

1. PCAPCD Board Agenda 2-11-2021

Documents:

[2-11-21 AGENDA.PDF](#)

2. PCAPCD Board Meeting Packet 2-11-2021

Documents:

[2-11-21 BOARD PACKET.PDF](#)



AGENDA
PCAPCD Board of Directors Meeting
Thursday, February 11, 2021, at 2:30 PM
Via Zoom Meeting ID 964 1771 3239

Zoom Meeting Information:

Meeting link: <https://placer-ca-gov.zoom.us/j/96417713239>

Meeting ID: 964 1771 3239

Via telephone: Toll Free 1-877-853-5247; Enter Meeting ID: 964 1771 3239

Call to Order

Flag Salute

Roll Call / Determination of a Quorum

Approval of Minutes: October 8, 2020 Regular Meeting.

Statement of Meeting's Public Participation Procedures:

In order to protect public health and safety due to concerns regarding COVID-19, this meeting will be held online via Zoom teleconference. In accordance with Governor Newsom's Executive Order N-29-20, citizens who wish to comment or listen to the meeting may do so via a dial in phone number or via remote computer access to the Zoom meeting, listed above. The public is encouraged to submit comments via email prior to the meeting to the Clerk of the Board at sharroun@placer.ca.gov. Any comments received will be distributed to all Board members.

Any person who wishes to address the Board regarding any item not on the agenda, but within the jurisdiction of this Board, may do so during the public comment period. However, the Board is not permitted to take action or engage in discussion on topics which are not on the agenda. All items on the agenda will be open for public comments before final action is taken. The Board requests public commenters state your name and association for the record before you speak. There is a 5 minute time limit per speaker, and a 15 minute total comment period per agenda item. The Chair has the discretion to limit the total discussion time on any item.

Public Comment

Consent: Items 1 and 2

- 1. Authorization to Accept and Use Air Quality Mitigation Funds for the Clean Air Grant Program.** *Adopt Budget Revision #21-02, thereby authorizing the Air Pollution Control Officer to Accept and use the available funds in the Mitigation Fund for the Clean Air Grant Program.*
- 2. Authorization to Accept Settlement Funds and Enter into a Contract with Feather River Air Quality Management District to Distribute 50% of Settlement Funds Received for the James Day Enforcement Case.** *Adopt Resolution #21-01 and Budget Revision #21-03, thereby authorizing the acceptance of \$50,000 in settlement funds received, and the acceptance of future settlement funds to be received, pursuant to the [Stipulated] Final Judgment and Permanent Injunction (Final Judgment) filed October 19, 2020, for the Placer County Superior Court Case*

#SCV-0043170 (James Day Case); and authorizing the Placer County Air Pollution Control District to enter into a contract with Feather River Air Quality Management District, which specifies a payment schedule to distribute 50% of settlement funds received pursuant to the Final Judgment on the James Day Case.

Information: Items 3 and 4

- 3. Sacramento Regional State Implementation Plan Update.** *No action is required. This information item provides an update regarding the current planning developments for the Sacramento Region's federal ozone and fine particulate matter standards.*
- 4. District's COVID-19 Response and Update.** *No action is required. As we approach one year since the COVID-19 outbreak worldwide, this information item provides a review of the District's COVID-19 response and an update on our current preventative measures.*

Air Pollution Control Officer Report

- A. General APCO Updates
- B. 2021 Annual Report/Board of Director's Handbook Overview
- C. 2021 Regulatory Measures List
- D. Air Quality Incentive Program Update
- E. Fiscal update

Meeting Adjournment

Next regularly scheduled Board Meeting: April 8, 2021, at 2:30 PM

Placer 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 are available for public inspection upon request, by emailing the Clerk of the Board at sharroun@placer.ca.gov, or calling (530) 745-2330. Documents will be provided via email or mail, as the District office is currently closed to the public due to COVID-19.



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Agenda: PCAPCD Board Meeting

February 11, 2021

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Information: Items 3 and 4

Page 18 **3. Sacramento Regional State Implementation Plan Update.** *No action is required. This information item provides an update regarding the current planning developments for the Sacramento Region's federal ozone and fine particulate matter standards.*

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Air Pollution Control Officer Report

- A. General APCO Updates
- B. 2021 Annual Report/Board of Director's Handbook Overview
- C. 2021 Regulatory Measures List
- D. Air Quality Incentive Program Update
- E. Fiscal update

Meeting Adjournment

Next regularly scheduled Board Meeting: April 8, 2021, at 2:30 PM

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MINUTES
PCAPCD Board of Directors Meeting
Thursday, October 8, 2020, at 2:30 PM
 Via Zoom Meeting ID 937 5323 0538

The Board of Directors of the Placer County Air Pollution Control District (Board) met for a regular meeting at 2:30 PM, Thursday, October 8, 2020, via Zoom Webinar ID 937-5323-0538.

Public participation procedures due to COVID-19 concerns: In order to protect public health and safety due to concerns regarding COVID-19, this meeting was held remotely via the Zoom meeting listed above, in accordance with Governor Newsom’s Executive Order N-29-20.

The meeting was called to order by Chairperson, Trinity Burruss. Roll call was taken by the Clerk of the Board, with the following members in attendance: Alyssa Silhi, Greg Janda, Kirk Uhler, Scott Alvord, Bonnie Gore (Board of Supervisors alternate), and Trinity Burruss. Daniel Berlant, Jeff Duncan, Robert Weygandt, and Jim Holmes were absent. A quorum was established.

Representing the District were: Erik White, Air Pollution Control Officer; Adam Baughman, Deputy Air pollution Control Officer; Bruce Springsteen, Manager of Compliance and Enforcement, and Permitting and Engineering; Mr. Yushuo Chang, Planning and Monitoring Section Manager; Ms. Ann Hobbs, Associate Planner; Russell Moore, I.T. Technician; and Shannon Harroun, Clerk of the Board.

Call to Order: 2:30 pm

Flag Salute: Led by Chair Burruss

Roll Call / Determination of a Quorum

Approval of Minutes: August 13, 2020 Regular Meeting.

Motion: Janda/Uhler

Action: Approved 8/13/20 Minutes / Unanimous Vote 6:0

Ayes: Silhi/Janda/Uhler/Alvord/Gore/Burruss

Statement of Meeting’s Public Participation Procedures

Public Comment: No public comment.

Consent: Item 1

- 1. Designation of Members of the Mountain Counties Basinwide Air Pollution Control Council and the Sacramento Valley Basinwide Air Pollution Control Council for 2021.** *Designated Jim Holmes and Trinity Burruss as primary and alternate members, respectively, of the Mountain Counties Basinwide Air Pollution Control Council; and designated Jeff Duncan and Scott Alvord as primary and alternate members, respectively, of the Sacramento Valley Basinwide Air Pollution Control Council. If any of the jurisdictions appoint new District Board members in 2021, the representative from that County, City or Town, will assume the associated role on the Control Councils.*

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Motion: Janda/Uhler

Action: Approved Consent Item 1 / Unanimous Vote 6:0

Ayes: Silhi/Janda/Uhler/Alvord/Gore/Burruss

Action: Item 2

- 2. Acknowledgment of Kirk Uhler's Service to the Placer County Air Pollution Control District Board of Directors.** *Adopted Resolution #20-07, thereby recognizing Kirk Uhler's exceptional service to the Placer County Air Pollution Control District.*

Motion: Gore/Janda

Action: Approved Item 2 / Unanimous Vote 6:0

Ayes: Silhi/Janda/Uhler/Alvord/Gore/Burruss

Closed Session: Item 3

- 3. Closed session conference with legal counsel—existing litigation.** *Held a closed session, pursuant to California Government Code, paragraph (1) of subdivision (d) of Section 54956.9: One case: Placer County Superior Court Case No. SCV0043170, The People of the State of California ex rel. Placer County Air Pollution Control District and Feather River Air Quality Management District vs. James Day, individually; Barbara Day, individually; Mid Valley Consulting & General Engineering, a California Corporation; and Does 1-10, inclusive. No action was taken by the Board in closed session.*

Action: Item 4

- 4) Authorization to Increase Professional Services Contract with Aqua Terra Aeris Law Group and Budget Revision #21-01 to Utilize Fund Balance for the Increase.** *Adopted Resolution #20-09, thereby authorizing an increase to Professional Services Contract with Aqua Terra Aeris Law Group in the amount of Three-Hundred Thousand Dollars (\$300,000) and approving Budget Revision #21-01, to utilize fund balance for the increase.*

Mr. Erik White recounted that on June 12, 2014, the District Board approved independent enforcement legal support for the District, since District enforcement work is highly specialized. Therefore, it was more cost effective to use outside counsel, rather than training County Counsel on the District's legal enforcement support needs for civil proceedings. In February 2015, the District entered into contract with Aqua Terra Aeris Law Group (ATA), and subsequent District budgets have included funding to support ongoing work by ATA. Mr. White reported that the approved final Fiscal Year (FY) 20-21 budget included \$80,000 for ATA services, and that the District currently has significantly higher than normal enforcement legal needs due to on-going and continuing litigation. Therefore, current and future legal counsel efforts will require additional funds beyond those approved in the final FY 20-21 Budget. Mr. White conveyed that District Staff estimates a need for an additional \$300,000 for legal enforcement support through the end of FY 20-21, and that this funding is available in the District's current fund balance, reducing the balance from \$2.25 million to \$1.95 million. Mr. White emphasized that District Staff believe that this reallocation of funds will not result in an impact to the District's on-going operations or finances.

Motion: Janda/Uhler

Action: Approved Item 4 / Unanimous Vote 6:0

Ayes: Silhi/Janda/Uhler/Alvord/Gore/Burruss

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Public Hearing/Action: Item 5

- 5) **Adoption of Amended Rule 503, Emission Statement.** *Conducted a Public Hearing for the proposed amended Rule 503, Emission Statement; Adopted Resolution #20-08, thereby approving amended Rule 503; and directed staff to forward the amended Rule 503 to the California Air Resources Board for submittal to the United States Environmental Protection Agency as a requested revision to the State Implementation Plan.*

Mr. Yushuo Chang presented the proposed amendments to District Rule 503, explaining that Rule 503 was adopted in 1993 to satisfy the Federal Clean Air Act (FCAA) requirement to obtain ROG and NOx emissions from stationary sources. Rule 503 was amended in 2010 to meet California Air Resources Board's (CARB) emission inventory reporting requirements. Mr. Chang explained that in 2018, the United States Environmental Protection Agency (U.S. EPA) conveyed the requirement for air districts within an ozone nonattainment area to either certify or amend the existing emission statement rule to satisfy FCAA Section 182(a)(3)(B) requirements. U.S. EPA Region 9 staff recommended the District amend the rule by replacing "permitted sources" with "stationary sources". Mr. Chang stated that regulatory outreach requirements were met by the District and that no comments were received regarding the District's proposed Rule 503 amendment.

Motion: Alvord/Janda

Action: Approved Item 5 / Unanimous Vote 6:0

Ayes: Silhi/Janda/Uhler/Alvord/Gore/Burruss

Information: Item 6

- 6) **2020 Wildfire Smoke Update.** *No action requested. This was an informational item to provide an update on the 2020 wildfire smoke incidents.*

Ms. Ann Hobbs provided an update on the wildfire smoke incidents occurring in 2020, and the District's response to them. Ms. Hobbs reported that this year, more than 4 million acres of California lands had burned from more than 8300 wildfires, causing substantial smoke impacts throughout most of California. As of the date of Ms. Hobbs' presentation, there had been more than 34 days that Placer County air monitors exceeded the 24-hour PM2.5 standard of 35 ug/m3; three of those days were in the "Very Unhealthy" range. Ms. Hobbs explained that wildfire smoke can also contribute to an increase in ozone concentrations, which is significant since the Sacramento Region is classified as non-attainment for ozone. She described instances when there had been an increase in particulate matter at the same time that ozone concentrations had risen.

Ms. Hobbs detailed District staff's collaboration with the Placer County Health and Human Services Department on several community outreach efforts in response to wildfire smoke impacts, including creation of an infographic regarding "Understanding the Differences between Respirators, Masks and Face Coverings with Wildfire Smoke"; issuing air quality advisories; and creation of a School Outdoor Activity Guide for Students.

Ms. Hobbs stated that in the last few years, there has been a substantial increase in the purchase and use of low-cost Purple Air Sensors for air quality information. She explained that Purple Air sensors can provide valuable information on where smoke is located, noting that the District has nine of these sensors deployed throughout Placer County, mostly at schools or public buildings. She reported that this year, to take advantage of the thousands of Purple Air Sensors in California, the U.S. EPA, in collaboration with the U.S. Forest Service, released an updated Fire and Smoke

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October 8, 2020
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Map which went live in early August.

Ms. Hobbs also discussed the California Smoke Blog, where one can find Air Resource Advisor smoke forecasts, National Weather Service smoke forecasts, current air quality, smoke and health information, including Spanish versions, wildfire information, and information on fire potential.

Air Pollution Control Officer Report

A. General APCO Update / Legislative Update

Mr. White shared that next year, he will be assuming the role of President for local agencies with the National Association of Clean Air Agencies (NACAA). He spoke about some of the opportunities and challenges this would help address nationally on behalf of our local District. He also discussed potential additional woodstove replacement funding through the U.S. Environmental Protection Agency. Mr. White then spoke about legislative activities affecting the District in 2020, including budgetary items and California Assembly Bill 3163 regarding biofuels, which was passed. Looking ahead to 2021, he discussed Greenhouse Gas Reduction Fund (GGRF) appropriations and Public Safety Power Shutoff (PSPS) bills. Mr. White reported that the annual Cap-to-Cap trip has not yet been re-scheduled, but he is hopeful that it will be scheduled in spring so that the District can continue to advocate nationally for clean air programs.

B. COVID-19 Update

Mr. White reported that the District office is now open to the public Monday through Thursday, from 9:00 a.m. to noon, and 1:00 p.m. to 4:00 p.m. He explained that District staff are continuing Monday/Tuesday and Wednesday/Thursday shifts, to limit the quantity of staff in the office at one time. He discussed the District's continued teleworking schedule and policy. He reported that field work and inspections are continuing, and the District has incorporated CalOSHA limitations during wildfire events into District policies.

C. Air Quality Incentive Program Update

Mr. White provided updates on the Moyer, Community Air Protection, and FARMER incentive grant programs.

D. Holiday Closure Schedule

Mr. White noted that the office will be closed to the public December 28th through December 31st, with coverage for response to complaints and issuance of burn permits.

Meeting Adjournment

Next regularly scheduled Board Meeting: December 10, 2020, at 2:30 pm

Minutes prepared by:



Shannon Harroun, Clerk of the Board

Minutes approved by Board of Directors:

Attest: _____
Clerk of the Board

Date



Board Agenda Item 1

Consent

Agenda Date: February 11, 2021

Prepared By: A.J. Nunez, Administrative & Fiscal Officer

Topic: Authorization to Accept and Use Air Quality Mitigation Funds for the Clean Air Grant Program

Action Requested: Adopt Budget Revision #21-02, thereby authorizing the Air Pollution Control Officer to accept and use the available funds in the Mitigation Fund for the Clean Air Grant (CAG) Program.

Discussion: The Mitigation Fund received an additional \$135,827.30 in revenue for the build-out of approved mitigation plan projects. These available funds, if approved for addition to the FY 2020-21 budget for Clean Air Grants (\$2,972,819), will bring the total funding for the 2021 CAG program to \$3,108,646.30.

Fiscal Impact: There will be no fiscal impact to the District's existing budget if these funds are approved to be used for the CAG program, as the additional funds that increase the budget will be expensed as grants. The District is requesting that the Board approve the use of now available funds from the Mitigation Fund for the 2021 CAG program.

Recommendation: Staff recommends that the Board adopt Budget Revision #21-02 thereby approving the use Air Quality Mitigation Funds for Clean Air Grants.



Board Agenda Item 2

Consent

Agenda Date: February 11, 2021

Prepared By: Bruce Springsteen, Compliance and Enforcement Manager
Heather Selvester, Air Pollution Control Specialist

Topic: Authorization to Accept Settlement Funds and Enter into a Contract with Feather River Air Quality Management District to Distribute 50% of Settlement Funds Received for the James Day Enforcement Case

Action Requested: Adopt Resolution #21-01 (Attachment #1) and Budget Revision #21-03, thereby:

- 1) Authorizing the Air Pollution Control Officer to accept \$50,000 in settlement funds received and to accept future settlement funds to be received, pursuant to the [Stipulated] Final Judgment and Permanent Injunction (Final Judgment) filed October 19, 2020, for the Placer County Superior Court Case #SCV-0043170, People of the State of California, ex rel. Placer County Air Pollution Control District and Feather River Air Quality Management District (plaintiffs) vs. James Day, individually; Barbara Day, individually, Mid Valley Consulting & General Engineering, a California corporation; and DOES 1-10, inclusive (defendants), hereinafter referred to as "James Day Case"; and
- 2) Authorizing the Air Pollution Control Officer to negotiate, sign, and amend as needed, an agreement with Feather River Air Quality Management District (FRAQMD), which specifies a payment schedule to distribute 50% of settlement funds received pursuant to the Final Judgment on the James Day Case.

Background: PCAPCD partnered with FRAQMD on a joint enforcement case against Mid Valley Consulting & General Engineering for violations involving gasoline dispensing vapor recovery equipment in both districts. The violations included circumvention of equipment installed to control emissions, improperly installed equipment, falsified documents, and use of uncertified technicians at five gas stations in Placer County and one in FRAQMD.

We were not able to resolve the case in mutual settlement. The case was filed in Placer County Superior Court and litigated under Case No. SCV0043170. On October 19, 2020, the case was settled pursuant to the Final Judgment, for \$250,000 in penalties and strong injunctive provisions. The monetary payment is to be paid in installments, with \$50,000 due by January 15, 2021, and the remainder in monthly payments of \$3,333 over the next five years. To simplify collection of the monetary penalty, the settlement requires the defendants to make all payments directly to Placer County Air Pollution Control District. The proposed contract agreement (Attachment #2) specifies a 50% transfer payment schedule from PCAPCD to FRAQMD, based on each districts' litigation costs.

Discussion: The cost of litigating was \$217,605 for PCAPCD and \$209,379 for FRAQMD. Thus, it is proposed to split the penalties received evenly (50/50). This will provide each district with a total of \$125,000. We expect the penalties will be paid because both districts are lienholders on a property that has over \$300,000 in equity, and should two consecutive payments be missed, we

PCAPCD Board Agenda Item 2

February 11, 2021

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will be able to utilize a Judgment by Confession and Writ of Execution to collect any outstanding balance.

To minimize costs associated with transferring FRAQMD's portion of the settlement, PCAPCD proposes the following payment schedule:

- \$25,000 by March 1, 2021
- \$10,000 by Sept. 1, 2021
- \$10,000 by March 1, 2022
- \$10,000 by Sept. 1, 2022
- \$10,000 by March 1, 2023
- \$10,000 by Sept. 1, 2023
- \$10,000 by March 1, 2024
- \$10,000 by Sept. 1, 2024
- \$10,000 by March 1, 2025
- \$10,000 by Sept. 1, 2025
- \$10,000 by March 1, 2026

PCAPCD and FRAQMD staff and counsel have reviewed the draft agreement (Attachment #2) and agree to its terms.

Fiscal Impact: There will be an increase to the District Revenue Budget of \$50,000.00 to Air Pollution Fines. There will be an increase of \$25,000 under Special Department Expense for the portion of funds to be distributed to FRAQMD.

Recommendation: Staff recommends adoption of Resolution #21-01 and Budget Revision #21-03, thereby authorizing the Air Pollution Control Officer to accept settlement funds and negotiate, sign and amend as needed, a contract with FRAQMD to receive and appropriately distribute the funds from the Final Judgment on the James Day Case.

Attachment: #1: Resolution #21-01
#2: Draft Agreement with FRAQMD

ATTACHMENT # 1

SUBJECT:

Resolution #21-01



Board Resolution:
Resolution # 21-01

Before the Placer County
Air Pollution Control District Board of Directors

In the Matter Of: Authorization to Accept Settlement Funds and Enter into a Contract with Feather River Air Quality Management District to Distribute 50% of Settlement Funds Received pursuant to the Final Judgment on the James Day Enforcement Case

The following **RESOLUTION** was duly passed by the Placer County Air Pollution Control District Board of Directors at a regular meeting held on **February 11, 2021** by the following vote:

Ayes: Alvord____ Berlant____ Burruss____ Duncan____ Holmes____
Janda____ Jones____ Silhi____ Weygandt____
Alternates: _____

Noes: Alvord____ Berlant____ Burruss____ Duncan____ Holmes____
Janda____ Jones____ Silhi____ Weygandt____ Alternates:

Abstain: Alvord____ Berlant____ Burruss____ Duncan____ Holmes____
Janda____ Jones____ Silhi____ Weygandt____
Alternates: _____

Signed and approved by me after its passage:

_____ Chairperson

_____ Attest: Clerk of said Board

WHEREAS, the Placer County Air Pollution Control District (PCAPCD) is charged with enforcing District Rules and State and Federal air pollution laws and regulations; and

WHEREAS, for violations not settled through mutual negotiation, PCAPCD uses civil or criminal prosecution as a means of resolution; and

WHEREAS, PCAPCD pursued a joint enforcement case with the Feather River Air Quality Management District (FRAQMD) against Mid Valley Consulting & General Engineering to minimize litigation costs; and

WHEREAS, PCAPCD will receive penalty funds pursuant to the [Stipulated] Final Judgment and Permanent Injunction (Final Judgment) filed October 19, 2020 for the Placer County Superior Court Case No. SCV0043170, The People of the State of California ex rel. Placer County Air Pollution Control District and Feather River Air Quality Management District vs. James Day, individually; Barbara Day, individually; Mid Valley Consulting & General Engineering, a California Corporation; and Does 1-10, inclusive (hereinafter referred to as “James Day Case”).

NOW THEREFORE BE IT RESOLVED, that the Placer County Air Pollution Control District Board does hereby authorize the Air Pollution Control Officer to accept \$50,000 in settlement funds received and to accept future settlement funds to be received pursuant to the Final Judgment on the James Day Case; and

BE IT FURTHER RESOLVED, that the Placer County Air Pollution Control District Board does hereby authorize the Air Pollution Control Officer to negotiate, sign, and amend as needed, an agreement with Feather River Air Quality Management District (FRAQMD), which specifies a payment schedule to distribute 50% of settlement funds received pursuant to the Final Judgment on the James Day Case.

ATTACHMENT # 2

SUBJECT:

Draft Agreement with FRAQMD



INTER-AGENCY AGREEMENT

PCAPCD Contract Year: **FY 20-21**

Contract Number: **2021-001**

Board Resolution: **21-01**

Contract Description: **James Day Case Settlement Payments Agreement**

This Inter-Agency Agreement, hereinafter referred to as "Agreement" is made and entered into, by and between Placer County Air Pollution Control District, hereinafter referred to as "PCAPCD", and Feather River Air Quality Management District, hereinafter referred to as FRAQMD". PCAPCD and FRAQMD are sometimes hereafter each singularly referred to as "PARTY" and collectively referred to as the "PARTIES."

In consideration of the mutual promises and obligations contained herein, the PARTIES agree as follows:

1. Purpose: The purpose of this Agreement is to facilitate distribution of 50% of settlement payments received pursuant to the [Stipulated] Final Judgment and Permanent Injunction (Final Judgment) filed October 19, 2020, for the Placer County Superior Court Case # SCV-0043170, People of the State of California, ex rel. Placer County Air Pollution Control District and Feather River Air Quality Management District (plaintiffs) vs. James Day, individually; Barbara Day, individually, Mid Valley Consulting & General Engineering, a California corporation; and DOES 1-10, inclusive (defendants), hereinafter referred to as "James Day Case".
1. Term: The Term of this Agreement ("Term") shall begin on the last date signed by the PARTIES and conclude on or before the end date listed in Exhibit A – Contract Scope and Payment Schedule, unless terminated or amended.
2. Payment: PCAPCD will pay FRAQMD in accordance with Exhibit A – Contract Scope and Payment Schedule. Payments are contingent upon receipt of the associated settlement funds.
3. Hold Harmless: Neither FRAQMD nor any officer, employee or volunteer thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by PCAPCD under or in connection with any work, authority or jurisdiction delegated to PCAPCD under this Agreement. It is understood and agreed that PCAPCD shall fully defend, indemnify and save harmless FRAQMD, its officers, employees and volunteers from all claims, suits, or actions of every nature, kind and description brought for or on account of occurring by reason of anything done or omitted to be done by PCAPCD under or in connection with any work, activity or jurisdiction delegated to PCAPCD under this agreement.

Neither PCAPCD nor any officer, employee, or volunteer thereof is responsible for any damage or liability occurring by reason of anything done or omitted to be done by FRAQMD

under or in connection with any work, activity or jurisdiction delegated to FRAQMD under this agreement. It is understood and agreed that FRAQMD shall fully defend, indemnify and save harmless PCAPCD, its officers, employees and volunteers from all claims, suits, or actions of every nature, kind and description brought for or on account of injury occurring by reason of anything done or omitted to be done by FRAQMD under or in connection with any work, authority or jurisdiction delegated to FRAQMD under this agreement.

4. Notices:

Any notice or demand desired or required to be given hereunder shall be in writing and deemed given when personally delivered, sent via email with confirmed receipt, or deposited in the mail, postage prepaid, sent certified or registered and addressed to the parties as follows:

PCAPCD:

Placer County Air Pollution Control District
Attn: Air Pollution Control Officer (APCO)
110 Maple Street
Auburn, CA 95603
Email: ecwhite@placer.ca.gov

FRAQMD:

Feather River Air Quality Management District
Attn: Christopher D. Brown
541 Washington Avenue
Yuba City, CA 95991
Email: apco@fraqmd.org

Any notice so delivered personally shall be deemed to be received on the date of delivery, any notice so delivered via email with confirmed receipt shall be deemed to be received on the date of receipt confirmation, and any notice mailed shall be deemed to be received five (5) days after the date on which it was mailed.

5. Termination: FRAQMD or PCAPCD shall have the right to terminate this Agreement at any time during the Term by giving 90 days advance written notice to either PARTY.
6. Authority and Execution: Each person executing this Agreement on behalf of a PARTY represents and warrants that such person is duly and validly authorized to do so on behalf of the entity which it purports to bind and, if such PARTY is a partnership, corporation or trustee, that such partnership, corporation or trustee has full right and authority to enter into this Agreement and perform all of its obligations hereunder.
7. Assignment: Neither party shall assign, sublet, delegate or transfer any of its rights, duties or obligations arising hereunder without written consent of the other.
8. Entirety of the Agreement: This Agreement contains the entire Agreement of PCAPCD and FRAQMD with respect to the subject matter hereof, and no other Agreement, statement, or promise made by any party, or to any employee, officer or agent of any PARTY which is not contained in this Agreement shall be binding or valid.

9. Venue and Jurisdiction: The parties enter into this Agreement in the County of Placer, State of California and agree to comply with all applicable laws and regulations therein. Venue is the County of Placer for litigation purposes.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year the last PARTY signs herein.

FRAQMD: Feather River Air Quality Management District

By: _____ Date _____
Christopher D. Brown
Air Pollution Control Officer

PCAPCD: Placer County Air Pollution Control District

By: _____ Date _____
Erik C. White
Air Pollution Control Officer

Approved as to Form:

By: _____
FRAQMD Counsel

Approved as to Form:

By: _____
Christiana Darlington
PCAPCD Counsel

**EXHIBIT A
CONTRACT SCOPE AND PAYMENT SCHEDULE**

Contract Description: James Day Case Settlement Payments Agreement

Project Scope:

As a result of the Final Judgment on the James Day Case, in which PCAPCD and FRAQMD are the beneficiaries as plaintiffs, 50% of settlement payments received by PCAPCD will be distributed to FRAQMD in accordance with the following payment schedule, contingent upon receipt of payments from the defendant by the due dates outlined in the Final Judgment:

- \$25,000 by March 1, 2021
- \$10,000 by Sept 1, 2021
- \$10,000 by March 1, 2022
- \$10,000 by Sept 1, 2022
- \$10,000 by March 1, 2023
- \$10,000 by Sept 1, 2023
- \$10,000 by March 1, 2024
- \$10,000 by Sept 1, 2024
- \$10,000 by March 1, 2025
- \$10,000 by Sept 1, 2025
- \$10,000 by March 1, 2026

Project Contact Information (subject to change):

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PCAPCD:
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Contract Schedule

Start Date: Last date signed by the parties
Contract End Date: 3/1/2025

Payment

PCAPCD will provide up to \$125,000.00 (One Hundred Twenty-Five Thousand and 00/100 Dollars), contingent upon receipt of associated settlement funds, in accordance with the requirements listed in this AGREEMENT.

A completed federal W-9 form and California 590 form must be submitted prior to payment. An IRS Form 1099 will be issued for incentive funds received under this AGREEMENT, if applicable. It is the responsibility of FRAQMD to determine tax liability associated with receiving these funds.



Board Agenda Item 3

Information

Agenda Date: February 11, 2021

Prepared By: Yushuo Chang, Planning and Monitoring Section Supervisor

Topic: Sacramento Regional State Implementation Plan Update

Action Requested: No action is required. This information item provides an update regarding the current planning developments for the Sacramento Region’s federal ozone and fine particulate matter standards.

Background: The Federal Clean Air Act (CAA) requires the United States Environmental Protection Agency (U.S. EPA) to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. Currently, Placer County is part of the Sacramento Federal Nonattainment Area (SFNA) for ozone and fine particulate matter (PM_{2.5}). The SFNA for ozone includes Sacramento and Yolo Counties, and portions of Placer, El Dorado, Solano, and Sutter Counties. The PM_{2.5} SFNA covers Sacramento County and portions of Placer, El Dorado, Solano, and Yolo Counties. Because of the nonattainment status for federal ozone and PM_{2.5} standards, the SFNA air districts work collaboratively with California Air Resources Board (CARB) to develop a regional attainment plan to describe how the SFNA will attain the relevant federal standards on or before the attainment deadline. The plan is known as the State Implementation Plan (SIP). Detailed planning requirements for each federal standard are discussed in the following sections.

Discussion: U.S. EPA established the first 8-hour ozone standard of 0.08 parts per million (ppm) in 1997. Subsequently, U.S. EPA revised the 8-hour ozone standard in 2008 to a standard of 0.075 ppm, and in 2015 to a standard of 0.070 ppm. For PM_{2.5}, U.S. EPA strengthened the daily average standard from 65 to 35 microgram per cubic meter (µg/m³) in 2006 and lowered the annual average standard from 15 to 12 µg/m³ in 2012. All the planning requirements for the standards are addressed in their respective standard implementation rules published by U.S. EPA.

2008 Ozone Standard

The SFNA is classified as “severe” for the 2008 8-hour ozone standard. The SFNA air districts developed and adopted the regional ozone SIP for the 2008 ozone standard in October 2017. U.S. EPA published the proposed action to approve the plan on October 29, 2020 (85 FR 68509). When U.S. EPA finalizes the approval action, the SFNA must achieve the 2008 ozone standard by the July 2025 attainment deadline.

During this approval action, U.S. EPA will also approve a contingency measure commitment for the 2008 ozone standard. The commitment identifies additional rulemakings that will automatically take effect upon the SFNA’s failure to either, 1) meet the Reasonable Further

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Progress (RFP) milestones set by the ozone SIP; or 2) attain the ozone standard by the attainment date. In the commitment, the District commits to amending the existing architectural coating rule (Rule 218) to be consistent with the CARB 2019 architectural coating suggested control measure (SCM), and the rule amendment will be in effect if 1) or 2) above are not met. The deadline to accomplish the rule amendment is November 29, 2021.

2015 Ozone Standard

The SFNA is classified as “moderate” for the 2015 8-hour ozone standard based on the three-year ozone data from 2014 to 2016. As “moderate” nonattainment, the SFNA shall develop a plan to demonstrate attainment with the standard on or prior to August 4, 2024. However, this nonattainment classification causes an attainment deadline issue because it requires the SFNA to attain the more stringent 2015 ozone standard almost a year earlier than the July 20, 2025 deadline for the less stringent 2008 ozone standard. Accordingly, the SFNA air districts requested that the U.S. EPA reclassify the SFNA from “moderate” to “serious”, which would extend the SFNA attainment deadline to August 2027. The reclassification request was submitted to U.S. EPA on August 3, 2020 and is pending U.S. EPA’s review and approval.

In addition to the reclassification request, the District also prepared a Reasonably Available Control Technology (RACT) SIP analysis and amended Rule 503, Emission Statement to satisfy the Federal 105 Ozone Standard Implementation Rule requirements. The RACT SIP analysis conducted a thorough review and comparison of all source categories in the U.S. EPA’s Control Techniques Guidelines (CTG) documents with existing District rules and sources currently operating in Placer County. The amendment to Rule 503 updated the emission reporting requirements for sources operating in Placer County. Your Board approved the RACT SIP analysis and the negative declaration on June 11, 2020, and adopted the Amendment to Rule 503 on October 8, 2020. CARB submitted the RACT SIP and Rule 503 Amendment with related documents to U.S. EPA on July 31, 2020, and December 14, 2020, respectively. In 2021, in order to satisfy 2015 Ozone Standard Implementation Rule requirements, the District will need to review Rule 502, New Source Review, to either certify or amend the existing rule, and submit it to U.S. EPA on or before August 3, 2021. In addition, the SFNA air districts will work with CARB to develop an attainment plan for the 2015 ozone standard. The plan is due no later than August 3, 2022.

PM2.5 Standard

The SFNA is currently attaining the 2012 PM2.5 annual average standard ($12 \mu\text{g}/\text{m}^3$) and is awaiting U.S. EPA approval of the re-designation request and maintenance plan for the 2006 PM2.5 daily average standard ($35 \mu\text{g}/\text{m}^3$). The SFNA air districts developed and approved the regional PM2.5 plan in 2013. The plan included the attainment determination based on data between 2009 and 2012 and demonstrated that the SFNA would maintain the attainment status for at least ten years until 2024. While the SFNA air districts approved the plan, a unique weather pattern occurred during the 2013/2014 winter which resulted in several PM2.5 exceedances within the SFNA. Because the data could cause the SFNA to not meet the standard, the U.S. EPA suspended the regional plan review in 2014. Since that time, the

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plan has become outdated. It needs additional analysis of the latest three-year's PM2.5 data to again request an attainment and re-designation determination. The SFNA air districts will resume development of the PM2.5 plan when U.S. EPA issues a clean data determination for the data between 2018 and 2020, pending the exceptional event demonstration approval related to the 2020 wildfire season.

Exceptional Event Demonstration

Wildfires in 2020 significantly impacted California air quality. The smoke caused several exceedances of ozone and PM2.5 concentration measurements in the SFNA. Those exceedances would make it difficult for the SFNA to demonstrate attainment of the federal ozone and PM2.5 ambient air quality standards. The District is working with the other SFNA air districts and CARB to identify the data impacted by wildfires in 2020. Because the 2020 wildfires resulted in significant statewide air quality impacts, CARB will lead the effort to develop a statewide analysis that demonstrates the exceptional event-related impacts. CARB expects to submit the statewide exceptional event report with related event documents to U.S. EPA before the end of 2021. This report will be used to request that U.S. EPA exclude wildfire-related data from the regulatory attainment determination for the SFNA.

Fiscal Impact: The above discussion provides the background and current status of the planning efforts for SFNA attainment of the federal ozone and PM2.5 standards. There will be no direct fiscal impact to the District due to these regional planning efforts. There are no plans to increase staff resources beyond those currently allocated in the budget.

Recommendation: This is an information item. No action by the Board on this item is required.



Board Agenda Item 4

Information

Agenda Date: February 11, 2021

Prepared By: Adam Baughman, Deputy APCO

Topic: District's COVID-19 Response and Update

Action Requested: No action is required. As we approach one year since the COVID-19 outbreak worldwide, this information item provides a review of the District's COVID-19 response and an update on our current preventative measures.

Discussion: Beginning in early 2020, the District, along with other County government agencies and businesses, adapted to the "new normal" brought by the coronavirus pandemic. After a briefing from Placer County Health & Human Services (HHS), the District, in conjunction with Placer County, closed its office to the public beginning on March 16, 2020. Signs were posted on the door, the main telephone message was updated, and a notice was posted on our website. District staff began working remotely from home and came into the office individually to minimize contact. Staff quickly compiled a *COVID-19 Workplace Prevention Plan*, based on guidance from CalOSHA and the Centers for Disease Control (CDC), outlining policies and procedures to minimize exposure to staff and the public. These measures included increased office sanitizing, hand sanitizing, requirements for masks and physical distancing, and daily personal symptom checks. Masks and hand sanitizer were made available to all staff.

While inspections were temporarily halted, the District continued all other operations with precautions and minimal disruption. Most meetings, including Board meetings, were conducted via videoconference, and discretionary travel was postponed or cancelled. Inspections were quickly resumed once the District developed and implemented a *COVID-19 Field Inspector Guidance* based on the most current information from CalOSHA and the CDC. Staff also developed an *Employee Exposure Prevention Handout* to minimize the potential spread through the office. All of these documents were periodically updated as new information emerged about COVID-19.

Due to the potential fiscal impact to District permit holders, the APCO recommended, and the Board approved at their August 2020 meeting, a revision to District Rule 601 implementing a one-year delay in the previously approved, multi-year permit fee increase. Additionally, a recently-vacated full-time Specialist position was held open to realize salary savings and hedge against potential reduced revenues due to the pandemic.

The District worked closely with HHS, County CEO, and Office of Emergency Services (OES) on weekly calls to monitor community spread of COVID-19 and respond accordingly. Along with other Placer County agencies, the District reopened the office to the public in September 2020 once plexi-glass partitions were installed at the front counter, signage was in

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place, and hand sanitizer made available. Staff transitioned to a three-days per week telework schedule. However, due to COVID-19 surges in the community, the District responded by closing the public counter and maintaining a largely remote working schedule beginning in mid-December 2020. During this second closure, District services were not disrupted and all inspection, monitoring, permitting, land use review, and incentives programs moved forward unabated.

Moving forward, the District will continue to work with County partners to monitor the community spread of COVID-19 and reopen to the public when it is safe to do so. To be clear, the only District service not available at this time is the public counter function, but staff is always available via telephone, email, and videoconference. The District anticipates maintaining some form of telework schedule for staff once the public counter is fully reopened.

Recommendation: Information item – no action required