring systems must be published on CARB's website.
3. By October 1, 2018, and at least every 5 years after, 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 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 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 (BACT), BARCT for criteria air pollutants, and related technologies for the control to TACs (T-BACT).
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 undertaken many efforts mandated by AB 617. 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 regard to the mandates of AB 617. The District adopted an expedited BARCT schedule and amendments to Rule 3.22 Stationary Internal Combustion Engines in August 2020. The District staff are also working with CARB on the uniform statewide system of emissions reporting and clearinghouse for BACT, BARCT, and T-BACT.

The District was allocated \$28,961 through ARB grant agreement G17-CAPP-9 to implement the mandates of AB 617 in 2018, which has become the Community Air Protection Program. Between 2019 and 2022 the District has received a total of \$253,665 to continue implementing the Community Air Protection Program.

DISCUSSION:

The State of California appropriated funds in the 2022 state budget to continue the Community Air Protection Program. The District's grant award for the FY22/23 is \$54,131.00.

Acceptance of the grant award would require additional reporting to CARB every year after grant execution until the funds are fully expended. The funding must be fully expended by June 30, 2027.

Resolution #2023-07 authorizes acceptance of up to \$100,000 in case other air districts decline their grant awards or are unable to expend their grant awards in a timely manner.

FISCAL IMPACT:

The Resolution would authorize the APCO to accept up to \$100,000 from CARB to offset the cost to implement the mandates of AB 617.

ATTACHMENTS:

A - Resolution #2023-07

ATTACHMENT A

Resolution #2023-07

**RESOLUTION #2023-07 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 has authorized funding through the adopted state budget to the District for related expenses necessary for implementation of Assembly Bill 617; and

WHEREAS, the District may use the funds to carry out the mandates of AB 617 and to reduce the impacts of criteria air pollutants, toxic air contaminants, and greenhouse gases within communities in the District, especially disadvantaged and low-income communities.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the FRAQMD authorizes the Air Pollution Control Officer (APCO) to accept a grant award in the amount up to \$100,000.00 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 June 5, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman

ATTEST:

APPROVED FOR LEGAL FORM:
